

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Rule 25-22.0406 Notice) DOCKET NO. 911082-WS
and Public Information on) ORDER NO. PSC-93-0456-NOR-WS
General Rate Increase Requests) ISSUED: 03/24/93
by Electric, Gas and Telephone)
Companies; 25-22.0407 Notice of)
and Public Information for)
General Rate Increase Requests)
by Water and Wastewater)
Utilities; 25-22.0408 Notice of)
Requests for New or Revised)
Service Availability Charges or)
Policies and Notice of Requests)
for Allowance for Funds)
Prudently Invested (AFPI))
Charges)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-22.0406, and adopt Rules 25-22.0407 and 25-22.0408, F.A.C., relating to notice of general rate increase requests and notice by water and wastewater utilities of requests for new or revised service availability charges or policies and notice of requests for allowance for funds prudently invested (AFPI) charges.

The attached Notice of Rulemaking will appear in the April 2, 1993 edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Monday, May 24, 1993
Room 106, Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399

DOCUMENT NUMBER-DATE

03240 MAR 24 83

FPSC-RECORDS/REPORTING

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Written requests for hearing and 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 April 23, 1993.

By ORDER of the Florida Public Service Commission this 24th 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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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 911082-WS

RULE TITLE:

RULE NO.:

Notice and Public Information on General
Rate Increase Requests by Electric, Gas and
Telephone Companies

25-22.0406

Notice of and Public Information for General
Rate Increase Requests by Water and Waste-
water Utilities

25-22.0407

Notice of Requests for New or Revised Service
Availability Charges or Policies and Notice
of Requests for Allowance for Funds Prudently
Invested (AFPI) Charges

25-22.0408

PURPOSE AND EFFECT: Rule 25-22.0406 is amended and 25-22.0407 is created to clarify the different notice requirements that apply for different industries regulated by the PSC by separating the requirements applicable to the electric, gas, and telecommunications industries from those applicable to the water and wastewater industry and to simplify the requirements for water and wastewater utilities.

The purpose of new Rule 25-22.0408 is to streamline noticing requirements for service availability policy and charge applications, to clarify that the rule applies to filings for

both new and revised service availability policy and charges, to clarify that the rule applies when the utility makes a request in conjunction with a rate case, and to make clear that it applies to AFPI filings as well.

SUMMARY: Rule 25-22.0406 is amended to remove the provisions relating to water and wastewater utilities and Rule 25-22.0407 is created to provide a separate rule providing the requirements for notice and public information for general rate increase requests by water and wastewater utilities.

Rule 25-22.0407 requires water and wastewater utilities to publish notice of any hearing held in or near a utility service area that is included in a rate request. If the utility does not have a business office in a service area, it must place a copy of the petition for a rate increase and a copy of the minimum filing requirements at the main county library, local community center, or other conveniently located facilities that will provide public access. The utility is also required to provide the customer notice, which must mention the possibility of the Commission's initiating an adjustment to service availability, to persons potentially affected by a change in service availability. The deadlines by which notice must be completed are also clarified. Similar notice provisions are included for staff-assisted rate cases.

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Rule 25-22.0408 provides for notice of applications for new or revised service availability charges or policies and notice of requests for allowance for funds prudently invested (AFPI) charges filed by water and wastewater utilities.

RULEMAKING AUTHORITY: 350.127(2), 366.05, F.S. and 367.121(1)(f), F.S.

LAW IMPLEMENTED: 364.035(1) and 366.06, F.S., 367.081, 367.0814(1), 367.091, F.S., 367.101, 367.111, and 367.091, F.S.

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., May 24, 1993.

PLACE: Room 106, 101 East Gaines Street, Tallahassee, Florida.

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 ARE:

- 25-22.0406 Notice and Public Information on General Rate Increase Requests by Electric, Gas and Telephone Companies.

(1) The provisions of this rule shall be applicable to all

requests for general rate increases by electric, gas, ~~water and sewer utilities~~ and telephone companies subject to the Commission's jurisdiction.

(2) Upon filing a petition for a general rate increase, the utility shall mail a copy of the petition to the chief executive officer of the governing body of each municipality and county within the service area affected.

