

Subchapter N. DECISION AND ORDERS.

§22.264. Rehearing.

- (a) Motions for rehearing, replies thereto, and commission action on motions for rehearing shall be governed by APA. Only a party to a proceeding before the commission may file a motion for rehearing.
- (b) All motions for rehearing shall state the claimed error with specificity. If an ultimate finding of fact stated in statutory language is claimed to be in error, the motion for rehearing shall state all underlying or basic findings of fact claimed to be in error and shall cite specific evidence which is relied upon as support for the claim of error.
- (c) A motion for rehearing or a reply to a motion for rehearing is untimely if it is not filed by the deadlines specified in APA §2001.146 or, if the commission extends the time to file such motion or reply or approves a time agreed to by the parties, the date specified in the order of the commission extending time or approving the time.
- (d) A motion by a party to extend time related to a motion for rehearing must be filed no less than ten days before the end of the time period that the party seeks to extend or it is untimely. Such motion must state with specificity the reasons the extension is justified.
- (e) Upon the filing of a timely motion for rehearing or a timely motion to extend time, the Commission Advising and Docket Management Division shall send separate ballots to each commissioner to determine whether they will consider the motion at an open meeting. Untimely motions shall not be balloted. An affirmative vote by one commissioner is required for consideration of a motion for rehearing or a motion to extend time at an open meeting. If no commissioner votes to add a timely motion to extend time to an open meeting for consideration, the motion is overruled ten days after the motion is filed.
- (f) If the commission extends time to act on a motion for rehearing, the Commission Advising and Docket Management Division shall send separate ballots to each commissioner to determine whether they will consider the motion for rehearing at a subsequent open meeting. An affirmative vote by one commissioner is required to place the motion for rehearing on an open meeting agenda.
- (g) A party that files a motion for rehearing or a reply to a motion for rehearing shall deliver a copy of the motion or reply to every other party in the case.