

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

October 12, 2016

OFFICE OF PUBLIC COUNSEL'S COMMENTS REGARDING
FLORIDA PUBLIC SERVICE COMMISSION STAFF'S
NOTICE OF DEVELOPMENT OF RULEMAKING

Pursuant to the Florida Public Service Commission ("PSC" or "Commission") Staff's Notice of Development of Rulemaking to amend Rules 25-30.425 and 25-30.455, Florida Administrative Code ("F.A.C."), issued on September 23, 2016, the Office of Public Counsel ("OPC") offers the following comments:

1. OPC generally agrees with the proposed language; however, in a few instances the language appears to be broader than the language in the statute. Therefore, we recommend the following edits.
 - a. On Page 5 of the rule document, Line 22 should be amended as follows. Without this change, the rule may allow other costs in connection with the Permit Program that are not authorized under the statute.

(d) Fees charged by the Florida Department of Environmental Protection in connection with the National Pollutant Discharge Elimination System (NPDES) Permit Program;

b. On Page 6 of the rule document, Line 6 should be amended as follows. Without this change, the rule may allow other costs besides the actual disposal fees that are not authorized under the statute.

(g) Wastewater biosolids disposal fees;

c. On Page 7 of the rule document, Line 21 should be amended as follows. Without this change, the rule may allow other costs besides the actual disposal fees that are not authorized under the statute.

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

2. OPC has one additional concern to address. This rule and the statute it is based on have the potential to greatly increase the number of pass-through filings, as well as the amounts of the increases. Under the current PSC practice, these items are not docketed as they are handled administratively. We respectfully request the Commission to implement a practice that will provide our office and the public (such as legislators, media, and customers) better access to the information related to these filings. It is not uncommon for OPC to become aware of a particular filing when contacted by customers after they are initially noticed of these increases. Currently, the customers and OPC have no way to view a specific filing and the proposed tariffs without formally requesting the information

from Commission staff. Therefore, OPC submits it would be more transparent if there was a web-based filing system with tracking numbers available to our office and the public. This system should include the initial filing, all changes submitted, as well as the final staff approval, similar to the manner in which the current docket tracking system operates. In addition, the approved tariff pages should also be included in this tracking system.

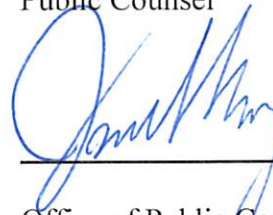
CONCLUSION

OPC respectfully requests the Commission consider these comments as it proceeds to review Staff's Notice of Development of Rulemaking to amend Rules 25-30.425 and 25-30.455, F.A.C.

Please do not hesitate to contact me if you have any questions regarding these comments.

Sincerely,

J.R. Kelly
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Attorney for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE
UNDOCKETED

I HEREBY CERTIFY that a true and correct copy of the foregoing **OFFICE OF PUBLIC COUNSEL'S COMMENTS REGARDING FLORIDA PUBLIC SERVICE COMMISSION STAFF'S NOTICE OF DEVELOPMENT OF RULEMAKING** has been furnished by electronic mail to the following parties on this 12th day of October, 2016.

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