(3)(a) Within 15 days after it has been notified by the Commission that the Minimum Filing Requirements (MFRs) have been met, the utility shall place a copy of the MFRs at its official headquarters and at its business office in each municipality in which service hearings were held in the last general rate case of the utility. Within 15 days after the time schedule has been mailed to the utility, copies of the MFRs shall be placed in the utility business office in each additional city in which service hearings are to be held. Upon customer request a copy of the MFRs shall be placed in a utility business office not located in a city where a service hearing is to be held. The copies of the MFRs shall be available for public inspection during the utility's regular business hours.

(b) In addition to the locations listed above, the Commission may require that copies of the MFRs be placed at other specified locations.

(4)(a) Within 15 days after the time schedule for the case has been mailed to the utility, the utility shall prepare and distribute a synopsis of the rate request. The synopsis shall be approved by the Commission or its staff prior to distribution and shall include:

1. A summary of the section of the MFRs showing a comparison of the present and proposed rates for major services;
2. A statement of the anticipated major issues involved in the rate case;
3. A copy of the executive summary filed with the MFRs.
4. A description of the ratemaking process and the time schedule established for the rate case;
5. The locations at which complete MFRs are available.

(b) Copies of the synopsis shall be distributed to the same locations as required for the MFRs, to the main county library within or most convenient to the service area and to the chief executive officer of each county and municipality within the service area affected.

(5) Within 30 days after the rate case time schedule has been mailed to the utility, the utility shall begin sending a notice approved by the Commission or its staff to its customers containing:

- (a) A statement that the utility has applied for a rate

increase and the general reasons for the request;

(b) The locations at which copies of the MFRs and synopsis are available;

(c) The time schedule established for the case, and the dates, times and locations of any hearings that have been scheduled; and

(d) A comparison of current rates and service charges and the proposed new rates and service charges.

1. Such notice shall be completed at least 10 days prior to the first scheduled service hearing.

(6) At least 7 days and not more than 20 days prior to each service hearing, the utility shall have published in a newspaper of general circulation in the area in which the hearing is to be held a display advertisement stating the date, time, location and purpose of the hearing. The advertisement shall be approved by the Commission or its staff prior to publication.

(7) When the Commission issues proposed agency action and a hearing is subsequently held, the utility shall give written notice of the hearing to its customers at least 14 days in advance of the hearing. This notice shall be approved by the Commission or its staff prior to distribution.

~~(8) Staff Assisted Water or Sewer Rate Requests. The following is applicable to a staff assisted rate request for a~~

~~water or sewer utility as provided for in Rule 25-10.180, F.A.C.~~

~~(a) Upon receipt of the staff reports, the utility shall place copies of the application and staff reports, including a comparison of the present and proposed rates, at its offices. The copies shall be available for public inspection during the utility's regular business hours.~~

~~(b) At least 14 days prior to the customer meeting, the utility shall send a notice to its customers containing:~~

- ~~1. The time, date, place and purpose of the meeting;~~
- ~~2. A statement that the utility has applied for a rate increase and the general reasons for the increase;~~
- ~~3. The location at which copies of the application and staff reports are available;~~
- ~~4. A comparison of the present and proposed rates;~~
- ~~5. A statement that any customer comments concerning the rate increase should be addressed to the Commission Clerk. The address and telephone number of Clerk shall be provided.~~
- ~~6. The utility's address, telephone number and business hours.~~

~~(c) Notice of the customer meeting shall be approved by the Commission or its staff in advance of distribution.~~

~~(8)-(9) After the Commission's issuance of an order granting or denying a rate change, the utility shall give notice to its~~

customers of the order and the revised rates. The notice shall be approved in advance by the Commission or its staff and transmitted to the customers with the first bill containing the new rates.

Specific Authority: 350.127(2) and 366.05, F.S.

Law Implemented: 364.035(1) and 366.06, F.S.

History: New 09/27/83, formerly 25-22.406, Amended _____.

25-22.0407 Notice of and Public Information for General Rate Increase Requests by Water and Wastewater Utilities.

(1) This rule applies to all requests for general rate increases made by water and wastewater utilities.

(2) Upon filing a petition for a general rate increase, the utility shall mail a copy of the petition to the chief executive officer of the governing body of each municipality and county within the service areas included in the rate request. Each copy of the petition shall be accompanied by a statement that a copy of the minimum filing requirements (MFRs) when accepted by the Commission can be obtained from the petitioner upon request.

