

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. M-100, SUB 147

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Amendment to Certain Rules

)  
) ORDER AMENDING RULES R1-5  
) AND R1-28 TO REQUIRE  
) SINGLE-SIDED COPY TO COURT  
) REPORTER  
)

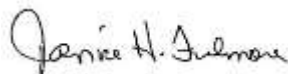
BY THE COMMISSION: In an effort to provide for judicial economy and to assist the Court Reporter in the execution of duties, the Commission finds good cause to amend certain rules in Chapter 1, Practice and Procedure of the Commission's Rules and Regulations.

IT IS, THEREFORE, ORDERED that current Commission Rules R1-5 and R1-28 are amended effective as of the date of this Order as set forth herein in Appendix A.

ISSUED BY ORDER OF THE COMMISSION.

This the 27<sup>th</sup> day of June, 2017.

NORTH CAROLINA UTILITIES COMMISSION



Janice H. Fulmore, Deputy Clerk

**Rule R1-5. PLEADINGS, GENERALLY.**

(a) Application of Rule. — This rule applies to all pleadings in formal proceedings, including applications, petitions, complaints, answers, protests, and other formal written statements of facts or law on which the party making the same relies for appropriate action or relief by the Commission.

(b) Contents. — All formal pleadings shall show

- (1) The correct name, post-office address, and electronic mailing address of each party by or for whom the particular pleading is filed, and the name, post-office address and electronic mailing address of their attorney, if any;
- (2) A full and clear statement of facts which said party or parties are prepared to prove by competent evidence at the hearing, the proof of which will warrant the relief sought; and
- (3) A statement of the specific relief sought.

(c) Form and Size. — All pleadings and exhibits in formal proceedings shall be printed, typewritten, or otherwise duplicated in legible form on white paper. Unless printed the impression shall be on one side of the paper for the original document and double-sided for any required copies, the pages beginning with the second page shall be numbered, and the lines shall be double spaced, except quotations of two or more lines which shall be single spaced and indented. The use of paper 8-1/2 inch x 11 inch with a left margin of approximately one and one-half inches is required.

(d) Signature and Verification. — Pleadings and amendments thereto shall be signed in ink and verified by one of the parties thereto who is acquainted with the facts. Pleadings filed on behalf of a corporation or an association shall be signed and filed by a member of the Bar of the State of North Carolina admitted and licensed to practice as an attorney at law, and may be verified by an officer, attorney or agent thereof who is acquainted with the facts. This subsection does not apply to pleadings filed by the Commission.

(e) Construction. — All pleadings shall be liberally construed, and errors or defects therein which do not mislead or affect the substantial rights of the parties involved shall be disregarded.

(f) Amendments. — Any pleading may be amended or corrected or any omission supplied prior to notice of hearing. After notice of hearing, it will be in order to move for leave to amend in accordance with Rule R1-7.

(g) Copies Required. — The original plus twenty-five (25) copies of all pleadings shall be filed with the Commission (unless filed electronically pursuant to Rule R1-28 or otherwise provided by the exceptions below), and shall include a certificate that a copy thereof has been served upon each party of record in the cause or upon counsel of record in accordance with Rule R1-39.

Exception 1. For filings by Class A & B electric, telephone, and natural gas utilities under Rules R1-7, R1-15, R1-17, and R1-24, an original plus thirty (30) copies shall be provided to the Commission.

Exception 2. For filings by Class A and B water and sewer utilities for rate increases or transfers, an original plus twenty four (24) copies shall be provided to the

Commission. For all other filings by Class A and B water and sewer utilities, an original plus seven (7) copies shall be provided to the Commission.

For filings by Class C water and sewer utilities for rate increases or transfers, an original plus seven (7) shall be provided to the Commission. For all other filings by Class C water and sewer utilities, an original plus seven (7) copies shall be provided to the Commission.

Exception 3. For filings of applications by motor carriers under Rule R2-8(a) (1) and (b) (1), an original and three (3) copies shall be provided to the Commission.

In addition to the requirements above, when applicable, a single-sided copy of testimony and exhibits of expert witnesses shall be filed for the benefit of the Court Reporter.

NOTE: A photocopy which has been signed after copying shall be considered an original.

