

PROJECT NO. 29587

PUC RULEMAKING PROCEEDING	§	PUBLIC UTILITY COMMISSION
TO AMEND PUC PROC. R. 22.22,	§	
RELATING TO SERVICE ON THE	§	OF TEXAS
COMMISSION	§	
	§	

**PROPOSAL FOR PUBLICATION OF AMENDMENT TO §22.22
AS APPROVED AT THE MAY 13, 2004 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes an amendment to §22.22, relating to Service on the Commission. The proposed amendment changes the recipient of service of all papers or other legal documents served on the commission or any of its members in their official capacity from the General Counsel to Executive Director. Project Number 29587 is assigned to this proceeding.

Ms. Annette Lown Mass, Attorney, Legal & Enforcement Division, has determined that for each year of the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Mass has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be ensuring that the public and interested persons will be made aware of the authorized representative receiving service of all papers or legal documents served on the commission. There will be no adverse economic effect on small businesses or micro-businesses as a result of enforcing this section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Ms. Mass has also determined that for each year of the first five years the proposed section is in effect there should be no effect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act (APA), Texas Government Code §2001.022.

The commission staff will conduct a public hearing on this rulemaking, if requested pursuant to the Administrative Procedure Act, Texas Government Code §2001.029, at the commission's offices located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701 on Wednesday, July 7, 2004 at 9:30 a.m. The request for a public hearing must be received within 30 days after publication.

Comments on the proposed amendment (16 copies) may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within 30 days after publication. Comments should be organized in a manner consistent with the organization of the proposed rule(s). All comments should refer to Project Number 29587.

This amendment is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 and §14.052 (Vernon 1998, Supplement 2004) (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction, including rules of practice and procedure.

Cross Reference to Statutes: Public Utility Regulatory Act §14.002 and §14.052.

§22.22. Service on the Commission.

- (a) The commission's Executive Director, or the Executive Director's authorized representative, shall have the authority to accept service of all papers or other legal documents served on the commission or any of its members if served in their official capacity and not individually. Pursuant to Texas Government Code §2001.176(b)(2), for a petition initiating judicial review, the commission shall be served a copy of the actual petition.
- (1) Preferred method of service. Delivery to the Executive Director, or the authorized representative, in person, a true copy of the citation with a copy of the petition attached.
- (2) Alternative method of service. Mailing to the Executive Director, by registered or certified mail, return receipt requested, a true copy of the citation with a copy of the petition attached.
- (b) For appeals filed pursuant to the Public Utility Regulatory Act §39.001(f), parties shall provide a courtesy copy of the appeal to the commission's Executive Director, simultaneous to completing legal service pursuant to the Texas Rules of Appellate Procedure.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 17th DAY OF MAY 2004 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA A. GONZALES**