(3) Within 30 days after the official date of filing established by the Commission, the utility shall place a copy of the petition and the MFRs at its official headquarters and at any business offices it has in the service areas included in the rate request. Such copies shall be available for public inspection

during the utility's regular business hours. If the utility does not have a business office in a service area included in its rate request, the utility shall place a copy of the petition and the MFRs at the main county library, the local community center or other appropriate location which is within or most convenient to the service area and which is willing to accept and provide public access to the copies. The Commission may require that copies of the petition and MFRs be placed at other specified locations.

(4)(a) Within 30 days after the official date of filing established by the Commission, the utility shall place a copy of its rate case synopsis at all locations where copies of the petition and MFRs were placed.

(b) Within 30 days after the official date of filing established by the Commission, the utility shall mail a copy of its rate case synopsis to the chief executive officer of the governing body of each municipality and county within the service areas included in the rate request.

(c) The utility's rate case synopsis shall be approved by the Commission staff prior to distribution and shall include the following:

1. A summary of the section of the MFRs showing a comparison of the present and proposed rates and charges;

2. A statement of the general reasons for the rate request;

3. A statement of any anticipated major issues involved in the rate case;

4. A description of the ratemaking process and the time schedule established for the rate case; and

5. The locations where complete MFRs are available.

(5)(a) Within 50 days after the official date of filing established by the Commission, the utility shall provide, in writing, an initial customer notice to all customers within the service areas included in the rate request and to all persons in the same service areas who have filed a written request for service or who have been provided a written estimate for service within the 12 calendar months prior to the month the petition is filed.

(b) The initial customer notice shall be approved by Commission staff prior to distribution and shall include the following:

1. The date the notice was issued;

2. A statement that the utility has filed a rate request with the Commission and a statement of the general reasons for the request;

3. A statement of the locations where copies of the MFRs,

petition, and rate case synopsis are available for public inspection and the hours and days when inspection may be made;

4. The time schedule established for the case, including the dates, times, and locations of any hearings scheduled;

5. A comparison of current rates and charges and the proposed new rates and charges;

6. The utility's address, telephone number, and business hours;

7. A statement that written comments regarding utility service or the proposed rates and charges should be addressed to the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, and that such comments should identify the docket number assigned to the proceeding;

8. A statement that complaints regarding service may be made to the Commission's Division of Consumer Affairs at the following toll-free number: 1-800-342-3552; and

9. If the utility has not requested a change in its service availability charges as part of its rate request, a statement that the Commission will be reviewing the utility's service availability charges in the pending rate case and that the Commission may adjust those charges.

10. The docket number assigned by the Commission's Division of Records and Reporting.

(c) The initial customer notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(6)(a) No less than 14 days and no more than 30 days prior to the date of each service hearing, in those cases where the Commission has scheduled a service hearing, the utility shall provide written notice of the date, time, location, and purpose of the service hearing to all customers within service areas designated by the prehearing officer or the Commission staff. The notice shall be approved by Commission staff prior to distribution. The notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(b) No less than 14 days and no more than 30 days prior to the date of the hearing, in all cases, including those in which the Commission has scheduled a service hearing, the utility shall provide written notice of the date, time, location, and purpose of the hearing to all customers within the service areas included in the rate request. The notice shall be approved by Commission staff prior to distribution. The notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(7) No less than 14 days and no more than 30 days prior to

the date of each hearing held in or near a utility service area included in the rate request, the utility shall have published in a newspaper of general circulation in the area in which such hearing is to be held a display advertisement stating the date, time, location, and purpose of the hearing. The notice shall be approved by Commission staff prior to publication.

(8) When a utility files for a petition for a general rate increase and requests that its case be processed as proposed agency action in accordance with section 367.081 (8), F.S., the utility shall comply with the requirements of sections (2), (3), (4), and (5) of this rule.

(a) No less than 14 days and no more than 30 days prior to the date of a customer meeting conducted by the Commission staff, the utility shall provide written notice of the date, time, location, and purpose of the customer meeting to all customers within service areas designated by the Commission staff. The notice shall be approved by Commission staff prior to distribution. The notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(b) If the proposed agency action order issued in the case is protested and any hearings are subsequently held, the utility shall give notice in accordance with subsections (6) and (7)

above.

(9) When a utility applies for a staff-assisted rate case in accordance with section 367.0814, F.S., and Rule 25-30.455, F.A.C., and staff-assistance is granted, the requirements of sections (2), (3), (4), and (5) of this rule shall not apply.

