

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Proposed Amendment of) DOCKET NO. 920403-OT
Chapter 25-21, Part II, F.A.C.,)
Rules Governing Internal) ORDER NO. PSC-92-0449-NOR-OT
Organization and Operation)
ISSUED: 06/04/92

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Chapter 25-21, Part II, F.A.C., relating to its internal organization and operation.

The attached Notice of Rulemaking will appear in the June 12, 1992 edition of the Florida Administrative Weekly. Because these rules relate exclusively to the Commission's internal organization, no opportunity for a hearing will be offered. Written comments or suggestions on the rules 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 6, 1992.

By Direction of the Florida Public Service Commission, this 4th day of June, 1992.


STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

RM920403.CC

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FPSC-RECORDS/REPORTING

FLORIDA PUBLIC SERVICE COMMISSION

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RULE TITLE:	RULE NOS.:
Organization	25-21.020
Office of General Counsel	25-21.021
Office of Executive Director	25-21.022
Division of Administration	25-21.023
Division of Auditing and Financial Analysis	25-21.024
Division of Communications	25-21.026
Division of Consumer Affairs	25-21.027
Division of Electric and Gas	25-21.028
Division of Information Processing	25-21.029
Division of Records and Reporting	25-21.0301
Division of Research and Regulatory Review	25-21.031
Designation of Agency Clerk	25-21.033

PURPOSE AND EFFECT: The purpose in revising the organizational rules is to update them to reflect the changes made to the Commission's staff units and the functions, duties, and responsibilities of the units.

SUMMARY: The rule is changed to reflect the elimination of the Division of Information Processing and the transfer of its duties to a new Bureau of Information Processing, transfer of duties to

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and renaming of the Division of Research, designation of the Director of Records and Reporting as the agency clerk, and updating the description of other divisions' duties.

RULEMAKING AUTHORITY: 120.53, F.S.

LAW IMPLEMENTED: 120.53, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THESE RULES:

No economic impact on the agency or parties affected by these rules is anticipated from the revision.

THIS IS AN ORGANIZATIONAL RULE, THEREFORE NO HEARING IS REQUIRED. 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 THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THESE RULES IS:

PART II - DIVISIONS

- 25-21.020 Organization
- 25-21.021 Office of General Counsel
- 25-21.022 Office of Executive Director
- 25-21.023 Division of Administration
- 25-21.024 Division of Auditing and Financial Analysis
- 25-21.025 (Repealed)

25-21.026 Division of Communications
25-21.027 Division of Consumer Affairs
25-21.028 Division of Electric and Gas
~~25-21.029 Division of Information Processing~~
25-21.030 (Repealed)
25-21.0301 Division of Records and Reporting
25-21.031 Division of Research and Regulatory Review
25-21.032 Division of Water and Wastewater
25-21.033 Designation of Agency Clerk
25-21.034 through 21.039 Reserved

25-21.020 Organization. The Commission carries on its work through two primary functional units: The Office of the General Counsel and the Office of the Executive Director.

(1) The Office of the General Counsel has jurisdiction over the Division of Appeals and the Division of Legal Services.

(2) The Office of the Executive Director has jurisdiction over all divisions and offices, except the Office of the General Counsel, and directs activities through two deputy executive directors.

(a) The Office of the Deputy Executive Director/Technical has jurisdiction over the following divisions:

1. Communications
2. Electric and Gas

3. Water and Wastewater
4. Research and Regulatory Review
5. Auditing and Financial Analysis

(b) The Office of the Deputy Executive Director/Administration ~~Administrative~~ has jurisdiction over the following divisions:

1. Administration
2. Records and Reporting
3. Consumer Affairs
4. ~~Information Processing~~

Specific Authority: 120.53, F.S.

Law Implemented: 120.53, F.S.

History: Transferred from 25-1.20 and Amended 11/30/81, 2/11/86, formerly 25-21.20, Amended 11/18/86.

