

STATE OF FLORIDA

Commissioners:
E LEON JACOBS, JR., CHAIRMAN
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI



DIVISION OF APPEALS
DAVID SMITH
DIRECTOR
(850) 413-6245

Public Service Commission
October 10, 2001

Joint Administrative Procedures
Committee
Room 120 Holland Building
Tallahassee, FL 32399-1300

RE: Docket No. 010975-OT - Proposed amendment to Rule No. 25-
22.104, Florida Administrative Code

Dear Mr. Webb:

Enclosed is an original copy of the following material
concerning the above referenced proposed rule:

1. A copy of the rule.
2. A copy of the F.A.W. notice.
3. A statement of facts and circumstances justifying the
proposed rule.
4. A federal standards statement.
5. No statement of estimated regulatory costs was prepared.

If there are any questions with respect to this rule,
please do not hesitate to call on me.

Sincerely,

Samantha M. Cibula
Associate General Counsel

ADM22104.SMC
Enclosures
cc: Division of the Commission Clerk
and Administrative Services

DOCUMENT NUMBER - 0ATI

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FPSC-COMMISSION CLERK

1 **25-22.104 Numbering of Orders.**

2 (1) All orders shall be sequentially numbered as rendered
3 using a two-part number separated by a dash with the first part
4 before the dash indicating the year and the second part indicating
5 the numerical sequence of the order issued for that year beginning
6 with the number 0001 each new calendar year. Amendatory orders
7 will be assigned the same order number as the order being amended,
8 with the addition of the letter "A" immediately following the order
9 number. The assigned agency prefix which is "PSC" shall precede
10 the two-part number.

11 (2) The applicable order category shall be added as a suffix
12 succeeding the agency designation prefix and the two-part number.
13 ~~The order category suffix for proposed agency action orders will be~~
14 ~~either "FOF" or "FOI", depending on the type of proceeding in which~~
15 ~~the order was issued.~~ The order categories are as follows:

- 16 DS - Declaratory Statement
17 FOI - Final Order Informal Proceedings
18 FOF - Final Order Formal Proceedings
19 S - Stipulation
20 AS - Agreed Settlement
21 CO - Consummating Order ~~Consent Order~~
22 PAA - Proposed Agency Action Order
23 TRF - Tariff Order
24 SC - Show Cause Order
25 PCO - Procedural Order

CODING: Words underlined are additions; words in ~~struck~~
~~through~~ type are deletions from existing law.

1 PHO - Prehearing Order
2 CFO - Confidentiality Order
3 NOR - Notice of Rulemaking
4 (3) After the order category, the applicable industry
5 designation shall be inserted. The industry designations are as
6 follows:
7 EI - Electric Utility - Investor Owned
8 EM - Electric Utility - Municipality
9 EC - Electric Utility - Rural Electric Cooperative
10 EU - Electric Utility - All
11 EG - Energy Conservation
12 EQ - Qualifying Cogeneration Facility
13 GU - Gas Industry
14 GP - Gas Pipeline
15 TA - Telephone Utility - Alternate Access Vendor
16 TC - Telephone Utility - Coin (Pay) Telephone Company
17 TI - Telephone Utility - Interexchange Company
18 TL - Telephone Utility - Local Exchange Company
19 TS - Telephone Utility - Shared Tenant Company
20 TX - Telephone Utility - Alternative Local Exchange
21 TP - Telephone (Communications) Industry Generally
22 WU - Water Utility
23 SU - Wastewater (Sewer) Utility
24 WS - Water and Wastewater Utility
25 PU - Public Utilities Generally - Applies to matters

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 which pertain to two or more industries.
2 OT - Other Matters - Administrative Matters not related
3 to a particular industry.

4 Specific Authority: 120.53(1)(f), F.S.

5 Law Implemented: 120.53(2) - (4), F.S.

6 History: New 09/24/92, Amended 12/27/94, _____.

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ADMINISTRATIVE SERVICES, 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 THE PROPOSED RULE IS:

Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6245.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-22.104 Numbering of Orders.

(1) [NO CHANGE]

(2) The applicable order category shall be added as a suffix succeeding the agency designation prefix and the two-part number. ~~The order category suffix for proposed agency action orders will be either "FOF" or "FOI", depending on the type of proceeding in which the order was issued.~~ The order categories are as follows:

DS - Declaratory Statement

FOI - Final Order Informal Proceedings

FOF - Final Order Formal Proceedings

S - Stipulation

AS - Agreed Settlement

CO - ~~Consent Order~~ Consummating Order

PAA - Proposed Agency Action Order

TRF - Tariff Order

SC - Show Cause Order

PCO - Procedural Order

PHO - Prehearing Order

CFO - Confidentiality Order

NOR - Notice of Rulemaking

(3) After the order category, the applicable industry designation shall be inserted. The industry designations are as follows:

EI - Electric Utility - Investor Owned

EM - Electric Utility - Municipality

EC - Electric Utility - Rural Electric Cooperative

EU - Electric Utility - All

EG - Energy Conservation

EQ - Qualifying Cogeneration Facility

GU - Gas Industry

GP - Gas Pipeline

TA - Telephone Utility - Alternate Access Vendor

TC - Telephone Utility - Coin (Pay) Telephone Company

TI - Telephone Utility - Interexchange Company

TL - Telephone Utility - Local Exchange Company

TS - Telephone Utility - Shared Tenant Company

TX - Telephone Utility - Alternative Local Exchange

TP - Telephone (Communications) Industry Generally

WU - Water Utility

SU - Wastewater (Sewer) Utility

WS - Water and Wastewater Utility

PU - Public Utilities Generally - Applies to matters which pertain to two or more industries.

OT - Other Matters - Administrative Matters not related to a particular industry.

Specific Authority: 120.53, F.S.

Law Implemented: 120.53(2)-(4), F.S.

History: New 9/24/92, Amended 12/27/94, / / .

NAME OF PERSON ORIGINATING PROPOSED RULE: Kay Flynn

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:

Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: October 2, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 27, Number 31, August 3, 2001.

**STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE**

As a result of the court's decision in United Water Florida, Inc. v. Florida Public Service Commission, 728 So. 2d 1250 (Fla. 1st DCA 1999), the Commission reinstated the practice of issuing consummating orders to finalize proposed agency action (PAA) orders. Under the current rule, PAA orders are designated as final agency action, either FOF or FOI. As PAA orders may no longer automatically become final agency action, the directive in subsection 2 of the rule that designates PAA orders as FOF or FOI must be deleted. Under the rule change, PAA orders have been given the order category suffix of "PAA," consummating orders have been given the category suffix of "CO," and tariff orders, which are similar in nature to PAA orders, have been given the category suffix of "TRF."

The current rule classifies show cause orders as preliminary, procedural, or intermediate in nature, and they thus have the designation "PCO." Show cause orders, however, have the additional element of a time-certain response date which sets them apart from other procedural orders. The rule change differentiates show cause orders from other procedural orders by designating show cause orders with the category suffix "SC."

The current rule does not reflect that the Commission regulates alternative local exchange telecommunications companies. The rule change reflects the Commission's regulation of alternative local exchange telecommunications companies and assigns the abbreviation "TX" to these entities.

STATEMENT ON FEDERAL STANDARDS

There is no federal standard on the same subject.