

CHAPTER 21. INTERCONNECTION AGREEMENTS FOR TELECOMMUNICATIONS SERVICE PROVIDERS

Subchapter B. PLEADINGS, DOCUMENTS, AND OTHER MATERIALS.

§21.39. Amended Pleadings.

(a) Filing amended pleadings.

- (1) A pleading may be amended without leave of the presiding officer, provided that the amended pleading is served upon all parties, is filed no later than ten days after the initial pleading was filed, and does not seek relief for which notice in accordance with this chapter has not been provided. The filing of an amended pleading shall restart the time in which a party may respond to the filing.
- (2) A party must seek authorization to file an amended pleading if the amended pleading seeks a new type of relief for which notice in accordance with this chapter has not been provided.
- (3) Any amended pleading offered for filing more than ten days after the initial pleading was filed will be considered by the presiding officer only if there is a showing of good cause for such filing and that consideration of such filing will not unduly delay the proceeding by injecting issues to which the remaining parties may be entitled to respond. If additional notice is required or additional time needed for opposing parties to respond to the proposed pleading, the presiding officer may order such additional notice or time as is reasonable under the circumstances.

- (b) Amendments to conform to issues tried at hearing without objection.** When issues not raised by the pleadings are tried or otherwise heard or argued at hearing by express or implied consent of the parties, upon a determination by the presiding officer that no prejudice to any of the parties will occur, the issues shall be treated in all respects as if they had been raised in the pleadings. Amendment of the pleadings to conform them to the evidence may be made with leave of the presiding officer upon any party's motion until the close of evidence, but failure to so amend shall not affect whether the issues may be properly considered by the presiding officer.