

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Adoption of Rule 25-) DOCKET NO. 920617-OT
22.033, Communications Between) ORDER NO. PSC-93-0342-FOF-OT
Commission Employees And Parties) ISSUED: 03/08/93
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NOTICE OF ADOPTION OF RULE

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted Rule 25-22.033, F.A.C., relating to communications between Commission employees and parties with changes.

The rule was filed with the Department of State on March 4, 1993 and will be effective on March 24, 1993. 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 8th day of March, 1993.

STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

by: Kay Flynn
Chief, Bureau of Records

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DOCUMENT NUMBER-DATE

02550 MAR-88

FPSC-RECORDS/REPORTING

Rule 25-22.033 - Communications Between Commission Employees and Parties - The Commission recognizes that Commission employees must exchange information with parties who have an interest in Commission proceedings. However, the Commission also recognizes that all parties to adjudicatory proceedings need to be notified and given an opportunity to participate in certain communications. The intent of this rule is not to prevent or hinder in any way the exchange of information, but to provide all parties to adjudicatory proceedings notification of and the opportunity to participate in certain communications.

(1) This rule shall govern communications between Commission employees and parties to docketed proceedings before the Commission. This rule shall not apply in proceedings under sections 120.54, 120.565, 367.0814, Fla. Stat., proposed agency action proceedings before the Commission has voted to issue a proposed agency action order, non-rate case tariffs, workshops or internal affairs meetings. Also exempted are docketed and undocketed audits, telephone service evaluations, and electric and gas safety inspections. Nothing in this rule is intended to modify or supersede the procedural requirements for formal discovery under the Commission's rules and applicable provisions of the Florida Rules of Civil Procedure, or affect communications regarding

discovery requests, procedure, or other matters not concerned with the merits of a case.

(2) Written Communications - Notice of any written communication between Commission employees and parties shall be transmitted to all other parties at the same time as the written communication, whether by U. S. Mail or other means.

(3) Scheduled Meetings and Conference Calls - All parties to the proceeding shall be given reasonable notice of the time and place of any scheduled meeting or conference call between Commission employees and parties. For purposes of this subsection, a conference call is defined as a telephone call involving three or more persons.

(4) Response to Communications - Any party to a proceeding may prepare a written response to any communication between a Commission employee and another party. Notice of any such response shall be transmitted to all parties.

(5) Prohibited Communications - No Commission employee shall directly or indirectly relay to a Commissioner any communication from a party or an interested person which would otherwise be a prohibited ex parte communication under section 350.042, Fla. Stat. Nothing in this subsection shall preclude non-testifying advisory staff members from discussing the merits of a pending case with a Commissioner, provided the communication is not otherwise

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prohibited by law. However, a staff member who testifies in a case shall not discuss the merits of that case with any Commissioner during the pendency of that case.

Specific Authority: 120.53, F.S.

Law Implemented: 120.53, F.S.

History: New 3/24/93