

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF DEVELOPMENT OF RULEMAKING

TO

ALL INTERESTED PERSONS

UNDOCKETED

IN RE: RULES 25-30.455, F.A.C., STAFF ASSISTANCE IN RATE CASES AND
RULE 25-30.425, F.A.C., PASS THROUGH RATE ADJUSTMENT

ISSUED: September 23, 2016

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated rulemaking to amend Rules 25-30.425 and 25-30.455, Florida Administrative Code, to implement amendments to Section 367.081, F.S., and Section 367.0814, F.S., from the 2016 Legislative Session.

The attached Notice of Development of Rulemaking appeared in the September 20, 2016, edition of the Florida Administrative Register.

A staff rule development workshop will be held at the following time and place:

Friday, October 7, 2016, at 9:30 a.m.
Room 105, Gunter Building
2540 Shumard Oaks Boulevard
Tallahassee, FL 32399-0850

The draft rules and the agenda for the workshop are attached. One or more Commissioners may be in attendance and participate in the workshop. The person to be contacted regarding the rule development is Adria Harper, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 at (850) 413-6082, aharper@psc.state.fl.us.

In accordance with the Americans with Disabilities Act, persons requiring a special accommodation to participate at this workshop should contact the Office of Commission Clerk no later than five days prior to the workshop at 2540 Shumard Oak Boulevard., Tallahassee, Florida 32399-0850, via 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD), Florida Relay Service.

NOTICE OF DEVELOPMENT OF RULEMAKING
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By DIRECTION of the Florida Public Service Commission this 23rd day of September,
2016.



CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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Notice of Development of Rulemaking

PUBLIC SERVICE COMMISSION

RULE NOS.: RULE TITLES:

25-30.425 Pass Through Rate Adjustment

25-30.455 Staff Assistance in Rate Cases

PURPOSE AND EFFECT: To amend water and wastewater utilities' Rule 25-30.425, F.A.C., and Rule 25-30.455, F.A.C., to implement amendments to Section 367.081, F.S., and Section 367.0814, F.S., from the 2016 Legislative Session.

Undocketed

SUBJECT AREA TO BE ADDRESSED: Water and wastewater utility ratemaking

RULEMAKING AUTHORITY: 350.127(2), (3); 367.121(1)(c), (f) F.S.

LAW IMPLEMENTED: 367.081(4); 367.0814; 367.121(1)(c), (g), F.S.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, October 7, 2016, 9:30 a.m.

PLACE: Florida Public Service Commission, Room 105, Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850

One or more Commissioners may be in attendance and participate in the workshop.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the Office of Commission Clerk at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adria Harper, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, aharper@psc.state.fl.us. The agenda for the workshop and a copy of the preliminary text of the proposed rules will be available on the Commission's website: www.floridapsc.com, by September 30, 2016.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

FLORIDA PUBLIC SERVICE COMMISSION

AGENDA

STAFF RULE DEVELOPMENT WORKSHOP

IN RE: RULES 25-30.455, F.A.C., STAFF ASSISTANCE IN RATE CASES AND
RULE 25-30.425, F.A.C., PASS THROUGH RATE ADJUSTMENT
Undocketed

Friday, October 7, 2016, at 9:30 A.M.
Florida Public Service Commission
Room 105, Gunter Building
2540 Shumard Oaks Boulevard
Tallahassee, FL 32399-0850

1. Staff overview of draft rules
2. Comments and alternative suggestions from interested persons
3. Discussion of suggested changes and timeframes for next steps
4. Adjournment

1 25-30.425 Pass Through Rate Adjustment.

2 ~~The verified notice to the Commission of an adjustment of rates under the provisions of~~
3 ~~Section 367.081(4)(b), F.S., shall be made in the following manner:~~

4 (1) This rule applies ~~Prior to any regulated water or wastewater utility that adjusts its an~~
5 ~~adjustment in rates pursuant to Section 367.081(4)(b), F.S., to reflect because of an increase or~~
6 ~~decrease in the rates, fees, or costs for the following specified expenses~~ purchased utility
7 service, the utility shall file:

8 (a) ~~A certified copy of the order, ordinance or other evidence whereby the rates for~~
9 Utility service purchased from a ~~are increased or decreased by the governmental authority~~
10 ~~agency or other by a water or wastewater utility regulated by the Commission; along with~~
11 ~~evidence of the utility service rates of that governmental agency or water or wastewater utility~~
12 ~~in effect on January 1 of each of the three preceding years.~~

