



Statement of  
**Agency  
Organization  
& Operations**

SEPTEMBER 2015

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Agency Organization & Operations\*

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\* As required by Rule 28-101.001, Florida Administrative Code

Statement of  
Agency Organization & Operations

**Commission Mission Statement**

To facilitate the efficient provision of safe and reliable utility services at fair prices.

**Commission Goals**

The Commission fulfills its mission by pursuing a number of goals:

**Goals for Economic Regulation**

- ◆ Streamline regulatory requirements to the extent possible, to provide an open, accessible, and efficient regulatory process that is fair and unbiased.
- ◆ Provide a regulatory process that results in fair and reasonable rates, while offering rate base regulated utilities an opportunity to earn a fair return on their investments.
- ◆ Encourage efficiency and innovation among regulated utilities.
- ◆ Encourage and facilitate responsible use of resources and technology in the provision and consumption of utility services.

**Goals for Regulatory Oversight**

- ◆ Identify and address regulatory barriers that impede the development of competitive telecommunications markets, as directed by law.
- ◆ Provide appropriate regulatory oversight to protect consumers.
- ◆ Ensure that all entities providing utility services to consumers comply with all requirements subject to the Commission's jurisdiction.

**Goals for Service Regulation and Consumer Assistance**

- ◆ Facilitate the provision of safe utility services at levels of quality and reliability levels that comply with established industry standards and practices.
- ◆ Inform consumers about utility matters.
- ◆ Expedite resolution of disputes between consumers and utilities.

## Commission Organization

The Commission consists of five members appointed by the Governor and confirmed by the Senate. Commissioners serve four-year terms, as provided in Chapter 350, Florida Statutes (F.S.).

The Chairman is elected by a majority vote of the Commissioners to serve as chair for two years. The Chairman is the chief administrative officer of the Commission, presiding at all hearings and conferences when present, setting Commission hearings, and performing those duties prescribed by law. In the Chairman's absence, the senior member of the Commission panel presides; however, the senior member of the panel may delegate another Commissioner to preside.

A majority of any Commission panel constitutes a quorum, and the Commission cannot take formal action in the absence of a quorum. A majority vote of the quorum determines Commission action. When only two Commissioners are assigned to a proceeding and they do not agree on a final decision, the Commission Chairman, after appropriate review of the record, shall cast the deciding vote. When the Chairman is one of a two-member panel and the panel does not agree on a final decision, the matter shall be referred to the full Commission for disposition. In such an event, the full Commission shall review the record as appropriate.

## Commission Staff Organization

The Florida Public Service Commission (FPSC) carries on its work through two primary offices: the Office of Executive Director and the Office of General Counsel. The Offices of Executive Director and General Counsel are charged with implementing Chapters 350, 364, 366, 367, 368, and 427, Florida Statutes (F.S.), and Sections 403.064, 403.501-403.539, and 403.9401-403.9425, F.S.

### I. Office of Executive Director

The **Office of Executive Director (EXE)** advises the Commissioners on all technical, administrative, and policy matters under the FPSC's jurisdiction and, in coordination with the Office of General Counsel, serves as the Commission's liaison with federal, state, and local governmental agencies and the Florida Legislature and Congressional Delegation. In addition, the Office directs the agency's daily operations, including regulatory, internal management, and budgetary matters. Overseeing all divisions and offices, except the General Counsel, the Office directs planning and operational activities through two Deputy Executive Directors. The Director of the Office of Industry Development & Market Analysis also reports to this office.

The **Deputy Executive Director/Technical (DET)** oversees the Divisions of Accounting & Finance, Economics, and Engineering, and the Office of Telecommunications. Facilitating the flow and efficiency of the Commission's case workload, this position processes rate change requests, performs technical investigations, develops programs, monitors marketplace development, and implements policies in the regulation of electric, gas, and water and wastewater companies. The agency's Docket Manager reports to this position.

The **Deputy Executive Director/Administrative (DEA)** oversees the Division of Administrative & Information Technology Services and the Offices of Auditing & Performance Analysis, Commission Clerk, and Consumer Assistance & Outreach. This position supervises administrative support and information technology services, maintains and manages official docket records, resolves consumer complaints, conducts consumer outreach, and handles media inquiries.

### II. Office of General Counsel

The **Office of General Counsel (GCL)** provides legal counsel to the Commission on all matters under the Commission's jurisdiction. This office also supervises the procedural and legal aspects of all cases before the Commission.

