

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Repeal of Rules ) DOCKET NO. 960515-OT  
25-22.009, 25-22.010, 25-22.011, ) ORDER NO. PSC-96-0627-NOR-OT  
25-22.040, 25-22.102, and 25- ) ISSUED: May 9, 1996  
22.106, F.A.C.; and Amendment of )  
Rules 25-22.005(2)(e), 25- )  
22.0376(1), 25-22.042(2), and )  
25-22.060(3)(b), F.A.C., to )  
Delete Unnecessary or Obsolete )  
Provisions. )

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The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to repeal Rules 22.009, 25-22.010, 25-22.011, 25-22.040, 25-22.102, and 25-22.106; and amend Rules 25-22.005(2)(e), 25-22.0376(1), 25-22.042(2), and 25-22.060(3)(b), F.A.C., to conform or delete unnecessary or obsolete provisions of Commission rules of practice and procedure.

The attached Notice of Rulemaking will appear in the May 17, 1996 edition of the Florida Administrative Weekly.

No hearing will be held because the rules relate exclusively to the Commission's organization, procedure or practice.

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than June 7, 1996.

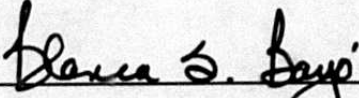
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FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 9th  
day of May, 1996.

  
\_\_\_\_\_  
BLANCA S. BAYÓ, Director  
Division of Records & Reporting

( S E A L )

CTM

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 960515-OT

RULE TITLE:	RULE NO.:
Notice Address Files	25-22.005
Size of Paper Filed With Commission	25-22.009
Commencement of Rulemaking Proceedings	25-22.010
Notice of Rulemaking: Proceeding and the Proposed Rules	25-22.011
Reconsideration of <u>Non-Final</u> <del>Prehearing Officer</del> Orders	25-22.0376
Notice of Hearings	25-22.040
Dismissal	25-22.042
Motion for Reconsideration	25-22.060
Public Inspection and Duplication	25-22.102
Maintenance of Records	25-22.106

PURPOSE AND EFFECT: To delete unnecessary or obsolete provisions of Commission rules governing practice and procedure.

SUMMARY: Rule provisions that are obsolete, or that are unnecessary because they reiterate statutes, are being repealed or amended. In addition, Rule 25-22.0376 is amended to apply to reconsideration of all non-final orders and not just those issued by a prehearing officer.

RULEMAKING AUTHORITY: 120.53, 120.53(2)(f), 120.533 FS.

LAW IMPLEMENTED: 119.041(2), 120.53, 120.53(2)(a)(1)-(5), 350.06(7)  
FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE  
SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21  
DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE  
PROCEEDING.

NO HEARING WILL BE HELD BECAUSE THIS RULE RELATES EXCLUSIVELY TO  
THE COMMISSION'S ORGANIZATION, PROCEDURE OR PRACTICE.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC  
IMPACT STATEMENT IS: Director of Appeals, Florida Public Service  
Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399.

THE FULL TEXT OF THESE RULES ARE:

25-22.005 Noticing Address Files.

The Division of Records and Reporting ("the Division") shall  
maintain a main noticing address file for purposes of distributing  
Commission agenda, notices of workshops and rulemaking and, where  
appropriate, other notices and orders. The Division shall also  
maintain an individual noticing address file for each docket for  
purposes of distributing Commission notices and orders issued in  
that docket.

(1) Main File. No change.

(a) - (f) No change.

(2) The three lists described in paragraphs (1)(d-f) are  
further subdivided into the following categories:

- (a) Electric
- (b) Gas
- (c) Telecommunications
- (d) Water and Wastewater
- (e) Railroad
- ~~(f) Practice and Procedure~~
- (3) - (8) No change.

Specific Authority: 120.53 FS.

Law Implemented: 120.53 FS.

History: New 8-20-84, formerly 25-22.05, Amended.

Rule 25-22.009 Size of Paper Filed With Commission.

~~(1) Beginning on January 1, 1990, all petitions, pleadings, and motions filed with the Commission and all orders, opinions, and other official documents issued by the Commission shall be on paper measuring 8 1/2 by 11 inches in size. However, the Commission shall use legal size paper when necessary to comply with the filing requirements of any court or other administrative body.~~

~~(2) Correspondence and other documents filed with or issued by the Commission should also be on 8 1/2 by 11 inch paper where possible. Maps, data spreadsheets, and similar documents may be on larger paper.~~

Specific Authority: 120.53 FS.

Law Implemented: 120.53 FS.

History: New 2-12-90, Repealed.

25-22.010 Commencement of Rulemaking Proceedings.

