

Subchapter G. PREHEARING PROCEEDINGS.

§22.125. Interim Relief.

- (a) **Availability.** Interim relief is not available for tariff filings unless the tariff filing has been docketed.
- (b) **Requests for interim relief.** A request for interim relief shall be filed no later than 30 days before the interim relief is proposed to take effect, unless all parties agree to a later filing date.
- (c) **Consideration of request for interim relief.** Interim relief may be granted based on the agreement of all parties. The presiding officer may, after notice and opportunity for hearing, grant a contested request for interim relief only on a showing of good cause. In determining whether good cause exists, the presiding officer shall take into account:
 - (1) The utility's ability to anticipate the need for and obtain final approval of relief prior to the time relief is reasonably needed;
 - (2) other remedies available under law;
 - (3) changed circumstances;
 - (4) the effect of granting the request on the parties and the public interest;
 - (5) whether interim relief is necessary to effect uniform system-wide rates; and
 - (6) any other relevant factors as determined by the presiding officer.
- (d) **Standard and burden of proof.** In any proceeding involving a proposed interim change in rates, the burden of proof to show that the change proposed by the utility or existing rate is just and reasonable shall be on the utility.
- (e) **Refunds and surcharges.** Interim rates shall be subject to refund or surcharge to the extent the rates ultimately established differ from the interim rates.