

1 **Rule R1-5 has been Amended as Follows:**

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3 **Rule R1-5. PLEADINGS, GENERALLY.**

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5 (a) Application of Rule. — This rule applies to all pleadings in formal proceedings, including applications,
6 petitions, complaints, answers, protests, and other formal written statements of facts or law on which the party
7 making the same relies for appropriate action or relief by the Commission.

8 (b) Contents. — All formal pleadings shall show

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

12 (2) A full and clear statement of facts which said party or parties are prepared to prove by competent
13 evidence at the hearing, the proof of which will warrant the relief sought; and

14 (3) A statement of the specific relief sought.

15 (c) Form and Size. — All pleadings and exhibits in formal proceedings shall be printed, typewritten, or
16 otherwise duplicated in legible form preferably using a font size of at least 12 point but in any event not less than 5
17 point on white paper. If a party files an exhibit for which it is not possible to meet these legibility requirements, the
18 party shall also file a separate document summarizing or reproducing the information in a way that meets these
19 requirements. If a party is required to provide the Commission a spreadsheet in native Excel format, the party shall
20 (1) electronically file a version of the spreadsheet in a text-based, searchable, noncompressed Portable Document
21 Format (i.e., PDF), if it has not already done so, and (2) shall also submit a copy of the spreadsheet in native Excel
22 format, including all of the supporting tabs and formulas, via electronic mail addressed to NCUCExhibits@ncuc.net.
23 Unless printed, the impression shall be on one side of the paper for the original document and double-sided for any
24 required copies, the pages beginning with the second page shall be numbered, and the lines shall be double spaced,
25 except quotations of two or more lines which shall be single spaced and indented. The use of paper 8-1/2 inch x 11
26 inch with a left margin of approximately one and one-half inches is required.

27 (d) Signature and Verification. — Pleadings and amendments thereto shall be signed in ink and verified by one
28 of the parties thereto who is acquainted with the facts. Pleadings filed on behalf of a corporation or an association
29 shall be signed and filed by a member of the Bar of the State of North Carolina admitted and licensed to practice as
30 an attorney at law, and may be verified by an officer, attorney or agent thereof who is acquainted with the facts. This
31 subsection does not apply to pleadings filed by the Commission.

32 (e) Construction. — All pleadings shall be liberally construed, and errors or defects therein which do not
33 mislead or affect the substantial rights of the parties involved shall be disregarded.

34 (f) Amendments. — Any pleading may be amended or corrected or any omission supplied prior to notice of
35 hearing. After notice of hearing, it will be in order to move for leave to amend in accordance with Rule R1-7.

36 (g) Copies Required. — The original plus twenty-five (25) copies of all pleadings shall be filed with the
37 Commission (unless filed electronically pursuant to Rule R1-28 or otherwise provided by the exceptions below), and
38 shall include a certificate that a copy thereof has been served upon each party of record in the cause or upon counsel
39 of record in accordance with Rule R1-39.

40 Exception 1. For filings by Class A & B electric, telephone, and natural gas utilities under Rules R1-7,
41 R1-15, R1-17, and R1-24, an original plus thirty (30) copies shall be provided to the Commission.

42 Exception 2. For filings by Class A and B water and sewer utilities for rate increases or transfers, an
43 original plus twenty four (24) copies shall be provided to the Commission. For all other filings by Class A
44 and B water and sewer utilities, an original plus seven (7) copies shall be provided to the Commission.

45 For filings by Class C water and sewer utilities for rate increases or transfers, an original plus seven (7)
46 shall be provided to the Commission. For all other filings by Class C water and sewer utilities, an original
47 plus seven (7) copies shall be provided to the Commission.

48 Exception 3. For filings of applications by motor carriers under Rule R2-8(a) (1) and (b) (1), an original
49 and three (3) copies shall be provided to the Commission.

50 In addition to the requirements above, when applicable, a single-sided copy of testimony and exhibits of expert
51 witnesses shall be filed for the benefit of the Court Reporter.

52 NOTE: A photocopy which has been signed after copying shall be considered an original.

1 (h) Computation of Time. — See Rule R1-27.

2 (i) Filing by Mail. — See Rule R1-28.

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4 (NCUC Docket No. M-100, Sub 7, 12/30/65; NCUC Docket No. M-100, Sub 23, 8/18/69; NCUC Docket No.
5 M-100, Sub 35, 7/3/70; NCUC Docket No. M-100, Sub 45, 9/27/71; NCUC Docket No. M-100, Sub 56, 5/24/74;
6 NCUC Docket No. M-100, Sub 64, 10/28/75; NCUC Docket No. M-100, Sub 75, 10/27/77; NCUC Docket No. W-
7 100, Sub 12, 2/22/94; NCUC Docket No. W-100, Sub 17, 4/8/97; NCUC Docket No. M-100, Sub 128, 11/30/01.;
8 NCUC Docket No. M-100, Sub 133, 2/2/06; NCUC Docket No. M-100, Sub 134, 3/11/10; NCUC Docket No.
9 M-100, Sub 136, 6/26/12; Docket No. M-100, Sub 136, 07/13/12; NCUC Docket No. M-100, Sub 139, 11/13/13,
10 NCUC Docket No. M-100, Sub 147, 6/27/17; NCUC Docket No. M-100, 139, 10/14/22.)

