

ANNEX A
TITLE 52. PUBLIC UTILITIES
PART 1. PUBLIC UTILITY COMMISSION
Subpart A. GENERAL PROVISIONS
CHAPTER 1: RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE
Subchapter A. GENERAL PROVISIONS

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§ 1.2. Liberal construction.

(a) This subpart shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which it is applicable. The Commission or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the ~~substantive~~ SUBSTANTIAL rights of the parties.

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(c) The Commission or presiding officer at any stage of an action or proceeding may waive a requirement of this subpart when necessary or appropriate, if the waiver does not adversely affect a ~~substantive~~ SUBSTANTIAL right of a party.

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§ 1.3. Information and special instructions.

(a) Information as to procedures under this subpart, and instructions supplementing this subpart in special instances, will be furnished upon **[application] request** to:

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(2) In person or by **[mail other than first-class] overnight delivery, certified mail or priority mail**:

Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania 17120

(3) BY EMAIL SUBMITTED TO AN OFFICIAL MONITORED RESOURCE
EMAIL ACCOUNT WHICH SHALL BE MADE READILY AVAILABLE ON THE
COMMISSION’S WEBSITE.

§ 1.4. Filing generally.

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(2) In person or by **[mail other than first-class] overnight delivery, certified mail or priority mail:**

Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania 17120

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§ 1.5. Amendment to rules.

(a) **[Persons may file an application] An application** under §§ 5.1 and 5.11 (relating to pleadings allowed; and applications generally) requesting a general and permanent change in this subpart **is permitted.**

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§ 1.6. Commission office hours.

Unless otherwise directed by the Governor **or the Commission,** the Commission offices will be open from 8 a.m. until 4:30 p.m. on business days except Saturdays, Sundays and legal holidays.

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§ 1.7. Sessions of the Commission.

Public meetings of the Commission ordinarily will be held in its offices in the Commonwealth Keystone Building, Harrisburg, **or will be livestreamed or held over telephone.** Schedules for public meetings can be obtained from the Commission Secretary or viewed on the Commission's website.

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§ 1.8. Definitions.

(a) Subject to additional definitions contained in subsequent sections which are applicable to specific chapters or subchapters, the following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

Act—66 Pa.C.S. §§ 101—**[3315] 3316** (relating to the Public Utility Code).

Adjudication—An order, decree, decision, determination or ruling by the Commission affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of **{the parties to the proceeding in which the adjudication is made} a party with the opportunity for protest, answer, complaint or other opposition pleading.** THE PARTIES TO THE PROCEEDING IN WHICH THE ADJUDICATION IS MADE.

[Applicants] Applicant—[In proceedings involving applications for] A party seeking permission or authorization **[which] from** the Commission **[may give]** under **the Commission's** statutory or **[other] delegated** authority **[delegated to it, the parties on whose behalf the applications are made].**

Adversarial proceeding—A proceeding initiated **[by a person]** to seek authority, approvals, tariff changes, enforcement, fines, remedies or other relief from the Commission which is contested by one or more **[other persons] parties** and which will be decided on the basis of a formal record BY A PRESIDING OFFICER OF THE OFFICE OF ADMINISTRATIVE LAW JUDGE, CONSISTENT WITH SECTION 331(b) OF THE ACT.

Authorized agent—A **[person] representative of a filing user** with permission to **[legally act] submit filings** on behalf of the filing user.

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Certified legal intern—A law student meeting the requirements of Pa.B.A.R. No. 321 (relating to requirements for formal participation in legal matters by law students) WHO may appear in a Commission proceeding consistent with Pa.B.A.R. No. 322 (relating to authorized activities of certified legal interns).

Corporation—As defined in 66 Pa.C.S. § 102.

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Electronic mail—[A means of dispatching] **The electronic transmittal** or [receiving] **receipt of** a submittal in [relation to] a Commission matter [through electronic means].

Fax transmittal—A telephonic means of transmitting or receiving a submittal in a Commission matter that prints a hard copy facsimile of the submittal in a legible form at the recipient's telefax machine.

Filing user—A person [who has], **corporation, or municipal corporation** registered to use the electronic filing system in accordance with the registration instructions available on the Commission's web site at [http://www.puc.state.pa.us/] **http://www.puc.pa.gov/** and who has obtained a **filing** user ID and password.

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Initial decision—A decision by a presiding officer [which] **that** becomes final unless timely exceptions are filed by a [participant] **party**, the Commission requests review upon its own motion, or as otherwise established by the [act] **Act**.

Intervenor—A person, **corporation, or municipal corporation** intervening or petitioning to intervene as a party as provided by §§ 5.71—5.76 (relating to intervention).

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Municipal corporation—As defined in 66 Pa.C.S. § 102.

Nonadversarial proceeding—A proceeding [initiated by a person which] **that** is not contested or a proceeding initiated by the Commission or [at the request of a person] **upon request to the Commission** to develop regulations, policies, procedures, technical rules or interpretations of law.

Notarial officer—An officer authorized under § 5.346 (relating to **[persons]** **individuals** before whom depositions may be taken) to take depositions for use before the Commission or presiding officer.

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Party—A person, **corporation, or municipal corporation** who appears in a proceeding before the Commission.

PARTNERSHIP – A PARTNERSHIP IS A VOLUNTARY, CONTRACTUAL ASSOCIATION BETWEEN TWO OR MORE PERSONS, CORPORATIONS AND OTHER ENTITIES TO MANAGE AND OPERATE A BUSINESS AND SHARE IN ITS PROFITS.

Person—**[Except as otherwise provided in this subpart or in the act, the term includes individuals, corporations, partnerships, associations, joint ventures, other business organizations, trusts, trustees, legal representatives, receivers, agencies, governmental entities, municipalities, municipal corporations or other political subdivisions] As defined in 66 Pa.C.S. § 102.**

[Petitioners] Petitioner—[Persons]A person, corporation, or municipal corporation seeking relief [not otherwise designated in this section] or other action from the Commission under the Commission’s statutory or delegated authority.

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Presiding officer—A **[person] Commission employee** designated by the Commission to preside over a matter.

Principal—**[A party with] An individual within a partnership, association, corporation, or municipal corporation that has the requisite power to authorize or direct [its] counsel for the partnership, association, corporation, or municipal corporation to enter into stipulations or settlement agreements on behalf of the partnership, association, corporation, or municipal corporation.**

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[Protestants] Protestant—[Persons] A party objecting on the ground of private or public interest to the approval of an application or other matter which the Commission may have under consideration.

Qualified document—[A document that is listed in the categories of documents that are permitted to be filed electronically] A document authorized for filing with the Commission’s electronic filing system in accordance with the instructions on the Commission’s web site at [<http://www.puc.state.pa.us/>] <http://www.puc.pa.gov/> and that complies with the filing requirements and restrictions in [§ 1.32(b)] this Chapter [(relating to filing specifications)].

Rate proceeding—An [on the record] on-the-record proceeding brought by or before the Commission, the purpose of which is to determine the justness and reasonableness of a proposed or present rate for utility service, including, but not limited to, proceedings initiated under [sections 1307, 1308, 1310 and 1312] Chapter 13 of the [act] Act.

Recommended decision—[An opinion and order] A decision [submitted for the approval of the Commission by the presiding officer] authored by a presiding officer(s) that requires Commission approval to become effective.

[Respondents] Respondent—[Persons] A party subject to [a statute or other delegated authority administered by the Commission,] Commission jurisdiction who [are] is required to respond to an order or notice issued or served by the Commission [instituting a proceeding or investigation on its own initiative or otherwise].

Secretary—The Secretary of the Commission [, who is the Commission officer with whom pleadings and other documents are filed and by whom official records are kept].

SOLE PROPRIETOR – AN INDIVIDUAL WHO OWNS AN UNINCORPORATED BUSINESS BY THEMSELVES.

Staff—The Commission’s [Office of Trial Staff] Bureau of Investigation and Enforcement prosecutor or Law Bureau staff counsel [and] or other Commission employees participating in a proceeding before the agency.

Statutory advocate—[The Office of Trial Staff, the] The Office of Consumer Advocate [and the], Office of Small Business Advocate, and the Commission’s Bureau of Investigation & Enforcement.

Submittal—An application, amendment, exhibit, or similar document [involving matters filed in an adversarial or nonadversarial] that complies with the filing requirements and restrictions in this Chapter and involves matters filed or served in a Commission proceeding.

[*Telefacsimile transmittal*—A means of dispatching or receiving a submittal in a Commission matter through electronic means that prints a hard copy facsimile of a document in a legible form at the recipient’s machine.]

Tentative [decision] order—An order of the Commission [which becomes final unless exceptions are filed by a party within the time period specified by statute or as set forth in the order] THAT IS PUBLISHED AND MADE AVAILABLE FOR PUBLIC COMMENT FOR A SPECIFIED TIME PERIOD, AND MAY BECOME EFFECTIVE WITHOUT FURTHER COMMISSION ACTION IF NO COMMENTS ARE RECEIVED, OR MAY BECOME EFFECTIVE UPON FINAL COMMISSION ACTION FOLLOWING THE RECEIPT AND REVIEW OF SUBMITTED COMMENTS that may become final without further action by the Commission and to which a party may file comments within the time specified by the order.

Trade secret—A private formula, pattern, device, cost study or compilation of information [which is] used in [a] business [and] which, if disclosed, would provide [the] opportunity [to obtain an] for OBTAINING A competitive advantage [over competitors who] or TO CAUSE economic harm (SUCH AS LOSS OF VALUATION OR REPUTATIONAL DAMAGE) to entities TO WHOM SAID INFORMATION BELONGS that, but for disclosure, do not know or use it.