25-21.021 Office of the General Counsel. The Office of the General Counsel provides legal counsel to the Commission on all matters under the Commission's jurisdiction. In doing so, the General Counsel's office employs two units: a Division of Appeals and a Division of Legal Services.

(1) The Division of Appeals of the General Counsel's office, in coordination with the Office of the Executive Director, serves as the Commission's liaison with federal and state agencies as well as the State Legislature and political subdivisions of the state. The Division has primary responsibility for rulemaking and appeals

of Commission orders. The Division's staff attends Commission and staff conferences as well as Commission hearings to provide legal advice to the Commission, conducts public hearings at the Commission's request, and maintains surveillance over rate philosophy. In addition, the Division's staff rules on requests for ~~confidential classification of information and~~ admission of Class B Practitioners to practice before the Commission, provides guidance in procurement of services and commodities, drafts procurement contracts, and provides counsel to the Commission on personnel matters.

(2) The Division of Legal Services supervises the procedural and legal aspects of rate cases and other formal proceedings before the Commission, the Division of Administrative Hearings and, on behalf of the Commission, in civil court proceedings. This Division also represents the staff before the Commission and issues reports and recommendations to the Commission as requested.

Specific Authority: 120.53, F.S.

Law Implemented: 120.53, F.S.

History: New 2/19/82, formerly 25-21.21, Amended 11/18/86.

25-21.023 Division of Administration. The Division of Administration provides administrative direction and support services for the Commission and provides budget financial planning assistance to the Commission's executive offices officers and operating divisions. The Division ~~develops~~ and maintains a an

1 25-21.023 Division of Administration. The Division of
2 Administration provides administrative ~~direction~~ and support
3 services for the Commission and provides budget financial planning
4 assistance to the Commission's executive offices officers and
5 operating divisions. The Division ~~develops~~ and maintains a an
6 ~~agency management information system for collecting employee~~
7 workload statistics, coordinates and prepares the Commission's
8 legislative budget requests, and monitors the operating budget,
9 ~~preparing and prepares~~ amendments as necessary. The Division
10 functions as the Commission's liaison to all state agencies
11 regarding budgets and ~~internal~~ administrative matters of mutual
12 interest, in coordination with the General Counsel's office and the
13 Office of the Executive Director. The Division maintains
14 centralized accounting and financial records for the entire
15 Commission, receives and deposits incoming revenues, (including
16 fees, fines, and taxes, and other revenue etc.), processes payrolls
17 and all bills for payment, reviews and processes employees' travel
18 vouchers, reviews consultant ~~and federal~~ contracts, and maintains
19 property inventory and control. The Division administers the State
20 personnel rules and regulations for the Commission, assists in
21 coordinating training for employees and providing provides
22 assistance to the divisions and offices regarding personnel matters
23 such as recruitment of new employees, position classifications,
24 performance evaluations, and insurance programs throughout the
25 ~~Commission in personnel matters.~~ The Division functions as the

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

maintenance contractors, provides centralized facsimile services, provides fleet management, and administers the Commission's lease management program for office space and equipment facilities. The Division is also responsible for collecting information from other divisions, preparing needs assessments and maintaining plans for the procurement and implementation of all information processing technologies within the Commission, developing and implementing information systems and providing a continuing program of support and maintenance.

Specific Authority: 120.53, F.S.

Law Implemented: 120.53, F.S.

History: Transferred from 25-1.23 and Amended 11/30/81, formerly 25-21.23, Amended 11/18/86.

25-21.024 Division of Auditing and Financial Analysis. The Division of Auditing and Financial Analysis is involved in all areas of regulation which require accounting, auditing, financial and engineering expertise. This includes items such as advising the Commission on security applications, conducting financial audits, reviewing capital recovery applications, conducting special studies of a financial nature, and determining revenue requirements in rate cases. The Division also participates in proceedings concerning matters of accounting, cost of capital, income taxes, audit results, and capital recovery. The Division receives and maintains copies of annual financial reports and rate of return

reports of all local exchange telecommunications, investor-owned electric, and gas utilities. ~~provides technical support to the Commissioners and Commission staff. In matters relating to tax, finance and capital recovery, the staff participates in rate and generic proceedings, develops policy positions, proposes rules and legislation conforming with Commission policy, performs special studies, and monitors inter-industry accounting policies for consistency. The Bureau of Management Studies, which does not participate in rate cases, performs management and operational audits of the utility companies, reports the findings, and monitors the implementation of recommended action. The Field Audit staff conducts financial, special investigations, continuing property records and construction work in progress audits, issues audit reports to the Division of Records and Reporting, and provides staff consultation in forecasting and statistical analysis.~~

Specific Authority: 120.53, F.S.

