

Subchapter C. CLASSIFICATION OF APPLICATIONS OR OTHER DOCUMENTS INITIATING A PROCEEDING

§22.33. Tariff Filings.

- (a) **Applicability and classification.** This section shall apply to undocketed applications by utilities to change their tariffs. Such tariff filings shall be classified as “electric tariff filings,” “regular telephone tariff filings,” “special telephone tariff filings,” or “water or sewer utility tariff filings.” Electric tariff filings shall be those applications filed under §25.241 of this title (relating to Form and Filing of Tariffs). Regular telephone tariff filings shall be those applications filed under §26.207 of this title (relating to Form and Filing of Tariffs) and §26.208 of this title (relating to General Tariff Provisions). Special telephone tariff filings shall be those applications filed by telecommunications utilities under §26.209 of this title (relating to New and Experimental Services), §26.211 of this title (relating to Rate-Setting Flexibility for Services Subject to Significant Competitive Challenges), and §26.210 of this title (relating to Promotional Rates for Local Exchange Company Services) or PURA, §§53.251, 53.252, 53.301-53.308 or 55.004. Water or sewer utility tariff filings shall be those applications filed under §24.21 of this title (relating to Form and Filing of Tariffs), except those filed by a water supply or sewer service corporation as those terms are defined in the TWC. This section shall apply unless it is inconsistent with chapters 24, 25, or 26 of this title, or PURA or the TWC.
- (b) **Standards for docketing.** Tariff filings, other than a tariff filing made in compliance with a rule or final order of the commission, shall be docketed under the following circumstances:
- (1) if an electric, regular telephone, or water or sewer utility tariff filing would change the revenues received by the utility for an existing service;
 - (2) if an electric, regular telephone, or water or sewer utility tariff filing would allow the utility to begin charging for a service previously available but for which there was not a separate charge;
 - (3) if an electric or regular telephone tariff filing would eliminate an existing service to which one or more customers actually subscribe;
 - (4) if an electric or regular telephone tariff filing would increase a customer’s bill even though the rate for a particular service is not being changed;
 - (5) if the commission’s staff recommends disapproval or approval with modification and the utility requests a hearing; or
 - (6) if the commission receives a request to intervene.
- (c) **Effective date.** Except for tariffs required to be filed under a commission rule specifying the effective date of such tariffs and for tariffs filed in compliance with a final order of the commission, no electric or regular telephone tariff filing may take effect prior to 35 days after filing unless approved by the presiding officer. The requested effective date will be assumed to be 35 days after filing unless the applicant requests a different date in its application. The presiding officer may suspend the operation of the electric or regular telephone tariff filing for 150 days beyond the effective date, or, with the agreement of the applicant, to a later date.
- (d) **Duties of presiding officer.** The presiding officer may establish reasonable deadlines for comments or recommendations, may issue other orders as necessary to facilitate the processing of the tariff filing, and shall issue a notice of approval, approval with modification, denial, or docketing.
- (e) **Appeal of interim orders and notices of docketing.** Interim orders and notices of docketing regarding tariff filings shall be appealable to the commission under §22.123 of this title (relating to Appeal of an Interim Order and Motions for Reconsideration of Interim Order Issued by the Commission).
- (f) **Effect of notices of approval, approval with modification, and denial.** A notice of approval, approval with modification, or denial of a tariff filing shall be the final determination of the commission regarding the tariff filing, and shall be subject to motions for rehearing under §22.264 of this title (relating to Rehearing).