

Subchapter A. GENERAL PROVISIONS AND DEFINITIONS.

§22.2. Definitions.

The following terms, when used in this chapter, shall have the following meanings, unless the context or specific language of a section clearly indicates otherwise:

- (1) **Administrative law judge** — The person designated to preside over a hearing.
- (2) **APA** — The Administrative Procedure Act, Chapter 2001, Government Code, as it may be amended from time to time.
- (3) **Administrative review** — Process under which an application may be approved without a formal hearing.
- (4) **Affected person** — The definition of affected person is that definition given in the Public Utility Regulatory Act, §11.003(1).
- (5) **Applicant** — A person, including commission staff, who seeks action from the commission by written application, petition, complaint, notice of intent, appeal, or other pleading that initiates a proceeding.
- (6) **Application** — A written application, petition, complaint, notice of intent, appeal, or other pleading that initiates a proceeding.
- (7) **Arbitration** — A form of dispute resolution in which each party presents its position on any unresolved issues to an impartial third person(s) who renders a decision on the basis of the information and arguments submitted.
- (8) **Arbitration hearing** — The hearing conducted by an arbitrator to resolve any issue submitted to the arbitrator. An arbitration hearing is not a contested case under the Administrative Procedure Act, Texas Government Code §§2001.001, *et. seq.*
- (9) **Arbitrator** — The commission, any commissioner, any commission employee, or any SOAH administrative law judge selected to serve as the presiding officer in a compulsory arbitration hearing.
- (10) **Authorized representative** — A person who enters an appearance on behalf of a party, or on behalf of a person seeking to be a party or otherwise to participate, in a proceeding. The appearance may be entered in person or by subscribing the representative's name upon any pleading filed on behalf of the party or person seeking to be a party or otherwise to participate in the proceeding. The authorized representative shall be considered to remain a representative of record unless a statement or pleading to the contrary is filed or stated in the record.
- (11) **Chairman** — The commissioner designated by the Governor to serve as chairman.
- (12) **Commission** — The Public Utility Commission of Texas.
- (13) **Commissioner** — One of the members of the Public Utility Commission of Texas.
- (14) **Complainant** — A person, including commission staff or the Office of Public Utility Counsel, who files a complaint intended to initiate a proceeding with the commission regarding any act or omission by the commission or any person subject to the commission's jurisdiction.
- (15) **Compulsory arbitration** — The arbitration proceeding conducted by the commission or its designated arbitrator pursuant to the commission's authority under FTA96 §252.
- (16) **Contested case** — A proceeding, including a ratemaking or licensing proceeding, in which the legal rights, duties, or privileges of a party are to be determined by a state agency after an opportunity for adjudicative hearing.
- (17) **Control number** — Number assigned by the commission's Central Records to a docket, project, or tariff.
- (18) **Days** — Calendar days, not working days, unless otherwise specified by this chapter or the commission's substantive rules.
- (19) **Docket** — A proceeding handled as a contested case under APA.
- (20) **FTA96** — The federal Telecommunications Act of 1996, Public Law Number 104-104, 110 Stat. 56 (1996), (to be codified at 47 U.S.C. §§151 *et seq.*).

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- (21) **Final order** — The whole or part of the final disposition by the commission of the issues before the commission in a proceeding, rendered in compliance with §22.263 of this title (relating to Final Orders).
- (22) **Financial interest** — Any legal or equitable interest, or any relationship as officer, director, trustee, advisor, or other active participant in the affairs of a party. An interest as a taxpayer, utility ratepayer, or cooperative member is not a financial interest. An interest a person holds indirectly by ownership of an interest in a retirement system, institution, or fund which in the normal course of business invests in diverse securities independently of that person's control is not a financial interest.
- (23) **Hearing** — Any proceeding at which evidence is taken on the merits of the matters at issue, not including prehearing conferences.
- (24) **Hearing day** — A day of hearing when the merits of a proceeding are considered at the hearing on the merits, a final order meeting, or a regional hearing.
- (25) **Intervenor** — A person, other than the applicant, respondent, or the commission staff representing the public interest, who is permitted by this chapter or by ruling of the presiding officer, to become a party to a proceeding.
- (26) **Licensing proceeding** — Any proceeding respecting the granting, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license, including a proceeding regarding a notice of intent to build a new electric generating unit.
- (27) **Major rate proceeding** — Any proceeding filed pursuant to PURA, §§36.101 - 36.111, 36.201-36.203 and 36.205 or §§51.009, 53.101 - 53.113, 53.201 and 53.202 involving an increase in rates which would increase the aggregate revenues of the applicant more than the greater of \$100,000 or 2.5%. In addition, a major rate proceeding is any rate proceeding initiated pursuant to PURA, §§36.151 - 36.156 or §53.151 and §53.152 in which the respondent utility is directed to file a rate filing package.
- (28) **Mediation** — A voluntary form of dispute resolution in which an impartial person facilitates communication between parties to promote negotiation and settlement of disputed issues.
- (29) **Municipality** — A city, incorporated village, or town, existing, created, or organized under the general, home-rule, or special laws of Texas. A municipality is a "person" as defined in this section.
- (30) **Party** — A party under Subchapter F of this chapter (relating to Parties).
- (31) **Person** — An individual, partnership, corporation, association, governmental subdivision, entity, or public or private organization.
- (32) **Pleading** — A written document submitted by a party, or a person seeking to participate in a proceeding, setting forth allegations of fact, claims, requests for relief, legal argument, and/or other matters relating to a proceeding.
- (33) **Prehearing conference** — Any conference or meeting of the parties, prior to the hearing on the merits, on the record and presided over by the presiding officer.
- (34) **Presiding officer** — The commission, any commissioner, or any hearings examiner or administrative law judge presiding over a proceeding or any portion thereof.
- (35) **Proceeding** — Any hearing, investigation, inquiry or other fact-finding or decision-making procedure, including the denial of relief or the dismissal of a complaint, conducted by the commission or the utility division of SOAH.
- (36) **Project** — A rulemaking or other proceeding that is not a docket or a tariff.
- (37) **Protector** — A person who is not a party to the case who submits oral or written comments. A person classified as a protector does not have rights to participate in a proceeding other than by providing oral or written comments.
- (38) **PURA** — The Public Utility Regulatory Act, Texas Utilities Code, Title 2, as it may be amended from time to time.
- (39) **Relative** — An individual (or spouse of an individual) who is related to the individual in issue (or the spouse of the individual in issue) within the second degree of consanguinity or relationship according to the civil law system.

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- (40) **Respondent** — A person under the commission's jurisdiction against whom any complaint or appeal has been filed or who is under formal investigation by the commission.
- (41) **Rulemaking** — A proceeding pursuant to APA, Texas Government Code, Chapter 2001, Subchapter B conducted to adopt, amend, or repeal a commission rule.
- (42) **SOAH** — The State Office of Administrative Hearings.
- (43) **Unprotested case** — A contested case in which a hearing is not necessary.
- (44) **Working day** — A day on which the commission is open for the conduct of business.