

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Amendment of ) DOCKET NO. 940397-PU  
Rules 25-6.140 and 25-7.140, ) ORDER NO. PSC-94-0924-NOR-PU  
F.A.C., Test Year Notification. ) ISSUED: July 29, 1994  
\_\_\_\_\_)

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-6.140, F.A.C., relating to test year notification.

The attached Notice of Rulemaking will appear in the August 5, 1994, edition of the Florida Administrative Weekly. If timely requested, a hearing will be held at the following time and place:

9:30 a.m., Friday, September 23, 1994  
Room 122, Fletcher Building  
101 East Gaines Street  
Tallahassee, Florida 32399-0850

Written requests for hearing and 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 32399-0870, no later than August 26, 1994.

By Direction of the Florida Public Service Commission, this 29th day of July, 1994.

BLANCA S. BAYO, Director  
Division of Records & Reporting

by: Kay Flynn  
Chief, Bureau of Records

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 940397-PU

RULE TITLE:

RULE NO.:

Test Year Notification

25-6.140

PURPOSE AND EFFECT: The purpose of the proposed amendment is to set forth the procedure by which eligible electric utilities are to notify the Commission whether the Proposed Agency Action process will be requested when seeking rate relief.

SUMMARY: The proposed amendment requires electric utilities to notify the Commission at least 60 days prior to filing a petition seeking rate relief whether the Proposed Agency Action process will be requested.

RULEMAKING AUTHORITY: 350.127(2), F.S.

LAW IMPLEMENTED: 366.01(1), 366.06(5), 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., Friday, September 23, 1994.

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

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:

PART X

B. REVENUE REQUIREMENTS

25-6.140 Test Year Notification; Proposed Agency Action Notification.

(1) At least 60 days prior to filing a petition for a general rate increase, a company shall notify the Commission in writing of its selected test year and filing date. This notification shall include:

(a) An explanation for requesting the particular test period. If an historical test year is selected, there shall be an explanation of why the historical period is more representative of the company's operations than a projected period. If a projected test year is selected, there shall be an explanation of why the projected period is more representative than an historical period;

(b) An explanation, including an estimate of the impact on revenue requirements, of the major factors which necessitate a rate increase;

(c) A statement describing the actions and measures implemented by the company for the specific purpose of avoiding a rate increase; and

(d) A statement that the utility either is or is not requesting that the Commission process its petition for rate

increase using the proposed agency action process authorized in Section 366.06(5), Florida Statutes.

(2) In the event that a test year other than one based on a calendar year or the company's normal fiscal year is selected, the notification shall include an explanation of why the chosen test year period is more appropriate.

(3) If the company cannot meet its filing date, it shall notify the Commission in writing before the due date and include an explanation of why it will not meet the filing date. The company shall include a revised filing date.

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

Law Implemented: 366.06(1), 366.06(5), F.S.

History: New 09/01/92, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Auditing and Financial Analysis.

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

DATE PROPOSED RULE APPROVED: July 19, 1994.

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.

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