The office is responsible for defending Commission orders on appeal, for defending Commission rules challenged before the Division of Administrative Hearings, and for represent-

ing the Commission before state and federal courts. To assist FPSC offices and divisions, this office offers support in making filings with, or presentations to, other federal, state, or local agencies. The office advises in the promulgation of rules and attends or conducts rulemaking hearings at the Commission's direction. It also reviews procurement contracts; counsels the Commission on personnel, contractual, public records, and other administrative legal matters; and offers mediation services to parties in Commission proceedings.

In cases involving evidentiary hearings before the Commission or an Administrative Law Judge, the office is responsible for conducting discovery, presenting staff positions and testimony, and cross-examining other parties' witnesses. In conjunction with the appropriate technical staff, this office prepares recommendations to the Commission and prepares written Commission orders.

In addition, the office is the liaison with the Florida Legislature on all matters affecting FPSC program areas and serves as a liaison with federal regulatory agencies, state agencies, and the Florida Department of Agriculture and Consumer Services' Office of Energy.

### III. Office of Inspector General

The **Office of Inspector General** (OIG) is established by law to provide a central point for coordinating activities that promote accountability, integrity, and efficiency in government. The office reports directly to the Chairman, and its responsibilities include conducting internal audits and investigations, assessing the validity and reliability of data and information produced by the Commission, and coordinating external audits and reviews of the Commission by the Auditor General and others.

The office also monitors corrective actions taken by management to address identified deficiencies. These activities help management ensure that Commission programs perform as intended and that fraud or abuse is detected and eliminated. By reducing risks of non-performance in Commission operations, the office promotes the Commission's ability to achieve its mission and goals.

### IV. Technical Divisions and Offices

The **Division of Accounting & Finance** (AFD) reviews the revenue requirements of rate base regulated electric, natural gas, and water and wastewater utilities and monitors earnings for these industries through reviews of surveillance filings and utility annual reports. The division manages the utilities' annual report process including all mailings, extensions, filings, delinquency notices, penalty letters, and show cause recommendations.

The division is also responsible for processing requests for base rate changes requested by electric, natural gas, and water and wastewater utilities, as well as Commission-initiated

overearnings investigations. Processing base rate change requests includes analyzing filings, expert testimony, and exhibits; developing interrogatories and production of documents requests; preparing cross-examination questions; presenting staff testimony; holding customer meetings; and presenting recommendations to the Commission, including a recommended return on equity. Water and wastewater utilities' requests for index and pass through rate adjustments and staff assisted rate cases are also processed by the division.

In addition, the division makes recommendations to the Commission on annual cost recovery clause petitions. For electric utilities, this includes fuel and purchased power costs, capacity costs, conservation expenditures, and environmental expenditures. For natural gas utilities, the annual cost recovery petitions include purchased gas cost and conservation expenditures. The division also monitors monthly electric utilities' fuel costs and natural gas utilities' purchased gas costs.

For water and wastewater utilities, the division administers the transfers of utility certificates from one utility regulated owner to another, as well as transfers from regulated owners to governmental entities and other exempt entities.

Other responsibilities include processing security applications for investor-owned natural gas and electric utilities, evaluating requests for corporate undertakings, analyzing income tax issues, and calculating the interest on refunds.

The **Division of Engineering (ENG)** is responsible for providing recommendations pertaining to technical issues coming before the Commission. Issues may include evaluation of engineering capital cost estimates and actual utility plant expenditures, determination of annual revenue requirements and life cycle costs, establishment of adequate margins of reserve, and analysis of operating and maintenance costs. Additionally, the division is responsible for cost-effectiveness determinations, taking into consideration the impacts on Florida's consumers, regulated industries, and the regulatory environment.

All docketed and undocketed matters involving the engineering and safety aspects of Florida's electric, natural gas, and water and wastewater utilities within the Commission's jurisdiction are the division's responsibility. The division has primary responsibility for programs such as the ten-year site plans, conservation goals and programs, cogeneration and renewable generation contract approvals, modifications and buyouts, and bulk power interconnection standards. The division also coordinates issue resolutions pertaining to storm hardening, construction standards, meter accuracy and testing, electric and gas pipeline safety, emergency planning and operations, water and wastewater margin of reserve, and used and useful determinations.

The division annually prepares the *Distribution Reliability Report Analyzing the Service Quality and Outage Performance of the Investor-Owned Electric Utilities*. The division is also responsible for staffing the Emergency Support Function 12 in the Emergency Op-

erations Center. The ESF-12 responsibility is to provide outage and restoral information regarding electric and natural gas service during a state of emergency.

