

The Public Utility Commission of Texas (commission) proposes amendments to §§22.71 relating to Filing of Pleadings and Other Materials, 22.72 relating to Formal Requisites of Pleadings to be Filed with the Commission, 22.73 relating to General Requirements for Applications, 22.74 relating to Service of Pleadings, 22.75 relating to Examination and Correction of Pleadings, 22.76 relating to Amended Pleadings, 22.77 relating to Motions, 22.78 relating to Responsive Pleadings and Emergency Action, and 22.80 relating to Commission Prescribed Forms. Project Number 20364 has been assigned to this proceeding.

General changes to rule language:

Throughout the proposed sections, the term "pleading" has been changed to the term "document" to clarify that these sections apply to all documents filed at the commission. Citations to the Public Utility Regulatory Act have been updated to conform to the Texas Utilities Code throughout the sections and citations to other sections of the commission's rules have been updated to reflect the new section designations as needed. A change in the title for Subchapter E from "Pleadings" to "Pleadings and Other Documents" has been proposed. Other nonsubstantive changes have been proposed for clarity.

Changes specific to each section:

An applicability section is proposed for §22.71 as subsection (a), which changes all other subsection designations. The commission proposes a reduction in the number of copies of discovery requests and an increase in the number of copies of discovery responses to alleviate the amount of copying required by staff on discovery responses. A new subsection (c)(9) is proposed to clarify the number of copies required of reports filed pursuant the Public Utility Regulatory Act and the commission's Substantive Rules, and (c)(10) is added to specify the number of copies required for comments to proposed rulemakings.

An applicability section is proposed for §22.72 as subsection (a), which changes all other subsection designations. Proposed language for other subsections stresses that 8.5 by 11 inch paper should always be used when possible and clarifies procedures for oversized documents; requires a party's email address when available; requires cover letters for tariff sheet filings; adds the Office of Policy Development's Citation Guide as a source of citation form; and removes the consecutive numbering of pages requirement from the electronic filing standards as this is a requirement for the scan copy in proposed subsection (g) concerning hard copy filing standards.

An amendment is proposed for §22.74(b) to break the subsection down into several paragraphs to make it easier to read and to allow for service by mail for state agencies to be complete upon deposit of the document with the General Services Commission instead

of the United States Postal Service. State agencies are required to use the General Services Commission to provide mail service.

The proposed amendment to §22.75 allows for the commission's Central Records to reject documents not in compliance with §22.72. The proposed amendment to §22.75(d) shortens the deadlines in applications for certificates of convenience and necessity for finding material deficiencies in transmission line applications. In order to expedite these proceedings, the commission proposes conforming the deadlines to subsection (c) which relates to material deficiencies in rate change applications.

The proposed amendment to §22.76 breaks subsection (a) into four paragraphs for easier reading and comprehension.

The proposed amendment to §22.78(a) proposes a presumed date of receipt for pleadings and other documents unless the presiding officer is notified otherwise. This allows for closure of the required response time. The proposed amendment to subsection (b) requires the filing of responsive pleadings to a complaint within 14 days of the filing of the complaint. In subsection (c) the commission proposes adding language that harm or injury shall also include items affecting the ability of a provider to compete. The commission proposes the deletion of the last sentence in subsection (d) to allow the presiding officer more discretion to set appropriate deadlines.

Ms. Paula Mueller, Acting Chief, Office of Regulatory Affairs, has determined that for each year of the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Mueller has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be procedural rules that more accurately reflect commission policy, clarify filing procedures, and expedite certificate of convenience and necessity proceedings as they relate to material deficiencies in transmission line proceedings. There will be no effect on small businesses as a result of enforcing this section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Ms. Mueller has also determined that for each year of the first five years the proposed section is in effect there should be no affect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act §2001.022.

Comments on the proposed amendments (16 copies) may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within 30 days after publication. The Appropriations Act of 1997, HB 1, Article IX, Section 167 requires that each state agency review and consider

for readoption each rule adopted by that agency pursuant to the Government Code, Chapter 2001 (Administrative Procedure Act). Such reviews shall include, at a minimum, an assessment by the agency as to whether the reason for adopting or readopting the rule continues to exist. The commission invites specific comments regarding whether the reason for adopting these sections continues to exist in considering the proposed amendments. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed sections. The commission will consider the costs and benefits in deciding whether to adopt the sections. The commission also invites specific comments regarding the number of copies required to be filed with the commission. All comments should refer to Project Number 20364 and reference Procedural Rules, Subchapter E.