13 (b) Purchased electric power; ~~A statement setting out by month the charges for utility~~
14 ~~services purchased from the governmental agency or regulated utility for the most recent 12-~~
15 ~~month period.~~

16 (c) Ad valorem taxes; ~~1. A statement setting out by month the gallons of water or~~
17 ~~wastewater treatment purchased from the governmental agency or regulated utility for the~~
18 ~~most recent 12-month period. If wastewater treatment service is not based on a metered flow,~~
19 ~~the number of units by which the service is measured shall be stated.~~

20 ~~2. A statement setting out by month gallons of water and units of wastewater service sold~~
21 ~~by the utility for the most recent 12-month period.~~

22 (d) National Pollutant Discharge Elimination System (NPDES) Permit Program; ~~A~~
23 ~~statement setting out by month the gallons of water or wastewater treatment purchased from~~
24 ~~any other government entity or utility company.~~

25 (e) Regulatory Assessment Fees imposed ~~A statement setting out by the Commission;~~

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1 ~~month the gallons of water pumped or wastewater treated by the utility filing the verified~~
2 ~~notice.~~

3 (f) If the total ~~W~~water or wastewater quality testing required by the Department of
4 Environmental Protection (DEP); available for sale is in excess of 110% of the water sold, a
5 statement explaining the unaccounted for water.

6 (g) Wastewater biosolids disposal;

7 (h) Tank inspection required by the DEP or a local governmental authority;

8 (i) Treatment plant operator and water distribution system operator license fees required
9 by the DEP or a local governmental authority;

10 (j) Water or wastewater operating permit fees charged by the DEP or a local governmental
11 authority; or

12 (k) Consumptive or water use permit fees charged by a water management district.

13 ~~(2) Prior to an adjustment in rates pursuant to Section 367.081(4)(b), F.S., because of an~~
14 ~~increase or decrease in the charge for electric power the utility shall file its verified notice and~~
15 ~~supporting documents with the Commission's Division of Accounting and Finance at least 45~~
16 ~~days prior to the effective date of its pass through rate adjustment, or at least 60 days prior to~~
17 ~~the effective date of its combined or simultaneously filed price index and pass through rate~~
18 ~~adjustments if the utility requests an exception to the 45 day effective date, as referenced in~~
19 ~~subsection (2)(h), to allow the price index and pass through rate adjustments to be~~
20 ~~implemented as one rate adjustment pursuant to Section 367.081(4)(e), F.S. Each verified~~
21 ~~notice of a pass through rate adjustment shall include the following supporting documents,~~
22 ~~except that supporting documents that are required for both the price index and pass through~~
23 ~~rate adjustments, such as revised tariff sheets, customer notices, and return on equity~~
24 ~~affirmations, may be combined for filing purposes in the combined or simultaneously filed~~
25 ~~applications;~~

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1 (a) Revised tariff sheets reflecting the increased or decreased rates; A certified copy of the
2 ~~order, ordinance or other evidence which establishes that the rates for electric power have~~
3 ~~been increased or decreased by the supplier, along with evidence of the electric power rates of~~
4 ~~the supplier in effect on January 1 of each of the three preceding years.~~

5 (b) A schedule showing, ~~by month,~~ the calculation of charges for electric power and
6 ~~consumption for the proposed rates, including most recent 12-month period,~~ the following
7 information: charges that would have resulted had the new electric rates been applied, and the
8 ~~difference between the charges under the old rates and the charges under the new rates.~~

9 1. The calculation of the recurring annual or amortized annual amount of the new expense
10 or incremental change calculated as referenced in subsection (3);

11 2. The utility's actual annual revenue or calculation of the annualized revenue for the most
12 recent 12-month period, or 12-month test year if combined or simultaneously filed with a price
13 index application. If there were any Commission-approved changes to the utility's rates
14 during the 12-month period or test year, the revenue should be annualized to reflect the
15 revenue that would have resulted if the rate change had been in effect the entire 12 months.
16 The annualized revenue calculation should reflect the annual number of bills broken down by
17 customer class and meter size, and the annual gallons of water or wastewater service sold
18 broken down by customer class. Annualized revenues should be calculated separately if the
19 utility provides both water and wastewater service;