The **Division of Economics** (ECO) provides recommendations to the Commissioners on the design and application of retail rates and tariffs for all electric, gas, and water and wastewater utilities subject to the Commission's jurisdiction. In addition, the division provides primary technical support for all cases involving determination of service territories for electric and gas utilities. Reviewing the development and application of depreciation rates and practices for inclusion in base rate revenue requirements is another division function.

In addition to rate and tariff matters, the division provides econometric and statistical analysis, including forecasts and other statistical projections, for all investor-owned regulated industries. The division also prepares a Statement of Estimated Regulatory Cost (SERC), required by statute for all proposed and revised administrative rules. SERCs evaluate the costs and benefits of the proposed rule change, including analysis on the public and business sectors.

The division has primary responsibility for preparing the annual *Comparative Rate Statistics Report*, the annual *Florida Energy Efficiency and Conservation Report* and that portion of the *Ten-Year Site Plan Review* addressing the adequacy of electric utilities' load and energy forecasts.

The **Office of Telecommunications** (TEL) handles issues that involve the wholesale oversight of the wireline telecommunications industry. The office is responsible for facilitating dispute resolutions between carriers about local interconnection agreements and other wholesale issues. Companies entering an agreement can either negotiate between the parties or have the FPSC arbitrate unresolved operational issues. Once an interconnection agreement is executed, the parties may come to the FPSC to resolve a dispute of interpretation of the contract language. The office also processes cases involving area code relief, number conservation plans, number resource reclamation, local number portability, and other numbering issues.

Florida's Lifeline Assistance Program, providing discounted telecommunications services to low-income consumers, is monitored, and the office addresses issues related to Lifeline and provides recommendations on eligible telecommunications carrier designations. The office also oversees the Florida Relay Program, providing telecommunications services for the deaf and hard of hearing, and facilitates the resolution of consumer complaints relating to Lifeline, Telephone Relay, and payphones.

The office prepares the *Annual Report on the Status of the Telecommunications Access System Act of 1991*, the *Annual Report on Lifeline Assistance*, and the *Report on the Efforts*



*of the Florida Public Service Commission to Reduce the Regulatory Assessment Fee for Telecommunications Companies.* In addition, based upon competitive market data analysis, the office compiles and prepares a report on its findings in the *Annual Local Competition Report*.

Certification filings are processed, along with the related administrative functions for all telecommunication companies and pay telephone providers. The office processes local telephone service providers' schedules of rates and terms, if filed with the FPSC, and negotiated agreements. Monitoring company compliance with various FPSC rules, the office initiates action if warranted. The office also acts as the FPSC's technical liaison with the Federal Communications Commission and provides Commissioner support for National Association of Regulatory Utility Commissioners' (NARUC) telecommunications activities.

The **Office of Industry Development & Market Analysis** (IDM) is responsible for the critical assessment of the evolving utility industry and development of strategies that most benefit Florida's citizens. The office analyzes developing policies and prepares recommendations for implementing state and federal laws, including strategy alternatives for consideration by the Commission. The office serves as a technical liaison with the Florida Legislature and state agencies, including the Florida Department of Agriculture and Consumer Services' Office of Energy. Also, the office monitors and advises the Commission on Congressional activities and federal agency actions which may impact Florida consumers and utilities.

The office participates in special studies concerning energy policy, develops discussion papers, and analyzes alternative regulatory approaches for energy policy. Additionally, the office analyzes policy relating to the adequacy, quality, and affordability of Florida's water resources and analyzes issues affecting the water and wastewater industry. The office also prepares technical analyses of special projects for all industries (i.e., electric, telecommunications, and water and wastewater). The office also coordinates and prepares the annual *Long Range Program Plan* and the *Statistics of the Florida Electric Utility Industry*. Finally, the office provides support to Commissioners for NARUC activities pertaining to energy, spent nuclear fuel, environmental regulations, energy efficiency, and renewables, as well as technical support to other staff in docketed and undocketed matters.

## V. Administrative Divisions and Offices

The **Division of Administrative & Information Technology Services** (AIT) assists in preparing the Commission's Legislative Budget Requests, monitors the operating and non-operating budgets, and assists in preparing budget amendments as necessary. The *Fiscal Services Section* primarily handles all financial transactions and accounting records main-

tenance. *Human Resources* administers the agency's human resources program, including recruitment, selection, classification and pay, attendance and leave, performance evaluations, training and staff development, variable work week schedules, employee relations, payroll, insurance, and other employee benefit programs.