Law Implemented: 120.53, F.S.

History: New 11/30/81, Amended 2/11/86, formerly 25-1.24, formerly 25-21.24, Amended 11/18/86.

25-21.026 Division of Communications. The Division of Communications serves as telecommunications advisor to the Commission; prepares testimony, exhibits and cross-examination questions and participates in informal and formal proceedings involving telecommunications standards of service and construction

practices; provides instruction and guidance concerning technological changes and their impact; conducts periodic on-site safety inspections of telecommunications facilities; establishes procedures for the review of tariff changes, additions, rate changes and determines revenues to be derived; evaluates telecommunications company quality of service; and conducts compliance audits of regulated telephone companies to insure compliance with tariff and Commission rules and Florida Statutes.

~~provides the Commission with technical information, advice and assistance in the disciplines of Accounting, Engineering, Rate, and Economics as may be required for the discharge of the statutory responsibilities delegated to the Commission for the regulation of the communications industry. Generally, the Division participates in proceedings and programs which affect substantial interests of telephone users. The Division provides expert testimony and exhibits, and prepares and presents recommendations to the Commission regarding the disposition of matters relating to the regulation of the communications industry. In doing so, the Division maintains a continuing earnings surveillance program; conducts research projects; responds to inquiries; inspects, tests and evaluates system safety measures; evaluates and processes Extended Area Service applications; processes revenue change requests and other relevant applications, agreements and transfers; maintains custody of telephone tariffs; reviews tariff filings;~~

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~~compiles comparative data; and conducts audits. In addition, the Division conducts a comprehensive telephone service evaluation program which ensures the availability and provision of safe, efficient and sufficient communication services throughout the State. The Division also serves as the custodian of all communications utilities' annual financial reports.~~

Specific Authority: 120.53, F.S.

Law Implemented: 120.53, F.S.

History: New 11/30/81, formerly 25-21.26, Amended 11/18/86.

25-21.027 Division of Consumer Affairs. The Division of Consumer Affairs investigates complaints against regulated utilities. It acts as a liaison between the Commission and the consumer. The Division reports to the Commission on complaint activity, testifies in rate cases, and participates in rulemaking, and meets with consumer and civic groups to further consumer education. ~~In the area of consumer education, the Division meets with consumers and civic groups, prepares and issues news releases and informational pamphlets, reports, and newsletters designed to inform consumers on regulatory issues, developments and related matters.~~

Specific Authority: 120.53, F.S.

Law Implemented: 120.53, F.S.

History: Transferred from 25-1.32 and Amended 11/30/81, formerly 25-21.27, Amended 11/18/86.

25-21.028 Division of Electric and Gas. The Division of Electric and Gas evaluates the quantity and quality of service provided by electric and gas utilities and recommends appropriate action when necessary. It participates in formal rate proceedings through reviewing and analyzing testimony and exhibits, assisting in the cross-examination of witnesses, and preparing recommendations covering areas such as plant investments, reserve margins, quality of service, conservation, cogeneration, power plant and transmission line siting, and related items. These functions have the collective goal of ensuring that the public receives the lowest cost electricity or natural gas consistent with the revenue requirements of the utility so as to provide an acceptable level of service. ~~provides the Commission with technical information, advice and assistance in the areas of electric safety, electric rates, system planning/conservation, accounting, fuel, and natural gas. Each area comprises a bureau within the Division, and they have the collective goal of ensuring that the public receives the lowest cost electricity or natural gas consistent with the revenue requirements of the utility so as to provide an acceptable level of service. The Division serves as the official custodian of electric and gas utilities' annual financial reports.~~

Specific Authority: 120.53, F.S.

