

**199—6.5(476) Initiating formal complaint proceedings.**

**6.5(1)** *Request for formal proceeding based upon a proposed resolution.* If the consumer advocate, the complainant, or the public utility does not agree with the proposed resolution, a request for a formal complaint proceeding may be made in writing within 14 days of the issuance of the proposed resolution. The request for a formal proceeding shall be considered as filed on the date of the United States Postal Service postmark, the date of electronic mail, the date of filing in the board's electronic filing system, or the date of in-person delivery to the board's customer service center. The request shall include the file number marked on the proposed resolution. The request shall explain why the proposed resolution should be modified or rejected and shall propose an alternate resolution. All parties to the informal complaint shall be provided copies of the request for a formal proceeding. Any other party to the informal complaint investigation may submit a response to the request for a formal proceeding within ten days of the date the request was submitted to the board.

**6.5(2)** *Request for a formal complaint proceeding by pleading.* Any person may request that a formal complaint proceeding be opened. The board may conduct an informal investigation pursuant to rule 199—6.2(476) before granting or denying the request for a formal complaint proceeding. A person filing a request for a formal complaint proceeding shall participate in the informal complaint investigation.

**6.5(3)** *Request for formal complaint proceeding.* Upon receipt of a request for a formal complaint proceeding, whether based upon a proposed resolution or a pleading, board staff shall prepare a recommendation to the board whether to grant or deny the request for a formal complaint proceeding. The board will review any investigation conducted by staff and staff's recommendation and shall issue an order either granting or denying a formal complaint proceeding. If the board grants the request for a formal complaint proceeding, the board will issue a procedural schedule or conduct a scheduling conference as required for a contested case proceeding.

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