(a) Upon receipt of the staff reports, the utility shall place two copies of its application for staff-assistance and the staff reports at any business offices it has in its service area. Such copies shall be available for public inspection during the utility's regular business hours. If the utility does not have a business office in its service area, the utility shall place two copies of its application and the staff reports at the main county library, the local community center or other appropriate location that is within or most convenient to the service area and that is willing to accept and provide public access to the copies.

(b) No less than 14 days and no more than 30 days prior to the date of a customer meeting conducted by the Commission staff, the utility shall provide, in writing, a customer meeting notice to all customers within its service area and to all persons in the same service areas who have filed a written request for service or who have been provided a written estimate for service within the 12 calendar months prior to the month the petition is

filed.

(c) The customer meeting notice shall be approved by Commission staff prior to distribution and shall include the following:

1. The date the notice was issued;
2. The time, date, location, and purpose of the customer meeting;
3. A statement that the utility has applied for a staff-assisted rate case and the general reasons for doing so;
4. A statement of the location where copies of the application and staff reports are available for public inspection and the times during which inspection may be made;
5. A comparison of current rates and charges and the proposed new rates and charges;
6. The utility's address, telephone number, and business hours;
7. A statement that written comments regarding utility service or the proposed rates and charges should be addressed to the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, and that such comments should identify the docket number assigned to the proceeding;
8. A statement that complaints regarding service may be made to the Commission's Division of Consumer Affairs at the

following toll-free number: 1-800-342-3552.

9. A statement that the Commission will be reviewing the utility's service availability charges in the pending case and that the Commission may adjust those charges.

10. The docket number assigned by the Commission's Division of Records and Reporting.

(c) The customer meeting notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(d) If the proposed agency action order issued in the case is protested and any hearings are subsequently held, the utility shall give notice in accordance with subsections (6) and (7) above.

(10) After the Commission issues an order granting or denying a rate change, the utility shall notify its customers of the order and any revised rates. The customer notification shall be approved by Commission staff and be distributed no later than with the first bill containing any revised rates.

Specific Authority: 350.127(2) and 367.121 (1) (f), F.S.

Law Implemented: 367.081, 367.0814(1), and 367.091, F.S.

History: New

25-22.0408 Notice of Requests for New or Revised Service Availability Charges or Policies and Notice of Requests for

Allowance for Funds Prudently Invested (AFPI) charges.

(1) This rule applies to all requests for new or revised service availability charges or policies and to all requests for allowance for funds prudently invested (AFPI) charges made by water and wastewater utilities, including those requests made in conjunction with a request for a general rate increase.

(2) Upon filing an application for new or revised service availability charges or policies or an application for AFPI charges, the utility shall place a copy of the application at its official headquarters and at any business offices it has in the service areas included in the request. Such copies shall be available for public inspection during the utility's regular business hours. If the utility does not have a business office in a service area included in the request, the utility shall place a copy of the application at the main county library, the local community center or other appropriate location which is within or most convenient to the service area and which is willing to accept and provide public access to said copies. The Commission may require that copies of the application be placed at other specified locations.

(3)(a) Upon filing an application for new or revised service availability charges or policies or an application for AFPI charges, the utility shall have published a notice of

application in a newspaper of general circulation in the service areas included in the petition.

(b) Upon filing an application for new or revised service availability charges or policies or an application for AFPI charges, the utility shall mail or hand deliver a notice of application to all persons in the service areas included in the application who have filed a written request for service or who have been provided a written estimate for service within the 12 calendar months prior to the month the application is filed.

(c) The Commission may require such other notice as it finds reasonably necessary.

(d) The notice of petition shall include the following:

1. The date the notice was issued;
2. A statement that the utility has filed a petition for new or revised service availability charges or policies or AFPI charges with the Commission;
3. A statement that the requested service availability charge or AFPI charge is to pay for growth in the utility system and the requested charges are to be paid by new, not existing, customers;
4. A statement of the locations where copies of the application are available for public inspection and the times during which inspection may be made;

5. A comparison of the present and proposed policy and charges;

6. The utility's address, telephone number and business hours; and

7. A statement that any comments concerning the policy or charges should be addressed to the Director of Records and Reporting at 101 East Gaines Street, Tallahassee, Florida 32399-0870.

Specific Authority: 350.127(2) and 367.121 (1) (f), F.S.

Law Implemented: 367.101, 367.111, and 367.091, F.S.

History: New _____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Matthew Feil

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

DATE PROPOSED RULES APPROVED: March 5, 1993

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.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and

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Reporting at (904) 488-8371 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).