Law Implemented: 120.53, F.S.

History: New 11/30/81, formerly 25-21.28, Amended 11/18/86.

~~25-21.029 Division of Information Processing. The Division of Information Processing serves as the Commission's repository for all technical information pertaining to electronic data processing, word processing, electronic communications, micrographics, reprographics, and related technologies. Among other functions, the Division prepares and maintains a long-range plan for procurement and implementation of all information processing technologies within the Commission, establishes policies and procedures to ensure the integrity and efficient use of all information processing systems, prepares and conducts relevant training seminars for staff and, overall, keeps the Commission informed as to all matters pertaining to information processing.~~

Specific Authority: 120.53, F.S.

Law Implemented: 120.53, F.S.

History: New 11/30/81, formerly 25-21.29, Amended 11/18/86.

25-21.0301 Division of Records and Reporting. The Division of Records and Reporting receives, records, distributes, and maintains the official files of all documents filed in proceedings before the Commission. The Division maintains a computerized document and case management information system; issues reports and assists in the coordination of case management activities; prepares agendas for the Commission's regular conferences; prepares and maintains the official minutes of all Commission meetings; makes

arrangements for hearings and assigns hearing reporters. The Division maintains the master directory of utilities, as well as mailing lists of parties to and persons interested in proceedings before the Commission; issues all orders and notices of the Commission; coordinates the Commission's records management program; and, upon request and the payment of appropriate fees, provides copies of public records. This Division prepares and issues notices, serves orders, reports monthly on the status of active cases, issues subpoenas and assigns docket and order numbers, schedules hearing locations, and assigns hearing reporters to report the record of hearings on Commission dockets as appropriate. The Division also coordinates case management activities for the agency.

Specific Authority: 120.53, F.S.

Law Implemented: 120.53, F.S.

History: Transferred from 25-1.22 and Amended 11/30/81,
Transferred from 25-21.025, Amended 11/18/86.

25-21.031 Division of Research and Regulatory Review. The Division of Research and Regulatory Review prepares studies of policy alternatives and economic and demand projections, and conducts research to determine trends and conditions affecting public utility operations and regulations. The Division also conducts in-depth analyses of current and potential problems in utility regulation, coordinates and directs the utilization of

research methods and findings in Commission cases, presents reports regarding the results of research studies, and prepares economic impact statements on proposed rules. The Division is also responsible for monitoring the utilities' current methods of operation, conducting studies of utility management efficiency, internal control systems, and company operating processes and procedures; performing special investigations, and coordinating follow-up of its findings with other Commission staff. The Division monitors consistency across the Commission's industry divisions for rules, policies, and procedures which affect utilities, and facilitates internal consistency with regard to operations of the various divisions. conducts in-depth studies of current and potential problems in utility regulation, coordinates and directs the utilization of research methods and findings in formal Commission proceedings, and presents policy recommendations to the Commission and other technical divisions based on the results of research studies. The Division also prepares estimates of the economic impacts of proposed Commission rules, compiles and evaluates data and statistics related to utility operations, and provides technical expertise to other divisions.

Specific Authority: 120.53, F.S.

Law Implemented: 120.53, F.S.

History: Transferred from 25-1.29 and Amended 11/30/81, 2/11/86, formerly 25-21.31, Amended 11/18/86.

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25-21.033 Designation of Agency Clerk. The Director of the Division of Records and Reporting, located at 101 East Gaines Street, Tallahassee, Florida 32399-0850, telephone number (904) 488-8371, is designated as the agency clerk. The duties and responsibilities of the agency clerk are described in Rule 25-21.031, F.A.C.

Specific Authority: 120.53, F.S.

Law Implemented: 120.53, F.S.

History: New _____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Bill Talbott

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

DATE PROPOSED RULES APPROVED: June 2, 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.