

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rule) DOCKET NO. 920403-OT
Chapter 25-21, Part II, F.A.C.,)
Rules Governing Internal) ORDER NO. PSC-92-0721-FOF-OT
Organization and Operation)
ISSUED: 07/28/92

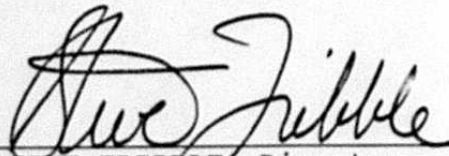
NOTICE OF ADOPTION OF RULE AMENDMENT

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted the amendments to Rule Chapter 25-21, Part II, F.A.C., relating to the Commission's internal organization and operation, without change.

The rule amendments were filed with the Department of State on July 22, 1992 and will be effective on August 11, 1992. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission this 28th day of July, 1992.



STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

DOCUMENT NUMBER-DATE

03309 JUL 28 1992

CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;

(a) And are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing

(e) Are filed within 21 days after the date the transcript was received by this agency.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the

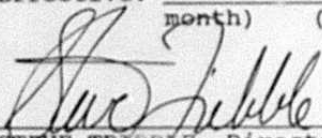
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undersigned agency by and upon their filing with the Department of State.

| <u>Rule No.</u> | <u>Rulemaking Authority</u> | <u>Specific Law Being Implemented, Interpreted or Made Specific</u> |
|-----------------|-----------------------------|---|
| 25-21.020 | 120.53 F.S. | 120.53 F.S. |
| 25-21.021 | 120.53 F.S. | 120.53 F.S. |
| 25-21.023 | 120.53 F.S. | 120.53 F.S. |
| 25-21.024 | 120.53 F.S. | 120.53 F.S. |
| 25-21.026 | 120.53 F.S. | 120.53 F.S. |
| 25-21.027 | 120.53 F.S. | 120.53 F.S. |
| 25-21.028 | 120.53 F.S. | 120.53 F.S. |
| 25-21.029 | 120.53 F.S. | 120.53 F.S. |
| 25-21.0301 | 120.53 F.S. | 120.53 F.S. |
| 25-21.031 | 120.53 F.S. | 120.53 F.S. |
| 25-21.033 | 120.53 F.S. | 120.53 F.S. |

Under the provision of paragraph 120.54(13)(a), F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
month) (day) (year)



STEVE TRIBBLE, Director
Division of Records & Reporting

Number of Pages Certified

(S E A L)

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PART II - DIVISIONS

- 1
- 2 25-21.020 Organization
- 3 25-21.021 Office of General Counsel
- 4 25-21.022 Office of Executive Director
- 5 25-21.023 Division of Administration
- 6 25-21.024 Division of Auditing and Financial Analysis
- 7 25-21.025 (Repealed)
- 8 25-21.026 Division of Communications
- 9 25-21.027 Division of Consumer Affairs
- 10 25-21.028 Division of Electric and Gas
- 11 ~~25-21.029 Division of Information Processing~~
- 12 25-21.030 (Repealed)
- 13 25-21.0301 Division of Records and Reporting
- 14 25-21.031 Division of Research and Regulatory Review
- 15 25-21.032 Division of Water and Wastewater
- 16 25-21.033 Designation of Agency Clerk
- 17 25-21.034 through 21.039 Reserved
- 18

19 25-21.020 Organization. The Commission carries on its work
20 through two primary functional units: The Office of the General
21 Counsel and the Office of the Executive Director.

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

24 (2) The Office of the Executive Director has jurisdiction
25 over all divisions and offices, except the Office of the General

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1 Counsel, and directs activities through two deputy executive
2 directors.

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

- 5 1. Communications
- 6 2. Electric and Gas
- 7 3. Water and Wastewater
- 8 4. Research and Regulatory Review
- 9 5. Auditing and Financial Analysis

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

- 13 1. Administration
- 14 2. Records and Reporting
- 15 3. Consumer Affairs
- 16 4. ~~Information Processing~~

17 Specific Authority: 120.53, F.S.

18 Law Implemented: 120.53, F.S.

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

21 25-21.021 Office of the General Counsel. The Office of the
22 General Counsel provides legal counsel to the Commission on all
23 matters under the Commission's jurisdiction. In doing so, the
24 General Counsel's office employs two units: a Division of Appeals
25 and a Division of Legal Services.

1 (1) The Division of Appeals of the General Counsel's office,
2 in coordination with the Office of the Executive Director, serves
3 as the Commission's liaison with federal and state agencies as well
4 as the State Legislature and political subdivisions of the state.
5 The Division has primary responsibility for rulemaking and appeals
6 of Commission orders. The Division's staff attends Commission and
7 staff conferences as well as Commission hearings to provide legal
8 advice to the Commission, conducts public hearings at the
9 Commission's request, and maintains surveillance over rate
10 philosophy. In addition, the Division's staff rules on requests
11 for ~~confidential classification of information and~~ admission of
12 Class B Practitioners to practice before the Commission, provides
13 guidance in procurement of services and commodities, drafts
14 procurement contracts, and provides counsel to the Commission on
15 personnel matters.