20 3. For the pass through of an increase or decrease in purchased utility service, purchased
21 power, or wastewater biosolids disposal expenses only: a schedule showing the gallons of
22 water or wastewater service sold during each month of the most recent 12-month period or test
23 year, broken down by customer class and meter size, if not previously provided in subsection
24 (2)(b)2; and,

25 4. The calculation of the proposed rates that shows the current rates, amount of the
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1 increase or decrease, and adjusted rates. The pass through adjustment for any specified
2 expense may be applied to all rates equally or allocated as follows:
3 i. The percentage increase or decrease in purchased utility service, purchased power, or
4 wastewater biosolids disposal may be applied solely to the gallonage charge;
5 ii. The percentage increase or decrease in ad valorem taxes may be applied solely to the
6 base facility charge;
7 iii. The percentage increase or decrease in any specified expense that was adjusted using a
8 specific allocation methodology in the utility's last rate proceeding or in a prior pass through
9 adjustment may be applied using that same methodology; and
10 iv. The percentage increase or decrease in any specified expense that reflects a single
11 assessment to the water and wastewater systems combined may be allocated between the
12 water and wastewater rates based on the equivalent residential connection ratio of water and
13 wastewater customers;
14 (c) A copy of ~~statement outlining the current invoice, proof of payment, or other~~
15 documentation that demonstrates that ~~measures taken by the specified expense has been~~
16 adjusted or is a new requirement; ~~utility to conserve electricity.~~
17 (d) A copy of the invoice(s) or other documentation that supports the utility's calculation
18 of the recurring annual or amortized annual increase or decrease in the specified expense
19 referenced in subsection (2)(b)1., as follows:
20 1. For a frequently recurring specified expense, such as purchased utility service,
21 purchased power, some water or wastewater quality testing, and wastewater biosolids
22 disposal, include a copy of all invoices received for the most recent 12-month period or test
23 year;
24 2. For a specified expense that occurs on an annual basis, such as ad valorem taxes,
25 regulatory assessment fees, and some water or wastewater quality testing, include a copy of

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1 the invoice received for the prior year's assessment or charge. If applicable, the pass through
2 of an increase or decrease in regulatory assessment fees only shall also include a copy of the
3 order, ordinance or other evidence that established the utility's prior rates and specifies the
4 percentage or amount of any regulatory assessment fees that were previously included in the
5 utility's rates by another governmental entity prior to the Commission's regulation of the
6 utility; or

7 3. For a specified expense that occurs less than annually, such as NPDES permit program
8 fees, some water or wastewater quality testing, tank inspections, operator license fees, and
9 permit fees, include a copy of the invoice received the last time the expense occurred;

10 (e) The utility's DEP Public Water System identification number and Wastewater
11 Treatment Plant Operating Permit number;

12 (f) The affirmation required by Section 367.081(4)(c), F.S., including the rate of return on
13 equity that the utility is affirming it will not exceed with this rate adjustment;

14 (g) A copy of the notice to customers required by subsection (7); and,

15 (h) If applicable, a statement that the utility requests an exception to the 45 day effective
16 date provided by Section 367.081(4)(b), F.S., to allow combined or simultaneously filed price
17 index and pass through rate adjustments to be implemented together as one rate adjustment
18 pursuant to Section 367.081(4)(e), F.S., with an effective date 60 days after the official filing
19 date of the utility's notice of intention to increase rates through a price index rate adjustment
20 filed pursuant to Section 367.081(4)(a) and Rule 25-30.420(2), F.A.C.

21 (3) The recurring annual or amortized annual amount ~~Prior to an adjustment in rates~~
22 ~~because of an increase or decrease in ad valorem taxes the new expense or incremental change~~
23 ~~utility shall be calculated as follows file with the Commission:~~

24 (a) The change in a ~~A frequently recurring specified expense, such as purchased utility~~
25 ~~service, purchased power, some water or wastewater quality testing, copy of the ad valorem~~

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1 ~~tax bills which increased or decreased~~ and wastewater biosolids disposal shall be calculated as
2 an annual copies of the previous three years' bills; if copies have been submitted previously, a
3 schedule showing the tax total, broken down by month for the most recent 12-month period or
4 for the 12-month test year if combined or simultaneously filed with a price index rate
5 adjustment. The calculation shall reflect the following information: ~~only is acceptable; and~~

6 1. All components of a bill for the specified expense, including the purchased water or
7 wastewater base facility charge, gallonage charge, any applicable service fees, and taxes, even
8 if some of the rates or fees did not change;

