

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rule 25-6.043,)
F.A.C., relating to Investor-Owned)
Electric Utility Minimum Filing)
Requirements; Commission Designee.)

DOCKET NO. 891269-EU
ORDER NO. 22858
ISSUED: 4/26/90

NOTICE OF RULEMAKING

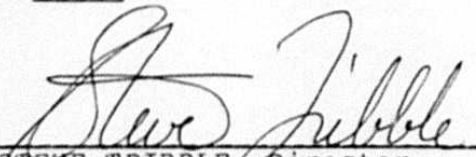
NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-6.043, F.A.C., relating to investor-owned electric utility minimum filing requirements; Commission designee.

The attached Notice of Rulemaking will appear in the May 4, 1990, edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Monday, June 25, 1990
Room 122, Fletcher Building
101 East Gaines Street
Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rule must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL, 32399, no later than May 25, 1990.

By Direction of the Florida Public Service Commission,
this 26th day of APRIL, 1990.



STEVE TRIBBLE, Director
Division of Records & Reporting

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 891269-EU

RULE TITLE:

RULE NO.:

Investor-Owned Electric Utility

25-6.043

Minimum Filing Requirements;

Commission Designee

PURPOSE AND EFFECT: The purpose of the rule amendment is to revise the Minimum Filing Requirements (MFRs) for investor-owned electric utilities. The MFRs specify the information which must be submitted to the Commission in general rate proceedings. The effect of the change is to adopt a comprehensive set of schedules in seven subject matter areas which will provide the basic information needed by the Commission for analyze rate requests.

SUMMARY: The current electric MFR rule attempts to describe the contents of required schedules by type of data requested. The proposed amendment to Rule 25-6.043 would eliminate descriptions of specific schedules from the text of the rule. Instead, all required schedules will be contained in Commission Form PSC/LAG/11 () entitled "Minimum Filing Requirements for Investor-Owned Electric Utilities." The form is adopted by reference in the proposed rule amendment.

The current MFR rule was adopted in 1981. Since that time, practical rate case experience with all five major electric utilities has shown that the schedules contained in the current MFRs are not adequate to provide all the information, in the form needed, that the Commission must have to conduct its investigation

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in rate cases. Schedules have generally been supplemented through data requests, interrogatories, and deposition exhibits which have provided additional detail in specific areas of concern to the Commission. The new MFR schedules are grouped into seven basic categories instead of three as in the current rule. The schedules have systemized the data requirements of the old MFRs with the additional requirements for data which have developed through practical experience.

The new rule specifies the approach the utility is to take in interpreting the filing requirements and requires specific cross-referencing of related schedules. Utility witnesses will be identified with each schedule, and all testimony and exhibits will be filed simultaneously with the MFR filing. The Director of the Division of Electric and Gas will be the Commission designee for determining whether the MFRs are complete. The rule also provides for waiver of specific requirements of the MFRs upon a showing that the production of the data would be impractical or not justified economically.

RULEMAKING AUTHORITY: 366.05(1), (2), 366.06(3), F.S.

LAW IMPLEMENTED: 366.06(4), 36.071, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THIS RULE: An economic impact statement for the proposed revisions to Rule 25-6.043 was prepared by the Commission's Division of Research. Three of the major five IOUs estimated that the rule amendments would have no significant economic impact on their rate case preparation. Two others estimated that the new MFRs could result

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in some increase in costs, but considered this amount minimal when compared to the overall costs of a rate case. The congregation of the required data and expanded MFR schedules may result in some benefit to the utilities by lessening time and effort spent on supplemental requests from the Commission.

The proposed rule will have no impact on small businesses as that term is used in section 120.54, Florida Statutes. Nor will the rule have any impact on competition in the electric industry or on employment.

The proposed rule revisions are not expected to result in additional labor or non-labor expenses for the Commission. The rule change should eliminate some of the time staff spends trying to get the information it needs to prepare for a rate case through interrogatories and other means. However, that effect is not quantifiable.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 9:30 A.M., Monday, June 25, 1990
PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.
THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399

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THE FULL TEXT OF THE RULE IS:

Substantial rewording of Rule 25-6.043. See Florida Administrative Code for present text.

25-6.043 Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee.

(1) General Filing Instructions

(a) The petition under Section 366.06 and Section 366.071, Florida Statutes, for adjustment of rates must include or be accompanied by:

1. The information required by Commission Form PSC/EAG/11 (), entitled "Minimum Filing Requirements for Investor-Owned Electric Utilities" which is incorporated into this rule by reference. The form may be obtained from the Commission's Division of Electric and Gas.
2. The exact name of the applicant and the address of the applicant's principal place of business.
3. Copies of prepared direct testimony and exhibits for each witness testifying on behalf of the Company.

(b) In compiling the required schedules, a company shall follow the policies, procedures and guidelines prescribed by the Commission in relevant rules and in the company's last rate case or in a more recent rate case involving a comparable utility. These schedules shall be identified appropriately (e.g., Schedule B-1 would be designated Company Schedule B-1 - Company basis).

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(c) Each schedule shall be cross-referenced to identify related schedules as either supporting schedules and/or recap schedules.

(d) Each page of the filing shall be numbered on 8 1/2 x 11 inch paper. Each witness' prefiled testimony and exhibits shall be on numbered pages and all exhibits shall be attached to the proponent's testimony.

(e) Except for handwritten official company records, all data in the petition, testimony, exhibits and minimum filing requirements shall be typed.

(f) Each schedule shall indicate the name of the witness responsible for its presentation.

(g) All schedules involving investment data shall be completed on an average investment basis. Unless a specific schedule requests otherwise, average is defined as the average of thirteen (13) monthly balances.

(h) Twenty-one (21) copies of the filing, consisting of the petition and its supporting attachments, testimony, and exhibits, shall be filed with the Division of Records and Reporting.

(i) Whenever the company proposes any corrections, updates or other changes to the originally filed data, twenty-one (21) copies shall be filed with the Division of Records and Reporting with copies also served on all parties at the same time.

(2) Commission Designee: The Director of the Division of Electric and Gas shall be the designee of the Commission for

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purposes of determining whether the utility has met the minimum filing requirements imposed by this rule.

(3) Waiver of Minimum Filing Requirements. The Commission may grant a waiver with respect to specific data required by this rule upon a showing that production of the data would be impractical or impose an excessive economic burden upon the company.

Specific Authority: 366.05(1),(2), 366.06(3), F.S.

Law Implemented: 366.06(4), 366.071, F.S.

History: New 5/27/81, formerly 25-6.43, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Slemkewicz,
Division of Electric and Gas

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission

DATE PROPOSED RULES APPROVED: April 17, 1990

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.