

Subchapter E. PLEADINGS AND OTHER DOCUMENTS.

§22.74. Service of Pleadings and Documents.

- (a) **Pleadings and Documents submitted to a presiding officer.** At or before the time any document or pleading regarding a proceeding is submitted by a party to a presiding officer, a copy of such document or pleading shall be filed with the commission filing clerk and served on all parties. These requirements do not apply to documents which are offered into evidence during a hearing or which are submitted to a presiding officer for in camera inspection; provided, however, that the party submitting documents for in camera inspection shall file and serve notice of the submission upon the other parties to the proceeding. Pleadings and documents submitted to a presiding officer during a hearing, prehearing conference, or open meeting shall be filed with the commission filing clerk as soon as is practicable. These requirements apply to all documents and pleadings submitted in a proceeding under §22.33 of this title (relating to Tariff Filings); service shall be made on all persons who previously submitted a pleading or document to the presiding officer in that proceeding.
- (b) **Methods of service.** Except as otherwise expressly provided by order, rule, or other applicable law, service on a party may be made by delivery of a copy of the pleading or document to the party's authorized representative or attorney of record either in person; by agent; by courier receipted delivery; by first class mail; by certified mail, return receipt requested; or by registered mail to such party's address of record, or by facsimile transmission to the recipient's current facsimile machine.
- (1) Service by mail shall be complete upon deposit of the document, enclosed in a wrapper properly addressed, stamped and sealed, in a post office or official depository of the United States Postal Service, except for state agencies. For state agencies, mailing shall be complete upon deposit of the document with the General Services Commission.
 - (2) Service by agent or by courier receipted delivery shall be complete upon delivery to the agent or courier.
 - (3) Service by facsimile transmission shall be complete upon actual receipt by the recipient's facsimile machine.
- (c) **Alternative methods of service.** On motion of a party or the presiding officer's own motion, the presiding officer may require service by email or service by filing with or without notice, or any combination of those methods and any method specified in subsection (b) of this section. On joint or separate motion of all parties to a proceeding, the presiding officer shall require service by email or service by filing with or without notice.
- (1) If a person has filed a statement of no access under §22.106 of this title (relating to Statement of No Access), the presiding officer shall require service on such person(s) by a method specified in subsection (b) of this section.
 - (2) A party or representative of a party that has filed a statement of no access but that is required by §22.106(b) of this title to subsequently provide an email address will thereafter be subject to service by an alternative method if the presiding officer has required service by an alternative method.
 - (3) If the presiding officer has required service only by methods specific in subsection (c) of this section, the presiding officer may, upon motion and good cause shown, require service by a method specified in subsection (b) of this section for any party in a proceeding.
 - (4) Service by email shall be complete upon sending an email message with the pleading or document attached to the message to the email address provided by the party being served.
 - (5) Service by filing with notice shall be complete upon sending an email message that contains a link to the electronic copy of the pleading or document that is accessible through the interchange on the commission's website to the email address provided by the party being served.
 - (6) Service by filing without notice shall be complete upon filing with Central Records. If this method of service is required, the presiding officer shall encourage parties to sign up with the commission's Filings Notification System on its website to receive automatic notifications of filings in the docket.

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- (d) **Evidence of service.** A return receipt or affidavit of any person having personal knowledge of the facts shall be prima facie evidence of the facts shown thereon relating to service. A party may present other evidence to demonstrate facts relating to service.
- (e) **Certificate of service.** Every document required to be served on all parties by subsection (a) of this section shall contain the following or similar certificate of service: “I, (name) (title) certify that a copy of this document was served on all parties of record in this proceeding on (date) in the following manner: (specify method(s)). Signed, (signature).” The list of the names and addresses of the parties on whom the document was served should not be appended to the document.