9 2. The actual or annualized charges for the specified expense. If the rates or charges for the
10 specified expense changed during the 12-month period or test year, the actual charges should
11 be annualized to reflect the charges that would have resulted if the prior rates or charges had
12 been in effect the entire 12 months;

13 3. The annualized charges that would have resulted if the new rates had been in effect the
14 entire 12 months;

15 4. The difference between the charges at the prior and new rates; and

16 5. If the utility's last rate proceeding included adjustments for excessive unaccounted for
17 water (EUW) or excessive inflow and infiltration (I&I), the calculation of an increase or
18 decrease in purchased utility service or purchased electric power only shall also include any
19 applicable EUW and I&I adjustments, calculated as referenced in subsection (4);

20 (b) The change in aA specified expense calculation of the amount of the ad valorem taxes
21 related to that occurs on an annual basis, such as ad valorem taxes, regulatory assessment fees,
22 portion of the water or wastewater plant not used and some water or wastewater quality
23 testing, shall be calculated as an annual total based on a comparison of the prior expense and
24 new expense. If applicable, the calculation of the increase or decrease ~~useful~~ ad valorem taxes
25 only shall include the following additional adjustments: ~~in providing utility service.~~

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1 1. If any ad valorem tax bills reflect a single assessment for combined water and
2 wastewater property, the calculation shall also include the utility's calculation of the
3 equivalent residential connection ratio of water and wastewater customers used to allocate the
4 combined tax assessment between the utility's water and wastewater rates; and

5 2. If the utility's last rate proceeding included adjustments for non-used and useful plant,
6 the calculation shall also include an adjustment to remove the portion of the ad valorem taxes
7 related to the water or wastewater plant that is not used and useful in providing utility service;

8 (c) The change in a specified expense that occurs less than annually, such as NPDES
9 permit program fees, some water or wastewater quality testing, tank inspections, operator
10 license fees, and permit fees, shall be calculated as an annual amortized amount based on a
11 comparison of the prior and new expense. The expense shall be amortized as a non-recurring
12 expense in accordance with Rule 25-30.433(8), F.A.C., and the calculation shall include an
13 explanation if the expense that is amortized for a period other than five years.

14 ~~(4) Prior to an adjustment in rates because of an increase or decrease in Tthe pass through~~
15 ~~costs of changes water quality or wastewater quality testing required by the Department of~~
16 ~~Environmental Protection (DEP), or because of an increase or decrease in purchased utility~~
17 ~~service or purchased electric power will be adjusted for EUW or I&I consistent with~~
18 ~~adjustments approved by the fees charged by DEP in connection with the National Pollutant~~
19 ~~Discharge Elimination System Program, the utility shall file with the Commission in the~~
20 ~~utility's most recent rate proceeding, if applicable. In lieu of applying the previously~~
21 ~~approved EUW and I&I adjustments, the utility may provide the following information to~~
22 ~~demonstrate that the EUW and I&I percentages have been reduced:~~

23 ~~(a) A description ~~copy~~ of any steps taken by the utility to reduce the EUW or I&I since the~~
24 ~~utility's last rate proceeding ~~invoice for testing; and,~~~~

25 ~~(b) A schedule showing the updated ~~c~~Calculation of EUW or I&I broken down by month~~

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1 for the most recent 12-month period or test year including: ~~amortized amount.~~

2 1. The gallons of water or wastewater treatment purchased from the governmental
3 authority or regulated utility that has increased or decreased its rates. If wastewater treatment
4 service is not based on a metered flow, include the number of units by which the service is
5 measured;

6 2. The gallons of water or wastewater treatment purchased from any other governmental
7 authority or regulated utility. If wastewater treatment service is not based on a metered flow,
8 include the number of units by which the service is measured;

9 3. The gallons of water pumped or wastewater treated by the utility, if applicable;

10 4. The gallons of water or wastewater service sold by the utility;

11 5. The total unaccounted for water or inflow and infiltration; and

12 6. A statement explaining the EUW or I&I if the total water available for sale or total
13 wastewater treatment purchased is still in excess of 110 percent of the water or wastewater
14 service sold.

