

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Proposed rules governing placement of new electric distribution facilities underground, and conversion of existing overhead distribution facilities to underground facilities, to address effects of extreme weather events. DOCKET NO. 060172-EU

In re: Proposed amendments to rules regarding overhead electric facilities to allow more stringent construction standards than required by National Electric Safety Code. DOCKET NO. 060173-EU  
ORDER NO. PSC-06-0646-PCO-EU  
ISSUED: August 2, 2006

SECOND ORDER ESTABLISHING PROCEDURES TO BE FOLLOWED  
AT RULEMAKING HEARING

BY THE COMMISSION:

I. Background

The Commission has proposed new Rules 25-6.0341, 25-6.0342, and 25-6.0343; and amendments to Rules 25-6.034, 25-6.0345, 25-6.064, 25-6.078, and 25-6.115, Florida Administrative Code. The proposed new rules and amendments are intended to strengthen Florida's electrical infrastructure and decrease restoration times following extreme weather events. The rules were published in the Florida Administrative Weekly on July 7, 2006. The Commission voted to set proposed Rules 25-6.0341, 25-6.0342, and 25-6.0343 directly for hearing. Order No. PSC-06-0610-PCO-EU was issued July 18, 2006, establishing procedures to be followed at the August 31, 2006, rulemaking hearing on those rules. Order No. PSC-06-0632-PCO-EU was issued on July 27, 2006, bifurcating the proceedings and establishing new controlling dates for Rule 25-6.0343 which is applicable to municipal electric utilities and rural electric cooperatives. Requests for hearing on the remaining rules in these dockets were due July 28, 2006. Requests for hearing on these rules were timely received, and therefore, Rules 25-6.034, 25-6.0345, 25-6.064, 25-6.078, and 25-6.115 are also set for hearing on August 31, 2006.

This second order establishes the prehearing and hearing procedures to be followed for persons requesting a hearing on Rules 25-6.034, 25-6.0345, 25-6.064, 25-6.078, and 25-6.115 and is identical to Order No. PSC-06-0610-PCO-EU except with respect to the specific deadlines for filing comments or testimony and responsive comments or testimony.

II. Rulemaking Hearing

A rulemaking hearing is scheduled before the Commission at the following time and place:

DOCUMENT NUMBER-DATE

06889 AUG-28

FPSC-COMMISSION CLERK

9:30 a.m., August 31, 2006  
Room 148, Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida

The rulemaking hearing shall be governed by section 120.54(3)(c), Florida Statutes, and by Rule 28-103.004, Florida Administrative Code, and by this order. As provided by Rule 28-103.004(5), the purpose of a public rule hearing is to provide affected persons and other members of the public a reasonable opportunity for presentation of evidence, argument and oral statements.

### III. Prehearing Procedures and Deadlines

Affected persons who are or will be requesting the Commission adopt changes to the proposed amendments to Rule 25-6.034, 25-6.0345, 25-6.064, 25-6.078, or 25-6.115, F.A.C., as published in the July 7, 2006, Florida Administrative Weekly, shall file comments or testimony no later than August 11, 2006. Any affected person may then file comments or testimony responding to the comments and/or testimony filed on August 11, 2006. The responsive comments and/or testimony must be filed no later than August 21, 2006.

Comments or testimony shall be typed on 8-1/2-inch by 11-inch transcript-quality paper, double-spaced, on consecutively numbered pages, with left margins sufficient to allow for binding (1.25 inches).

All alternative rule proposals must be made in writing, with copies attached to filed comments or testimony. Changes or additions to the proposed rule text must be shaded, and explanations of those changes or additions with cross-references to page numbers of filed comments/testimony should be included in footnotes to the rule text.

Each exhibit intended to support filed comments or testimony shall be attached to that person's comments/testimony when filed, identified by his or her initials, and consecutively numbered beginning with 1.

An original and 15 copies of all comments, testimony, alternative rule proposals, and exhibits must be filed with the Director, Division of the Commission Clerk and Administrative Services, by the close of business, which is 5:00 p.m., on the date due.

### IV. Hearing Procedures

The Commission staff will present a summary of the proposed rule amendments as approved by the Commission.

The first exhibit introduced into the record will be a composite exhibit prepared by staff which will consist of the following documents: Florida Administrative Weekly notice and proposed rules; materials provided to the Joint Administrative Procedures Committee, which

include the statement of facts and circumstances justifying the rules, statement on federal standards, and notice of rulemaking; a memorandum regarding a statement of estimated regulatory costs; and any material, including filed comments, testimony, and attachments that may be submitted pursuant to section 120.54, Florida Statutes. It shall not be necessary for participants to insert their filed comments or testimony into the record at the hearing. Copies of the first exhibit will be available at the hearing.

Following the staff presentation, affected persons will have the opportunity to present evidence and argument. It may be necessary to impose time limits for presentations, depending upon the number of participants. Persons with similar presentations should combine to make one presentation. Persons making presentations will be subject to questions from Commissioners and other persons. Such questions shall be limited only to those necessary to clarify and understand the presenter's position.

Persons who wish to participate at the hearing must register at the beginning of the hearing. The specific order of presentation will be determined by the presiding officer the morning of the hearing.

At the conclusion of the hearing, the Commission may make its decision, or may announce dates for the filing of a staff recommendation and an Agenda Conference. Based on the hearing record, the Commission may decide to file the rules for adoption as originally proposed; propose changes to the rules; or withdraw all proposed changes.

#### V. Posthearing Procedures

In the event the Commission does not make its decision at the conclusion of the hearing, the provisions of this section shall apply.

A transcript of the proceedings will be made available to the public on or about September 8, 2006, at cost.

If the Commission decides to allow posthearing comments, they shall be filed no later than September 15, 2006, or such other date as announced at the hearing. If allowed, posthearing comments shall be typed on 8-1/2-inch by 11-inch transcript-quality paper, double-spaced, on consecutively numbered pages, with left margins sufficient to allow for binding (1.25 inches). An original and 15 copies of all posthearing comments shall be filed with the Director, Division of Commission Clerk and Administrative Services, by the close of business which is 5:00 p.m. on the date due.

Based on the foregoing, it is

ORDERED that this order shall govern the conduct of these proceedings, as set forth above, unless modified by the Commission.

By ORDER of Commissioner Isilio Arriaga, as Prehearing Officer, this 2nd day of  
August, 2006.



ISILIO ARRIAGA  
Commissioner and Prehearing Officer

( S E A L )

LDH

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.