

**REVISIONS TO THE CURRENT RULES OF PRACTICE AND PROCEDURE
TO IMPLEMENT ELECTRONIC FILING**

Rule 2.08. Service

(a) By the Commission

Process issued by the Commission, as well as notices, complaints, Rules, orders, and regulations of the Commission, may be served by any person authorized to serve process issued out of courts of law, by mail, by facsimile, by commercial delivery service, by electronic mail, or other method as directed by the Commission. Where service is by mail, a duplicate of the instrument served shall be enclosed, upon which duplicate the Person served shall endorse the date of receipt of the original and promptly return the duplicate to the Commission. Where service is by electronic mail, the Secretary shall request a read receipt or similar process to indicate reception of the electronic mail and shall preserve the receipt until the Docket is closed. The recipient shall have the duty to acknowledge receipt of the electronic mail.

(b) By Parties

(1) Except for a pleading which initiates a Docket, and unless otherwise provided in the RPPs or by Commission order, all documents a Party files shall include a certificate:

(A) showing simultaneous service of the document upon all Persons on the Official Service List who do not have electronic mail and noting the name of each and the method and date of service, and

(B) noting electronic service pursuant to the Commission's Electronic Filing System for Persons on the Official Service List with an electronic mail address. No further service is required.

(2) For Persons on the Official Service List without electronic mail, service shall be made by personal delivery; properly addressed first class mail or commercial delivery service (with charges prepaid); facsimile transmission; or other method approved by the Commission.

(c) Service is presumptively complete as follows:

- (1) When filing electronically, at the time the document is filed electronically and sent to the Persons on the Official Service List with an electronic mail address by the Secretary pursuant to the electronic filing system;
 - (2) By electronic mail, upon sending to the electronic mail address on the Official Service List;
 - (3) By facsimile, upon sending to the facsimile number on the Official Service List;
 - (4) By personal delivery, upon delivery to the address on the Official Service List;
 - (5) By mail, upon mailing to the address on the Official Service List; or
 - (6) By commercial delivery service, upon depositing the papers with the commercial delivery company properly addressed to the address on the Official Service List.
- (d) Computation of Time for Performance or Response

In computing the time within which an act must be performed or a response made, the day of the act from which the designated period of time begins to run shall not be included and the last day shall be included unless it is a Saturday, Sunday, Legal Holiday, or other day in which the Commission's office is closed, in which event the period shall extend to the next business day. If service to a Party is by mail, three (3) business days shall be added to the time allowed for that Party for response to, or compliance with, any pleading or order.

[THE FOLLOWING ARE NEW RULES TO BE ADDED TO SECTION 2 OF THE CURRENTLY-EFFECTIVE *RULES OF PRACTICE AND PROCEDURE*]

Rule 2.12. Filings

- (a) Generally
 - (1) All documents submitted to the Commission for filing in a docket or to be received by the Secretary shall fully conform to these Rules. Any filing not conforming to the requirements of the RPPs or

applicable order may be rejected by the Secretary or stricken by the Commission, either *sua sponte* on its own or on motion. The filing of a document is not a determination or waiver of compliance with the RPPs or applicable order.

- (2) For purposes of these Rules, use of the term “filing” (or “filings” or “filed” or similar usage) shall include, where appropriate, those documents which are “received” by the Secretary.
- (3) Users of the Commission’s Electronic Filing System shall comply with all applicable instructions for electronic filing which are presented on the Commission’s website for electronic filing.

(b) Filing Methods

All filings shall be made with the Secretary and shall be by one of the following means:

- (1) Electronic filing through the Commission’s Electronic Filing System on its website;
- (2) In person at the Secretary’s Office at 1000 Center Street, Little Rock, Arkansas; or
- (3) By mail to P.O. Box 400, Little Rock, Arkansas 72203.

Electronic filing is the Commission’s preferred filing method. All Persons filing documents with the Commission are encouraged to file electronically to the greatest extent possible.

(c) Protected Documents Filing Exception

Unredacted documents which contain materials subject to a protective order shall not be filed electronically, but rather submitted in person or by mail with the Secretary.

(d) Time of Filing

Electronic filings may be downloaded to the Commission’s electronic filing system at any time. All other filings (in person or by mail) shall be made during the Commission’s normal business hours. The Commission’s normal business hours are posted on its website. Any electronic filing received after normal business hours but before midnight or received on a non-business day shall be deemed filed and served on Persons on the Official Service List with electronic mail on the next business day. Any

electronic filing received between midnight and the beginning of normal business hours on a business day shall be deemed filed and served on Persons on the Official Service List with electronic mail on that business day. If the Commission offices are closed at the time of a filing deadline, the time for complying with the filing deadline shall be extended to the same filing deadline time on the next business day.

(e) Acceptance of Electronic Filing

- (1) A document shall not be considered filed electronically until submitted via the Commission's electronic filing system and the Commission's electronic filing system generates a receipt of electronic filing.
- (2) Risk of loss of transmission, of non-receipt, or of illegibility is upon the person transmitting and filing electronically. If a filing is made electronically, the filer must receive a notice of electronic filing from the Secretary to be assured that the filing was received and accepted for filing. Otherwise, a filing is confirmed by the file stamp on the document.

(f) Technical Failures

- (1) The standards for declaring a technical failure of the electronic filing system shall be posted on the Commission's website.
- (2) A filing party whose filing is made untimely as the result of a technical failure of the Commission's electronic filing system may seek appropriate relief from the Commission.

(g) Correction of Electronic Filings

Once a document is filed electronically, corrections to the filing may only be made by the Secretary. The Commission's electronic filing system shall not permit the filing party to make changes to the document(s) or filing information once the transaction has been submitted. If a filing error is made, the filing party shall contact the Secretary as soon as possible with the correct document(s) or filing information, as appropriate.

Rule 2.13. Signatures on Electronically Filed Documents

- (a) A pleading or other document filed electronically which requires a signature may be signed in the following manner: "/s/ (name)."

- (b) If the filed document bears an original non-electronic signature, the Person filing the document shall maintain the original document. This includes all notarized documents.