

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. M-100, SUB 136

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Amendment to Commission Rules) ORDER AMENDING RULES R1-5,
Regarding Formatting and Number of) R1-7, R1-24, R1-25, R8-64, R8-65
Copies for Certain Filings) AND R8-66

BY THE COMMISSION: The Commission finds good cause to amend Rules R1-5, R1-7, R1-24, and R1-25 to clarify the formatting requirements for written pleadings, motions, testimony, and proposed orders and briefs; to amend Rule R1-25 to update the requirement for electronic filing of proposed orders and briefs; and to amend Rules R8-64, R8-65 and R8-66 to eliminate informational filings with the Clearinghouse Coordinator of the Office of Policy and Planning of the Department of Administration and to reduce the number of copies required to be filed with applications for certificates of public convenience and necessity to construct electric generating facilities, reports of proposed construction, and registrations statements for renewable energy facilities.

Commission Rule R1-5(c) establishes specific formatting requirements for pleadings in formal proceedings, "including applications, petitions, complaints, answers, protests, and other formal written statements of facts or law on which the party making the same relies for appropriate action or relief by the Commission," specifying that they be printed single-sided on 8-1/2 x 11 inch paper with double spaced type and a 1-1/2 inch left margin. The Commission finds good cause to amend this Rule to clarify that only the pages of the original document shall be required to be printed and filed as single sided and that the pages of any required copies shall be filed as double sided. In addition, the Commission finds good cause to amend Rules R1-7(b), R1-24(j), and R1-25(c) to apply these formatting requirements to motions, pre-filed testimony, and post-hearing filings, including proposed orders and briefs.

Commission Rule R1-25(c) further requires parties to "file a copy of their briefs, proposed findings of fact, and conclusions of law on a MS-DOS formatted 3.5 inch computer diskette containing noncompressed files created in WordPerfect, Word or an ASCII Text format." The Commission finds good cause to amend this Rule to reflect current technology and to direct parties to file the required editable electronic copy in Microsoft Word or ASCII text format by electronic mail.

Commission Rules R8-64, R8-65 and R8-66 require the Chief Clerk to deliver two copies of applications for certificates of public convenience and necessity to construct electric generating facilities, reports of proposed construction, and registrations statements for renewable energy facilities to the Clearinghouse Coordinator of the

Office of Policy and Planning of the Department of Administration for distribution to various State agencies for their review or information. The Commission finds good cause to amend Rules R8-65 and R8-66 to eliminate the requirement that the Chief Clerk deliver informational copies of reports of proposed construction and registrations statements to the Clearinghouse Coordinator. Lastly, the Commission has reviewed its internal distribution and finds good cause to revise Rules R8-64, R8-65 and R8-66 to reduce the number of copies required to be filed in addition to the originals of such documents.

IT IS, THEREFORE, ORDERED as follows:

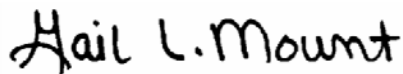
1. That Commission Rules R1-5, R1-7, R1-24, R1-25, R8-64, R8-65 and R8-66 shall be, and are hereby, amended effective as of the date of this Order as set forth in Appendices A and B, black-lined and clean versions of the amended rules, respectively, attached hereto; and

2. That the Chief Clerk shall mail a copy of this Order to the Public Staff, the Attorney General, and all regulated electric, natural gas, telephone, water and sewer utilities operating in North Carolina.

ISSUED BY ORDER OF THE COMMISSION.

This the 26th day of June, 2012.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Gail L. Mount". The signature is written in a cursive, flowing style.

Gail L. Mount, Chief Clerk

1. Commission Rule R1-5(c), as amended herein:

Rule R1-5. Pleadings, Generally.

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

2. Commission Rule R1-7(b), as amended herein:

Rule R1-7. Motions.

(b) Form. — Motions, unless made during a hearing and dictated into the record, shall be in writing, shall comply with the requirements of Rule R1-5(c), shall be signed by the party making the same or by his attorney, and if based on matters which do not appear of record shall be verified or supported by affidavit. Every written motion shall be clearly and concisely stated in a separate paragraph without argument, explanation, or other extraneous statements. The statement of the motion may be followed by one or more paragraphs of explanations, arguments, and briefs in support thereof as the party may consider appropriate. Motions dictated into the record shall likewise be first clearly stated without arguments or explanations.

3. Commission Rule R1-24(j), as amended herein:

Rule R1-24. Evidence.

(j) Numbering of Testimony Lines. — Each individual sheet of testimony and, where practical, exhibits and other supporting materials, of all parties shall have each line numbered in the left-hand margin and shall be punched to fit a three-ring binder. Written testimony shall also comply with the requirements of Rule R1-5(c). See sample attached.

4. Commission Rule R1-25(c), as amended herein:

Rule R1-25. Proposed Findings of Fact, Conclusions of Law, and Brief; Summary Statements and Reply Statements.

(c) Form; Copies Required. — Rule R1-5, subsections (c) and (g) shall apply to the filing of briefs, proposed findings of fact, and conclusions of law. In addition, the parties shall also file a copy of their briefs, proposed findings of fact, and conclusions of law ~~on a MS-DOS formatted 3.5 inch computer diskette containing~~ via electronic mail addressed to briefs@ncuc.net attaching editable noncompressed files created in WordPerfect,

Microsoft Word or an ASCII Text format. The Commission may waive the ~~computer diskette~~ electronic filing requirement for good cause shown.

5. Commission Rule R8-64(b)(6), as amended herein:

Rule R8-64. Application for Certificate of Public Convenience and Necessity By Qualifying Cogenerator Or Small Power Producer; Progress Reports.

(b)(6) The application and ~~45~~ 12 copies shall be filed with the Chief Clerk of the Utilities Commission.

6. Commission Rule R8-65(d) and (e), as amended herein:

Rule R8-65. Report By Persons Constructing Electric Generating Facilities Exempt From Certification Requirement.

(d) The owner of the electric generating facility shall file an original and ~~45~~ 6 copies of the report of proposed construction with the Chief Clerk of the Utilities Commission. No filing fee is required.

(e) Upon the filing of a report of proposed construction, the Chief Clerk will assign a new docket or sub-docket number to the filing ~~and will deliver 2 copies of the report of proposed construction to the Clearinghouse Coordinator of the Office of Policy and Planning of the Department of Administration for distribution by the Coordinator to State agencies having an interest for information only.~~

7. Commission Rule R8-66(b)(9) and (d), as amended herein:

Rule R8-66. Registration of Renewable Energy Facilities; Annual Reporting Requirements.

(b)(9) An original and ~~45~~ 9 copies of the registration statement shall be filed with the Chief Clerk of the Utilities Commission. No filing fee is required to be submitted with the registration statement.

(d) Upon receipt of a registration statement, the Chief Clerk will assign a new docket or sub-docket number to the filing. ~~The Chief Clerk will deliver 2 copies of the registration statement to the Clearinghouse Coordinator of the Office of Policy and Planning of the Department of Administration for distribution by the Coordinator to State agencies having an interest in the filing for information only.~~

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