

Subchapter G. PREHEARING PROCEEDINGS.

§22.127. Certification of an Issue to the Commission.

- (a) **Certification.** The presiding officer may certify to the commission an issue that involves an ultimate finding of compliance with or satisfaction of a statutory standard the determination of which is committed to the discretion or judgment of the commission by law.
- (b) **Issues eligible for certification.** The following types of issues are appropriate for certification:
 - (1) the commission's interpretation of its rules and applicable statutes;
 - (2) which rules or statutes are applicable to a proceeding; or
 - (3) whether commission policy should be established or clarified as to a substantive or procedural issue of significance to the proceeding.
- (c) **Procedure for certification.** The presiding officer shall submit the certified issue to the Commission Advising and Docket Management Division. The Commission Advising and Docket Management Division shall place the certified issue on the commission's agenda to be considered at the earliest time practicable that is not earlier than 20 days after its submission. Parties may file briefs on the certified issue within 13 days of its submission. The presiding officer may abate the proceeding while a certified issue is pending.
- (d) **Commission action.** The commission shall issue a written decision on the certified issue within thirty days of its submission. A commission decision on a certified issue is not subject to motion for rehearing.