15 (5) The amount authorized for a pass through rate adjustment ~~In addition to subsections~~
16 ~~(1), (2), (3) and (4) above, the utility shall not exceed the actual cost incurred. Foregone pass~~
17 ~~through decreases shall not be used to adjust a pass through increase below the actual cost~~
18 ~~incurred. also file:~~

19 ~~(a) A schedule of proposed rates which will pass the increased or decreased costs on to the~~
20 ~~customers in a fair and nondiscriminatory manner and on the basis of current customers, and a~~
21 ~~calculation showing how the rates were determined;~~

22 ~~(b) A statement, by class of customer and meter size, setting out by month the gallons of~~
23 ~~water and units of wastewater service sold by the utility for the most recent 12-month period.~~

24 ~~This statement shall not be required in filings for the pass-through of increased regulatory~~
25 ~~assessment fees or ad valorem taxes;~~

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1 ~~(e) The affirmation reflecting the authorized rate of return on equity required by Section~~
2 ~~367.081(4)(c), F.S.;~~

3 ~~(d) A copy of the notice to customers required by subsection (7) of this rule;~~

4 ~~(e) Revised tariff sheets reflecting the increased rates;~~

5 ~~(f) The rate of return on equity that the utility is affirming it will not exceed pursuant to~~
6 ~~Section 367.081(4)(c), F.S.; and~~

7 ~~(g) The utility's DEP Public Water System identification number and Wastewater~~
8 ~~Treatment Plant Operating Permit number;~~

9 (6) The utility shall provide each customer with written notice of the authorized rate
10 adjustment, including the effective date and an explanation of the reasons for the increase or
11 decrease, prior to the time each customer will begin consumption at the adjusted rates amount
12 ~~authorized for pass through rate adjustments shall not exceed the actual cost incurred and shall~~
13 ~~not exceed the incremental increase or decrease for the 12-month period. Foregone pass~~
14 ~~through decreases shall not be used to adjust a pass through increase below the actual cost~~
15 ~~incurred.~~

16 ~~(7) In order for the Commission to determine whether a utility which had adjusted its rates~~
17 ~~pursuant to Section 367.081(4)(b), F.S., has thereby exceeded the range of its last authorized~~
18 ~~rate of return, the Commission may require a utility to file the information required in Rule~~
19 ~~25-30.437, F.A.C., for the test year specified.~~

20 ~~(8) Prior to the time a customer begins consumption at the adjusted rates, the utility shall~~
21 ~~notify each customer of the increase authorized and explain the reasons for the increase.~~

22 ~~(9) The utility shall file an original and five copies of the verified notice and supporting~~
23 ~~documents with the Commission Clerk. The rates shall become effective 45 days after the~~
24 ~~official date of filing. The official date of filing for the verified notice to the Commission of~~
25 ~~adjustment in rates shall be at least 45 days before the new rates are implemented.~~

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1 *Rulemaking Authority 350.127(2), 367.121(1)(c), (f) FS. Law Implemented 367.081(4),*
2 *367.121(1)(c), (g) FS. History—New 6-10-75, Amended 4-5-79, 4-5-81, 10-21-82, Formerly*
3 *25-10.179, Amended 11-10-86, 6-5-91, 4-18-99, _____.*

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1 25-30.455 Staff Assistance in Rate Cases.

2 (1) Water and wastewater utilities whose total gross annual operating revenues are
3 \$275,000 or less for water service or \$275,000 or less for wastewater service, or \$550,000 or
4 less on a combined basis, may petition the Commission for staff assistance in rate applications
5 by submitting a completed staff assisted rate case application. ~~If a utility that chooses to utilize~~
6 ~~the staff assistance option employs outside experts to assist in developing information for staff~~
7 ~~or to assist in evaluating staff's schedules and conclusions, the reasonable and prudent~~
8 ~~expense will be recoverable through the rates developed by staff.~~ A utility that chooses not to
9 exercise the option of staff assistance may file for a rate increase under the provisions of Rule
10 25-30.443, F.A.C.

11 (2) The appropriate application form, Commission Form PSC/AFD 2-W (11/86) (Rev.
12 06/14), entitled "Application for a Staff Assisted Rate Case," is incorporated into this rule by
13 reference and is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-04415>.
14 The form may also be obtained from the Commission's Division of Accounting and Finance,
15 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

16 (3) Upon completion of the form, the applicant shall file it with the Office of Commission
17 Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee,
18 Florida 32399-0870.

19 (4) Within 30 days of receipt of the completed application, the Committee will evaluate
20 the application and determine the applicant's eligibility for staff assistance.