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Writing or written—Applies to documents [filed] whether in [paper form and documents filed electronically] hard copy or, media, OR ELECTRONIC FORMAT.

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Subchapter B. TIME

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§ 1.13. Issuance of Commission orders.

(a) In computing a period of time involving the date of the issuance of **[an order by the Commission] a Commission order**, the day of issuance **[of an order]** will be the date the Secretary enters the order. An order will not be made public prior to its entry except where, in the Commission's judgment, the public interest so requires. The date of entry of an order may or may not be the day of its adoption by the Commission. The Secretary will clearly indicate on each order the date of its adoption by the Commission and the date of its entry.

(b) At the time a decision of a presiding officer becomes effective as an adjudication of the Commission in the absence of Commission review as provided for in section 332(h) of the **[act] Act** (relating to procedures in general), the Secretary will issue and serve upon the parties of record an appropriate notice of the date the adjudication became effective as a Commission order.

(c) The date of entry of an order **[which is]** subject to review by Commonwealth Court is governed by Pa.R.A.P. No. 108. The date of issuance of any other order shall be deemed to be the date of entry for the purposes of computing the time for appeal under an applicable statute relating to judicial review of Commission action.

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§ 1.15. Extensions of time and continuances.

(a) Extensions of time shall be governed by the following:

(1) Except as otherwise provided by statute, whenever under this title or by order **or notice** of the Commission, **[or notice given thereunder,]** an act is required or allowed to be done at or within a specified time, the time fixed or the period of time prescribed may, by the Commission, the presiding officer or other authorized **[person] Commission employee**, for good cause be extended upon motion made before expiration of the period originally prescribed or as previously extended. Upon motion made after the expiration

of the specified period, the act may be permitted to be done where reasonable grounds are shown for the failure to act.

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(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown will requests for continuance be considered. The requests for a continuance should be filed at least five (5) days prior to the hearing date **to the extent possible.**

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§ 1.16. Issuance of decisions by presiding officers.

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(b) [The Secretary will mail a decision to parties who are not filing users or have not agreed to receive electronic service. The decision will be deposited in the United States mail on the same date that the decision is posted on the Commission's electronic filing system. The date of the issuance will be clearly indicated on each paper copy of the decision that is mailed to parties.] **The Secretary will mail a copy of the decision as prescribed in § 703(e) of the Act (relating to fixing of hearings).**

(c) Parties who are filing users and have agreed to receive electronic service also will be notified electronically that the decision has been posted on the Commission's electronic filing system and provided with a link to the decision.

Subchapter C. REPRESENTATIONS BEFORE THE COMMISSION

§ 1.21. Appearance in nonadversarial or informal proceedings.

(a) ~~Individuals may represent themselves in a nonadversarial Commission proceeding or an informal Commission proceeding.~~ (RESERVED).

(b) [Except as provided in subsection (a), persons in adversarial proceedings shall be represented in accordance with § 1.22 (relating to appearance by attorney or legal intern). For purposes of this section, any request for a general rate increase

under § 1307(f) or § 1308(d) of the act (relating to sliding scale of rates; adjustments; and voluntary changes in rates) shall be considered to be an adversarial proceeding.] (Reserved).

(c) In nonadversarial AND INFORMAL proceedings, **[persons] a party** may be represented BY AN ATTORNEY LICENSED TO PRACTICE BEFORE THE SUPREME COURT OF PENNSYLVANIA, OR A CERTIFIED LEGAL INTERN, OR in the following manner:

(1) ~~A partner may represent the partnership.~~ AN INDIVIDUAL OR SOLE PROPRIETOR MAY REPRESENT THEMSELVES OR BE REPRESENTED BY A THIRD-PARTY NON-ATTORNEY REPRESENTATIVE HOLDING THE POWER OF ATTORNEY OF THE INDIVIDUAL OR SOLE PROPRIETOR DURING PERIODS OF THE INDIVIDUAL OR SOLE PROPRIETOR'S DISABILITY OR INCAPACITY.

(2) ~~A bona fide officer of a corporation, trust or association may represent the corporation, trust or association.~~ A PARTNER MAY REPRESENT THE PARTNERSHIP

(3) ~~An officer or employee of an agency, political subdivision or government entity may represent the agency, political subdivision or government entity.~~ A BONA FIDE OFFICER OF A CORPORATION, TRUST, OR ASSOCIATION MAY REPRESENT THE CORPORATION, TRUST, OR ASSOCIATION.

(4) A non-attorney third party representative holding the power of attorney of an individual consumer may represent that individual during periods of disability or incapacity, or both. AN OFFICER OR EMPLOYEE OF AN AGENCY, POLITICAL SUBDIVISION, OR GOVERNMENT ENTITY MAY REPRESENT THE AGENCY, POLITICAL SUBDIVISION, OR GOVERNMENT ENTITY.

(5) AN ATTORNEY NOT LICENSED IN THIS COMMONWEALTH MAY APPEAR ON BEHALF OF A PARTY BEFORE THE COMMISSION IN ACCORDANCE WITH THE PENNSYLVANIA BAR ADMISSION RULES.

(d) In informal proceedings brought under Chapters 56 and 64 (relating to standards and billing practices for residential utility service; and standards and billing practices for residential telephone service) and Chapter 14 of the ~~[act]~~ **Act** (relating to

~~standards and billing practices for residential utility service; and standards and billing practices for residential telephone service), parties may be represented by one of the following:~~ IN THE MANNER SET FORTH IN § 56.163 (RELATING TO COMMISSION INFORMAL COMPLAINT PROCEDURES)

~~(1) A paralegal working under the direct supervision of an attorney admitted to the Pennsylvania Bar. (RESERVED).~~

~~(2) An appropriate individual including a family member or other individual or entity with oral or written authority. (RESERVED).~~

(e) Subsection (a) supersedes 1 Pa. Code § 31.21 (relating to appearance in person).

§ 1.22. Appearance [by attorney or certified legal intern] in adversarial Commission proceedings.

(a) [Subject to § 1.21(a) (relating to appearance), an attorney at law admitted to practice before the Supreme Court of Pennsylvania shall represent persons in Commission proceedings.] ~~Individuals may represent themselves in an adversarial Commission proceeding. A non-attorney third-party representative holding the power of attorney of an individual consumer may represent that individual during periods of disability or incapacity, or both. An authorized corporate official may represent a small business or partnership in an adversarial Commission proceeding.~~ AN INDIVIDUAL OR SOLE PROPRIETOR WITH NO EMPLOYEES MAY REPRESENT THEMSELVES IN ADVERSARIAL COMMISSION PROCEEDINGS OR MAY BE REPRESENTED BY AN ATTORNEY LICENSED TO PRACTICE BEFORE THE SUPREME COURT OF PENNSYLVANIA OR BY A CERTIFIED LEGAL INTERN.

(b) ~~[An attorney not licensed in this Commonwealth may appear before the Commission in accordance with the Pennsylvania Bar Admission Rules.] Except as provided in subsection (a), persons~~ SOLE PROPRIETORS WITH EMPLOYEES, PARTNERSHIPS, ASSOCIATIONS OTHER THAN CORPORATIONS, ~~corporations and municipal corporations shall be represented by an attorney at law admitted to practice before the Supreme Court of Pennsylvania or by a certified legal intern in adversarial Commission proceedings. For purposes of this section, any request for a general rate increase under § 1307(f) or § 1308(d) of the Act (relating to sliding scale of rates; adjustments; and voluntary changes in rates) shall be considered to be an adversarial Commission proceeding.~~

(c) [A law student meeting the requirements of Pa.B.A.R. No. 321 (relating to requirements for formal participation in legal matters by law students) may appear in a Commission proceeding consistent with Pa.B.A.R. No. 322 (relating to authorized activities of certified legal interns).] ~~Subsection (b) supersedes 1 Pa. Code § 31.22 (relating to appearance by attorney).~~ An attorney not licensed in this Commonwealth may appear before the Commission in accordance with the Pennsylvania Bar Admission Rules.

~~(d) Subsection (a) supersedes 1 Pa. Code § 31.22 (relating to appearance by attorney).~~ FOR PURPOSES OF THIS SECTION, ANY REQUEST FOR A GENERAL RATE INCREASE UNDER § 1307(f) OR § 1308(d) OF THE ACT (RELATING TO SLIDING SCALE OF RATES; ADJUSTMENTS; AND VOLUNTARY CHANGES IN RATES) SHALL BE CONSIDERED TO BE AN ADVERSARIAL COMMISSION PROCEEDING.

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§ 1.23. Other representation prohibited at hearings.

(a) [Persons] **Parties** may not be represented at a hearing before the Commission or a presiding officer except as stated in § 1.21 or § 1.22 (relating to appearance **in nonadversarial Commission proceedings or informal Commission proceedings**; and **[appearance by attorney or certified legal intern] appearance in adversarial Commission proceedings**).

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§ 1.24. Notice of appearance or withdrawal.

(a) *Individuals.* An individual appearing without legal representation before the Commission or a presiding officer shall file with the Secretary **[an] a mailing** address for service of a notice or other written **[communication] communications unless the individual is an eFiling user or has agreed to electronic service of documents.** A change in **the individual's mailing** address OR TO THE INDIVIDUAL'S EMAIL ADDRESS USED FOR EFILING which occurs during the course of the proceeding **[shall] must** be reported to the Secretary promptly.

(b) *Attorneys.*

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(2) *Appearance in all other instances.* An attorney shall file with the Secretary a written notice of appearance.

