

## **R1-09 COMPLAINTS AND PROCEDURE THEREON; ANSWERS**

(a) Who May Complain. — Complaint may be made by the Commission on its own motion or by the Public Staff or by any corporation or person, chamber of commerce, board of trade, labor organization, or any civic, commercial, mercantile, traffic, agricultural, or manufacturing association or organization, or any body politic, or municipal corporation, or any agency of the State of North Carolina, or any electric membership corporation organized under Chapter 117 of the General Statutes, as amended, having an interest in the subject matter of such complaint, or by any public utility.

(b) Contents. — Rule R1-5 will apply to complaints under this rule and, in addition thereto, complaints under this rule shall set forth in numbered paragraphs:

- (1) The full name, post-office address, and the electronic mailing address of each complainant.
- (2) The name, post office address and electronic mailing address of counsel representing the complainant, if any.
- (3) The full name, post-office address, and, if available, the electronic mailing address of each defendant against whom complaint is made.
- (4) A clear, concise statement of the acts or things done or omitted to be done by any public utility, or the respects in which any rule, regulation, or charge fixed by or for any public utility is in violation of any provision of law or of any order or rule of the Commission, or the respects in which any rate, charge, schedule, classification, rule, regulation, or practice is unjust and unreasonable.
- (5) The particular relief desired.

(c) Procedure upon Receipt of Complaint. — Upon receipt of a complaint which is in substantial compliance with these procedural rules and which appears to state a cause of action within the jurisdiction of the Commission, the Commission shall serve a copy thereof on each defendant named in the complaint, together with an order directing that the matters complained of be satisfied or that an answer be filed to the complaint within ten (10) days after such service; provided, that the Commission may in particular cases extend or shorten the time for satisfying the complaint or for filing answer thereto.

(d) Satisfaction of Complaint. — If the defendant desires to satisfy the complaint, he shall submit to the Commission, within the time allowed for satisfaction or answer, an original of a statement of the relief which he is willing to give, a copy of which the Commission will transmit forthwith to the complainant. On acceptance of this offer by the complainant with the approval of the Commission, no further proceedings need be taken.

(e) Answer. — The answer must admit or deny each material allegation of the complaint or allege insufficient information on which to admit or deny the same. It shall set forth any new matter relied upon as a defense and shall be so drawn as to fully advise the complainant and the Commission of the particular grounds of defense. The filing of an answer will not be deemed an admission of the sufficiency of the complaint and shall be without prejudice to the right of the defendant to thereafter file a motion to dismiss the complaint for failure to state a cause of action.

(f) Interveners. — Any person or organization having an interest in the subject matter of the complaint may intervene and be made a party to the proceeding by complying with the provisions of Rule R1-19.

(g) Rescinded by NCUC Docket No. M-100, Sub 147, 9/15/2023.

*(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 75, 10/27/77; NCUC Docket No. M-100, Sub 134, 3/11/10; NCUC Docket No. M-100, Sub 147, 9/15/2023.)*