*Support Services and Facilities Management and Purchasing* are under the *General Services Section*. *Support Services* supports imaging, duplicating, mail distribution, audiovisual, hearing and conference room operations, and fax systems. *Facilities Management and Purchasing* processes all agency purchasing, security and safety issues, leasing, surplus property, and fleet management.

The *Bureau of Information Technology Services* monitors and evaluates the information processing and telephony needs of the FPSC, proposing enhancements to information processing resources to management and providing technical support services. Additionally, the bureau manages the agency-wide administrative procedures manual and forms inventory/tracking programs.

The **Office of Commission Clerk (CLK)**, the official keeper of the Commission's public records, is responsible for coordinating public record requests. It records, prepares, and maintains the official transcripts of Commission Conferences and Internal Affairs meetings. The office is authorized to issue subpoenas in proceedings before the Commission and is responsible for preparing, certifying, and transmitting records on appeal to the upper tribunal. The Commission Clerk, designated as the Agency Clerk and the Records Management Liaison Officer, coordinates the FPSC's records management program, is responsible for issuing non-Commissioner signed orders and notices, and, as the custodian of record, certifies copies of official filings.

The *Documents and Case Management Section* accepts and processes filings and maintains the official docket by ensuring the integrity, timeliness, and availability of filings in the Case Management System (CMS) and on the FPSC website. It is responsible for managing and coordinating the establishment of new dockets, issuance of orders and notices to parties and interested persons, case closure, and preparation of statistical and management reports. This section responds to information requests, invoices for services, and, upon applicable payment, provides the responsive documents. It maintains the Master Commission Directory (MCD) of utilities and provides notification to Commission employees regarding the adoption of new or amended rules. This section also administers the records management program and activities.

The *Events and Hearing Reporters Section* prepares and notices events such as Commission Conferences, Internal Affairs meetings, hearings, pre-hearings, workshops, and rule-making in the *Florida Administrative Register*. This section prepares the FPSC's Schedule of Live Events from the established Commission calendar and provides support staff to record these events. It also maintains the calendar of Commission activity and issues various

reports. The hearing reporters record and prepare discovery deposition transcripts, attend scheduled events, and are responsible for preparing and filing the official record transcripts and exhibits in the appropriate dockets.

The **Office of Auditing & Performance Analysis** (APA) conducts audits and reviews in all industries.

The *Performance Analysis Section* conducts utility management and operational audits and identifies areas for improvement. These audits may be limited to one company or conducted on a comparative basis between several companies. Areas for investigation may include internal controls, process or procedure analysis, construction project management, quality assurance, service quality, and rule compliance. Special investigations are also conducted relating to allegations of utility fraud, mismanagement, and other whistleblower complaints.

The *Bureau of Auditing* is responsible for audits and reviews in all industries. The types of audits and reviews performed include financial, compliance, billing, and verification. The auditors conduct examinations of utility-related financial and operating records and provide an independent verification of the supporting documentation for any statements or filings made by regulated companies. Financial audits are conducted in conjunction with utilities' requests for rate increases through rate cases or the annual cost recovery clauses to ensure ratepayers only pay for prudently incurred expenses. This bureau conducts financial audits from three district offices in Tallahassee, Miami, and Tampa.

The **Office of Consumer Assistance & Outreach** (CAO) is the Commission's liaison with the public and the media. Providing effective consumer assistance and education, the *Bureau of Consumer Assistance* receives, processes, and resolves consumer complaints and informal disputes between customers and utilities. Consumers may file complaints via a toll-free telephone number or online and by mail, facsimile, or e-mail. In addition to helping resolve complaints, the bureau provides consumer information about utility payment plans, statutes and rules governing utility companies, and the status of pending cases before the FPSC.

By producing and distributing the agency's news releases and maintaining familiarity on a broad array of dockets, issues, and related activities affecting consumers or having media interest, the *Outreach Section* ensures that timely, accurate information is disseminated to the public. This section also participates in community meetings, consumer forums, and customer meetings and hearings by presenting agency information and distributing a variety of consumer publications, including information on the Lifeline Assistance Program.

Other office responsibilities include selecting locations and coordinating logistics for customer service hearings, handling consumer outreach and media at customer meetings and

service hearings, and updating information and processing submissions to the agency's website.