(i) *Content of notice.* Initial pleadings, entries of appearance and notices of withdrawal must include:

(A) The attorney's name, mailing address **[and] or** electronic mailing address, if **[available] a filing user**.

(B) Pennsylvania attorney identification number or, if **[not licensed in this Commonwealth] appearing pro hac vice**, identification of the **jurisdiction or** jurisdictions in which the attorney is licensed to practice law.

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(D) The name and address of the **[person] party** represented.

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(ii) *Filing.*

(A) *Appearance.* ~~The~~ IN ADVERSARIAL PROCEEDINGS, ~~attorney~~ ATTORNEYS **must serve the** THEIR notice of appearance **[shall be served]** on the parties to the proceeding, and FILE a certificate of service ~~shall be filed~~ with the Secretary.

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(3) *Withdrawal.* An attorney may withdraw an appearance by filing a written notice of withdrawal with the Secretary[. **The notice shall be served] and serving the notice** on the parties and **on** the presiding officer[, if one has been designated.

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§ 1.27. Suspension and disbarment.

(a) The Commission may deny, temporarily or permanently, the privilege of appearing or practicing before it in any way to **[a person] an individual** who is found by the

Commission, after notice and opportunity for hearing in the matter, to have done one or more of the following:

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Subchapter D. DOCUMENTARY FILINGS

§ 1.31. Requirements for documentary filings.

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(c) *Identifying information.* Documents filed with the Commission in a proceeding must clearly contain the following information:

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(3) Within the title of the document, the name of the person, corporation, or municipal corporation on whose behalf the filing is made. If more than one person is involved, only a single name is necessary PROVIDED THAT THE NAMES OF ALL PERSONS ON WHOSE BEHALF THE FILING IS BEING MADE ARE LISTED IN THE BODY OF THE FILING.

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§ 1.32. Filing specifications.

(a) *Paper filings.* A paper filing made with the Commission must be:

(1) *Typewritten.* Pleadings, submittals or other documents filed in proceedings, if not printed, must be typewritten on paper cut or folded to letter size, 8 to 8 1/2 inches wide by 10 1/2 to 11 inches long, with **[left-hand margin at least 1 inch wide and other margins] all margins** at least 1 inch. The impression must be **[on only one side of the paper] one sided**, unless **[there are]** more than four pages, and shall be double spaced, except that quotations in excess of a few lines shall be single spaced and indented **on both the left and right margins**. Reproduced copies shall be accepted as typewritten[,]
if **[copies are]** clearly legible.

(2) *Printed.* Printed documents must be at least **[10-point type] 12-point font with 10-point font allowed for footnotes** on unglazed paper, cut or folded so as not to exceed 8 1/2 inches wide by 11 inches long, with **[inside margin] all margins** at least 1 inch wide, and with **[double-ledged text and single-ledged, indented quotations]**

double-spaced text except that: (1) FOOTNOTES; AND (2) quotations in excess of a few lines 50 WORDS shall be single spaced and indented on both the left and right margins.

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(b) *Electronic filings.*

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(2) *Requirements.*

An electronic filing made with the Commission must:

(i) Comply with the **paper filing** requirements in subsection (a) regarding margins, spacing and type size.

(ii) Be a qualified document **[that is]** listed in the categories of documents **[that the Commission, after notice and opportunity to be heard, has designated as being permitted to be filed electronically]** **the Commission has designated as permissible electronic filings.**

(iii) Be in PDF format so that the document, and when feasible, its attachments, shall be capable of being printed and copied without restriction, and may not require a password to view the contents.

(iv) Be filed in accordance with the instructions made available on the Commission's web site at **[<http://www.puc.state.pa.us/>] <http://www.puc.pa.gov/>.**

(v) Be filed and served as a searchable PDF WHERE FEASIBLE.
Additionally, filings must be provided TO DESIGNATED COMMISSION STAFF AS DIRECTED BY THE PRESIDING OFFICER, SECRETARY, OR COMMISSION ~~to~~ Commission staff in Microsoft-compatible format when that is feasible.

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§ 1.33. Incorporation by reference.

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(b) Documents on file with the Commission ~~for more than 20 years~~ may not be incorporated by reference in a current document unless the **[person filing the current**

document first ascertains that the earlier] document continues to be readily available ~~in the active records of the Commission~~ ON THE COMMISSION'S WEBSITE.

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§ 1.35. Execution.

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(b) Signatory.

(1) A pleading, submittal or other document filed with the Commission must be signed by one of the following:

(i) The **[person] individual** filing the documents, and severally if there is more than one **[person] individual** so filing.

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(c) Effect.

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(2) If a document is signed in violation of this subsection, the presiding officer or the Commission, upon motion or upon its own initiative, may impose upon the individual who signed it, a represented party, or both, an appropriate sanction, which may include striking the document, dismissal of the proceeding or the imposition of civil penalties under section 3301 of the **[act] Act** (relating to civil penalties for violations).

§ 1.36. Verification.

(a) Applications, petitions, formal complaints, motions and answers thereto containing an averment of fact not appearing of record in the action or containing a denial of fact must be personally verified by a party thereto or by an authorized officer or other authorized employee of the party if a corporation or association. Verification means a signed written statement of fact supported by oath or affirmation or made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). When a verification is filed electronically, the verification shall be executed by a filing user, or if the verification is signed by an individual who is not a filing user, a filing user may file the verification electronically by scanning the original verification and submitting it as an

attachment to a filing. [When a verification is signed by an individual who is not a filing user, the original verification shall be filed in paper form no later than 3 business days after the electronic filing is made. The filing date for the verification in paper form will be determined in accordance with § 1.11(a)(1)—(3) (relating to date of filing).] The docket number for the filing must be clearly indicated on the original verification. **When verification is permitted, notarization is not necessary. When a party files a petition with the Secretary’s Bureau and that petition contains no averment or denial of fact not appearing of record in the underlying action, the petitioner must include a cover letter with a statement to that effect so that the Secretary’s Bureau staff is aware that the filer has intentionally excluded a verification.**

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§ 1.37. Number of copies.

(a) *Paper filings.*

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(3) A filing, including attachments, exceeds 10 megabytes, in addition to filing the requisite number of hard copies in accordance with this subpart, a CD-ROM, DVD, **or other electronic storage device, such as a USB flash drive,** containing the filing and an index to the filing shall be filed with the Commission.

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Subchapter E. FEES

§ 1.43. Schedule of Fees Payable to the Commission.

(a) *Fees for services.* The fees for services rendered by the Commission, **which are non-refundable,** are as follows:

Description	Fee (in dollars)
[Initial filing of Form A for intangible transition property notice...]	[\$550]
[Subsequent filing of notice changes in intangible transition property notice on Form B...]	[\$350]
Chapter 74 public information requests relating to perfection of security interests ...	\$10 plus standard per page copying costs

Copies of papers, testimony, [microfiche,] records and computer printouts per sheet...	\$0.75
[Copies of microfiche per sheet...]	[\$1.50]
[Copies of microfilm per roll...]	[\$80]
Certifying copy of a paper, testimony or record...	\$5
Filing each securities certificate...	\$350
Filing each abbreviated securities certificate...	\$25
Filing each application for a certificate, permit or license[, or amendment of a certificate, permit or license]...	\$350
Filing each application for amendment of a certificate, permit or license...	\$350
<u>Filing each application for abandonment of a certificate, permit or license...</u>	<u>\$350</u>
<u>Filing an application for a certificate of public convenience for telecommunications service...</u>	<u>\$250</u>
Filing an application for a certificate of public convenience for a motor common carrier of property or a group and party carrier of more than 15 passengers...	\$100
Filing an application for emergency temporary authority as common carrier of passengers or household goods in use, contract carrier of passengers or household goods in use, or broker or for an extension thereof...	\$100
Filing an application for temporary authority as common carrier of passengers or household goods in use, contract carrier of passengers or household goods in use, or broker...	\$100
<u>Filing an application to be a pipeline operator...</u>	<u>\$250</u>
<u>Filing an application to be a conservation service provide ...</u>	<u>\$125</u>
<u>Filing an application to be a utility valuation expert...</u>	<u>\$125</u>
[Filing an application for a certificate to discontinue intrastate common carrier passenger or household goods in use service...]	[\$10]

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Subchapter F. SERVICE OF DOCUMENTS

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§ 1.51. Instructions for service, notice and protest.

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(c) Exception to service list availability. Where an individual party is a victim of domestic violence with:

(i) a protection from abuse order, INCLUDING A PROTECTION FROM ABUSE ORDER FROM OUTSIDE THE COMMONWEALTH, or a NON-PROTECTION FROM ABUSE COURT ORDER OR court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence, OR

(ii) AN AFFIDAVIT FROM A DOMESTIC VIOLENCE COUNSELOR OR ADVOCATE ORGANIZATION ON THE COUNSELOR OR ORGANIZATION'S LETTERHEAD,

the PARTY's PERSONAL address AND CONTACT INFORMATION of the victim will be redacted on the service list.

§ 1.53. Service by the Commission.

(a) Applicability. This section applies to service of an order, notice or other document originating with the Commission and other documents designated by the Commission, except when the Commission specifically requires a different form of service. **A person is not required to register to use the electronic filing system to be a party in a Commission proceeding. A person does not have to register for the electronic filing system to agree to electronic service. A person that is not an electronic filing user or has not agreed to electronic service of documents shall be served in paper form in accordance with subparts (b)[(2), and 4] (1), and (2).**

(b) Forms of service.