These amendments are proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 and §14.052 (Vernon 1998) (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction, including rules of practice and procedure.

Cross-Index to Statutes: Public Utility Regulatory Act §14.002 and §14.052.

Subchapter E. PLEADINGS AND OTHER DOCUMENTS.

§22.71. Filing of Documents [Pleadings] and Other Materials.

(a) Applicability. This section applies to all documents filed at the commission, including but not limited to applications, briefs, comments, letters, pleadings, testimony, petitions, memoranda, rate filing packages, and reports filed pursuant to the Public Utility Regulatory Act, commission rules or request of the commission.

(b) [(a)] File with the commission filing clerk. All documents [pleadings, rate filing packages, written testimony, and any other document] required to be filed with the commission shall be filed with the commission filing clerk, and shall state the control number on the heading, if known.

(c) [(b)] Number of documents to be filed. Unless otherwise provided by this chapter or ordered by the presiding officer, the number of copies to be filed, including the original, are as follows:

- (1) applications, petitions, and complaints: 13 copies;
- (2) tariffs for review under §22.33 of this title (relating to Tariff Filings): five copies;
- (3) exceptions, replies, interim appeals, requests for oral argument, and other documents addressed to the commissioners: 19 copies;

- (4) testimony and briefs: 11 copies, except that in contested cases transferred to the State Office of Administrative Hearings, parties must file 13 copies of testimony and briefs;
 - (5) rate, fuel factor, and fuel reconciliation filing packages: 11 copies;
 - (6) applications for certificates of convenience and necessity for transmission lines or boundary changes, certificate of convenience and necessity exemptions, and service area exceptions: six copies;
 - (7) discovery requests: ~~four~~ ~~[seven]~~ copies;
 - (8) discovery responses: ~~four~~ ~~[three]~~ copies; ~~[and]~~
 - ~~(9)~~ reports filed pursuant to the Public Utility Regulatory Act or the commission's Substantive Rules: four;
 - ~~(10)~~ comments to proposed rulemakings: 16; and
 - ~~(11)~~ ~~(9)~~ other pleadings and documents: ten copies, except that in contested cases transferred to the State Office of Administrative Hearings, parties must file 12 copies of other pleadings and documents.
- ~~(d)~~ ~~(e)~~ **Receipt by the commission.** Documents ~~[Pleadings and any other documents]~~ shall be deemed filed when the required number of copies and the electronic copy, if required, in conformance with §22.72 of this title (relating to Formal Requisites of Documents ~~[Pleadings]~~ to be Filed with the Commission) are presented to the commission filing clerk for filing. The commission filing clerk shall be required to accept ~~[pleadings and]~~ documents if the person seeking to

make the filing is in line by the time the [~~pleading or~~]document is required to be filed.

(e) [(d)] **No filing fee.** No filing fee is required to file any [~~pleading or other~~] document with the commission.

(f) [(e)] **Office hours of the commission filing clerk.** With the exception of open meeting days, for [~~For~~]the purpose of filing [~~pleadings and other~~]documents, the office hours of the commission filing clerk are from 9:00 to 5:00 p.m., Monday through Friday, on working days. On open meeting days, the commission staff may file items related to the open meeting between the hours of 8:00 a.m. and 9:00 a.m.

(g) [(f)] **Filing a copy or facsimile copy in lieu of an original.** Subject to the requirements of subsection **(c) [(b)]** of this section and §22.72 of this title, a copy of an original document-~~[or pleading]~~, including a copy that has been transmitted through a facsimile machine~~[telecopier]~~, may be filed, so long as the party or the attorney filing such copy maintains the original for inspection by the commission or any party to the proceeding.

(h) [(g)] **Filing deadline.** All documents shall be filed by 3:00 p.m. on the date due, unless otherwise ordered by the presiding officer.

(i) ~~(h)~~ **Filing deadlines for documents addressed to the commissioners.**

- (1) Except as provided in paragraph (2) of this subsection, all documents from parties addressed to the commissioners relating to any proceeding that has been placed on the agenda of an open meeting shall be filed with the commission filing clerk no later than seven days prior to the open meeting at which the proceeding will be considered provided that no party is prejudiced by the timing of the filing of the documents. Documents that are not filed before the deadline and do not meet one of the exceptions in paragraph (2) of this subsection, will be considered untimely filed, and may not be reviewed by the commissioners in their open meeting preparations.
- (2) The deadline established in paragraph (1) of this subsection does not apply if:
 - (A) The documents have been specifically requested by one of the commissioners;
 - (B) The parties are negotiating and such negotiation requires the late filing of documents; or
 - (C) Good cause for the late filing exists. Good cause must clearly appear from specific facts shown by written pleading that compliance with the deadline was not reasonably possible and that failure to meet the deadline was not the result of the negligence of

the party. The finding of good cause lies within the discretion of the commission.