21 (a) If the Commission has received four or more applications in the previous 30 days; or, if
22 the Commission has 20 or more docketed staff assisted rate cases in active status on the date
23 the application is received, the Commission will deny initial evaluation of an application for
24 staff assistance and close the docket. When an application is denied under the provisions of
25 this paragraph, the Commission will notify the applicant of the date on which the application
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1 | may be resubmitted.

2 | (b) Initially, determinations of eligibility will be conditional, pending an examination of
3 | the condition of the applicant's books and records.

4 | (5) Upon making its final determination of eligibility, the Commission will notify the
5 | applicant in writing as to whether the application is officially accepted or denied. If the
6 | application is accepted, a staff assisted rate case will be initiated. If the application is denied,
7 | the notification of application denial will state the deficiencies in the application with
8 | reference to the criteria set out in subsection (7) of this rule.

9 | (6) The official date of filing will be 30 days after the date of the written notification to the
10 | applicant of the Commission's official acceptance of the application.

11 | (7) In determining whether to grant or deny the application, the Commission will consider
12 | the following criteria:

13 | (a) Whether the applicant qualifies for staff assistance pursuant to subsection (1) of this
14 | rule;

15 | (b) Whether the applicant's books and records are organized consistent with Rule 25-
16 | 30.110, F.A.C., so as to allow Commission personnel to verify costs and other relevant factors
17 | within the 30-day time frame set out in this rule;

18 | (c) Whether the applicant has filed annual reports;

19 | (d) Whether the applicant has paid applicable regulatory assessment fees;

20 | (e) Whether the applicant has at least one year of experience in utility operation;

21 | (f) Whether the applicant has filed additional relevant information in support of eligibility,
22 | together with reasons why the information should be considered; and

23 | (g) Whether the utility was granted a rate case increase within the 2-year period prior to
24 | the receipt of the application under review.

25 | (8) The Commission will deny the application if the utility does not remit the filing fee, as
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1 provided by paragraph 25-30.020(2)(f), F.A.C., within 30 days after official acceptance.

2 (9) An aggrieved applicant may request reconsideration of the application denial, which
3 will be decided by the full Commission.

4 (10) A substantially affected person may file a petition to protest the Commission's
5 proposed agency action in a staff assisted rate case within 21 days of issuance of the Notice of
6 Proposed Agency Action Order, as set forth in Rule 28-106.111, F.A.C.

7 (11) A petition to protest the Commission's proposed agency action shall conform to Rule
8 28-106.201, F.A.C.

9 (12) In the event of a protest of the Commission's Notice of Proposed Agency Action
10 Order in a staff assisted rate case, the utility shall:

11 (a) Provide prefiled direct testimony in accordance with the Order Establishing Procedure
12 issued in the case. At a minimum, that testimony shall adopt the Commission's Proposed
13 Agency Action Order;

14 (b) Sponsor a witness to support source documentation provided to the Commission staff
15 in its preparation of the staff audit, the staff engineering and accounting report and the staff
16 proposed agency action recommendation in the case;

17 (c) Include in its testimony the necessary factual information to support its position on any
18 issue that it chooses to take a position different than that contained in the Commission's
19 Proposed Agency Action Order; and

20 (d) Meet all other requirements of the Order Establishing Procedure.

21 (13) Failure to comply with the dates established in the Order Establishing Procedure, or to
22 timely file a request for extension of time for good cause shown, may result in dismissal of the
23 staff assisted rate case and closure of the docket.

24 (14) In the event of a protest of the Commission's Proposed Agency Action Order in a
25 staff assisted rate case, the Commission staff shall:

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1 (a) File prefiled direct testimony to explain its analysis in the staff proposed agency action
2 recommendation. In the event the staff wishes to alter its position on any issue, it shall provide
3 factual testimony to support its changed position;

4 (b) Meet all other requirements of the Order Establishing Procedure; and

5 (c) Provide to the utility materials to assist the utility in the preparation of its testimony
6 and exhibits. This material shall consist of an example of testimony filed by a utility in another
7 case, an example of testimony that would support the Proposed Agency Action Order in this
8 case, an example of an exhibit filed in another case, and examples of prehearing statements
9 and briefs filed in other cases.

10 *Rulemaking Authority 350.127(2), 367.0814, 367.121 FS. Law Implemented 367.0814 FS.*

11 *History—New 12-8-80, Formerly 25-10.180, Amended 11-10-86, 8-26-91, 11-30-93, 1-31-00,*

12 *12-16-08, 8-10-14, _____.*

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