(1) First class mail. Service may be made by mailing a copy **of the document [thereof to the person to be served, addressed to the person designated in the initial pleading, submittal or notice of appearance at the person's residence, principal office or place of business] to the party as set forth in § 1.24 of this chapter (relating to notice of appearance or withdrawal).**

* * * * *

(3) Electronic. Service may be made electronically to **[filing users] a party** who **[have] has** agreed to receive electronic service except when the Act specifically requires a different form of service. **[Filing users will be sent an electronic mail notice informing them that a document was posted on the Commission's electronic filing**

system and providing a link to the document on the same day the document is posted.]

(i) A party that is a filing user has agreed to the service of Commission documents exclusively via electronic means. The filing user will be sent an electronic mail notice informing them that the served document was posted and providing a link to the document on the same day the document is posted on the Commission's website.

(ii) Parties may agree to electronic service in a Commission proceeding without being required to become a filing user.

* * * * *

(c) *Registered or certified mail.* [Service of a petition under § 3.391 (relating to arbitration of claims for billing and collecting services), and service of a complaint under section 702 of the act (relating to service of complaint on parties) must be by registered or certified mail, return receipt requested.] Except as otherwise provided by the [act] Act or another law, the following documents must be served by registered or certified mail, return receipt requested:

(1) A Commission order under § 703(e) of the Act (relating to fixing of hearings).

(2) A complaint under § 702 of the Act (relating to service of complaint on parties). Service of complaints in all hearings, investigations, and proceedings pending before the Commission may be made by e-mail upon agreement by each party.

(3) A petition under § 3.391 (relating to arbitration of claims for billing).

* * * * *

§ 1.54. Service by a party.

(a) Pleadings, submittals, briefs and other documents, filed in proceedings pending before the Commission shall be served upon parties in the proceeding and upon the presiding officer, if one has been assigned. A person will not be required to register [to use] for the electronic filing system to be a party in a Commission proceeding. A person that does not register to use the electronic filing system shall file and serve documents in paper form.

(b) Service may be made by one of the following methods:

(1) *First class mail.* [Service may be made by mailing the requisite number of copies to each party as provided in § 1.59 (relating to number of copies to be served), properly addressed with postage prepaid.] If a party to the proceeding has not agreed to electronic service of documents, the other parties in the proceeding shall serve that party with the requisite number of copies of the filing as provided in § 1.59 (relating to number of copies to be served), properly addressed with postage prepaid.

* * * * *

(3) *Electronic.*

(i) *Documents not filed with the Commission.* Service may be made electronically only to those parties who have agreed to accept service in that manner.

(ii) *Documents filed with the Commission.* Service may be made electronically [to filing users] to all parties in the proceeding who have agreed to [receive] electronic service of filings. [Filing users who have agreed to receive electronic service shall be served with an electronic mail notice stating that a document was filed on the electronic filing system. The notice constitutes service.] If the party is a filing user, they shall be served an electronic mail notice stating that a document was filed on the electronic filing system. A party that is a non-filing user but who has agreed to the electronic service of filings shall file a paper copy of a notice with the Commission stating that a document was served on the other party electronically. In both cases, the notice shall act as evidence of service of the filing.

* * * * *

(c) In a proceeding in which only some of the parties participate, the parties, with the authorization of the presiding officer, may limit the service of documents to parties **[and persons or individuals]** which state on the record or request in writing that they wish to be served.

* * * * *

§ 1.56. Date of service.

* * * * *

(b) Unless otherwise prescribed by the Commission or presiding officer, whenever a party is required or permitted to do an act within a prescribed period after service of a document upon the party **[and the document is served]** by first-class mail by the United States Postal Service, 3 days shall be added to the prescribed period.

* * * * *

§ 1.59. Number of copies to be served.

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(b) The following number of copies of documents shall be served on other parties in a proceeding **as deemed appropriate by the presiding officer:**

* * * * *

Subchapter G. MATTERS BEFORE OTHER TRIBUNALS

§ 1.61. Notice and filing of copies of pleadings before other tribunals.

(a) When matters over which the Commission may have jurisdiction under the **[act] Act** are raised in proceedings filed with a court or other regulatory body by **[a person] an entity** subject to the **[act] Act**, either an appropriate application or petition, or notice of the proceedings and copies of the material pleadings filed therein, shall be filed simultaneously with the Commission so that it may have sufficient notice and time for proper consideration of the matters within its jurisdiction.

(b) Upon filing of a petition for bankruptcy under the United States Bankruptcy Code (11 U.S.C.) by a jurisdictional **public** utility or licensee or by a parent, affiliate, or direct or indirect subsidiary of a **public** utility or licensee, the **public** utility or licensee shall file a copy of the petition with the Commission, and serve the **[Office of Trial Staff] Commission's Bureau of Investigation and Enforcement**, the Office of Consumer Advocate and the Office of Small Business Advocate.

* * * * *

(d) If the reorganization plan submitted under subsection (c) contemplates the abandonment of service, the submittal must include an application under Chapter 11 of the **[act] Act** (relating to certificates of public convenience). If a licensee's reorganization plan includes the abandonment of the license, the submittal must include the appropriate pleading as required by the **[act] Act**.

* * * * *

Subchapter H. PUBLIC ACCESS TO COMMISSION RECORDS

§ 1.71. Statement of objectives.

The Commission's records maintenance system is intended to provide for the greatest degree of public access to Commission documents that is consistent with the exercise of the functions of the Commission under the [act] Act and other applicable laws. The Commission's system is designed to meet that objective and to give public notice of which classes of documents are available for inspection. The system provides a predictable standard, which nevertheless permits the Commission to take cognizance of the circumstances of individual requests for documents which may militate in favor of or against disclosure.

§ 1.72. Content and review of formal case files.

* * * * *

(d) [*Procedures.* Procedures for review of correspondence and report folders will conform with the following:

(1) *Correspondence folders.* Review procedures for correspondence folders will be as follows:

(i) A person desiring access to a correspondence folder of a formal case may request file room personnel for a review of the file to determine which material contained therein may be released for inspection.

(ii) The review will be made and the requestor notified within 30 days.

(iii) If dissatisfied with the results of the first review, the requestor may ask that the documents removed from the correspondence folder before it was given to him be reviewed again.

(iv) A 30-day period applies to the second request for review.

(2) *Report folders.* Review procedures for report folders will be as follows:

(i) A person may request file room personnel for a review of particular documents or for a specifically defined portion of the report folder to determine which, if any, material contained in the folder may be released for inspection.

(ii) The review, except for good cause, will be made and the requestor notified within 30 days.] Reserved

* * * * *

§ 1.73. Fiscal records.

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(b) No fiscal record, nor unseverable part thereof, which contains material exempted from the disclosure requirements provided in the [act] Act of [June 21, 1957 (P. L. 390, No. 212) (65 P.S. §§ 66.1—66.4) or which otherwise presents a substantial need for nondisclosure] February 14, 2008 (P.L. 6, No. 3) 65 P.S. §§ 67.101-67.3104), will be available for public inspection.

* * * * *

§ 1.75. [Review of staff determination.

When advised by a staff member that no further staff review of the request for review is possible, the requestor may petition the Commission for review as to a specific or definite class of documents.] (Reserved).

* * * * *

§ 1.77. [Extensions of time to review folders.

For good cause the Commission may extend the time limits applicable to requests for access to documents. In the case of documents displaying no need for confidentiality, or, conversely, documents containing information which the Commission considers improper for public inspection, the Commission may direct the appropriate treatment thereof, notwithstanding contrary provisions in §§ 1.71—1.76.] (Reserved).

* * * * *

§ 1.96. Unofficial statements and opinions by Commission personnel.

Statements contained in formal opinions of the Commission or in decisions of a presiding officer which are not necessary in resolving the case, and informal opinions, whether oral or written, expressed by Commissioners, presiding officers, legal counsel, **[employees]** **employees** or representatives of the Commission and reports drafted by Commission bureaus are only considered as aids to the public, do not have the force and effect of law or legal determinations, and are not binding upon the Commonwealth or the Commission.

TITLE 52. PUBLIC UTILITIES
PART 1. PUBLIC UTILITY COMMISSION
Subpart A. GENERAL PROVISIONS
CHAPTER 3: SPECIAL PROVISIONS
Subchapter A. SPECIAL COMMISSION ACTIONS

§ 3.1. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Emergency—A situation which presents a clear and present danger to life, ~~or the public interest~~ or property, OR THE PUBLIC INTEREST, or which is uncontested and requires action prior to the next scheduled public meeting.

Emergency order—An ex parte order issued by a single Commissioner, the Commission, the Commission's [Director of Operations] Executive Director or the Commission's Secretary in response to an emergency.

* * * * *

§ 3.2. Petitions for issuance of emergency orders.

(a) To the extent practicable, a petition for emergency order must be in the form of a petition as set forth in § 5.41 (relating to petitions generally) and [shall] must be served on the persons directly affected by the application and also on the statutory advocates.

* * * * *

§ 3.3. Disposition of ex parte emergency orders.

(a) *Authority.* The Chairperson, a Commissioner, the Commission's [Director of Operations] Executive Director and the Commission's Secretary have the authority to issue an emergency order.

(b) *Form.* An emergency order will be issued in writing and filed with the Secretary with copies to Commissioners [and the Director of Operations] and the Executive Director. The emergency order will be electronically served on the statutory advocates.

(c) *Ratification.* An emergency order or the denial of a petition for emergency order issued by a single Commissioner or the **[Director of Operations] Executive Director** or the Commission's Secretary will be ratified, modified or rescinded by the Commission at the next scheduled public meeting after issuance of the order.

(d) *Service.* An emergency order or the denial of a petition for emergency order will be served by the Secretary as expeditiously as practicable upon the persons directly affected by the decision **and the statutory advocates** with copies to the Commissioners and the **[Director of Operations] Executive Director**.

