

R1-05 PLEADINGS, GENERALLY

(a) Application of Rule. — This rule applies to all pleadings in formal proceedings, including applications, petitions, complaints, answers, protests, and other formal written statements of facts or law on which the party making the same relies for appropriate action or relief by the Commission.

(b) Contents. — All formal pleadings shall show

- (1) The correct name, post-office address, and electronic mailing address of each party by or for whom the particular pleading is filed, and the name, post-office address and electronic mailing address of their attorney, if any;
- (2) A full and clear statement of facts which said party or parties are prepared to prove by competent evidence at the hearing, the proof of which will warrant the relief sought; and
- (3) A statement of the specific relief sought.

(c) Form and Size. — All pleadings and exhibits in formal proceedings shall be printed, typewritten, or otherwise duplicated in legible form preferably using a font size of at least 12 point but in any event not less than 5 point on white paper. If a party files an exhibit for which it is not possible to meet these legibility requirements, the party shall also file a separate document summarizing or reproducing the information in a way that meets these requirements. If a party is required to provide the Commission a spreadsheet in native Excel format, the party shall (1) electronically file a version of the spreadsheet in a text-based, searchable, noncompressed Portable Document Format (i.e., PDF), if it has not already done so, and (2) shall also submit a copy of the spreadsheet in native Excel format, including all of the supporting tabs and formulas, via electronic mail addressed to NCUCExhibits@ncuc.net. Unless printed, the impression shall be on one side of the paper for the original document and double-sided for any required copies, the pages beginning with the second page shall be numbered, and the lines shall be double spaced, except quotations of two or more lines which shall be single spaced and indented. The use of paper 8-1/2 inch x 11 inch with a left margin of approximately one and one-half inches is required.

(d) Signature and Verification. — Pleadings and amendments thereto shall be signed in ink and verified by one of the parties thereto who is acquainted with the facts. Pleadings filed on behalf of a corporation or an association shall be signed and filed by a member of the Bar of the State of North Carolina admitted and licensed to practice as an attorney at law, and may be verified by an officer, attorney or agent thereof who is acquainted with the facts. This subsection does not apply to pleadings filed by the Commission.

(e) Construction. — All pleadings shall be liberally construed, and errors or defects therein which do not mislead or affect the substantial rights of the parties involved shall be disregarded.

(f) Amendments. — Any pleading may be amended or corrected or any omission supplied prior to notice of hearing. After notice of hearing, it will be in order to move for leave to amend in accordance with Rule R1-7.

(g) Copies Required. — The original paper version of all pleadings shall be filed with the Commission (unless filed electronically pursuant to Rule R1-28 or otherwise provided by Commission Order or Rule), and shall include a certificate that a copy thereof has been served upon each party of record in the cause or upon counsel of record in accordance with Rule R1-39.

Exception 1. For filings by Class A & B electric, telephone, and natural gas utilities under Rules R1-7, R1-15, R1-17, R1-17B, R1-24, R8-60, and R8-60A an original plus 12 paper copies shall be provided to the Commission.

Exception 2. For filings by Class A and B water and sewer utilities for rate increases or transfers, an original plus 12 paper copies shall be provided to the Commission. For all other filings by Class A and B water and sewer utilities, an original plus 7 copies shall be provided to the Commission.

For filings by Class C water and sewer utilities for rate increases or transfers, an original plus 2 shall be provided to the Commission. For all other filings by Class C water and sewer utilities, an original plus 2 copies shall be provided to the Commission.

Exception 3. For filings of applications by motor carriers under Rule R2-8(a)(1) and (b)(1), an original and 3 copies shall be provided to the Commission.

In addition to the requirements above, when applicable, a single-sided copy of testimony and exhibits of expert witnesses shall be filed for the benefit of the Court Reporter.

NOTE: A photocopy which has been signed after copying shall be considered an original.

(h) Computation of Time. — See Rule R1-27.

(i) Filing by Mail. — See Rule R1-28.

(NCUC Docket No. M-100, Sub 7, 12/30/65; NCUC Docket No. M-100, Sub 23, 8/18/69; NCUC Docket No. M-100, Sub 35, 7/3/70; NCUC Docket No. M-100, Sub 45, 9/27/71; NCUC Docket No. M-100, Sub 56, 5/24/74; NCUC Docket No. M-100, Sub 64, 10/28/75; NCUC Docket No. M-100, Sub 75, 10/27/77; NCUC Docket No. W-100, Sub

12, 2/22/94; NCUC Docket No. W-100, Sub 17, 4/8/97; NCUC Docket No. M-100, Sub 128, 11/30/01.; NCUC Docket No. M-100, Sub 133, 2/2/06; NCUC Docket No. M-100, Sub 134, 3/11/10; NCUC Docket No. M-100, Sub 136, 6/26/12; Docket No. M-100, Sub 136, 07/13/12; NCUC Docket No. M-100, Sub 139, 11/13/13, NCUC Docket No. M-100, Sub 147, 6/27/17; NCUC Docket No. M-100, Sub 139 10/14/2022; NCUC Docket No. M-100, Sub 147, 9/15/2023.)