

CHAPTER 21. INTERCONNECTION AGREEMENTS FOR TELECOMMUNICATIONS SERVICE PROVIDERS

Subchapter B. PLEADINGS, DOCUMENTS, AND OTHER MATERIALS.

§21.35. 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.
- (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.
 - (4) Unless otherwise established by the receiving party, if service is made by hand delivery, facsimile transmission, or electronic mail, it shall be presumed that all pleadings are received on the day filed. If service is made by overnight delivery, it shall be presumed that pleadings are received on the day after filing. If service is made by regular mail, it shall be presumed that pleadings are received on the third day after filing. Service after 5:00 p.m. local time of the recipient shall be deemed served on the following day.
- (c) **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.
- (d) **Certificate of service.** Every document required to be served on all parties pursuant to 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). 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.