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§ 3.4. Hearings following issuance of emergency orders.

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(b) The petition for expedited hearing shall be filed with the Secretary and a copy served upon the Chief Administrative Law Judge[.], **the statutory advocates and all parties to the underlying proceeding.**

* * * * *

(d) If the emergency order is issued by a single Commissioner or the **[Director of Operations] Executive Director** or by the Commission's Secretary, the presiding officer will have the authority to stay the effect of the order until the next scheduled public meeting.

* * * * *

§ 3.6. Petitions for interim emergency orders.

(a) A party may submit a petition for an interim emergency order during the course of a proceeding. The petition shall be filed with the Secretary and served contemporaneously on the Chief Administrative Law Judge, **on the statutory advocates** and on the parties.

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Subchapter B. INFORMAL PROCEEDINGS GENERALLY

§ 3.101. Municipal contracts.

No formal application need accompany municipal contracts filed under section 507 of the [act] Act (relating to contracts between public utilities and municipalities), but an executed copy or [reproduction] reproduced copy of the contract [shall] must be filed with the Commission at least 30 days prior to the effective date of the contract.

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§ 3.111. Form and content of informal complaints.

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(b) Informal complaints, as defined by §3.111(a) § 1.8, [shall] must MAY be submitted IN WRITING to the Secretary for referral to the appropriate bureau, addressed to the following: Pennsylvania Public Utility Commission, [Post Office Box 3265] 400 North Street, Harrisburg, Pennsylvania [17105-3265] 17120. INFORMAL COMPLAINTS MAY ALSO BE SUBMITTED ELECTRONICALLY BY FILLING OUT THE INFORMAL COMPLAINT FORM ON THE COMMISSION'S WEBSITE. INFORMAL COMPLAINTS MAY ALSO BE INITIATED BY CALLING THE COMMISSION'S BUREAU OF CONSUMER SERVICES AT THE TELEPHONE NUMBER ON THE COMMISSION'S WEBSITE.

* * * * *

§ 3.113. Resolution of informal investigations.

(a) The Commission staff may conduct informal investigations or informal proceedings in appropriate circumstances regarding the condition and management of a public utility or other person subject to its jurisdiction. The informal investigations are typically undertaken to gather data or to substantiate allegations of potential violations of the act and may be conducted with or without hearing.

(b) Under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Commission's official actions resolving informal investigations will be as follows:

(1) When the Commission staff determines that no violation or potential violation of the **[act] Act** has occurred, the informal investigation will be terminated by letter **served on all parties involved.**

* * * * *

(3) When the utility, or other **[person] party** subject to the Commission's jurisdiction, has committed to undertake action to address or remedy a violation or potential violation of the act or to resolve another perceived deficiency at the utility, in the form of a settlement with the Commission staff or other resolution of the matter, the Commission's consideration of the settlement or approval of the utility's action will occur at public meeting. Except for staff reports and other documents covered by a specific legal privilege, documents relied upon by the Commission in reaching its determination shall be made part of the public record. Before the Commission makes a final decision to adopt the settlement or to approve the utility's action, the Commission will provide other potentially affected **[persons] parties** with the opportunity to submit exceptions thereon or to take other action provided for under law.

* * * * *

Subchapter E. MOTOR TRANSPORTATION PROCEEDINGS

§ 3.381. Applications for transportation of property, household goods in use and persons.

(a) *Applications.*

* * * * *

(3) *Filing and verification.* An original application shall be filed by the applicant, or an authorized officer or representative, with the Secretary of the Pennsylvania Public Utility Commission, **[Post Office Box 3265] 400 North Street**, Harrisburg, Pennsylvania **[17105-3265] 17120**. The application shall be verified under § 1.36 (relating to verification). An application by a common carrier for a certificate of public convenience authorizing the transportation of passengers or household goods in use may be accompanied by verified statements of the applicant and supporting party or firm, as set forth in subsection (c)(1)(iii)(A)(II) and (III). An application by a contract carrier for a permit authorizing the transportation of passengers or household goods in use may be accompanied by a verified statement of the applicant, as set forth in subsection (c)(1)(iii)(A)(II) and a copy of the bilateral contract or statement of the shipper that it will enter into a bilateral contract with the carrier.

* * * * *

Subchapter F. ARBITRATION OF DISPUTES

§ 3.391. Arbitration of claims for billing and collecting services.

(a) Each petition for arbitration of a dispute under [section 4 of the act of April 14, 1949 (P. L. 482, No. 98) (53 P. S. § 2264)] section 505 of the Water Services Act (53 P.S. § 3102.505) shall set forth the following:

* * * * *

Subchapter H. FORMS

§ 3.551. Official forms.

Forms for applications, petitions, complaints and other matters are available on the Commission's website or from the Secretary of the Commission, [P. O. Box 3265] 400 North Street, Harrisburg, Pennsylvania, [17105-3265] 17120; (717) 772-7777.

TITLE 52. PUBLIC UTILITIES
PART 1. PUBLIC UTILITY COMMISSION
Subpart A. GENERAL PROVISIONS
CHAPTER 5: FORMAL PROCEEDINGS
Subchapter A. PLEADINGS AND OTHER PRELIMINARY MATTERS

* * * * *

§ 5.12. Contents of applications.

(a) Applications must conform to this section unless a form or other specific requirements are provided in Chapter 3 (relating to special provisions). Applications must:

* * * * *

(4) Set forth, in the order indicated, the following [-] unless otherwise provided by this chapter or in Chapter 3 for the specific type of application involved:

* * * * *

(iii) The name, title, mailing address, telephone number and electronic mail address, if available, of the person to whom correspondence or communication in regard to the application is to be addressed. **[The Commission will serve, when required, notices, orders and other papers upon the person named, and service will be deemed to be service upon the applicant.]**

(5) Be served upon the statutory advocates.

(a.1) The Commission will serve, when required, notices, orders and other papers on the person named and on the statutory advocates, and service will be deemed to be service on the applicant.

* * * * *

§ 5.13. Applications for construction or alteration of crossings.

* * * * *

(b) Plans submitted for the construction, relocation, alteration, protection or abolition of a crossing **[complained against shall] must** be accompanied by the names and post office addresses of the record owners of all property necessary to be acquired in the

execution thereof, and shall, when directed by the Commission, be supplemented by a description by metes and bounds of all property necessary to be acquired.

* * * * *

§ 5.14. Applications requiring notice.

(a) *General rule.* Notice of applications to the Commission for authority under the [act] Act must be published in the *Pennsylvania Bulletin* and as may otherwise be required by the Commission. **The following list of such applications for authority is for informational purposes only, and any omission of a relevant application does not eliminate or otherwise affect the requirement of its publication in the *Pennsylvania Bulletin* or as may be otherwise required by the Commission.**

(1) To initiate utility service to the public, including any of the following:

- (i) Electric.**
- (ii) Gas.**
- (iii) Telephone.**
- (iv) Water.**
- (v) Wastewater.**
- (vi) Pipeline.**
- (vii) Radio-telephone common carrier service.**
- (viii) Steam.**
- (ix) Rail service.**
- (x) Common carrier service by motor vehicle, except as provided for in § 3.381(b).**

(2) To initiate, in a different nature or to a different territory than is currently authorized, utility service to the public, including any of the following:

- (i) Electric.**
- (ii) Gas.**
- (iii) Telephone.**
- (iv) Water.**
- (v) Wastewater.**
- (vi) Pipeline.**
- (vii) Radio-telephone common carrier service.**
- (viii) Steam.**
- (ix) Rail Service.**
- (x) Common carrier service by motor vehicle, except as provided for in § 3.381(b).**

(3) To abandon, in whole or in part, utility service to the public, including any of the following:

(i) Electric.

(ii) Gas.

(iii) Telephone.

(iv) Water.

(v) Wastewater.

(vi) Pipeline.

(vii) Radio-telephone common carrier service.

(viii) Steam.

(ix) Rail Service.

(x) Common carrier service by motor vehicle, except as provided for in § 3.381(b).

(4) To acquire or transfer tangible or intangible utility property through sale, merger, consolidation, lease or transfer of stock.

(5) To acquire 5% or more of the voting stock of another corporation.

(6) To secure exemption under section 619 of the Pennsylvania Municipalities Planning Code (53 P.S. § 10619).

* * * * *

(d) [*Publication of application.* Except as set forth in §§ 3.361—3.363, 3.501 and 57.71, 57.72 and 57.74—57.77 as relating to the 60-day protest period, or as otherwise provided by the Secretary, application to the Commission for the following types of authority will be published in the *Pennsylvania Bulletin* and, as directed by the Secretary, in a newspaper of general circulation serving the geographical territory affected by the application and shall be subject to a 15-day protest period.

(1) To initiate fixed utility service to the public, including the following:

(i) Electric.

(ii) Gas.

(iii) Telephone.

(iv) Water.

(v) Wastewater.

(vi) Pipeline.

(vii) Radio-telephone common carrier service.

(2) To initiate, in a different nature or to a different territory than is currently authorized, fixed utility service to the public, including the following:

- (i) Electric.**
- (ii) Gas.**
- (iii) Telephone.**
- (iv) Water.**
- (v) Wastewater.**
- (vi) Pipeline.**
- (vii) Radio-telephone common carrier service.**

(3) To abandon, in whole or in part, fixed utility service to the public, including to the following:

- (i) Electric.**
- (ii) Gas.**
- (iii) Telephone.**
- (iv) Water.**
- (v) Wastewater.**
- (vi) Pipeline.**
- (vii) Radio-telephone common carrier service.**

(4) To initiate rail utility service to the public.

