

PROJECT NO. 29717

**PUC RULEMAKING PROCEEDING § PUBLIC UTILITY COMMISSION
TO AMEND PUC PROC. R. 21.31(f) §
RELATING TO OFFICE HOURS OF § OF TEXAS
THE COMMISSION FILING CLERK §**

**PROPOSAL FOR PUBLICATION OF AMENDMENT TO §21.31(f)
AS APPROVED AT THE MAY 27, 2004 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes an amendment to §21.31(f), relating to Office Hours of the Commission Filing Clerk, to match the changes being proposed to §22.71(g) in Project Number 29588. The proposed amendment adds a provision explaining the revised operating hours of the commission's central records division and commission filing clerk. Project Number 29717 is assigned to this proceeding.

Ms. Diane Parker, Arbitration Projects Coordinator, Policy Development 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. Parker 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 informing the public of the operating hours of the commission's central records division and commission filing clerk and maintaining consistency within the commission's rules. 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. Parker 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 20 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 20 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 29717.

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.

§21.31. Filing of Pleadings, Documents, and Other Materials.

(a) – (e) (No change.)

(f) **Office hours of the commission filing clerk.** With the exception of open meeting days, for the purpose of filing documents, the office hours of the commission filing clerk are from 9:00 a.m. to 5:00 p.m., Monday through Friday, on working days.

(1) The office hours of Central Records are from 9:00 a.m. to 5:00 p.m., Monday through Friday, on working days, except on Fridays, when Central Records will close for all purposes from noon to 1:00 p.m.

(2) Central Records will open at 8:00 a.m. on open meeting days. With the exception of paragraph (3) of this subsection, no filings will be accepted between the hours of 8:00 a.m. and 9:00 a.m.

(3) On open meeting days, between the hours of 8:00 a.m. and 9:00 a.m., the Commissioners and the Policy Development Division may file items related to the open meeting on behalf of the Commissioners.

(A) The Commissioners and the Policy Development Division shall provide the filing clerk with an extra copy of all documents filed pursuant to this paragraph for public access.

(B) The Policy Development Division shall provide the parties of record copies of documents filed under this paragraph as soon as possible after filing. To the extent practicable, the existence of documents filed under this paragraph shall be announced prior to the discussion on the noticed item at the open meeting. In addition to providing copies via mail or

facsimile, staff may transmit the documents to the parties of record by electronic transmission or via hand-delivery at the open meeting.

(g) – (h) (No change.)

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 28th DAY OF MAY 2004 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA A. GONZALES**