

# LOUISIANA PUBLIC SERVICE COMMISSION

## GENERAL ORDER

### LOUISIANA PUBLIC SERVICE COMMISSION EX PARTE

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*Rule 3 – Amendment of Rule 3; Deletion of Rules 58, 59, 60, 61 and 62 to the Rules of Practice and Procedure*

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(Decided at the December 13, 2005 Business and Executive Session)

#### **BACKGROUND**

Pursuant to the Commission's directive to adopt a policy regarding the acceptance of filings by fax, Staff prepared a revision to Rule 3 of the Commission's Rules of Practice and Procedure. In addition, Staff found that several of the Rules regarding the filing of pleadings are still contained in the Administrative Hearings section, which no longer controls the Records Division. In order to simplify the Rules and make them more straightforward, Staff recommended that Rules 58, 59, 60, 61 and 62 be deleted and incorporated into the proposed new Rule 3.

The new version of Rule 3 reads as follows:

#### **RULE 3: FILING OF DOCUMENTS.**

##### **A. Generally**

1. Form of Filings
  - a. All such filings shall be in the form of an original and two (2) copies.
  - b. If the party making the filing wishes to receive a file-stamped copy, an additional copy must be provided along with a stamped, self-addressed envelope.
  - c. Documents shall be deemed filed only when actually received by the Secretary and/or Records Division, in proper form in accordance with the requirements and/or restrictions set forth in these Rules (including but not limited to Rules 13 and 18), and/or relevant commission orders, and accompanied by a filing fee, if any. (See attached Fee Schedule).
2. Initial Filings
  - a. All initial filings to be instituted before the Louisiana Public Service Commission, except those instituted by the Commission itself, shall be filed with the Secretary.
  - b. Initial filings may not be transmitted via facsimile.
3. Filings to be Made With the Records Division
  - a. Following initial receipt and review by the Secretary of a filing which seeks to institute an adjudicatory proceeding before the Commission for which a hearing is required, the Secretary shall forward the filings to the Records Division for docketing.
  - b. Notice of docketing shall be provided to all parties.
  - c. After a matter is docketed with the Records Division, all subsequently filed pleadings and/or documents are to be filed directly with the Records Division at the address below:

Louisiana Public Service Commission  
Records Division  
602 N. Fifth Street, 12<sup>th</sup> Floor  
Baton Rouge, Louisiana 70802

- d. Any party filing a pleading with the Records Division shall serve a copy of the pleading upon all parties of record, including the Commission Legal Division, according to Rule 7(c).
- e. The Commission shall be considered a party to every docketed proceeding without the necessity of filing intervention pleadings.
- f. Filings by Facsimile
  - i. Any filing to be made with the Records Division that is twenty-five (25) pages long or less may be transmitted via facsimile.
  - ii. Filing shall be complete only upon the receipt by the party making the filing of a confirmation from the Records Division confirming the complete transmission of every page of the filing.
  - iii. Within five days, exclusive of legal holidays, the party filing the document shall transmit to the Records Division the original signed document, two copies, any applicable filing fee, and a facsimile transmission fee of \$25.
  - iv. Filings made by facsimile no later than 4:30 p.m. on a business day, according to the Records Division facsimile equipment, shall be considered filed as of that day.
  - v. If the party fails to comply with the rules regarding filings made via facsimile, the filing shall have no force and effect.

**B. Trade Secret, Proprietary and/or Confidential Documents** - A party providing materials believed to be trade secret, proprietary, and/or confidential shall file this information pursuant to Commission Rule 12.1

**C. Requesting Service by the Commission** - Any party filing a pleading for which service by the Commission is requested, and any party requesting the issuance of subpoenas, shall identify in writing each individual to be served, or the agent for service of process for each entity to be served, along with an accurate address for service.

**D. Application for Rate Increase**

- 1. Applications for rate increases shall be deemed filed only when accompanied by sworn statements containing the applicant's case-in-chief, or when applicant's case-in-chief is presented by actual testimony.
- 2. Amendments to rate applications shall, if the Commission deems necessary, be treated by the Commission as a new filing and shall be subject to the same procedural requirements regarding the filing of sworn statements or taking of testimony as an initial application.

Commissioner Blossman moved to adopt the proposed version of Rule 3 and delete Rules 58, 59, 60, 61 and 62 of the Commission's Rules of Practice and Procedure. The Motion was seconded by Commission Field, and unanimously adopted.

IT IS THEREFORE ORDERED THAT:

- 1. Rule 3 of the Commission's Rules of Practice and Procedure is hereby amended as set forth above; and
- 2. Rules 58, 59, 60, 61 and 62 of the Commission's Rules of Practice and Procedure are hereby deleted.

**BY ORDER OF THE COMMISSION  
BATON ROUGE, LOUISIANA  
January 31, 2006**

**/S/ C. DALE SITTIG  
DISTRICT IV  
CHAIRMAN C. DALE SITTIG**

**/S/ JAMES M. FIELD  
DISTRICT II  
VICE CHAIRMAN JAMES M. FIELD**

**/S/ JACK "JAY" A. BLOSSMAN  
DISTRICT I  
COMMISSIONER JACK "JAY" A. BLOSSMAN**

**/S/ FOSTER L. CAMPBELL  
DISTRICT V  
COMMISSIONER FOSTER L. CAMPBELL**

**LAWRENCE C. ST. BLANC  
SECRETARY**

**/S/ LAMBERT C. BOISSIERE, III  
DISTRICT III  
COMMISSIONER LAMBERT C. BOISSIERE, III**