- (3) Documents filed under paragraph (2) of this subsection shall be served on all parties by hand delivery, facsimile transmission, or by overnight courier delivery.

§22.72. Formal Requisites of Documents [~~Pleadings~~] to be Filed with the Commission.

(a) **Applicability.** This section applies to all documents filed at the commission, including but not limited to applications, briefs, comments, letters, pleadings, testimony, petitions, memoranda, rate filing packages, and reports filed pursuant to the Public Utility Regulatory Act, commission rules, or request of the commission.

(b) [~~a~~] **Requirements of form.**

- (1) Unless otherwise authorized or required by the presiding officer or this chapter, documents shall include the style and number of the docket or project in which they are submitted, if available; shall identify by heading the nature of the document [~~pleading~~] submitted and the name of the party

submitting the same; and shall be signed by the party or the party's representative.

- (2) Whenever possible, all documents should be provided on 8.5 by 11 inch paper. However, any ~~Any~~ log, graph, map, drawing, or chart submitted as part of a filing will be accepted on paper larger than provided in subsection ~~(g)~~~~(f)~~ of this section, if it cannot be provided legibly on letter-size paper. The document must be able to be folded to a size no larger than 8.5 by 11 inches. Documents that can not be folded may not be accepted.

~~(c)~~ ~~(b)~~ **Format.** Any filing with the commission must:

- (1) have double-spaced or one and one-half times spaced print with left margins not less than one inch wide, except that any letter, tariff filing, rate filing, or proposed findings of fact and conclusions of law may be single-spaced;
- (2) indent and single-space any quotation which exceeds 50 words; and
- (3) be printed or formatted in not less than 10-point type.

~~(d)~~ ~~(e)~~ **Citation form.** Any filing with the commission should comply with the rules of citation, set forth in the most current edition of the Texas Rules of Form published by the University of Texas Law Review Association (for Texas authorities), ~~and~~ the most current edition of A Uniform System of Citation,

published by The Harvard Law Review Association or the Office of Policy Development's Citation Guide (for all other authorities). Neither Rule 1.1 of the Uniform System nor the comparable portion of the Texas Rules of Form shall be applicable in proceedings.

(e) [(d)] **Signature.** Every document [~~pleading~~] shall be signed by the party or the party's authorized representative, and shall include the party's address, telephone number, and, if available, facsimile machine [~~telecopier~~] number and email address. If the person signing the document [~~pleading~~] is an attorney licensed in Texas, the attorney's State bar number shall be provided.

(f) [(e)] **Page limits.** In major rate proceedings, proceedings initiated pursuant to PURA Chapter 36, Subchapter D or Chapter 53, Subchapter D [~~§2.211 or §3.210~~], fuel reconciliations, petitions to declare a market subject to significant competition, and applications for licensing of new generating plant, except for testimony and rate filing packages, no document [~~pleading~~] shall exceed 100 pages in length, including attachments. In all other dockets, no document [~~pleading~~] shall exceed 50 pages in length, including attachments. The page limitation shall not apply to courtesy copies of legal authorities cited in the pleading. A presiding officer may establish a larger or smaller page limit. In establishing larger or smaller page limits, the presiding officer shall consider such

factors as which party has the burden of proof and the extent of opposition to a party's position that would need to be addressed in the document~~[pleading]~~.

(g) ~~(f)~~ **Hard copy filing standards.** Hard copies of each document shall be filed with the commission in accordance with the requirements set forth in paragraphs (1)-(7) of this subsection.

- (1) Each document shall be typed or printed on paper measuring 8.5 by 11 inches. Oversized documents being filed on larger paper pursuant to subsection (b)(2) of this section shall be filed as separate referenced attachments. No single document shall consist of more than one paper size.
- (2) One copy of each document, that is not the original file copy, shall be filed without bindings, staples, tabs or separators. This copy shall be printed on both sides of the paper or, if it can not be printed on both sides of the paper, every page of the copy shall be single sided.
- (3) For documents for which an electronic filing is required, all non-native figures, illustrations, or objects shall be filed as referenced attachments. No non-native figures, illustrations, or objects shall be embedded in the text of the document. "Non-native figures" means tables, graphs, charts, spreadsheets, illustrations, drawings and other objects which are not electronically integrated into the text portions of a document.