~~Proceedings held for the adoption, amendment or repeal of a Commission rule shall be conducted according to the provisions of Chapter 120 FS, and these rules. Rulemaking proceedings shall commence upon the Commission's own initiative, or on the petition of a person regulated by the Commission, or on the petition of a person having a substantial interest in a Commission rule. A proceeding shall be deemed to have been initiated upon publication of notice by the Commission in the Florida Administrative Weekly.~~

Specific Authority: 120.53 FS.

Law Implemented: 120.53 FS.

History: New 12-21-81, formerly 25-22.10, Repealed.

25-22.011 Notice of Rulemaking; Proceeding and the Proposed Rules. ~~Except as provided in the Commission's rules on the adoption of emergency rules, notice of its intention to adopt, amend, or repeal a rule shall be given by the Commission as provided in Section 120.54(1) FS.~~

Specific Authority: 120.53 FS.

Law Implemented: 120.53 FS.

History: New 12-21-81, formerly 25-22.11, Repealed.

25-22.0376 Reconsideration of Non-Final ~~Prehearing Officer~~ Orders.

(1) Any party who is adversely affected by an non-final order ~~of a prehearing officer~~ may seek reconsideration by the Commission

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panel assigned to the proceeding by filing a motion in support thereof within 10 days after issuance of the order. ~~For the purposes of this rule, orders of the prehearing officer shall not be considered non final orders subject to Rule 25-22.060(3)(b), Florida Administrative Code.~~ The Commission shall not entertain a motion for reconsideration of an order disposing of a motion for reconsideration.

(2) - (5) No change.

Specific Authority: 120.53 FS.

Law Implemented: 120.53 FS.

History: New 9-3-95, Amended.

25-22.040 Notice of Hearings. ~~The presiding officer shall set the time and place for all hearings and shall issue notice thereof on all parties of record. No less than fourteen (14) days notice shall be given for the final hearing on the merits of the petition complaint, application or other initial pleading unless otherwise agreed by the parties. The notice of hearing shall contain the statements set out in Section 120.57(1)(b)2, FS. No less than seven (7) days notice shall be given for all other hearings.~~

Specific Authority: 120.53 FS.

Law Implemented: 120.53, FS.

History: New 12-21-81, formerly 25-22.40, Repealed.

25-22.042 Dismissal.

~~(1)~~ The failure or refusal of a party to comply with any lawful order may be cause for dismissing the party from the proceeding.

~~(2) The presiding officer shall serve upon all parties written notice of any recommended order entered pursuant to Subsection (1). Not later than fourteen (14) days after service of notice, the party against whom such an order is entered may file a motion requesting that the recommendation for or dismissal be set aside and stating the ground relied upon. If a dismissal is entered against the party who has the burden of proof, the proceeding will be dismissed. If a dismissal is entered against a party who does not have the burden of proof, the party shall not be allowed to participate in the proceeding as a party.~~

Specific Authority: 120.53 FS.

Law Implemented: 120.53, FS.

History: New 12-21-81, formerly 25-22.42, Amended.

25-22.060 Motion for Reconsideration

(1) Scope and general provisions.

(a) - (f) No change.

(2) Contents. No change.

(3) Time.

(a) A motion for reconsideration of a final order shall be filed within fifteen (15) days after issuance of the order.



(b) ~~A motion for reconsideration of a nonfinal order may be filed at any time prior to the issuance of a final order. However, except for good cause shown, unless the motion is filed within fifteen (15) days after the issuance of the nonfinal order, the Commission may rule upon that motion in its final order.~~

(e) A response to a motion for reconsideration or a cross motion for reconsideration shall be served within seven (7) days of service of the motion for reconsideration to which the response or cross motion is directed. A response to a cross motion for reconsideration shall be served within seven (7) days of service of the cross motion.

Specific Authority: 120.53 FS.

Law Implemented: 120.53 FS.

History: New 12-21-81, Amended 10-4-84, formerly 25-22.60, Amended  
\_\_\_\_\_.

25-22.102 Public Inspection and Duplication. ~~Commission orders shall be made available from the agency for public inspection and copying.~~

Specific Authority: 120.533 FS.

Law Implemented: 120.53(2)(a)(1) - (5), 350.06(7), F.S.

History: New 9-24-92, Amended 12-27-94, Repealed \_\_\_\_\_.

25-22.106 Maintenance of Records. ~~Orders shall be maintained by the Commission pursuant to the retention schedule approved by~~

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~~the Department of State, Division of Library and Information  
Services.~~

Specific Authority: 120.53(2)(f) FS.

Law Implemented: 119.041(2) FS.

History: New 9-24-92, Amended 12-27-94, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULES: Robert Pierson.

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULES:

Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: May 7, 1996.