(5) To initiate, in a different nature or to a different territory than is currently authorized, rail utility service to the public.

(6) To abandon, in whole or in part, rail utility service to the public.

(7) To acquire or transfer tangible or intangible utility property through sale, merger, consolidation, lease or transfer of stock.

(8) To acquire 5% or more of the voting stock of another corporation.

(9) To secure exemption under section 619 of the Pennsylvania Municipalities Planning Code (53 P.S. § 10619).

(10) To construct, alter or abandon, in whole or in part, or to change the status of a rail utility agency station or team track.] (Reserved).

§ 5.21. Formal complaints generally.

* * * * *

(c) A copy of the complaint will be served by the Commission, by certified mail, upon the respondent **unless they are a filing user. The Commission may serve a copy of the complaint by e-mail upon agreement by each party, under 66 Pa.C.S. § 702 (relating to service of complaints on parties).** If the complaint proposes to change an existing or proposed tariff rate of a fixed public utility subject to the jurisdiction of the Commission, a copy of the complaint will be served by the Commission on the **[Office of Trial Staff] Bureau of Investigation and Enforcement,** Office of Consumer Advocate and Office of Small Business Advocate.

(d) The filing of a formal **[compliant] complaint** entitles the complainant to a formal hearing before the Commission except that the Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest. Motions may be filed in accordance with §§ 5.101 and 5.102 (referring to preliminary objections; and motions for summary judgment and judgment on the pleadings).

* * * * *

§ 5.22. Content of formal complaint.

(a) A formal complaint must set forth the following:

(1) The name, mailing address, telephone number, **[telefacsimile] fax number** and electronic mailing address, if applicable, of the complainant.

(2) If the complainant is represented by an attorney, the name, mailing address, telephone number, **[telefacsimile] [telefax] fax** number and Pennsylvania Supreme Court identification number of the attorney and, if available, the electronic mailing address.

§ 5.24. Satisfaction of formal complaints.

* * * * *

(b) In lieu of the certified statement required by subsection (a), the respondent may provide a certified writing to the Commission that it has addressed the complaint and at least one of the following:

(1) That the complainant has acknowledged satisfaction to the respondent.

(2) That the complainant has acknowledged to the respondent that the complainant no longer wishes to pursue the complaint.

(c) In the case of certification of satisfaction under subsection (b), the respondent shall simultaneously serve a copy of the respondent's certified writing, including a statement informing the complainant of the complainant's right to object in writing within 10 days, upon the complainant. **In a case where there is only one respondent**, unless the complainant objects, in writing, to the certification within 10 days of its filing, the complaint docket will be marked closed. **In a case involving two or more respondents, the docket will not be marked closed until the filing of certified statements or certificates of satisfaction resolving all claims against all respondents.**

(d) Subsections (a) – (c) supersede 1 Pa. Code § 35.41 (relating to satisfaction of complaints).

§ 5.31. Staff-initiated complaints.

* * * * *

(b) A Commission bureau filing a complaint under this section involving a fixed utility or licensee will provide a copy to the **[Office of Trial Staff] Bureau of Investigation and Enforcement**, the Chief Counsel, the Office of Consumer Advocate, and the Office of Small Business Advocate.

* * * * *

§ 5.41. Petitions generally.

(a) *General requirements.* Petitions for relief under the **[act] Act** or other statute that the Commission administers, must be in writing, state clearly and concisely the interest of the petitioner in the subject matter, the facts and law relied upon, and the relief sought. **A document, the material part thereof, or a copy must be attached when a petition is based upon the document, the material part thereof, or a copy. If the document, the material part thereof, or a copy is not accessible, the petition must set forth that the document, the material part thereof, or the copy is not accessible and the reason, and set forth the substance of the document or material part thereof.** Petitions for relief must comply with § 1.51 (relating to Instructions for service, notice, and protest).

(b) *Service.* A copy of the petition shall be served on all persons directly affected and on other parties whom petitioner believes will be affected by the petition. Copies of the petition shall be served upon the **[Office of Trial Staff] Bureau of Investigation and Enforcement**, the Office of Consumer Advocate and the Office of Small Business Advocate. Service shall be evidenced with a certificate of service filed with the petition.

* * * * *

§ 5.42. Petitions for declaratory orders.

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(c) [Copies shall also be served in compliance with Commission direction.] Copies.
Copies must also be served as directed by the Commission.

* * * * *

§ 5.43. Petitions for issuance, amendment, repeal, or waiver of Commission regulations.

* * * * *

(b) A copy of the petition shall be served on all persons directly affected and on other parties who petitioner believes will be affected by the petition. Copies of the petition shall be served on the [Office of Trial Staff] Bureau of Investigation and Enforcement, the Office of Consumer Advocate and the Office of Small Business Advocate. Service shall be evidenced with a certificate of service filed with the petition.

(c) [Copies shall also be served in compliance with Commission direction.] Copies.
Copies must also be served as directed by the Commission.

* * * * *

§ 5.52. Content of a protest to an application.

(a) *Form.* A protest to an application must:

* * * * *

(2) State the grounds of the [protest .] protest.

* * * * *

~~(4) Request a hearing before the Office of Administrative Law Judge, or one will not be scheduled.~~

§ 5.53. Time of filing.

A protest shall be filed within the time specified in the published notice of the application. If no protest time is specified in the notice, the protest shall be filed within [60]-30 days of publication of the notice. PROTESTS SHALL BE FILED BY THE APPLICABLE DEADLINE except upon good cause shown.

§ 5.72. Eligibility to intervene.

(a) [~~Persons~~] Parties. A petition to intervene may be filed by a person, corporation, or municipal corporation claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

* * * * *

§ 5.74. Filing of petitions to intervene.

* * * * *

(b) Petitions to intervene shall be filed:

* * * * *

(3) [~~In accordance with § 5.53 if no deadline is set in an order or notice with respect to the proceedings.~~] Within the time specified in an order or notice with respect to the proceedings. If no deadline is specified, the petition must be filed within 30 days of publication of the notice, ALL PETITIONS TO INTERVENE MUST BE FILED BY THE APPLICABLE DEADLINE except upon good cause shown.

* * * * *

§ 5.81. Consolidation AND INDISPENSABLE PARTIES

(a) *CONSOLIDATION GENERALLY* - The Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay. ~~The Commission or presiding officer may identify indispensable parties to a proceeding and interplead such parties if such action is deemed necessary to enhance the record or to give more comprehensive consideration to the parties, facts, and issues in the proceeding~~

~~(b) Subsection (a) is identical to 1 Pa. Code §§ 35.45 and 35.122 (relating to consolidation; and consolidation of formal proceedings).~~ *INDISPENSABLE PARTIES* - AN INDISPENSABLE PARTY IS A PERSON, CORPORATION, OR MUNICIPAL CORPORATION WHOSE RIGHTS ARE SO CONNECTED WITH THE CLAIMS OF THE LITIGANTS THAT NO DECREE CAN BE MADE WITHOUT IMPAIRING THOSE RIGHTS. THE COMMISSION OR PRESIDING OFFICER MAY IDENTIFY INDISPENSABLE PARTIES TO A PROCEEDING AND INTERPLEAD SUCH PARTIES IF SUCH ACTION IS DEEMED NECESSARY TO ENHANCE THE RECORD OR TO GIVE MORE COMPREHENSIVE CONSIDERATION TO THE PARTIES, FACTS, AND ISSUES IN THE PROCEEDING.

~~(b)~~ (c) SUBSECTION (A) IS IDENTICAL TO 1 PA. CODE §§ 35.45 AND 35.122 (RELATING TO CONSOLIDATION; AND CONSOLIDATION OF FORMAL PROCEEDINGS).

* * * * *

Subchapter B. HEARINGS

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§ 5.222. Initiation of prehearing conferences in nonrate proceedings.

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(c) The following matters shall be considered at prehearing conference:

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(4) Other matters that may aid in expediting the orderly conduct and disposition of the proceeding and the furtherance of justice, including the following:

* * * * *

(vi) The method of service by a party.

* * * * *

§ 5.224. Prehearing conference in rate proceedings.

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(b) The first prehearing conference shall be held as soon as practicable after the entry of the order of investigation. The parties shall come to the first prehearing conference prepared to discuss the following:

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(3) Tentative scheduling of evidentiary hearings, close of the record, filing of briefs and other matters deemed appropriate, **such as the method of service by a party.**

* * * * *

§ 5.232. Settlement petitions and stipulations of fact.

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(b) *Positions of the parties.* A settlement agreement must specifically identify the parties:

* * * * *

(4) ~~Denied an opportunity to enter into the settlement~~ WHO WERE NOT PARTIES TO THE SETTLEMENT NEGOTIATIONS OR WHO WERE PARTIES TO THE SETTLEMENT NEGOTIATIONS BUT DID NOT ENTER INTO THE SETTLEMENT AGREEMENT.

* * * * *

§ 5.243. Presentation by parties.

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(g) ~~Subsections supersede 1 Pa. Code § 35.126 (relating to presentation by the parties)~~ IF A PARTY CONDUCTS CROSS-EXAMINATION, THE PARTY MAY INTRODUCE EXHIBITS DURING CROSS-EXAMINATION FOR THE PURPOSE OF IMPEACHMENT IF THE EXIHBIT IS ACCOMPANIED BY A VERIFICATION SIGNED BY THE EXAMINED WITNESS INDICATING THAT THE WITNESS WAS RESPONSIBLE IN WHOLE OR IN PART FOR THE CONTENTS OF THE EXHIBIT, WITHOUT FIRST NEEDING TO PROVIDE SUCH EXHIBITS IN ADVANCE OF THE HEARING TO OTHER PARTIES OR THE PRESIDING OFFICER. SUCH

IMPEACHMENT EXIHBITS SHALL BE LIMITED TO DOCUMENTS THAT WERE PRODUCED BY THE EXAMINED WITNESS DURING THE DISCOVERY PHASE OF THE CASE IN WHICH THEY ARE TESTIFYING.

