

GUIDANCE DOCUMENT NO. 11*

ACCEPTANCE OF FILINGS DURING NON-BUSINESS HOURS

I. Purpose

This policy establishes the Nebraska Power Review Board's (the Board) procedure for accepting and date and time stamping documents filed with the Board outside of the Board's normal business hours. There are occasions when the Board's staff is working in the office outside the Board's normal business hours and filings are received, either by personal delivery or facsimile transmission.

II. Policy Applicability and Definitions

A. This policy is meant to outline the Board's procedure for how a document submitted for filing with the Board will be date and time stamped when it is received by the office staff during non-business hours. This policy sets out the procedure that will normally be followed for the Board's staff to accept and time and date stamp documents received during non-business hours so that parties filing the documents or other parties inquiring about filings are aware of the Board's procedures for receiving such documents.

B. "Normal business hours" for the Board are 8:00 a.m. to 5:00 p.m. (CT) Monday through Friday. The office is closed on all State holidays.

C. "Non-business hours" are any hours that are not part of the Board's normal business hours.

III. Receipt of Filings Prior to the Office Opening for Business

Documents received prior to the time when the Board officially opens in the morning on a non-holiday workday will be time and date stamped on the appropriate business date at 8:00 a.m. For example: a courier arrives at the Board's offices at 7:20 a.m. on June 10 to file a document. The Board's staff member accepting the filing will time and date stamp it as having been officially received at 8:00 a.m. on June 10.

* This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

IV. Receipt of Filings After the Close of Business

Documents received by the Board's staff after the close of business will be time and date stamped as having been officially filed at the opening of the office on the next business day. For example: a courier arrives at the Board's offices at 5:45 p.m. on June 10 to file a document. The Board's staff member accepting the filing will time and date stamp it as having been officially received at 8:00 a.m. on June 11.

V. Receipt of Filings Via U. S. Postal Service or State Interoffice Mail

Documents received through the U.S. mail or through the State's interoffice mail will be time and date stamped as having been officially received at the time when the mail is retrieved on that business day. If the mail would be retrieved on a non-business day, the document will be time and date stamped as having been received at the opening of business on the next business day. On business days, the Board's staff will retrieve mail each morning. In some instances the mail may be checked periodically throughout the day. Those documents received during the day will be time and date stamped as having been received at the time they are retrieved prior to the close of business.

VI. Filing of Documents Due To Non-Scheduled Office Closure

In any instance when the Nebraska State Office Building or the Board's offices are closed on a weekday that is not a State holiday due to unscheduled circumstances (e.g. weather conditions, bomb threat, all Board employees are ill on the same day, etc.) that day will be treated as if it were a State holiday only for purposes of determining filing deadlines, receipt of filings, and time-stamping documents received in the Board's offices. If the Board's offices are open for part of the day but are closed prior to the normal close of business at 5:00 p.m. CT, the entire day will be treated as if it were a State holiday only for purposes of filing deadlines. Any documents received while the Board's offices are open on such a day will be accepted for filing and time or date stamped on that day.

A. In instances where the Board's offices open later than its normal opening time of 8:00 a.m. due to unforeseen circumstances (such as inclement weather, evacuation due to bomb threat, etc.), the day will be deemed to be a normal business day for purposes of receiving filings if the Board's offices are open by 1:00 p.m. and remain open until the normal close of business at 5:00 p.m. In instances where the Board's offices are not open for business by 1:00 p.m., but are subsequently open, that day will be considered to be a State holiday only for purposes of filing deadlines.

B. In the event the Board's offices are closed on a non-holiday weekday due to unforeseen circumstances, the Board's staff will make an attempt to

notify any party, or the party's attorney if represented by counsel, with proceedings pending before the Board about the closure and that the day should be counted as a State holiday only for purposes of calculating filing deadlines.



Timothy J. Texel

Executive Director and General Counsel

Approved as amended at NPRB Board Meeting January 11, 2013.
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