1 **Rule R1-25 has been Amended as Follows:**

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3 **Rule R1-25. PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND BRIEF;**
4 **SUMMARY STATEMENTS AND REPLY STATEMENTS.**
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6 (a) Any party of record, including the Public Staff, to a proceeding before the Commission, Commission Panel,
7 or before a Hearing Examiner shall, upon request of the presiding Commissioner or Examiner, file proposed
8 findings of fact, conclusions of law, and brief in the cause on all issues. The Presiding Officer shall fix the time
9 within which to file such proposed findings, conclusions and briefs at the hearing or thereafter, and no decision,
10 report, or recommended order shall be made in the cause until after the expiration of the time so fixed.

11 (b) Contents. — Each proposed finding of fact shall be clearly and concisely stated and numbered. Such
12 statement shall be followed by one or more paragraphs which shall set out or specifically refer to the testimony
13 supporting such proposed findings of fact.

14 (c) Form; Copies Required. — Rule R1-5, subsections (c) and (g) shall apply to the filing of briefs, proposed
15 findings of fact, and conclusions of law. Parties filing briefs, proposed findings of fact, and conclusions of law shall
16 also submit a copy of their briefs, proposed findings of fact, and conclusions of law via electronic mail addressed to
17 briefs@ncuc.net attaching editable noncompressed files in Microsoft Word or ASCII Text format.

18 (d) Summary Statements. — Pursuant to G.S. 62-15(g) the Public Staff shall in all general rate cases provide to
19 the Commission fifteen (15) days after the close of all general rate hearings Summary Statements and schedules in
20 comparative form setting forth the position of the applicant, the Public Staff and such other intervenors as may be
21 required, with regard to all material facts and matters of which the Public Staff has knowledge or is aware which
22 must or should be considered in determining a public utility's cost of service and/or in the fixing of just and
23 reasonable rates.

24 With regard to matters at issue, the Summaries shall include such schedules and written narrative explanation so as
25 to clearly and completely show and convey reconciliation of the difference between the parties to the proceeding.

26 The above mentioned Summary Statements, schedules and reconciliations shall include, but not be limited to, the
27 following:

- 28 (1) Original cost net investment with each component shown separately, e.g., utility plant in service,
29 accumulated depreciation, working capital (show components of working capital separately, e.g.,
30 cash, minimum bank balances, materials and supplies, etc.);
- 31 (2) Operating income for return with each component shown separately, i.e., operating revenues,
32 operation and maintenance expenses with fuel expense shown separately, depreciation expense,
33 taxes — other than income, current income taxes — state, current income taxes — federal,
34 investment tax credit — net, deferred income taxes — net, and interest on customer deposits;
- 35 (3) Total company capitalization including absolute dollar amounts and ratios. Also show the
36 annualized embedded cost of debt, the preferred dividend requirement, the end-of-period return on
37 common equity and the end-of-period overall rate of return under present and company proposed
38 rates;
- 39 (4) Calculations of current and deferred state and federal income tax expense; and
- 40 (5) Calculation of replacement cost and fair value.

41 (e) In rate proceedings involving operating ratios, such operating ratios shall be presented in addition to
42 applicable data set forth above.

43 (f) Copies. — Twelve copies shall be furnished to the Chief Clerk and additional copies provided to all parties.

44 (g) Reply Statements. — Any party desiring to do so may file Reply Statements to the Summary Statement
45 within five (5) days of receipt thereof.
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47 (NCUC Docket No. M-100, Sub 75, 10/27/77; NCUC Docket No. M-100, Sub 125, 3/7/95; NCUC Docket No.
48 M-100, Sub 136, 6/26/12; NCUC Docket No. M-100, Sub 139, 11/13/13; NCUC Docket No. M-100, Sub 139,
49 10/14/22.)

1 **Rule R1-28 has been Amended as Follows:**

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3 **Rule R1-28. GIVING NOTICE OR FILING PAPERS WITH THE COMMISSION BY MAIL;**
4 **ELECTRONIC FILING.**
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6 (a) Any notice, motion, pleading, or other document or paper may be filed with or served on the Commission
7 by hand delivery, courier service, or United States mail, unless required by statute to be filed or served by some
8 other means, but the same shall not be deemed filed or served until the day and date actually received at the office of
9 the Commission in Raleigh. Rule R1-27 also applies to giving notice of filing papers by mail. In addition, any
10 notice, motion, pleading, or other document may be electronically filed with the Commission using the
11 Commission's online electronic filing system.