The office also coordinates and produces several FPSC reports and publications, including the *FPSC Annual Report*, *Comparative Rate Statistics*, *Facts & Figures of the Florida Utility Industry*, *The Statement of Agency Operation & Organization*, *Inside the PSC*, and the quarterly *Consumer Connection E-Newsletter*.

## Commission Operations

### Principal Office and Contact Information

The main office of the Commission is located at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. Business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for legal holidays. The telephone number and website for obtaining publications, documents, forms, applications for certificates, and other information are (850) 413-6100 and <http://www.floridapsc.com/AboutPSC/ContactInformation>. The FPSC provides a staff of information specialists who are available to answer questions from Florida consumers. To reach a staff consumer representative, consumers may call 1-800-342-3552, send a fax to 1-800-511-0809, or send an email to [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us).

### Designation of Agency Clerk

The Commission Clerk is responsible for accepting official filings at the following mailing address:

Florida Public Service Commission  
Carlotta S. Stauffer, Commission Clerk  
Office of Commission Clerk  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Official filings may also be hand-delivered to the Office of Commission Clerk, Room 152 of the Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida, or filed electronically (see Filing Documents Electronically on page 19 for complete instructions). The Commission does not accept filings submitted by facsimile (fax) transmission. The date on which a document was filed can be verified by viewing the docket for that case on the FPSC's website, [www.FloridaPSC.com](http://www.FloridaPSC.com). The telephone number of the Commission Clerk's office is (850) 413-6770. Requests for information or changes to address information may be faxed to (850) 717-0114 or emailed to [clerk@psc.state.fl.us](mailto:clerk@psc.state.fl.us). An electronic Copy Request Form is available from the website's **Clerk's Office** selection.

### Inspection and Copying of Records

The FPSC strives to make as many records as possible available on its website, [www.FloridaPSC.com](http://www.FloridaPSC.com). Official filings in docketed matters are accessible from the **Clerk's Office** selection and may be reproduced from the official records docket. A pdf document filing that is shown in red and marked with an asterisk is an image of the official document on file in the Office of Commission Clerk, which acts as the FPSC's liaison for public records requests. Copies of documents will be furnished upon payment as provided in Chapters 28 and 119 and Section 350.06(6), F.S.

## Conferences

Anyone desiring a conference with the Commissioners or Commission staff about matters having Commission jurisdiction may request such a conference through the Commission Chairman, a Commissioner, the Office of Commission Clerk, the Executive Director, or the particular staff member involved. A written request concerning the purpose and anticipated duration of the conference should be furnished to avoid conflicts and facilitate the availability of staff members and records, if needed. In an emergency, the foregoing information may be communicated by telephone. Any conference with the Commissioners or Commission staff must comply with the prohibition against ex parte communications in pending cases to determine substantial interests.

## Commission Conferences

The Commission makes decisions and votes on docketed items at Commission Conferences. Commission Conferences usually take place once each month at the Commission's office in Tallahassee but may occur at other times and places as necessary. Commission Conferences are noticed in the *Florida Administrative Register* at least seven days in advance and are also announced on the FPSC website (select the **Conferences & Meeting Agendas** tab and then select **Schedule of Commission Conferences**). Generally, the Commission conducts its public business at Commission Conferences with advice, assistance, and recommendations from FPSC staff. With regard to proposed Commission action, the Commission may call upon associated parties of record to answer questions or elicit information during Commission Conferences.

## Internal Affairs Meetings

Internal Affairs meetings are held to discuss matters related to the Commission's organization, functions, management, operations, finances, intra-and intergovernmental affairs, and for special presentations. Meeting notices are published in the *Florida Administrative Register* at least seven days in advance and are also announced on the Commission's website (select the **Conferences & Meeting Agendas** tab and then select **Internal Affairs Agendas**).

## Copies of Agendas and Staff Recommendations

The Commission Conference agendas are prepared by the Commission at least seven days prior to the conference date and are sent to parties and interested individuals on the mailing list. Agendas are available from the agency's website, [www.FloridaPSC.com](http://www.FloridaPSC.com) by selecting the **Conferences & Meeting Agendas** tab and then selecting **Schedule of Commission Conferences**, followed by either **Current Online Agendas** or **Conference Date**.

Copies of staff recommendations for items on the agenda are available at no cost from the Commission's website by selecting the **Conferences & Meeting Agendas** tab, followed by **Commission Conferences of the FPSC**. Other applicable materials are available from the docket (select **Clerk's Office, Dockets**, and enter the docket number) or may be obtained from the Commission Clerk upon request and payment of the applicable copying fee. Parties to a proceeding are entitled to one copy of the staff recommendation filed in the proceeding at no cost.