~~[(4)—Oversized documents shall be filed as referenced attachments.]~~

- (4) [(5)] No cover letter shall be attached to any document, except tariff sheets. The cover letter for tariff sheets shall state the control number, if available, the name of the party submitting the tariff sheets, sufficient detail to identify the tariff sheets, and shall be signed by the party or the party's representative.
- (5) [(6)] All pages of the copy filed pursuant to paragraph (2) of this subsection~~[a document]~~, starting with the first page of the table of contents, shall be consecutively numbered through the last page of the document, including attachments, if any.
- (6) [(7)] Whenever possible, all documents and copies shall be printed on both sides of the paper.
- (h) [(g)] **Electronic filing standards.** Any document may be filed, and all documents containing more than ten pages shall be filed, electronically in accordance with the requirements of paragraphs (1)-(8) of this subsection. Electronic filings are registered by submission of the relevant electronic documents via diskette or the internet, in accordance with transfer standards available in the commission's central records office or on the commission's World Wide Web site, and the submission of the required number of paper copies to the filing clerk under the provisions of this section and §22.71 of this title (relating to Filing of Documents~~[Pleadings]~~ and Other materials).

- (1) All non-native figures, illustrations or objects must be filed as referenced attachments. No non-native figures, illustrations, or objects shall be imbedded in the text of the document. "Non-native figures" means tables, graphs, charts, spreadsheets, illustrations, drawings and other objects which are not electronically integrated into the text portions of a document.
- (2) Oversized documents shall not be filed in electronic media, but shall be filed as referenced attachments.
- (3) Each document shall have a table of contents that lists the major sections of the document, the page numbers for each major section and the name of the electronic file that contains each major section of the document.
- (4) Each document shall have a list of file names that are included in the filing and shall be referenced in an ASCII text file.
- (5) The table of contents and list of file names shall be placed at the beginning of the document.

~~[(6) All pages of a document, starting with the first page of the table of contents, shall be consecutively numbered through the last page of the document, including attachments, if any.]~~

~~(6)~~ [(7)] Each diskette shall be labeled with the control number, if known, and the name of the person submitting the document.

~~(7)~~ [(8)] Any information submitted under claim of confidentiality should not be submitted in electronic format.

(i) ~~(h)~~ **Disk format standards.** Each document that is submitted to the filing clerk on diskette shall be submitted as set forth in paragraphs (1)-(3) of this subsection.

- (1) 3.5 inch diskette.
- (2) 1.4 M double sided, high density storage capacity.
- (3) IBM format.

(j) ~~(i)~~ **File format standards.**

- (1) Electronic filings shall be made in accordance with the current list of preferred file formats available in the commission's central records office and on the commission's World Wide Web site.
- (2) Electronic filings that are submitted in a format other than that required by paragraph (1) of this subsection will not be accepted until after successful conversion of the file to a commission standard.

§22.73. General Requirements for Applications.

In addition to the requirements of form specified in §22.72 of this title (relating to Formal Requisites of Documents~~[Pleadings]~~ to be Filed with the Commission), all applications shall contain the following, unless otherwise required by statute or commission rule:

(1) - (7) (No change.)

§22.74. Service of Documents~~[Pleadings]~~.

(a) **Documents~~[Pleadings]~~ submitted to a presiding officer.** At or before the time any document ~~[or pleading]~~ regarding a proceeding is submitted by a party to a presiding officer, a copy of such document ~~[or pleading]~~ shall be filed with the commission filing clerk and served on all parties. These requirements do not apply to documents which are offered into evidence during a hearing or which are submitted to a presiding officer for in camera inspection; provided, however, that the party submitting documents for in camera inspection shall file and serve notice of the submission upon the other parties to the proceeding. Documents~~[Pleadings]~~ submitted to a presiding officer during a hearing, prehearing conference, or open meeting shall be filed with the commission filing clerk as soon as is practicable. These requirements apply to all documents ~~[and pleadings]~~ submitted in a proceeding under §22.33 of this title (relating to Tariff Filings); service shall be made on all persons who previously submitted a document~~[pleading]~~ to the presiding officer in that proceeding.

