

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rule 25-30.455, )  
 F.A.C., Staff Assisted Rate Cases. )

DOCKET NO. 901021-WS  
 ORDER NO. 24667  
 ISSUED: 6/17/91

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-30.455, F.A.C., relating to staff assisted rate cases.

The attached Notice of Rulemaking will appear in the June 21, 1991, edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Thursday, July 18, 1991  
 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 July 12, 1991.

By Direction of the Florida Public Service Commission, this  
 17th day of JUNE, 1991.



STEVE TRIBBLE, Director  
 Division of Records & Reporting

( S E A L )

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DOCUMENT NUMBER-DATE

06040 JUN 17 1991

FPC-RECORDS/REPORTING

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 901021-WS

RULE TITLE:

RULE NO.:

Staff Assistance in Rate Cases

25-30.455

PURPOSE AND EFFECT: The rule is amended to comply with the terms of Section 367.0814, Florida Statutes, to add a section which specifies circumstances under which the Commission may deny assistance due to the number of staff assisted water and wastewater rate cases in process at a given time, and to expand the criteria which staff may consider in arriving at a recommendation as to whether a petition for assistance should be granted or denied.

SUMMARY: Water and wastewater utilities with gross annual operating revenues of less than \$150,000 (\$300,000 if the utility provides both water and wastewater service) may petition for staff assistance in rate filings under the terms and conditions set forth in the rule. Commission staff will recommend that the petition be granted or denied, based on criteria listed in the rule. A utility may request a waiver of any criterion. The Commission shall deny staff assistance, subject to later resubmission by the utility, if more than four applications were received in the preceding thirty days or if twenty or more staff assisted rate cases are in process. Petitioners may request reconsideration of the decision.

RULEMAKING AUTHORITY: 367.121, 120.54, F.S.

LAW IMPLEMENTED: 367.0814, 120.53, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THIS RULE: The

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proposed revisions should cause no additional cost to the Commission, but may increase costs to eligible utilities. If the application of an otherwise eligible utility is denied and if the utility then files a rate case without staff assistance, the utility would normally incur additional rate case expense, the amount of which would vary by utility.

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., July 18, 1991

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  
THE FULL TEXT OF THE RULE IS:

25-30.455 Staff Assistance in Rate Cases.

(1) Utilities with gross annual operating revenues of \$150,000 ~~\$100,000~~ or less for each service provided, or \$300,000 ~~\$200,000~~ or less where the services are combined, may petition the Commission for staff assistance in rate filings by submitting a completed staff assisted rate case application.

(2) Upon request, the Division of Water and Sewer shall provide the potential applicant with the appropriate application

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form, (PSC/WAS 2 (Rev. 11/86)) which is incorporated by reference in this rule. The form may be obtained from the Commission's Division of Water and Wastewater, 101 East Gaines Street, Tallahassee, Florida 32301-8153.

(3) Upon completion of the form, the petitioner may return it to the Director of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32301-8153.

(4) Upon receipt of a completed application, the Director shall acknowledge such receipt, assign a docket number for identification, and shall forward the application to a committee comprised of one member each of the Commission's Division of Water and Sewer, Auditing and Financial Analysis, and Legal Services. ~~For purposes of this rule, the date of acknowledgment will constitute the date of filing.~~

(5) Within 30 days of receipt of the completed application, filing, the committee shall evaluate the application and determine the petitioner's eligibility for staff assistance.

(a) If the Commission has received four or more applications in the previous thirty (30) days; or, if the Commission has twenty (20) or more docketed Staff Assisted Rate Cases in active status on the date the application is received, the Commission shall deny initial evaluation of an application for staff assistance and close the docket. When an application is denied under the provisions of this subsection, the applicant shall be notified of the date on

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which the application may be resubmitted.

(b) (a) Initially, determinations of eligibility may be conditional, pending an actual examination of the condition of petitioner's books and records. After an initial determination of eligibility, the Division of Auditing and Financial Analysis committee shall examine the books and records of the utility before making a final determination of eligibility.

(c) (b) All recommendations of noneligibility shall be in writing and shall indicate deficiencies in the application with reference to guidelines set out in subsection (8) of this rule or with reference to subsection (11) (9) of this rule.

(6) Upon reaching a decision to officially accept the application ~~provide staff assistance~~, the Division of Water and Sewer shall notify the petitioner and initiate staff assistance. Upon reaching a decision to deny the petition, the Division of Water and Sewer shall notify the Chairman of the Commission. The Chairman shall make the determination with regard to the petition and shall notify the petitioner if the application has been denied.

(7) The official date of filing will be 30 days after official acceptance of the application by the Commission.

(8) (7) In arriving at a recommendation whether to grant or deny the petition, the following shall be considered:

(a) Whether the petitioner qualifies for staff assistance pursuant to subsection (1) of this rule;

(b) Whether the petitioner's books and records are organized

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consistent with Rule 25-30.110, F.A.C., so as to allow commission personnel to verify costs and other relevant factors within the 30-day time frame set out in this rule;

(c) Whether the petitioner has filed annual reports;

(d) Whether the petitioner has paid applicable regulatory assessment fees;

(e) Whether the petitioner has at least one year's actual experience in utility operation;

(f) Whether the petitioner has filed additional relevant information in support of eligibility, together with reasons why the information should be considered; -

(g) Whether the petitioner has complied in a timely manner with all Commission decisions and requests affecting water and wastewater utilities for two years prior to the filing of the application under review;

(h) Whether the utility has applied for a staff assisted rate case within the two year period prior to the receipt of the application under review.

(9) The Commission will deny the application if a utility does not remit the fee, as provided by section 367.145, Florida Statutes, within 30 days after official acceptance.

(10) (8) An aggrieved petitioner may request reconsideration which shall be decided by the Chairman.

(11) (9) A petitioner may request a waiver of any of the guidelines set out in subsection (8) (7) of this rule.

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Specific Authority: 367.121, 120.54, F.S.

Law Implemented 367.0814, 120.53, F.S.

History: New 12/8/80, Transferred from 25-10.180 and Amended  
11/9/86.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Shafer, Division of  
Water and Sewer.

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

DATE PROPOSED RULE APPROVED: June 11, 1991

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.