

Subchapter E. PLEADINGS AND OTHER DOCUMENTS.

§22.72. Formal Requisites of Pleadings and Documents to be Filed with the Commission.

- (a) **Applicability.** This section applies to all pleadings as defined in §22.2 of this title (relating to Definitions) and the following documents:
- (1) All documents filed relating to a rulemaking proceedings;
 - (2) Applications.
 - (3) Letters or memoranda relating to any item with a control number;
 - (4) Reports required by PURA, commission rules or request of the commission, however, the following reports are exempt from the requirements of subsections (c), (d), (e), (f) and (h) of this section:
 - (A) Reports filed on commission prescribed forms;
 - (B) Reports prepared for other agencies and filed as information only with the commission. These reports will be accepted by the commission as filed with the other agency;
 - (C) Reports filed under §24.73 of this title (relating to Water and Sewer Utilities Annual Reports), §25.73(a)(3) of this title (relating to Financial and Operating Reports), and §26.73(a)(2) of this title (relating to Financial and Operating Reports); and
 - (D) Reports that are submitted directly to the commission using the commission's website under subsection (j) of this section.
 - (5) Discovery requests and responses, however, any portion of discovery responses that are copies of documents not generated for the purpose of responding to the discovery request, are exempt from the requirements of subsections (c), (d), (e), (f) and (h) of this section.
- (b) **Requirements of form.**
- (1) Unless otherwise authorized or required by the presiding officer or this chapter, documents shall include the style and number of the docket or project in which they are submitted, if available; shall identify by heading the nature of the document submitted and the name of the party submitting the same; and shall be signed by the party or the party's representative.
 - (2) Whenever possible, all documents should be provided on 8.5 by 11 inch paper. However, any log, graph, map, drawing, or chart submitted as part of a filing will be accepted on paper larger than provided in subsection (g) of this section, if it cannot be provided legibly on letter-size paper. The document must be able to be folded to a size no larger than 8.5 by 11 inches. Documents that cannot be folded may not be accepted.
- (c) **Format.** Any filing with the commission must:
- (1) have double-spaced or one and one-half times spaced print with left margins not less than one inch wide, except that any letter, tariff filing, rate filing, or proposed findings of fact and conclusions of law may be single-spaced;
 - (2) indent and single-space any quotation which exceeds 50 words; and
 - (3) be printed or formatted in not less than 10-point type.
- (d) **Citation form.** Any filing with the commission should comply with the rules of citation, set forth, in the following order of preference, by the commission's *Citation and Style Guide*, the most current edition of the *Texas Rules of Form*, published by the University of Texas Law Review Association (for Texas authorities), and the most current edition of *A Uniform System of Citation*, published by The Harvard Law Review Association (for all other authorities). Neither Rule 1.1 of the Uniform System nor the comparable portion of the *Texas Rules of Form* shall be applicable in proceedings.
- (e) **Signature.** Every pleading and document shall be signed by the party or the party's authorized representative, and shall include the party's address, telephone number, and, if available, facsimile machine number. In addition, every pleading and document shall include an email address, unless the party or the party's authorized representative has filed a statement under §22.106 of this title (relating to Statement of No Access). If the person signing the pleading or document is an attorney licensed in Texas, the attorney's state bar number shall be provided.