### Record of Commission Actions

The Office of Commission Clerk records and maintains all official actions of the Commission, which are electronically available from the Commission's website, [www.FloridaPSC.com](http://www.FloridaPSC.com). Select the **Conferences & Meeting Agendas** tab and **Commission Conferences of the FPSC** to view details of past Commission conferences or select the desired conference date, where you may link to the agendas, recommendations, vote sheets, transcripts, or the associated dockets. Information concerning the Internal Affairs meetings are available by selecting the **Conferences & Meeting Agendas** tab, **Internal Affairs Agenda**, and the Internal Affairs Archives. The Commission also provides a live broadcast the day of the event. Upon completion of the conference, hearing, or other meetings, the audio, video, and agendas are available from the website (select **Conferences & Meeting Agendas**, then **Audio and Video Event Coverage**).

### Commission Orders

Orders issued by the Commission are maintained by the Commission Clerk and may be viewed on the Commission's website, [www.FloridaPSC.com](http://www.FloridaPSC.com), by selecting the **Clerk's Office** tab, and then selecting **Orders**. Type the specific order number and select **Search Orders**, or type the specific order title and **Search Orders**.

The ability to search by related key words (specific words, terms, and phrases) and common and colloquial words are available from the **Advanced Search** feature on the home page of the Commission's website. Orders within this database may be searched using logical search terms in common usage, by terms also contained within the text of the orders, or by descriptive information about the order that may not be specifically contained within the order. From the category drop-down selection on the **Advanced Search** feature for Orders, the search may optionally be further restricted.

The Commission Clerk assists the public in obtaining information pertaining to Commission orders, and orders are available for public inspection at the Commission's office in Tallahassee during regular office hours.

## Noticing of Address Files

The Office of Commission Clerk keeps a main noticing address file for distributing Commission workshop and rulemaking notices and, where appropriate, other notices and orders. The office also maintains an individual noticing address file for each docket for distributing Commission notices and orders issued in that docket.

(1) *Main File.* The main noticing address file contains a single name, address, and telephone number for each utility subject to Commission jurisdiction, the Public Counsel, the clerk of each Board of County Commissioners, and the chief executive officer of each municipality. This file also contains a name, address, and telephone number for each person who requests in writing to be included in the file of one or more of the following mailing lists:

- a. Notices of Commission workshops
- b. Notices of proposed rulemaking
- c. Copies of Commission notices of hearings and orders initiating industry-wide nonrule proceedings. Any person seeking to be on this list shall specifically state how his or her substantial interests may be affected by Commission action in the categories of interest. (For instance, a customer's rates or service may be affected, or a regulated utility's rates or service may be affected.) Absent such a showing, a person will not be included on this list.

(2) *Industry Categories.* The three lists described in (1) a.-c. are further subdivided into the following categories:

- Electric
- Natural Gas
- Telecommunications
- Water and Wastewater

(3) *Noticing.* Individuals seeking to be included in the main noticing address file must file a written request with the CLK. The request must state the name, address, and telephone number to be included in the file, as well as the lists and categories in which the person desires to be included. Those individuals entitled to practice before the Commission under Rule 28-106.106, Florida Administrative Code (F.A.C.), may request inclusion in the file as representatives of their clients. A request for inclusion in the rulemaking list does not constitute a request for a notice of change to a proposed rule under Section 120.54(3)(d), F.S.

(4) *Purging of Main Address File.* Section 283.55, F.S., requires that the CLK periodically purge its mailing list. No later than March 1 of every odd-numbered year, the CLK transmits to all individuals listed in the main file under the lists described in (1) a.-c. a written request to confirm the name, address, and telephone number on file and the types of notices to be received. Anyone failing to respond by April 30 is automatically purged from the list.



(5) *Addresses of Regulated Companies.* Each regulated company, as defined in Section 350.111, F.S., must, in writing, provide the office with a single official mailing address to be placed in the main noticing address file. Unless a company representative has previously provided an alternative address in a docket, the Commission is obliged only to transmit its orders, notices, and other documents (such as regulatory assessment fee notices and annual report forms) to the official address. The Commission may, solely as a courtesy, transmit documents to additional addresses. Initial pleadings served by parties shall be transmitted to the official address on file. When a regulated company has filed a document in a docket that shows the name and address of counsel or other official representative different from the official mailing address, the new address will replace the official address, and all subsequent documents in the docket will be transmitted to the new address. Official company representatives may request a modification to a regulated company's information by selecting **Utility Regulation** and choosing the appropriate file under **Change of Company Information** from the Commission's website. Change of company information should be reported as soon as a change occurs. This completed form should be e-mailed, mailed or faxed to the CLK.

