

Subchapter N. DECISION AND ORDERS.

§22.261. Proposals for Decision.

- (a) **Requirement and Contents of Proposal for Decision.** In a contested case, if a majority of the commissioners has not heard the case or read the record, the commission may not issue a final order, if adverse to a party other than the Commission, until a proposal for decision is served on all parties. The proposal for decision shall be prepared by the presiding officer(s) who conducted the hearing or who have read the record. The proposal for decision shall include a proposed final order, a statement of the reasons for the proposed decision, and proposed findings of fact and conclusions of law in support of the proposed final order. Any party may file exceptions to the proposed decision in accordance with subsection (d) of this section. The presiding officer may supplement or amend a proposal for decision in response to the exceptions or replies submitted by the parties or upon the presiding officer's own motion. Making corrections or minor revisions of a proposal for decision is not considered issuance of an amended or supplemental proposal for decision.
- (b) **Procedures Regarding Proposed Orders.** If the presiding officer's recommendation is not adverse to any party, the recommendation may be made through a proposed order containing findings of fact and conclusions of law. The proposed order shall be served on all parties, and the presiding officer shall establish a deadline for submitting proposed corrections or clarifications.
- (c) **Findings and Conclusions.** The presiding officer may direct or authorize the parties to draft and submit proposed findings of fact and conclusions of law. The commission is not required to rule on findings of fact and conclusions of law that are not required or authorized.
- (d) **Exceptions and Replies.**
 - (1) **Who may file.** Any party may file exceptions to the Proposal for Decision within the time period specified by the presiding officer. If any party files exceptions, the opportunity shall be afforded to all parties to respond within a time period set by the presiding officer.
 - (2) **Presentation.** The presiding officer may require that issues be addressed in a specified order or according to a specified format. Proposed findings and conclusions may be submitted in conjunction with exceptions and replies. The evidence and law relied upon shall be stated with particularity, and any evidence or arguments relied upon shall be grouped under the exceptions or replies to which they relate.
 - (3) **Request for Extension.** A request for extension of time within which to file exceptions or replies shall be filed with the commission filing clerk and served on all parties. The presiding officer may allow additional time for good cause shown. If additional time is allowed for exceptions, reasonable additional time shall be allowed for replies.