

Subchapter C. Appeals **to the Commission** of Preliminary Determinations on Applications

§93.301. Finality of Decision; Request for SOAH Hearing; Waiver of Appeal.

(a) The commissioner shall issue a preliminary decision on all applications. Unless a party files a **timely** written appeal **to the commission**, the preliminary decision **of the commissioner** will become final **and non-appealable** when the time for appeal set out in Finance Code §122.007 or §122.011 expires. If a party submits a written waiver of its right to appeal, the preliminary **commissioner's** decision becomes final **and non-appealable** on receipt of the waiver. If a party files a timely appeal, the commissioner's preliminary decision is **automatically** withdrawn and **the Department will refer** the matter **[will be referred]** to SOAH. The commissioner may, at the commissioner's sole discretion, refer any matter to SOAH for hearing prior to **and in lieu of** entering a preliminary decision.

(b) Notwithstanding subsection (a) of this section, if an application is approved without modification, and no protest or comment was received during the notice period, the commissioner may determine that the preliminary decision **of approval** should become final immediately.