

R1-15 INVESTIGATION AND SUSPENSION PROCEEDINGS

Whenever there shall be filed with the Commission by any public utility or carrier, subject to its jurisdiction, any schedule stating new or changed rate or rates, as provided by G.S. 62-134, 62-135, 62-138, 62-140, 62-142, or 62-146, the Commission may, upon protest or complaint of the Public Staff or of any interested party, or upon its own initiative, suspend such rates or charges pending an investigation of the lawfulness thereof, and to that end the following proceedings will be in order:

- (1) Any public utility filing or applying for an increase in rates for electric, telephone, natural gas, water, or sewer service shall notify its customers proposed to be affected by such increase of such filing within 30 days of such filing, which notice shall state that the Commission shall set and shall conduct a trial or hearing with respect to such filing or application within six months of said filing date. All other public utilities shall give such notice in such manner as shall be prescribed by the Commission.
- (2) **Protests or Complaints.** — Protests or complaints against any tariff or schedule of rates or charges filed with the Commission under the provisions of any of the foregoing sections of the statute should be made in writing and filed with the North Carolina Utilities Commission, Raleigh, North Carolina, with a copy to the Public Staff at least ten (10) days before the effective date of the tariff or schedule. Such protests or complaints should comply with the provisions of Rule R1-5; provided, that, in cases of emergency, notice of intention to file such protests or complaints may be given by telegram to the Commission with a copy to the Public Staff and to the publishing utility carrier, agent, broker, or freight forwarder, within the time limits herein provided, but such notice by telegram must be immediately followed by formal protests or complaints in accordance with this rule.
- (3) **Suspension Order.** — If the Commission determines upon such protest or complaint, or upon its own initiative, to suspend such schedule of rates or charges, it shall issue an order suspending the same for a period and in the manner authorized by statute in such cases. A copy of such order shall be served by the Commission on the party filing such schedule and it shall give notice thereof to such other parties as it deems adequate.
- (4) **Reply.** — Within twenty (20) days after service of the Commission's order suspending said schedule, the party filing such schedule may file with the Commission a reply with a copy to the Public Staff [original plus the number of copies specified in Rule R1-5(g)], under oath, of the particular reasons, or conditions relied upon to warrant the Commission in vacating said suspension order.
- (5) **Notice of Hearing.** — When the time and place of hearing shall have been determined, the Commission shall give due notice thereof to all parties to the proceeding and to such other parties as it deems necessary to bring the matter to the attention of those having an interest in the proceeding.
- (6) **Parties.** — Persons having an interest in the subject matter of proceedings under this rule and who have not filed protests or complaints, as provided by subdivision (1) hereof, may become parties to the proceeding by compliance with Rule R1-17(e).

(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 56, 5/24/74; NCUC Docket No. M-100, Sub 73, 9/12/77; NCUC Docket No. M-100, Sub 75, 10/27/77; NCUC Docket No. W-100, Sub 24, 2/22/94; NCUC Docket No. M-100, Sub 128, 11/30/01.)