(h) SUBSECTIONS (a)—(g) SUPERSEDE 1 PA. CODE § 35.126 (RELATING TO PRESENTATION BY THE PARTIES).

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§ 5.245. Failure to appear, proceed or maintain order in proceedings.

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~~(d) Subsection (a)(1)—(3) does not apply if the party is not required to secure counsel and there is no finding that the party has committed an abuse of process.~~

~~(e) Dismissal of a complaint, petition, or application with prejudice of the complainant, petitioner, or applicant for the failure to appear is prohibited.~~

* * * * *

§ 5.251. Recording of proceedings.

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~~(d) [Subsections (a)—(c) supersede 1 Pa. Code § 35.131 (relating to recording of proceedings)] *Special Agent Proceedings*. Special agent proceedings will be audio-recorded and will not be transcribed, unless the parties request the transcription of the audio recording or other circumstances warranting transcription exist.~~

~~(e) Subsections (a)—(d) supersede 1 Pa. Code § 35.131 (relating to recording of proceedings).~~

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§ 5.252. Review of testimony.

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(c) Upon request for review, the Office of Administrative Law Judge will schedule a time and place for the review which shall be open to all parties. The court reporting firm **[shall] will** submit the **[tapes] recordings** and equipment necessary for the review and **[shall] will** arrange for the court reporter responsible for transcribing the **recordings** to be present at the review.

(d) Actual costs associated with making the **[tapes] recordings** available for review, including the time of the court reporter, **[shall] must** be paid by the party requesting review.

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Subchapter C. INTERLOCUTORY REVIEW

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§ 5.302. Petition for interlocutory Commission review and answer to a material question.

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(b) Within 10 days of service of the petition, each party may submit a brief directed to the Commission supporting or opposing the petition and addressing the merits of the question for which an answer is requested and whether a stay of proceedings is required to protect the **[substantial] substantive** rights of a party. The brief may not exceed 15 pages.

* * * * *

§ 5.303. Commission action on petition for interlocutory review and answer.

(a) Within 30 days of receipt of the petition, the Commission will, without permitting oral argument, do one of the following:

(1) Continue, revoke or grant a stay of proceedings if necessary to protect the **[substantial] substantive** rights of the parties.

* * * * *

§ 5.304. Interlocutory review of discovery matters.

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(d) [*Responsive brief*] **Brief**. A party may file a [**responsive**] brief within 7 days of a request for certification, which:

- (1) Either supports or opposes certification.
- (2) Addresses the merits of the question for which certification is requested.
- (3) Addresses whether a stay of proceedings is required to protect the [**substantial**] **substantive** rights of a party.
- (4) Does not exceed 15 pages.

* * * * *

(i) *Failure to act*. Failure of the Commission to act on a certified question within 30 days of its receipt will be deemed to be an affirmance of the decision of the presiding officer.

(j) *Effect on proceedings*. An interlocutory appeal from the ruling of the presiding officer on discovery will not result in a stay of the proceedings except upon a finding by the presiding officer or the Commission that extraordinary circumstances exist, or to protect the [**substantial**] **substantive** rights of the parties.

* * * * *

§ 5.305. Interlocutory review of a material question submitted by a presiding officer.

* * * * *

(c) Within 7 days of service of the certification, each party may submit a brief directed to the Commission addressing the merits of the question for which an answer is requested and whether a stay of proceedings is required to protect the [**substantial**] **substantive** rights of a party. The brief may not exceed 15 pages.

* * * * *

§ 5.306. Expedited notification.

A presiding officer may order notification of parties by telephone, **[telefacsimile] fax transmittal** or other electronic means when time periods are short and delivery by mail may not prove adequate. Notification by means other than by mail will be confirmed by the presiding officer by service in writing and a filing will be made with the Secretary regarding confirmation.

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Subchapter D. DISCOVERY

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§ 5.323. Hearing preparation material.

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(b) *Statements.* Upon written request, a party is entitled to immediate receipt of a **[photostatic] copy** or like reproduction of a statement concerning the action or its subject matter previously made by that party, another party or a witness. If the statement is not provided, the party may move for an order from the presiding officer. For the purposes of this subsection, a statement previously made is one of the following:

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§ 5.331. Sequence and timing of discovery.

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(c) Commission staff may initiate discovery at an earlier time. Commission staff discovery prior to formal Commission action to initiate proceeding shall be designated as ‘Staff data requests’ and shall be answered fully and completely by the **public** utility within the time periods specified in § 5.342(d) (relating to answers or objections to written interrogatories by a party). Unless a presiding officer has been designated, objections and motions to compel shall be ruled upon by the Chief Administrative Law Judge. **Once a protest or adverse pleading is filed with the Commission, ALL UNANSWERED staff data requests are deemed withdrawn.**

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§ 5.342. Answers or objections to written interrogatories by a party.

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(g) *Motion to compel.* Within 10 days of service of an objection to interrogatories, or until such time as the parties may determine by mutual agreement, the party submitting the interrogatories may file a motion requesting the presiding officer to dismiss an objection to compel that the interrogatory be answered. The motion to compel must include the interrogatory objected to and the objection. If a motion to compel is not filed within 10 days of service of the objection, or until such time as the parties may determine by mutual agreement, the objected to interrogatory will be deemed withdrawn.

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§ 5.349. Requests for documents, entry for inspection and other purposes.

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(b) As an alternative to permission to inspect and copy, and if requested by a party seeking discovery, the party against whom discovery is sought shall reproduce the designated documents at the requesting party's expense. Regulated utilities shall provide copies of requested materials to Commission staff, which includes the **[Office of Trial Staff] Bureau of Investigation and Enforcement**, the Office of Consumer Advocate and the Office of Small Business Advocate at no charge.

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§ 5.350. Request for admissions.

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(g) *FILING.* THE PARTY PROPOUNDING REQUESTS FOR ADMISSION SHALL SERVICE A COPY ON THE PARTIES AND SHALL FILE A CERTIFICATE OF SERVICE WITH THE SECRETARY. REQUESTS FOR ADMISSION MAY NOT BE FILED WITH THE COMMISSION.

§ 5.351. On the record data requests.

(a) A party may request that a witness provide information or documents at a later time as part of the witness' response to a question posed during cross-examination **[in the course of a rate proceeding]**. The request may only be made orally or in writing and shall be presented at the time the witness appears for cross-examination.

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§ 5.365. Orders to limit availability of proprietary information.

* * * * *

(h) Where a complainant in a formal proceeding has indicated in the complaint that a court has granted the complainant or another individual in the same residence HAS:

(i) a protection from abuse order, INCLUDING A PROTECTION FROM ABUSE ORDER OUTSIDE THE COMMONWEALTH, or A NON-PROTECTION FROM ABUSE COURT ORDER OR COURT ~~any other order~~ ISSUED BY A COURT OF COMPETENT JURISDICTION IN THIS COMMONWEALTH which provides clear evidence of domestic violence, OR

(ii) AN AFFIDAVIT FROM A DOMESTIC VIOLENCE COUNSELOR OR ADVOCATE ORGANIZATION ON THE COUNSELOR OR ORGANIZATION'S LETTERHEAD, against the complainant or the other individual that is currently in effect for personal safety or welfare, AND or provided a copy of the same, all parties are required to exclude or redact the complainant's personal address and contact information from any filings to the proceeding.

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Subchapter E. EVIDENCE AND WITNESSES

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§ 5.408. Official and judicial notice of fact.

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(c) Upon notification that facts are about to be or have been noticed, a party adversely affected shall have the opportunity upon timely request to show that the facts are not properly noticed or that alternative facts should be noticed. A presiding officer shall afford an adversely affected party the opportunity to show that the facts are not properly noticed or that alternative facts should be noticed prior to the close of the record and the issuance of an initial decision or recommended decision.

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§ 5.409. Copies and form of documentary evidence.

(a) Except as otherwise provided in this chapter, Chapters 1 and 3 (relating to rules of administrative practice and procedure; and special provisions), when exhibits of a documentary character are offered in evidence, copies shall be furnished to the presiding officer and to the parties present at the hearing, unless the presiding officer otherwise directs. **[Two copies] One copy** of each exhibit of documentary character **[shall] must** be furnished for the use of the Commission unless otherwise directed by the presiding officer.

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§ 5.412. Written testimony.

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(f) *Service.* ORIGINAL ~~Written~~ WRITTEN testimony shall be served upon the presiding officer and parties in the proceeding in accordance with the schedule established by this chapter. At the same time the testimony is served, a certificate of service for the testimony shall be filed with the Secretary. ORIGINAL WRITTEN TESTIMONY SHOULD NOT BE FILED WITH THE COMMISSION. **[Pre-served testimony furnished to the court reporter during an adjudicatory proceeding before the Commission shall be filed with the Commission as required under § 5.412a (relating to electronic submission of pre-served testimony).]**

(g) *Copies.* At the hearing at which the ORIGINAL WRITTEN testimony is authenticated, counsel for the witness **[shall] must** provide **[two copies] one copy** of the ORIGINAL WRITTEN testimony to the court reporter **or to the presiding officer if no court reporter is present.** IN THE CASE OF A TELEPHONIC HEARING, COUNSEL FOR THE WITNESS MUST PROVIDE AN ELECTRONIC COPY OF THE ORIGINAL WRITTEN TESTIMONY TO THE COURT REPORTER VIA EMAIL, COPYING THE PRESIDING OFFICER.

