

Subchapter L. EVIDENCE AND EXHIBITS IN CONTESTED CASES.

§22.222. Official Notice.

- (a) **Facts noticeable.** Official notice may be taken of judicially cognizable facts not subject to reasonable dispute in that they are generally known within the jurisdiction of the commission or capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. In addition, official notice may be taken of generally recognized facts within the area of the commission's specialized knowledge.
- (b) **Motions for official notice and opportunity to respond.** If a party intends to rely on matters officially noticed as part of that party's direct case, the motion for official notice shall be made by the deadline established for that party to prefile direct testimony or as directed by the presiding officer. Otherwise, a party's motion for official notice shall be made prior to the conclusion of the evidentiary hearing unless made pursuant to §22.226(d) of this title (relating to Exhibits). Motions for official notice may be written or oral. The motion shall state with specificity the facts, material, records, or documents of which official notice is requested, and copies of such materials, records, or documents shall be provided to the presiding officer and all parties, unless otherwise ordered by the presiding officer on a showing of good cause. A party who opposes the motion shall have the opportunity to contest the requested action.
- (c) **Notification of materials proposed to be noticed.** The presiding officer may take official notice of facts, material, records or documents authorized by APA, §2001.090. The parties shall be notified of the facts, material, records or documents proposed to be officially noticed and shall be given the opportunity to contest the proposed action.
- (d) **Judicial and administrative decisions, commission orders, proposals for decision, and presiding officer's orders.** Official notice shall not be taken of judicial and administrative decisions, commission orders, proposals for decision, and presiding officer's orders for the purpose of citing such documents as precedent or as legal support for a position. A party may cite any part of such decisions, orders and reports in its pleadings. Official notice may be taken of judicial and administrative decisions, commission orders, proposals for decision, and presiding officer's orders for evidentiary purposes.