(h) Computation of Time. — See Rule R1-27.

(i) Filing by Mail. — See Rule R1-28.

**Rule R1-28. GIVING NOTICE OR FILING PAPERS WITH THE COMMISSION BY MAIL; ELECTRONIC FILING.**

(a) Any notice, motion, pleading, or other document or paper may be filed with or served on the Commission by hand delivery, courier service, or United States mail, unless required by statute to be filed or served by some other means, but the same shall not be deemed filed or served until the day and date actually received at the office of the Commission in Raleigh. Rule R1-27 also applies to giving notice of filing papers by mail. In addition, any notice, motion, pleading, or other document may be electronically filed with the Commission using the Commission's online electronic filing system.

(b) An electronic filing may consist of one or multiple files, but all of the files in a filing must be either public or confidential and the filing so marked when made electronically. Except as provided in Section (e) below, do not file paper copies of documents that are filed electronically. Other provisions of any statute, rule, or order regarding the content and format of specific filings remain applicable.

(c) If filed electronically, post-hearing briefs, proposed findings of fact, and conclusions of law shall be filed in noncompressed editable Microsoft Word or ASCII Text format; where possible, all other documents filed electronically should also be filed in a noncompressed editable or searchable format rather than in an image file format.

(d) The typed characters representing the name of a person shall be sufficient to show that such person has signed the pleading or other document for purposes of electronic filing. Verification pages, when required, shall be printed, signed, notarized, converted to an electronic format, and included in the electronic filing as a separate file.

(e) The following documents should be filed electronically; provided, however, fifteen (15) paper copies of the entire filing, one of which shall be single-sided, must be provided to the Commission on the following business day in lieu of the number of copies required pursuant to the applicable statute, rule, or order. If such filing is made electronically on the day of or day before a hearing on the matter, the paper copies shall be provided to the Commission no later than one (1) hour prior to the scheduled start of the hearing. The failure to provide the required number of paper copies within the prescribed timeframe

may result in the electronic filing being rejected and excluded from the record in that proceeding.

- (1) For all Class A and B electric, telephone, natural gas, water, and sewer utilities, applications for or filings of a general increase in rates, fares, or charges for revenue purposes or to increase the rate of return on investment or to change transportation rates, fares, etc. pursuant to Rule R1-17, and all testimony and exhibits of expert witnesses filed by any party to the general rate case proceeding.
- (2) For all Class A and B electric utilities, applications for changes in rates in annual rate rider proceedings pursuant to G.S. 62-133.2, 62-133.8, and 62-133.9, and Rules R8-55, R8-67, and R8-69, and all testimony and exhibits of expert witnesses filed by any party to such proceeding.
- (3) For all Class A and B natural gas utilities, applications for changes in rates in annual prudency review proceedings pursuant to G.S. 62-133.4 and Rule R1-17(k), and all testimony and exhibits of expert witnesses filed by any party to such proceeding.
- (4) Other documents, such as testimony and exhibits of expert witnesses, as ordered in specific proceedings.

(f) Fingerprint cards and criminal history record release forms required to be filed by applicants for certificates of exemption to transport household goods pursuant to G.S. 62-273.1 and Rule R2-8.1 may not be filed electronically, but must be filed on paper pursuant to Section (a).

(g) Reports on performance results required to be filed by local exchange telephone companies and competing local providers pursuant to Rule R9-8(d) may be filed electronically, provided that an electronic copy in Excel is also provided to the Public Staff. The electronic copy in Excel may be emailed to the Public Staff at [communications@psncuc.nc.gov](mailto:communications@psncuc.nc.gov).

(h) Both paper and electronic filings must be received by the Commission by 5:00 p.m. Eastern time to be considered to be filed on that business day. A filing may be made electronically at any time, but filings submitted after 5:00 p.m. Eastern time are considered to be filed on the next business day. A filing that does not comply with all applicable statutes, rules, or orders may be rejected, unless the filing is accompanied by a motion requesting a waiver of the applicable requirement of a rule or order and the motion is granted. If a filing is rejected, the document is deemed not to have been filed with the Commission. A filing that requires a filing fee is not considered to be filed until the fee has been submitted to the Commission.