(H) *FILING OF ADMITTED WRITTEN TESTIMONY.* WITHIN THIRTY DAYS AFTER THE CONCLUSION OF THE HEARING, ALL PARTIES WHO SERVED ORIGINAL WRITTEN TESTIMONY PURSUANT TO § 5.412(f) SHALL FILE WITH THE COMMISSION A COPY OF THE ADMITTED WRITTEN TESTIMONY, WHICH SHALL REFLECT ALL CHANGES TO THE ORIGINAL WRITTEN TESTIMONY MADE DURING THE HEARING. ADMITTED WRITTEN TESTIMONY MUST BE ACCOMPANIED BY A COVER LETTER CERTIFYING THAT THE FILING ACCURATELY REFLECTS THE TESTIMONY AS ADMITTED BY THE PRESIDING OFFICER AT THE HEARING. COPIES OF ADMITTED WRITTEN TESTIMONY SHALL BE PLACED ON THE DOCKET OF THE PROCEEDING.

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§ 5.412a. [Electronic submission of pre-served testimony.] (Reserved).

[(a) *General requirement for electronic submission.* A party serving pre-served testimony in proceedings pending before the Commission under § 5.412(f) (relating to written testimony) is required, within 30 days after the final hearing in an adjudicatory proceeding, unless the time period is otherwise modified by the presiding officer, to electronically file with, under § 1.32(b) (relating to filing specifications), or provide to the Secretary's Bureau a compact disc or technology prescribed by the Commission containing the testimony furnished by the party to the court reporter during the proceeding.

(b) *Form of electronic submission.* Electronically submitted testimony must be limited to pre-served testimony documents and be in Portable Document Format. Exhibits attached to pre-served testimony documents may be electronically submitted to the Commission in accordance with subsection (a). Exhibits not electronically submitted with pre-served testimony shall be submitted in paper form to the court reporter at hearing. The electronic submission requirements in this section do not apply to discovery requests or responses, or pre-filed testimony, including testimony filed under § 53.53(c) (relating to information to be furnished with proposed general rate increase filings in excess of \$1 million).

(1) *Electronic submission.* Each piece of pre-served testimony filed through the Commission's electronic filing system shall be uploaded separately. Each piece of pre-served testimony submitted to the Secretary's Bureau on a compact disc or other technology as prescribed by the Commission may be uploaded onto one compact disc, pending file size limitations.

(2) *Electronic submission of testimony modified at hearing.* Pre-served testimony submitted to the Commission must match exactly the version of testimony the presiding officer has required to be submitted to the court reporter at hearing. When a presiding officer requires a party to make hand-marked modifications to testimony during the hearing before submitting the testimony to the court reporter, the pre-served testimony electronically submitted to the Commission shall be marked to reflect the modifications. When a presiding officer does not require a party to make modifications to testimony at hearing before submitting the testimony to the court reporter, the pre-served testimony electronically submitted to the Commission may not be marked. Testimony not admitted into the record during a hearing may not be electronically submitted to the Commission.

(i) *Electronic submission of testimony stricken at hearing.* Pre-served testimony which was stricken at hearing shall be revised to reflect that which was stricken by containing hand-marked strikethroughs or electronic strikethroughs on the testimony. A party may not completely electronically delete testimony which was stricken at hearing.

(ii) *Pagination of electronically submitted testimony documents.* Striken or modified text on electronically submitted pre-served testimony documents must appear on the same page as the stricken or modified text on the pre-served testimony documents submitted to the court reporter at hearing.

(3) *Labeling of electronically submitted testimony.* Pre-served testimony electronically submitted to the Commission must be labeled consistent with the following examples:

(i) “St. No. Direct Testimony of .”

(ii) “St. No. -R Rebuttal Testimony of .”

(iii) “St. No. -SR Surrebuttal Testimony of .”

(c) *Submission of paper copies of pre-served testimony to the court reporter when electronically filing pre-served testimony.* When electronically filing pre-served testimony with the Commission, one paper copy of pre-served testimony shall be provided to the court reporter at hearing.

(d) *Electronic submission of confidential or proprietary testimony.* Electronically submitted testimony confidential or proprietary in nature shall be submitted to the Secretary’s Bureau on a compact disc or other technology as prescribed by the Commission. The compact disc must be labeled “CONFIDENTIAL” or “PROPRIETARY.” Confidential or proprietary testimony may not be filed through the Commission’s electronic filing system. Electronically submitted testimony confidential or proprietary in nature must match exactly the version of the confidential or proprietary testimony submitted to the court reporter at hearing.

(e) *Electronic submission of improper testimony.* If a party in an adjudicatory proceeding discovers that improper testimony documents have been electronically submitted to the Commission, the party may raise the improper submission with the presiding officer assigned to the adjudicatory proceeding. The presiding officer or the Commission will make a determination regarding the submission of improper testimony.

(f) *Electronic access to electronically submitted testimony.* A party shall obtain an eFiling account with the Commission to view electronically submitted pre-served testimony and to receive daily action alerts from the Commission’s case and document management database that pre-served testimony has been electronically submitted to the Commission.]

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Subchapter F. PRESIDING OFFICERS

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Subchapter G. BRIEFS

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§ 5.502. Filing and service of briefs.

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(b) *Number of copies.*

(1) *Paper filing.* An original of a brief shall be filed with the Commission under § 1.4 (relating to filing generally).

(2) *Electronic filing.*

~~—(i) When the brief, including attachments, is 250 pages or less and does not exceed 5 megabytes, the filing user may file one electronic copy of the brief with the Commission and is not required to file a paper copy.~~

~~—(ii) When the brief, including attachments, exceeds 250 pages but does not exceed 5 megabytes, the A~~ filing user may file one electronic copy of the brief and shall also file an original of the brief in paper form. The original shall be filed no later than 3 business days after the electronic filing is made. The filing date for the brief in paper form for purposes of this section will be determined in accordance with § 1.11(a)(1)—(3) (relating to date of filing).

~~—(3) *Voluminous briefs.* When the brief, including attachments, exceeds 5 megabytes, in addition to filing the requisite number of hard copies in accordance with subsection (b)(1), a CD-ROM or DVD containing the brief and an index to the brief shall be filed with the Commission.~~

(c) *[Filing of briefs in nonrate proceedings.]* (Reserved).

[(1) *Initial brief.* An initial brief shall be filed by the party with the burden of proof except as provided by agreement or by direction of the presiding officer.

(2) *Response brief.* A party may file a response brief to the initial brief.]

(d) *Filing of briefs [in rate proceedings].*

(1) *Main briefs.* A main brief may be filed by a party except as provided by agreement or by direction of the presiding officer.

(2) *Reply brief.* A party may file a reply brief to a main brief regardless of whether the party filed a main brief.

(e) *Filing of amicus curiae briefs.* A person interested in the issues involved in a Commission proceeding, although not a party, may, without applying for leave to do so, file amicus curiae briefs in regard to those issues. Unless otherwise ordered, amicus curiae briefs **[shall] must** be filed and served in the manner and number required within the time allowed by this section, absent good cause.

(f) *Deadlines.* **[Initial briefs, main] Main briefs [responsive briefs] and reply briefs [shall] must be filed and served within the time fixed by the presiding officer. ~~[If no specific times are fixed, initial briefs or main briefs shall be filed and served within 20 days after the date of service of notice of the filing of the transcript and responsive briefs or reply briefs shall be filed within 40 days after date of service of the notice of the filing of the transcript.]~~ IF NO SPECIFIC TIMES ARE FIXED, MAIN BRIEFS SHALL BE FILED AND SERVED WITHIN 20 DAYS AFTER THE DATE OF SERVICE OF NOTICE OF THE FILING OF THE TRANSCRIPT AND RESPONSIVE BRIEFS OR REPLY BRIEFS SHALL BE FILED WITHIN 40 DAYS AFTER THE DATE OF SERVICE OF THE NOTICE OF THE FILING OF THE TRANSCRIPT.**

(g) *Late-filed briefs.* Briefs not filed and served on or before the dates fixed therefore will not be accepted, except by special permission of the Commission or the presiding officer as permitted under § 1.15 (referring to extensions of time and continuances).

(h) *Supersession.* **[Subsections (a)-(f)] Subsections (a)–(e)** superseded 1 Pa. Code § 35.191 and 35.193 (relating to proceedings in which briefs are to be filed; and filing and service of briefs).

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Subchapter H. EXCEPTIONS, APPEALS AND ORAL ARGUMENT

§ 5.531. Certification of record without decision.

(a) If a proceeding is referred to a presiding officer, that officer will normally issue [file] a decision. The record will be certified to the Commission without a decision of the presiding officer only as required or allowed by the Commission.

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§ 5.533. Procedure to except to initial, [tentative] and recommended decisions.

(a) In a proceeding, exceptions may be filed by a party and served within 20 days after the initial[, **tentative**] or recommended decision is issued unless some other exception period is provided. Exceptions may not be filed with respect to an interlocutory decision.

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Subchapter I. REOPENING, RECONSIDERATION AND REHEARING

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Subchapter J. REPORTS OF COMPLIANCE

§ 5.591. Reports of compliance.

(a) A **party** [person] subject to the jurisdiction of the Commission **that** [who] is required to do or perform an act by a Commission order, permit or license provision shall file with the Secretary a notice stating that the requirement has or has not been met or complied with.