(b) **Methods of service.** Except as otherwise expressly provided by order, rule, or other applicable law, service on a party may be made by delivery of a copy of the

~~[pleading or]~~document to the party's authorized representative or attorney of record either in person; by agent; by courier receipted delivery; by first class mail; by certified mail, return receipt requested; or by registered mail to such party's address of record, or by facsimile transmission to the recipient's current ~~[telecopier number or]~~facsimile ~~[transfer]~~machine.

(1) Service by mail shall be complete upon deposit of the document, enclosed in a wrapper properly addressed, stamped and sealed, in a post office or official depository of the United States Postal Service, except for state agencies. For state agencies, mailing shall be complete upon deposit of the document with the General Services Commission.

(2) Service by agent or by courier receipted delivery shall be complete upon delivery to the agent or courier.

(3) Service by facsimile transmission shall be complete upon actual receipt by the recipient's ~~[telecopier or]~~facsimile ~~[transfer]~~machine.

(c) - (d) (No change.)

§22.75. Examination and Correction of Documents~~[Pleadings]~~.

(a) **Construction of documents~~[pleadings]~~.** All documents~~[pleadings]~~ shall be construed so as to do substantial justice.

(b) **Procedural sufficiency of documents[pleadings].** The filing clerk shall not accept documents that do not comply with §22.72 of this title (relating to Formal Requisites of Documents to be Filed with the Commission). All documents that do [~~Any pleading that does~~] not comply in all material respects with other sections of this chapter, shall [~~nevertheless~~] be conditionally accepted for filing. Upon notification by the presiding officer of a deficiency in documents[pleadings], the responsible[pleading] party shall correct or complete the document[pleading] in accordance with the notification. If the responsible[pleading] party fails to correct the deficiency, the document[pleading] may be stricken from the record.

(c) **Notice of material deficiencies in rate change applications.** This subsection applies to applications for rate changes filed pursuant to PURA, Chapter 36, Subchapter C or Chapter 53, Subchapter C [~~§2.212 or §3.211~~].

(1) - (2) (No change.)

(3) If the presiding officer determines that material deficiencies exist in an application, the presiding officer shall issue a written order within 35 days of the filing of the application specifying a time within which the applicant shall amend its application and correct the deficiency. The effective date of the proposed rate change will be 35 days after the filing of a sufficient application. The statutory deadlines shall be calculated based on the date of filing the sufficient application.

(d) **Notice of material deficiencies in applications for certificates of convenience and necessity for transmission lines.** [~~This subsection applies to applications for certificates of convenience and necessity for transmission lines.~~]

- (1) Motions to find an application for certificate of convenience and necessity for transmission line materially deficient shall be filed no later than 21 [~~60~~] days after an application is filed. Such motions shall specify the nature of the deficiency and the relevant portions of the application, and cite the particular requirement with which the application is alleged not to comply. The applicant's response to a motion to find an application for certificate of convenience and necessity for transmission line materially deficient shall be filed no later than five [~~15~~] days after such motion is received.
- (2) If, within 35 [~~90~~] days after filing of an application for certificate of convenience and necessity for transmission line, the presiding officer has not issued a written order concluding that material deficiencies exist in the application, the application shall be deemed sufficient.
- (3) If the presiding officer determines that material deficiencies exist in an application, the presiding officer shall issue a written order within 35 [~~90~~] days of the filing of the application specifying a time within which the applicant shall amend its application and correct the deficiency. Any

statutory deadlines shall be calculated based on the date of filing the sufficient application.

- (e) **Additional requirements.** Additional requirements as set forth in §22.76 of this title (relating to Amended Documents[Pleadings]) apply.

§22.76. Amended Documents[Pleadings].

- (a) **Filing amended documents[pleadings].**

(1) Any document[pleading] may be amended at any time before notice of the docket as required by §22.51 of this title (relating to Notice for Public Utility Regulatory Act, Chapter 36, Subchapters C-E; Chapter 51, §51.009; and Chapter 53, Subchapter C-E, Proceedings and §22.52 of this title (relating to Notice in Licensing Proceedings [(relating to Notice)] is given.

(2) After notice of a proceeding has been provided, a document[pleading] may be amended with leave of the presiding officer, provided that the amended document[pleading] is served upon all parties, is filed at least seven days before the hearing on the merits, and does not seek relief for which notice in accordance with this chapter has not been provided.

(3) If an amended document[~~pleading~~] seeks a new type of relief for which notice in accordance with this chapter has not been provided, the presiding officer may sever the issue from the proceeding.

