

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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DEC 2 PM 3:23

-M-E-M-O-R-A-N-D-U-M- COMMISSION
CLERK

DATE: December 2, 2010
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Lorena A. Holley, Senior Attorney, Office of the General Counsel
RE: Docket No. 100380-WS

A handwritten signature in black ink, appearing to be "LAH".

Please place the attached correspondence in the above docket file. Thank you.

LAH

DOCUMENT NUMBER-DATE

09724 DEC-2 2010

FPSC-COMMISSION CLERK

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STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
S. CURTIS KISER
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

December 2, 2010

Mr. Brian T. Moore
Chief Attorney
Room 120, Holland Building
Tallahassee, FL 32399-1300

Re: Public Service Commission Rule Sections 25-10.026 and 10.111, F.A.C.

Dear Mr. Moore:

As requested in your November 22, 2010, letter, we have reviewed the proposed repeal of Rule Sections 25-10.026 and 10.111, F.A.C., in light of the recently enacted Chapter 2010-279, Laws of Florida. In particular, we have reviewed whether, pursuant to the new version of Section 120.54(3)(b)1, F.S., a Statement of Regulatory Costs (SERC) is required, and whether, pursuant to the new version of Section 120.541(3), ratification by the Legislature is required.

It is our opinion that the proposed repeal will not exceed any of the new criteria. Specifically, we do not believe that the proposed repeal will have an adverse impact on small business or directly or indirectly increase regulatory costs in excess of \$200,000 within one year after repeal of the rule. Accordingly, pursuant to the new requirements of Section 120.54(3)(b)1, F.S., it is our opinion that a SERC is not required. Further, we do not believe that the proposed repeal will exceed any of the criteria contained in Section 120.541(2)(a), F.S., and thus, will not be required to be submitted to the Legislature for ratification.

Should you have any further questions or concerns, please do not hesitate to contact me at (850) 413-6197.

Sincerely,

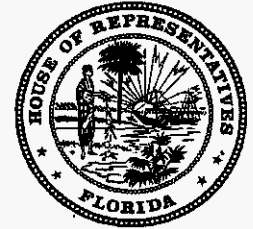
A handwritten signature in cursive script that reads "Lorena A. Holley".

Lorena A. Holley
Senior Attorney

JEFF ATWATER
President



LARRY CRETUL
Speaker



THE FLORIDA LEGISLATURE
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F. SCOTT BOYD
EXECUTIVE DIRECTOR
AND GENERAL COUNSEL
Room 120, Holland Building
Tallahassee, Florida 32399-1300
Telephone (850) 488-9110

November 22, 2010

Ms. Lorena A. Holley
Associate General Counsel
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Public Service Commission Rule Sections 25-10.026 and 10.111, F.A.C.

Dear Ms. Holley:

After reviewing the proposed repeal of Rule Sections 25-10.026 and 10.111, F.A.C., I offer the following comments and questions for your consideration and written response:

The recent enactment of Chapter 2010-279, Laws of Florida (Council Substitute for Committee Substitute for House Bill 1565), includes some significant amendments to the rulemaking procedures in sections 120.54 and 120.541, Florida Statutes. For example, there are new requirements establishing when an agency must prepare a Statement of Estimated Regulatory Costs (SERC), what must be included in a SERC, and whether a rule requires legislative ratification before it can take effect.

Please advise whether a SERC is required pursuant to the new version of section 120.54(3)(b)1. If one is required, it must be submitted to the Committee at least 21 days before the rule can be filed for adoption. See sec. 120.54(3)(a)4., Fla. Stat. In addition, please advise whether the proposed repeal of the rules will require ratification pursuant to section 120.541(3).

If you have any questions or need me to elaborate further on any of the above, please let me know. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian T. Moore".

Brian T. Moore
Chief Attorney

BTM:sd Word\BM25_10.026LS112210_148449_148450