(6) *Docket File.* Individual docket mailing address files are maintained as part of each docket file and contain the name, address, email address, fax number, and telephone number of each party of record, or its representative, and each person requesting copies of notices and orders issued in that docket and qualifying under this subsection. A person, other than a party of record, who wants to be included in this file must file a written request with the Commission Clerk. The request should state the name, address, and telephone number the person seeks to have placed in the file and, except for rulemaking dockets, shall state specifically how his or her substantial interests may be affected by Commission action in that docket. (For instance, the docket may affect a customer's rates or service or may have a potential effect on other utilities in similar circumstances.) Without a sufficient explanation, a person will not be included in the docket noticing address file. Individuals entitled to represent other parties before the Commission under Rule 28-106.106, F.A.C., may request inclusion in the file as representatives of their clients.

(7) *Change of Name, Address, or Telephone Number.* Each person included in the main noticing address file or in any docket noticing address file shall, in writing, notify the office (and any parties of record in a docketed matter) of any change in name, address, email address, fax number, or telephone number as soon as a change occurs. Any notice, order, or other document served on the name and address on file prior to the date of receipt of such written notification will be considered properly served.

(8) *The Commission Clerk may grant that requests be placed in the main file under (1) c. or in a docket noticing address file.* The Chairman will rule on all such requests that have been denied.

## Parties

The Commission staff may participate as a party in any proceeding. Staff's primary duties are to represent the public interest and see that all relevant facts and issues are clearly brought before the Commission for consideration.

In cases assigned to the Division of Administrative Hearings (DOAH), the Commission staff represents the public interest and is neither in favor of nor against any particular party, unless the Commission is enforcing rules or statutes through a show cause or similar proceeding, or unless the Commission is a respondent at the DOAH. Staff is not a party in interest and has no substantial interests that may be affected by the proceeding. The Commission staff's role is to assist in developing evidence to ensure a complete record so that all relevant facts and issues are presented to the fact finder. Any position that staff has prior to the hearing is preliminary; final positions are based upon review of the complete record. When advocating a position, Commission staff may testify and offer exhibits, which are subject to cross-examination to the same extent as evidence offered by any other party.

## Assignment of Formal Proceedings

(1) Formal proceedings may be assigned by the Chairman to panels of two, three, or five Commissioners; to DOAH; or to an individual Commissioner for hearings as provided in Section 350.01, F.S. The assignment of proceedings shall be accomplished at the earliest practicable time, but no later than 45 days after a case is docketed. Assignment of cases to panels of two or three Commissioners shall be done randomly, unless the Chairman determines otherwise, for good cause shown in a particular case. If a Commissioner becomes unavailable after assignment, that Commissioner must notify the Chairman, who shall reassign the case as soon as possible.

(2) When a case is assigned for hearing to a panel of Commissioners, the hearing and deciding panels are identical unless a Commissioner becomes unavailable. If a Commissioner becomes unavailable, the Chairman makes a reassignment. If a case is assigned to a DOAH Administrative Law Judge or an individual Commissioner for a hearing, the case must be assigned to the full Commission for decision.

(3) If a proceeding is assigned for hearing to a panel of two or three Commissioners, to a DOAH Administrative Law Judge, or to an individual Commissioner, upon motion of a Commissioner or upon petition of those individuals described in Section 350.01(6), F.S., a majority of the Commission may decide that the full Commission should hear the case.

(4) Petitions seeking to have the full Commission sit in a particular case may be filed, as authorized by Section 350.01(6), F.S. Applicants, petitioners, or eligible parties desiring a hearing before the full Commission must specify so in their initial pleading.

Other individuals eligible to make such a request must do so within 15 days from the notice of filing of the application, petition, or rendition of an order suspending proposed rates or of an order initiating a proceeding, whichever occurs first. In each case, these petitions or requests shall be disposed of by a majority of the Commission. Failure to file pleadings timely and in the manner specified may be considered just cause for denial.

(5) In cases filed pursuant to the provisions of Sections 364.05(5), 366.06(3), or 367.081(6), F.S., the initial decision whether to suspend all or part of the rates as filed will be made by the full Commission before determining whether a hearing is required.