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- (f) **Page limits.** In major rate proceedings, proceedings initiated under PURA chapter 36, subchapter D or chapter 53, subchapter D, fuel reconciliations, petitions to declare a market subject to significant competition, and applications for licensing of new generating plant, except for testimony and rate filing packages, no document shall exceed 100 pages in length, including attachments. In all other dockets, no document shall exceed 50 pages in length, including attachments. The page limitation shall not apply to courtesy copies of legal authorities cited in the pleading. A presiding officer may establish a larger or smaller page limit. In establishing larger or smaller page limits, the presiding officer shall consider such factors as which party has the burden of proof and the extent of opposition to a party's position that would need to be addressed in the document. The page limitations in this subsection do not apply to discovery responses.
- (g) **Hard copy filing standards.** Hard copies of each document shall be filed with the commission in accordance with the requirements set forth in paragraphs (1)-(7) of this subsection.
- (1) Each document shall be typed or printed on paper measuring 8.5 by 11 inches. Oversized documents being filed on larger paper as allowed by subsection (b)(2) of this section shall be filed as separate referenced attachments. No single document shall consist of more than one paper size.
 - (2) One copy of each document, that is not the original file copy, shall be filed without bindings, staples, tabs or separators.
 - (A) This copy shall be printed on both sides of the paper or, if it cannot be printed on both sides of the paper, every page of the copy shall be single sided.
 - (B) All pages of the copy filed under this paragraph, starting with the first page of the table of contents, shall be consecutively numbered through the last page of the document, including attachments, if any.
 - (3) For documents for which an electronic filing is required, all non-native figures, illustrations, or objects shall be filed as referenced attachments. No non-native figures, illustrations, or objects shall be embedded in the text of the document. Non-native figures means tables, graphs, charts, spreadsheets, illustrations, drawings and other objects which are not electronically integrated into the text portions of a document.
 - (4) A cover letter may be attached to any document filed with the commission, and must be included with tariff-sheet filings. The cover letter for tariff sheets shall state the control number, if available, the name of the party submitting the tariff sheets, sufficient detail to identify the tariff sheets, and shall be signed by the party or the party's representative.
 - (5) Whenever possible, all documents and copies shall be printed on both sides of the paper.
 - (6) If the document contains a barcode, the barcode shall be covered or redacted.
 - (7) If the document contains personally identifiable information such as social security numbers or bank account numbers, either the information must be covered or redacted, or the document shall be filed confidentially under §22.71(d) of this title (relating to Filing of Pleadings, Documents and Other materials).
- (h) **Electronic filing standards.** In addition to the hard copy filings required by subsection (g) of this section, any document may be filed, and all documents containing more than ten pages shall be filed, electronically in accordance with the requirements of paragraphs (1)-(3) of this subsection. Electronic filings are registered by submission of the relevant electronic documents via the internet in accordance with transfer standards available in Central Records or on the commission's website. Alternatively, electronic filings may be registered by submission of a physical medium that is acceptable to the commission, is prepared in accordance with submission standards available in Central Records or on the commission's website, and contains the relevant electronic documents. The commission will maintain a list of acceptable physical media on its website.
- (1) All non-native figures, illustrations or objects must be filed as referenced attachments. No non-native figures, illustrations, or objects shall be imbedded in the text of the document. Non-native figures means tables, graphs, charts, spreadsheets, illustrations, drawings and other objects which are not electronically integrated into the text portions of a document.
 - (2) Each document that has five or more headings and/or subheadings shall have a table of contents that lists the major sections of the document, the page number(s) for each major section and

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the name of the electronic file that contains each major section of the document. Discovery responses are exempt from this paragraph.

- (3) Any information submitted under claim of confidentiality shall not be submitted in electronic format.
- (i) **File format standards.**
- (1) Electronic filings shall be made in accordance with the current list of preferred file formats available in Central Records and on the commission's World Wide Web site.
 - (2) Electronic filings shall be made using the native file format used to create and edit the file, unless the native file format is not on the current list of preferred file formats maintained by the commission referenced in paragraph (1) of this subsection. Microsoft Excel spreadsheets shall have active links and formulas that were used to create and manipulate the data in the spreadsheet. An application that fails to include the native file filings is materially deficient.
 - (3) Electronic filings that are submitted in a format other than that required by paragraph (1) of this subsection will not be accepted until after successful conversion of the file to a commission standard.
- (j) **Electronic reports.** The commission may allow reports to be submitted on the commission's website.
- (1) If a report is submitted on the commission's website under this subsection, it is exempt from §22.71(b) of this title and therefore does not have to be filed with the commission's filing clerk.
 - (2) The commission will maintain a list of reports that may be submitted on the commission's website under this subsection. This list will be available on the commission's website.
 - (3) A report submitted under this subsection shall be formatted and submitted in accordance with the standards and procedures applicable to that report, as listed on the commission's website.
- (k) **Map filing standards.**
- (1) If a hard copy of a map is filed in response to a requirement contained in chapter 24 of this title, it shall be filed in its original size. It shall not be reduced or enlarged.
 - (2) If digital mapping data is filed, it shall be filed using an industry standard file format acceptable to the commission containing feature class subcomponents of a geodatabase and capable of being manipulated by commission mapping staff. The commission will maintain a list of acceptable formats on its website.
 - (3) Digital mapping data shall be filed electronically in conformance with subsection (h) of this section and shall be submitted on a physical medium capable of holding digital data and acceptable to the commission. The commission will maintain a list of acceptable media on its website. The physical medium described in this paragraph shall contain digital mapping data that conforms with the requirements of paragraph (2) of this subsection and graphic versions of any hard copy maps filed under paragraph (1) of this subsection.
 - (4) Copies of physical maps and physical media containing digital mapping data shall be filed in conformance with §22.71(c) of this title.