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

22 Specific Authority: 120.53, F.S.

23 Law Implemented: 120.53, F.S.

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

25 _____.

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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

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1 | purchasing agent for the Commission, provides mail and messenger
2 | pickup and delivery ~~7-messenger~~ services, provides copying printing
3 | ~~and reproduction~~ services, manages central office supply inventory,
4 | procures services for maintenance of outside equipment and facility
5 | ~~maintenance contractors,~~ provides centralized facsimile services,
6 | provides fleet management, and administers the Commission's lease
7 | management program for office space and equipment facilities. The
8 | Division is also responsible for collecting information from other
9 | divisions, preparing needs assessments and maintaining plans for
10 | the procurement and implementation of all information processing
11 | technologies within the Commission, developing and implementing
12 | information systems and providing a continuing program of support
13 | and maintenance.

14 | Specific Authority: 120.53, F.S.

15 | Law Implemented: 120.53, F.S.

16 | History: Transferred from 25-1.23 and Amended 11/30/81, formerly
17 | 25-21.23, Amended 11/18/86, Amended _____.

18 | (Substantial rewording of Rule 25-21.024. See Florida
19 | Administrative Code for present text.)

20 | 25-21.024 Division of Auditing and Financial Analysis. The
21 | Division of Auditing and Financial Analysis is involved in all
22 | areas of regulation which require accounting, auditing, financial
23 | and engineering expertise. This includes items such as advising
24 | the Commission on security applications, conducting financial
25 | audits, reviewing capital recovery applications, conducting special

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1 studies of a financial nature, and determining revenue requirements
2 in rate cases. The Division also participates in proceedings
3 concerning matters of accounting, cost of capital, income taxes,
4 audit results, and capital recovery. The Division receives and
5 maintains copies of annual financial reports and rate of return
6 reports of all local exchange telecommunications, investor-owned
7 electric, and gas utilities.

8 Specific Authority: 120.53, F.S.

9 Law Implemented: 120.53, F.S.

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

12 (Substantial rewording of Rule 25-21.026. See Florida
13 Administrative Code for present text.)

14 25-21.026 Division of Communications. The Division of
15 Communications serves as telecommunications advisor to the
16 Commission; prepares testimony, exhibits and cross-examination
17 questions and participates in informal and formal proceedings
18 involving telecommunications standards of service and construction
19 practices; provides instruction and guidance concerning
20 technological changes and their impact; conducts periodic on-site
21 safety inspections of telecommunications facilities; establishes
22 procedures for the review of tariff changes, additions, rate
23 changes and determines revenues to be derived; evaluates
24 telecommunications company quality of service; and conducts
25 compliance audits of regulated telephone companies to insure

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1 compliance with tariff and Commission rules and Florida Statutes.
2 Specific Authority: 120.53, F.S.
3 Law Implemented: 120.53, F.S.
4 History: New 11/30/81, formerly 25-21.26, Amended 11/18/86,
5 Amended _____.
6 25-21.027 Division of Consumer Affairs. The Division of
7 Consumer Affairs investigates complaints against regulated
8 utilities. It acts as a liaison between the Commission and the
9 consumer. The Division reports to the Commission on complaint
10 activity, testifies in rate cases, and participates in rulemaking,
11 and meets with consumer and civic groups to further consumer
12 education. ~~In the area of consumer education, the Division meets~~
13 ~~with consumers and civic groups, prepares and issues news releases~~
14 ~~and informational pamphlets, reports, and newsletters designed to~~
15 ~~inform consumers on regulatory issues, developments and related~~
16 ~~matters.~~
17 Specific Authority: 120.53, F.S.
18 Law Implemented: 120.53, F.S.
19 History: Transferred from 25-1.32 and Amended 11/30/81, formerly
20 25-21.27, Amended 11/18/86, Amended.
21 (Substantial rewording of Rule 25-21.028. See Florida
22 Administrative Code for present text.)
23 25-21.028 Division of Electric and Gas. The Division of
24 Electric and Gas evaluates the quantity and quality of service
25 provided by electric and gas utilities and recommends appropriate

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1 action when necessary. It participates in formal rate proceedings
2 through reviewing and analyzing testimony and exhibits, assisting
3 in the cross-examination of witnesses, and preparing
4 recommendations covering areas such as plant investments, reserve
5 margins, quality of service, conservation, cogeneration, power
6 plant and transmission line siting, and related items. These
7 functions have the collective goal of ensuring that the public
8 receives the lowest cost electricity or natural gas consistent with
9 the revenue requirements of the utility so as to provide an
10 acceptable level of service.