(6) In cases assigned to a Commissioner panel, prehearing conferences and other procedural duties can be delegated to a single panel member.

### Commission Notice of Public Utility Hearings and Proposed Agency Action

(1) Notice of public hearings other than rulemaking hearings are given by the Commission to the clerk of the Board of County Commissioners of each county affected, the chief executive officer of each municipality in the area affected, all parties of record, and all individuals who have requested notice of the proceedings.

(2) A notice of hearing and a summary of the subject matter is published by the Commission in the *Florida Administrative Register*. The summary is drawn and notice given as required by the provisions of the statute under which relief is sought, if applicable, but is not published less than 14 days prior to the hearing.

(3) When the Commission determines that the health, safety, or welfare of the public requires an emergency hearing, notice may be given to those parties listed in Subsection (1) by any procedure that is fair under the circumstances and necessary to protect the public interest.

(4) The Commission may publish notice of its proposed agency action in the *Florida Administrative Register* or newspapers of general circulation in the area affected by its action. Any such publication may be used in establishing the date of receiving notice.

### Variations and Waivers of Commission Rules

Petitions seeking such variations or waivers must be filed with the Commission Clerk in the manner set forth in Rule 28-104.002, F.A.C. To obtain information about variations and waivers of Commission rules, contact Carlotta S. Stauffer, Commission Clerk.

## Filing Documents Electronically

The Florida Public Service Commission recognizes that electronic filing (e-filing) facilitates quick and easy access of records and that many electronic records are “born digital” with no paper counterpart. The Commission has made available for e-filing an electronic filing web form. This e-filing method is available from the Commission’s website at [www.floridapsc.com](http://www.floridapsc.com), by selecting the **Clerk’s Office** tab and **Electronic Filing Web Form**. The Commission strongly encourages e-filing and may transition to mandatory e-filing in the future. The potential benefit to e-filers in paper reduction, postage savings, and elimination of delivery costs is substantial.

All filings with the Commission must comply with the Uniform Rules of Procedure. See Rule [28-106.104](#), F.A.C.

### **How do I e-file?**

- Convert document to Adobe PDF, properly oriented to be read without the need for rotation.
- Leave a space of approximately 1x2 inches on the upper right-hand corner of the first page for use by the Clerk’s Office.
- Cover letters and/or certificates of service must be included in the relevant PDF document and “s/” or “/s/” are recognized electronic signatures.
- Access Electronic Filing Web Form at <https://secure.floridapsc.com/ClerkOffice/EfilingPublic>; fill in blanks, attach PDF, click Submit.
- There is no requirement to file additional copies when documents are e-filed, except for rate case minimum filing requirements filed pursuant to Rules 25-6.043, 25-6.0435, 25-7.039, 25-7.040, 25-30.436, or 25-30.437, F.A.C., which electronic filings must be accompanied by the appropriate number of copies as provided by the rule or order under which the filing is made.

### **A party who submits a document for e-filing acknowledges and agrees that:**

- The filing date for an electronically transmitted document will be the date the Clerk’s Office receives the complete document. A document received on a non-business day or after 5:00 p.m. on a business day will be considered officially filed as of 8:00 a.m. on the next following business day.
- The filer is responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the Clerk’s Office as a result.
- The official record copy of an electronically filed document is that which is received by the Clerk’s Office, document-numbered, and filed in the docket.
- Electronically filed documents are public records that will be published on the Commission’s local area network and its website. Confidentiality is waived for any information in documents submitted for e-filing.
- The Commission does not accept filings submitted by facsimile.

**What happens after an e-filing is submitted?**

- An acknowledgement e-mail is sent to the filer. Contact the Clerk's Office if this is not received.
- Documents are processed in the order received.
- A document number and date/time stamp will be electronically affixed on the upper right-hand corner of the first page of the e-filing.

**What documents are ineligible for e-filing?**

- Documents containing proprietary confidential business information.
- Those identified as ineligible in the Order Establishing Procedure.
- Filings which must be accompanied by a fee or payment.
- Adobe PDF files greater than 500 MB or Acrobat portfolio files.

**What about telecommunications tariff filings?**

- Telecommunications tariffs have different e-filing procedures.
- Visit the Commission's website and select the Utility Regulation tab, Telecommunications, and E-Tariff Information.

**Still have questions?**

- Contact the Clerk's Office at 850.413.6770 or [clerk@psc.state.fl.us](mailto:clerk@psc.state.fl.us).