

Agency Rules Simplification/Elimination  
Amended: October 6, 2014  
Administrative Cause No. 14-092A

**TITLE 312 NATURAL RESOURCES COMMISSION**

**Proposed Rule**  
LSA Document #14-

**DIGEST**

Amends 312 IAC 3-1-7 to establish a time deadline applicable to filings determined by date of delivery or receipt, to eliminate filing by facsimile and make other technical amendments. Repeals 312 IAC 1-1-7, 312 IAC 1-1-8, 312 IAC 1-1-9, 312 IAC 1-1-10, 312 IAC 1-1-11, 312 IAC 1-1-12, 312 IAC 1-1-19.5, and 312 IAC 3-1-16. Effective 30 days after filing with the Publisher

**312 IAC 1-1-7; 312 IAC 1-1-8; 312 IAC 1-1-9; 312 IAC 1-1-10; 312 IAC 1-1-11; 312 IAC 1-1-12; 312 IAC 1-1-19.5; 312 IAC 3-1-7; 312 IAC 3-1-16**

SECTION 1. 312 IAC 3-1-7 IS AMENDED AS FOLLOWS:

312 IAC 3-1-7 Filing and service of pleadings and documents

Authority: IC 14-10-2-4

Affected: IC 4-21.5-3-1; IC 4-21.5-3-29; IC 4-21.5-5; IC 14; IC 23-1-20-15; IC 25

Sec. 7. (a) ~~Pleadings and documents~~ **A person must be filed file a pleading or document with the administrative law judge (or, for an action under section 12 of this rule, the chair of the committee) and served on all other serve the parties.**

(b) **Except as required by IC 4-21.5-3-1(c),** the filing of a pleading or document ~~with the administrative law judge~~ may be performed by any of the following:

- (1) Personal delivery.
- (2) United States mail under any of the following categories:
  - (A) First class.
  - (B) Certified.
  - (C) Express.
  - (D) Priority.
- (3) Private carrier.
- (4) Interoffice mail.
- (5) ~~Faeximile mail.~~

~~(6) Except as required by IC 4-21.5-3-1(e),~~ Electronic mail **addressed to nrcaopa@nrc.in.gov.**

(c) If an attorney or another authorized representative represents a party, service of a pleading or document must be made upon the attorney or other authorized representative. If an individual appears without separate representation, service must be made upon the individual.

(d) Filing or service is complete on the earliest of the following dates:

(1) The date on which the pleading or document is delivered.

(2) The date of the postmark on the envelope containing the pleading or document if the pleading or document is sent by a category of United States mail described in subsection (b)(2) and is properly addressed.

(3) The date on which the pleading or document is deposited with a private carrier, as shown by a receipt issued by the carrier, if the pleading or document is sent by a private carrier and is properly addressed.

(4) The date of receipt of the pleading or document, if the date of deposit or postmark cannot be determined.

**(e) Where the date of filing or service is determined by the date of delivery to or receipt at the office, all filing or service deliveries received after 4:45 p.m., ET, will be deemed to have been received on the next following regular day.**

~~(e)~~ **(f)** This section does not modify the time in which a party may file objections under IC 4-21.5-3-29 or a petition for judicial review under IC 4-21.5-5.

~~(f)~~ **(g)** IC 4-21.5-3-1(d) and IC 4-21.5-3-1(e) govern service by publication.

~~(g)~~ **(h)** As used in this section, "private carrier" means a person, other than the United States Postal Service, that delivers mail as defined in IC 23-1-20-15. (*Natural Resources Commission; 312 IAC 3-1-7; filed Feb 5, 1996, 4:00 p.m.: 19 IR 1319; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed May 4, 2005, 1:15 p.m.: 28 IR 2660; readopted filed Jul 21, 2008, 12:16 p.m.: 20080813-IR-312080052RFA; errata filed Jun 20, 2011, 12:23 p.m.: 20110629-IR-312110377ACA; readopted filed May 20, 2014, 9:48 a.m.: 20140618-IR-312140027RFA*)

SECTION 2. THE FOLLOWING ARE REPEALED: 312 IAC 1-1-7, 312 IAC 1-1-8, 312 IAC 1-1-9, 312 IAC 1-1-10, 312 IAC 1-1-11, 312 IAC 1-1-12, 312 IAC 1-1-19.5, 312 IAC 3-1-16.