12 (b) An electronic filing may consist of one or multiple files. Confidential information must be redacted from
13 public filings. Each filing must be either public or confidential, and confidential files must be so marked when filed.
14 When a party files confidential information, the party must make two separate filings. The first is a complete copy of
15 the confidential version of the filing with the word "confidential" in the description of the filing. The second is a
16 public filing constituting a complete copy of the filing with confidential information redacted in such a way that the
17 pagination of both the confidential and public filings is the same and with the word "redacted" included in the
18 description of the filing. Except as provided in Section (e) below, do not file paper copies of documents that are filed
19 electronically. Other provisions of any statute, rule, or order regarding the content and format of specific filings
20 remain applicable.

21 (c) All documents filed electronically should be filed in a text-based, searchable, noncompressed Portable
22 Document Format (i.e., PDF) format rather than in an image file format.

23 (d) The typed characters representing the name of a person shall be sufficient to show that such person has
24 signed the pleading or other document for purposes of electronic filing. Verification pages, when required, shall be
25 printed, signed, notarized, converted to an electronic format, and included in the electronic filing as a separate file.

26 (e) The following documents should be filed electronically; provided, however, fifteen (15) three-hole punched
27 paper copies of the entire filing, one of which shall be single-sided, must be provided to the Commission on the
28 following business day in lieu of the number of copies required pursuant to the applicable statute, rule, or order. If
29 such filing is made electronically on the day of or day before a hearing on the matter, the paper copies shall be
30 provided to the Commission no later than one (1) hour prior to the scheduled start of the hearing. The failure to
31 provide the required number of paper copies within the prescribed timeframe may result in the electronic filing
32 being rejected and excluded from the record in that proceeding.

33 (1) For all Class A and B electric, telephone, natural gas, water, and sewer utilities, applications for or
34 filings of a general increase in rates, fares, or charges for revenue purposes or to increase the rate
35 of return on investment or to change transportation rates, fares, etc. pursuant to Rule R1-17, and
36 all testimony and exhibits of expert witnesses filed by any party to the general rate case
37 proceeding.

38 (2) For all Class A and B electric utilities, applications for changes in rates in annual rate
39 rider proceedings pursuant to G.S. 62-133.2, 62-133.8, and 62-133.9, and Rules R8-55,
40 R8-67, and R8-69, and all testimony and exhibits of expert witnesses filed by any party to
41 such proceeding.

42 (3) For all Class A and B natural gas utilities, applications for changes in rates in annual
43 prudence review proceedings pursuant to G.S. 62-133.4 and Rule R1-17(k), and all
44 testimony and exhibits of expert witnesses filed by any party to such proceeding.

45 (4) Other documents, such as testimony and exhibits of expert witnesses, as ordered in
46 specific proceedings.

47 In addition to the above requirements, when applicable, copies of testimony and exhibits of each expert witness shall
48 be separated, one from the other, by the use of colored paper dividers such that one witness' testimony or separate
49 exhibit shall not begin on the reverse side of the same page as another when provided to the Chief Clerk's Office.

1 (f) Fingerprint cards and criminal history record release forms required to be filed by applicants for certificates
2 of exemption to transport household goods pursuant to G.S. 62-273.1 and Rule R2-8.1 may not be filed
3 electronically, but must be filed on paper pursuant to Section (a).

4 (g) Reports on performance results required to be filed by local exchange telephone companies and competing
5 local providers pursuant to Rule R9-8(d) may be filed electronically, provided that an electronic copy in Excel is
6 also provided to the Public Staff. The electronic copy in Excel may be emailed to the Public Staff at
7 communications@psncuc.nc.gov.

8 (h) Both paper and electronic filings must be received by the Commission by 5:00 p.m. Eastern time to be
9 considered to be filed on that business day. A filing may be made electronically at any time, but filings submitted
10 after 5:00 p.m. Eastern time are considered to be filed on the next business day. A filing that does not comply with
11 all applicable statutes, rules, or orders may be rejected, unless the filing is accompanied by a motion requesting a
12 waiver of the applicable requirement of a rule or order and the motion is granted. If a filing is rejected, the document
13 is deemed not to have been filed with the Commission. A filing that requires a filing fee is not considered to be filed
14 until the fee has been submitted to the Commission.

15 (NCUC Docket No. M-100, Sub 139, 11/13/13; NCUC Docket No. M-100, Sub 139 & P-100, Sub 99; 05/13/14;
16 NCUC Docket No. M-100, Sub 147, 6/27/17; NCUC Docket No. M-100, Sub 147, 04/17/18; NCUC Docket No.
17 M-100, Sub 147, 7/31/19; NCUC Docket No. M-100, Sub 139, 10/14/22.)