(4) Any amended document[~~pleading~~] offered for filing within seven days of the date of hearing or thereafter will be considered by the presiding officer only if there is a showing of good cause for such filing and that consideration of such filing will not unduly delay the proceeding by injecting issues to which the remaining parties may be entitled to respond. If additional notice is required or additional time needed for opposing parties to respond to the proposed document[~~pleadings~~], the presiding officer may order such additional notice or time as is reasonable under the circumstances.

- (b) **Amendments to conform to issues tried at hearing without objection.** When issues not raised by the documents[~~pleadings~~] are tried or otherwise heard or argued at hearing by express or implied consent of the parties[~~-or implied consent of the parties~~], upon a determination by the presiding officer that no prejudice to any of the parties will occur, the issues shall be treated in all respects as if they had been raised in the documents[~~pleadings~~]. Amendment of the documents[~~pleadings~~] to conform them to the evidence may be made with leave of the presiding officer upon any party's motion until the close of evidence, but

failure to so amend shall not affect whether the issues may be properly considered by the presiding officer.

§22.77. Motions.

(a) **General requirements.** A motion shall be in writing, unless the motion is made on the record at a prehearing conference or hearing. It shall state the relief sought and the specific grounds supporting a grant of relief. If the motion is based upon alleged facts that are not a matter of record, the motion shall be supported by an affidavit. Written motions shall be served on all parties in accordance with §22.74 of this title (relating to Service of Documents[~~Pleadings~~]).

(b) **Time for response.** The time for responding to motions is governed by §22.78 of this title (relating to Responsive Documents[~~Pleadings~~] and Emergency Action), unless otherwise provided by the presiding officer, commission rule, or statute.

(c) (No change.)

§22.78. Responsive Documents[~~Pleadings~~] and Emergency Action.

- (a) **General rule.** Unless otherwise specified by statute, by this chapter, or by order of the presiding officer, a responsive document[~~pleading~~], if made, shall be filed by a party within five working days after receipt of the document[~~pleading~~] to which the response is made. Responsive documents[~~pleadings~~] shall state the date of receipt of the document[~~pleading~~] to which response is made. Unless the presiding officer is advised otherwise, it shall be presumed that all documents are received within three days of the filing date.
- (b) **Responses to complaints.** Unless otherwise specified by statute, by this chapter, or by order of the presiding officer, responsive documents[~~pleadings~~] to complaints filed to initiate a proceeding shall be filed within 14 days of the filing of the complaint[~~need not be filed by the respondent~~]. This subsection does not apply to complaints filed pursuant to PURA, Chapter 36, Subchapter D or Chapter 53, Subchapter D[~~§2.211 or §3.210~~].
- (c) **Emergency action.** Unless otherwise precluded by law or this chapter, the presiding officer may take action on a document[~~pleading~~] before the deadline for filing responsive documents[~~pleadings~~] when necessary to prevent or mitigate imminent harm or injury to persons or to real or personal property. Harm or injury shall also include items affecting the ability of any provider to compete. Action taken pursuant to this subsection is subject to modification based on a timely responsive document[~~pleading~~].

- (d) **PURA, Chapter 36, Subchapter D or Chapter 53, Subchapter D**~~[Section 2.211 or 3.210]~~ **Investigations or Complaints.** In a complaint proceeding filed pursuant to PURA, Chapter 36, Subchapter D or Chapter 53, Subchapter D~~[§2.211 or §3.210]~~, the presiding officer shall determine the scope of the response that the electric or telecommunications utility shall be required to file, up to and including the filing of a full rate filing package. The presiding officer shall also set an appropriate deadline for the electric or telecommunications utility's response. [~~In no event shall the deadline for filing a response be less than 120 days if a full rate filing package is required, or less than 30 days if a full rate filing package is not required.~~]

§22.80. Commission Prescribed Forms.

The commission may require that certain reports and applications be submitted on standard forms. The commission filing clerk shall maintain a complete index to and set of all commission forms. All documents~~[pleadings]~~ that are the subject of an official form shall contain all matters designated in the official form and shall conform substantially to the official form. Prior to the implementation of any new form or significant change to an existing form, the change or new form shall be referenced in the "In Addition" section of the Texas Register for public comment.

For good cause, new forms or significant changes to existing forms may be implemented without publication on an interim basis [~~without publication~~] for a period not to exceed 180 days.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 24th DAY OF FEBRUARY, 1999 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
RHONDA G. DEMPSEY**