11 Specific Authority: 120.53, F.S.

12 Law Implemented: 120.53, F.S.

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

15 25-21.029 Division of Information Processing.

16 Specific Authority: 120.53, F.S.

17 Law Implemented: 120.53, F.S.

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

20 (Substantial rewording of Rule 25-21.0301. See Florida
21 Administrative Code for present text.)

22 25-21.0301 Division of Records and Reporting. The Division
23 of Records and Reporting receives, records, distributes, and
24 maintains the official files of all documents filed in proceedings
25 before the Commission. The Division maintains a computerized

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1 document and case management information system; issues reports and
2 assists in the coordination of case management activities; prepares
3 agendas for the Commission's regular conferences; prepares and
4 maintains the official minutes of all Commission meetings; makes
5 arrangements for hearings and assigns hearing reporters. The
6 Division maintains the master directory of utilities, as well as
7 mailing lists of parties to and persons interested in proceedings
8 before the Commission; issues all orders and notices of the
9 Commission; coordinates the Commission's records management
10 program; and, upon request and the payment of appropriate fees,
11 provides copies of public records.

12 Specific Authority: 120.53, F.S.

13 Law Implemented: 120.53, F.S.

14 History: Transferred from 25-1.22 and Amended 11/30/81,
15 Transferred from 25-21.025, Amended 11/18/86, Amended _____.
16 (Substantial rewording of Rule 25-21.031. See Florida
17 Administrative Code for present text.)

18 25-21.031 Division of Research and Regulatory Review. The
19 Division of Research and Regulatory Review prepares studies of
20 policy alternatives and economic and demand projections, and
21 conducts research to determine trends and conditions affecting
22 public utility operations and regulations. The Division also
23 conducts in-depth analyses of current and potential problems in
24 utility regulation, coordinates and directs the utilization of
25 research methods and findings in Commission cases, presents reports

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1 regarding the results of research studies, and prepares economic
2 impact statements on proposed rules. The Division is also
3 responsible for monitoring the utilities' current methods of
4 operation, conducting studies of utility management efficiency,
5 internal control systems, and company operating processes and
6 procedures; performing special investigations, and coordinating
7 follow-up of its findings with other Commission staff. The
8 Division monitors consistency across the Commission's industry
9 divisions for rules, policies, and procedures which affect
10 utilities, and facilitates internal consistency with regard to
11 operations of the various divisions.

12 Specific Authority: 120.53, F.S.

13 Law Implemented: 120.53, F.S.

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

16 25-21.033 Designation of Agency Clerk. The Director of the
17 Division of Records and Reporting, located at 101 East Gaines
18 Street, Tallahassee, Florida 32399-0850, telephone number (904)
19 488-8371, is designated as the agency clerk. The duties and
20 responsibilities of the agency clerk are described in Rule 25-
21 21.031, F.A.C.

22 Specific Authority: 120.53, F.S.

23 Law Implemented: 120.53, F.S.

24 History: New _____.

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RULE CHAPTER 25-21, PART II
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SUMMARY OF RULE

The rule is amended 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 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.

SUMMARY OF HEARINGS ON THE RULE

Pursuant to section 120.54(3)(a), F.S., the Commission was not required to offer the opportunity for a hearing on these rules because they relate solely to its internal organization; therefore, no hearing was offered and none was held. No comments on the rules were filed, and the rules are being filed without changes.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Section 120.53, Florida Statutes, requires each state agency to adopt a rule describing its organization. Rule 25-21.005, Florida Administrative Code, requires agencies to list their staff units and describe the units' functions, duties and responsibilities. Present Commission rules describe the divisions and their responsibilities as they existed prior to the reorganization accomplished in 1991.

To improve the operation of the Commission, and in response to a provision in the 1991 Appropriations Act, Chapter 91-193, Laws of Florida, requiring state agencies to eliminate a minimum of five percent of their Senior Management and Select Exempt Service

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positions, the Commission made several changes in its organizational structure. Among the changes were consolidation of the Divisions of Information Processing and Administration; transfer of the Deputy Director of Auditing and Financial Analysis (AFAD), the Bureau of Management Studies, and the Office of Economic Regulation Standards Control to the Division of Research (which was renamed the Division of Research and Regulatory Review); and merger of the Bureaus of Accounting in the Divisions of Communication and Electric and Gas with the Financial Analysis Bureaus in AFAD.

The revisions to the organizational rules incorporate these changes. In addition, the description of each division was updated to reflect the changes that have been made in the assignment of duties and responsibilities since the rules were last amended in 1986.