

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. M-100, SUB 134

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Amendment to Certain Rules and)
Promulgation of New Rules to) ORDER PROMULGATING
Incorporate Technological Advances) RULES R1-4A AND R1-4B AND
and to Permit Notices and Orders) AMENDING RULES R1-5, R1-9,
to be Served by Electronic Mail) R1-19, R1-21 AND R1-23

BY THE COMMISSION: The Commission, in an effort to incorporate technological advances, ensure prompt and accurate delivery of Commission orders and notices, and to conserve financial resources, finds good cause to promulgate new rules and amend certain rules in Chapter 1, Practice and Procedure, of the Commission's Rules and Regulations.

IT IS, THEREFORE, ORDERED as follows:

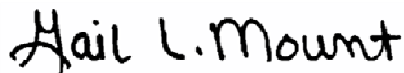
1. That Commission Rules R1-4A, Address Requirements; Service by First Class Mail or Electronic Mail, and R1-4B, Electronic Mail Address Requirements; Exceptions are hereby adopted effective as of the date of this Order as set forth in Appendix A attached hereto.

2. That Commission Rules R1-5, R1-9, R1-19, R1-21 and R1-23 are hereby amended effective as of the date of this Order as set forth in Appendix A attached hereto.

ISSUED BY ORDER OF THE COMMISSION.

This the 11th day of March, 2010.

NORTH CAROLINA UTILITIES COMMISSION



Gail L. Mount, Deputy Clerk

Rule 1-4A is hereby adopted:

Rule 1-4A--- Address Requirements; Service by First Class Mail or Electronic Mail

Within 30 days of the effective date of this Rule, all public utilities, persons or entities otherwise certificated, monitored or regulated by the Commission shall provide the Commission with a designated contact, mailing address and an electronic mailing address. All persons or entities hereinafter seeking certification, monitoring or regulation by the Commission shall provide the same information in the initial application or petition requesting such certification, monitoring or regulation. Within 30 days of changing either the mailing address or the electronic mailing address, such public utilities, persons or entities otherwise affected by this Rule shall notify the Commission of such change. Information required to be provided by this Rule shall be sent to chiefclerksoffice@ncuc.net. Except as prohibited by G.S. 62-63 and G.S. 62-79, the Commission may serve orders, decisions or other documents generated by the Commission on such public utilities, persons or entities by first class mail or electronic mail.

Rule 1-4B is hereby adopted:

Rule 1-4B---Electronic Mail Address Requirements; Exceptions

All public utilities, persons or entities otherwise certificated, monitored or regulated by the Commission, all persons or entities hereinafter seeking certification, monitoring or regulation by the Commission, and all attorneys representing public utilities, persons or entities before the Commission shall comply with the provisions of these Rules requiring an electronic mailing address; provided that, upon good cause shown, the Commission may relieve such party, public utility, person or entity of electronic mailing address requirements imposed by these Rules. Individuals seeking to plead their own cause before the Commission are encouraged but not required to comply with the electronic mailing address requirements herein adopted. The Commission may serve orders, decisions or other documents on individuals choosing to comply with these Rules by first class mail or electronic mail.

Rule R1-5(b)(1) shall be amended as follows:

(b) Contents. — All formal pleadings shall show

(1) The correct name, post office address, and electronic mailing address of each party by or for whom the particular pleading is filed, and the name, post office address and electronic mailing address of their attorney, if any;

Rule R1-9(b) shall be amended as follows:

(b) Contents. ---- Rule R1-5 will apply to complaints under this rule and, in addition thereto, complaints under this rule shall set forth in numbered paragraphs:

- (1) The full name, post office address, and the electronic mailing address of each complainant.
- (2) The name, post office address and electronic mailing address of counsel representing the complainant, if any.
- (3) The full name, post office address, and, if available, the electronic mailing address of each defendant against whom complaint is made.
- (4) A clear, concise statement of the acts or things done or omitted to be done by any public utility, or the respects in which any rule, regulation, or charge fixed by or for any public utility is in violation of any provision of law or of any order or rule of the Commission, or the respects in which any rate, charge, schedule, classification, rule, regulation, or practice is unjust and unreasonable.
- (5) The particular relief desired.

Rule R1-19(a) shall be amended as follows:

(a) Contents of Petition. — Any person having an interest in the subject matter of any hearing or investigation pending before the Commission may become a party thereto and have the right to call and examine witnesses, cross-examine opposing witnesses, and be heard on all matters relative to the issues involved, by filing a verified petition with the Commission giving the docket number and title of the proceeding and the following information in separately numbered paragraphs:

- (1) The correct name, post office address and electronic mailing address of the petitioner.
- (2) The name, post office address and electronic mailing address of counsel representing the petitioner, if any.
- (3) A clear, concise statement of the nature of the petitioner's interest in the subject matter of the proceeding, and the way and manner in which such interest is affected by the issues involved in the proceeding.
- (4) A statement of the exact relief desired.

Rule R1-21(i) shall be amended as follows:

(i) Notice of Orders and Decisions. --- When an order or decision of the Commission, or the report and recommended order of an Examiner, as the case may be, is ready to be made and entered in the cause, copies thereof shall be mailed, delivered or transmitted by electronic mail to all parties to the proceeding or their attorneys. Copies to parties against whom such order or decision runs shall be under seal of the Commission and shall be mailed to such parties by registered or certified mail unless the Commission shall direct service by some other means authorized by law. Any party against whom such order or decision runs may consent to service of those orders or decisions by electronic mail in lieu of being served personally or by registered or certified mail by filing a written waiver and consent to receive service by electronic mail with the Clerk; provided, such consent shall remain effective until thirty days after the party has notified the Commission in writing that its consent to receive service by electronic mail has been revoked. The Commission may serve other parties to the proceeding by first class mail or electronic mail.

Rule R1-23 shall be amended as follows:

Parties shall enter their appearances in proceedings before the Commission at the time the cause is called for hearing by giving their names and addresses in writing to the reporter, who will include the same in the record of the proceeding. Appearances may be made on behalf of any party by counsel, and thereafter all notices, pleadings and orders in the cause may be served upon counsel, and such service upon counsel shall be considered valid service for all purposes upon the party represented by such counsel. Counsel making an appearance on behalf of any party shall give their name, post office address and an electronic mailing address to the reporter, who will include the same in the record of the proceeding. The Commission may, in addition, require appearances to be stated orally, so that the identity and interest of all parties may be made known to those present and having an interest in the subject matter of the proceeding.