

OFFICE OF GENERAL COUNSEL  
MEMORANDUM



**TO:** Chairman Barry T. Smitherman  
Commissioner David Porter  
Commissioner Christi Craddick

**THROUGH:** Milton Rister  
Executive Director

**FROM:** Jason Boatright *JB*  
Special Counsel

**DATE:** July 9, 2013

**SUBJECT:** Rulemaking Requirements

July 9, 2013		
APPROVE	DENY	ABSTAIN
		

These requirements will help make the Commission's rulemakings fair and efficient:<sup>1</sup>

1. Each rulemaking must follow a schedule that lists the dates of all events and the deadlines for completing all tasks that the rulemaking would likely require.
2. The Office of General Counsel ("OGC") must propose a rulemaking schedule to the Commissioners' chiefs of staff, a majority of whom may approve, deny, or amend the schedule at any time.
3. The OGC must post on the Commission's website a schedule that lists events and deadlines for the public. The OGC must post on the intranet a schedule that lists deadlines for Commission staff.
4. The Commission must enforce deadlines for submitting comments. This will help ensure that everyone has an equal opportunity to submit comments and that the Commission has enough time to review them.
5. The public must submit comments to the electronic mailbox designated for receiving them. This will ensure that the Commission begins processing comments automatically, immediately, and consistently.
6. The Commission must enforce deadlines for completing agency tasks. This will ensure that technical staff has time to draft a rule, the OGC has time to revise it, and the Commissioners have time to review it.
7. The Commission must not disclose confidential working drafts of rules to any member of the public.

<sup>1</sup> This memo discusses internal agency management only. It is not a rule. TEX. GOV'T CODE ANN. § 2001.003(6)(C) (West 2008).