

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Proposed Amendment of ) DOCKET NO. 920213-PU  
Rule 25-22.029, F.A.C., Point )  
of Entry into Proposed Agency ) ORDER NO. PSC-92-0318-FOF-PU  
Action Proceedings )  
 ) ISSUED: 5/11/92  
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NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to adopt amended Rule 25-22.029, F.A.C., relating to Point of Entry into Proposed Agency Action Proceedings.

The attached Notice of Rulemaking will appear in the May 15, 1992 edition of the Florida Administrative Weekly. 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 June 5, 1992.

By Direction of the Florida Public Service Commission, this  
11th day of MAY, 1992.



STEVE TRIBBLE, Director  
Division of Records & Reporting

( S E A L )

OR920213.CC

DOCUMENT NUMBER-DATE

04643 MAY 11 1992

FPSC-RECORDS/REPORTING

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 920213-PU

RULE TITLE:

RULE NO.

Point of Entry into

25-22.029

Proposed Agency Action Proceedings

PURPOSE AND EFFECT: This rule is being amended to make it easier to determine the date when proposed action of the Commission will become final if no request for a hearing is made. The current rule allows 14 days from receipt of notice of proposed agency action to file a petition for a hearing; however, the practice of the Commission has changed to allow 21 days from the date of the notice. The amendment will codify current practice and eliminate any confusion about filing deadlines that results from the difference between the rule and the customary practice.

SUMMARY: Rule 25-22.029, F.A.C., now provides 14 days from receipt of a notice of proposed agency action to file a petition for a section 120.57, F.S., hearing. The amendment will change the time to 21 days, unless good cause is shown to reduce the time to 14 days, but the time will be measured from the date the notice is issued rather than received. For persons who are not served notice but where it has been published, the time allowed remains at 14 days from the date of publication.

RULEMAKING AUTHORITY: 120.53, F.S.

LAW IMPLEMENTED: 120.53, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THIS RULE:

No economic impact on the agency or parties affected by the rule is anticipated.

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.

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:

25-22.029 Point of Entry into Proposed Agency Action Proceedings.

(1) At any time subsequent to the initiation of a proceeding before the Commission, the Commission may give notice of proposed agency action. Proposed agency action shall be made upon a vote of the Commission, and may be reflected in the form of an order or a notice of intended action.

(2) After agenda conference, the Division of Records and Reporting shall issue written notice of the proposed agency action, advising all parties of record that they have 21 fourteen ~~(14)~~ days after issuance from service of the notice in which to file a request for a \$120.57 hearing. For good cause shown, the Commission may provide that the time for requesting a \$120.57

hearing shall be 14 days from issuance of the notice. The Commission may also serve copies of its notice on interested persons and may require a utility to serve written notice on its customers.

(3) The Commission may publish notice of its proposed agency action in the Florida Administrative Weekly or newspapers of general circulation in the area affected by its action and may require a utility to publish notice of the decision in newspapers of general circulation in its service area. Any such publication may be used in establishing the date of receiving notice.

(4) One whose substantial interests may or will be affected by the Commission's proposed action may file a petition for a §120.57 hearing, in the form provided by Rule 25-22.036. Any such petition shall be filed within the time stated in the notice issued pursuant to subsection (2) of this rule ~~fourteen (14) days after service of the written notice.~~ However, when Where a person has not been served notice of the decision and notice has been published, such person may file a petition within ~~fourteen (14)~~ days after publication of the notice.

(5) Any person who receives notice and who fails to file a timely request for a §120.57 hearing shall have waived his or her right to request a hearing on the decision.

(6) In the absence of a timely request for a §120.57 hearing, and unless otherwise provided by a Commission order, the proposed action shall become effective upon the expiration of the time within which to request a hearing.

Specific Authority: 120.53, F.S.

Law Implemented: 120.53, F.S.

History: New 12/21/81, formerly 25-22.29.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles Rehwinkel

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

DATE PROPOSED RULE APPROVED: May 5, 1992

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.