

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Amendments to) DOCKET NO. 950077-PU
Rules 25-8.003, F.A.C., Required) ORDER NO. PSC-95-0300-NOR-PU
Exhibits; 25-8.005, F.A.C., Form) ISSUED: March 2, 1995
and Style: 25-8.006, F.A.C.,)
Number of Copies; and 25-8.009,)
F.A.C., Consummation Reports)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rules 25-8.003, 25-8.005, 25-8.006, and 25-8.009, Florida Administrative Code, which relate to the procedure public utilities use to seek authority to issue and sell securities.

The attached Notice of Rulemaking will appear in the March 10, 1995, edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at the following time and place:

Florida Public Service Commission
9:30 a.m., Wednesday, May 10, 1995
Room 122, Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

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 32399-0870, no later than March 31, 1995.

DOCUMENT NUMBER-DATE
02402 MAR-28
FPSC-RECORDS/REPORTING

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BY ORDER of the Florida Public Service Commission, this 2nd
day of March, 1995.

A handwritten signature in cursive script, reading "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

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FLORIDA PUBLIC SERVICE COMMISSION

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RULE TITLE:	RULE NO.:
Required Exhibits	25-8.003
Form and Style	25-8.005
Number of Copies	25-8.006
Consummation Reports	25-8.009

PURPOSE AND EFFECT: The purpose of the proposed amendments is to require only the number of copies needed to process the applications and consummation reports. The result should be a streamlined process.

SUMMARY: The proposed amendment to Rule 25-8.003, titled Required Exhibits, changes the number of application exhibit copies from two to five or two and a copy on diskette. The proposed amendment specifies that the latest 12-month period is to be used in preparing the schedules that make up Exhibit B. In addition, subsection 3 has been changed so that no utility need file information which duplicates information already filed as required by Chapter 25-8.

The proposed amendments to Rule 25-8.005, titled Form and Style, change the rule to reflect current Commission practice and technology.

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The proposed amendment to Rule 25-8.006, titled Number of Copies, change the number of application copies from two to five or one copy and a diskette.

The proposed amendment to Rule 25-8.009, titled Consummation Reports, requires utilities to file a consummation report at the end of its fiscal year if any securities transactions took place during the previous fiscal year. Changes have also been proposed to make the rule less redundant. In addition, the amendment proposes that the rule specify that the original and three copies or the original, one copy, and a diskette of a consummation report be filed.

RULEMAKING AUTHORITY: 366.05, F.S.

LAW IMPLEMENTED: 366.094, 366.04, 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., Wednesday, May 10, 1995.

PLACE: Room 122, 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:

25-8.003 Required Exhibits.

(1) The applicant shall file one certified and five ~~two~~ uncertified copies or one certified copy, one uncertified copy, and a copy on diskette following the procedure in Section 25-22.028(1) of the following exhibits as part of its initial application or as an amendment to its initial application where appropriate or where indicated by this rule.

(a) Exhibit A. A copy of the applicant's charter or articles of ~~or~~ incorporation with amendments to date.

(b) Exhibit B. The following schedules set out in either subsection (2) or subsection (3) of this rule on a basis consistent with the format contained in the respective annual reports filed with the Commission.

1. Balance Sheet. A balance sheet prepared as provided by the Federal Energy Regulatory Commission's Uniform System of Accounts showing by titles the balance in each account at the close of the calendar year preceding the filing of the application, and also showing the balance in each account at the end of the latest 12-month period available prior to the filing of the application.
2. Summary of Utility Plant and Accumulated Provision for Depreciation, Amortization, and Depletion. A

summary of utility plant, ~~and an~~ amortization, and depletion as provided by the Uniform System of Accounts, and prepared for the latest 12-month period available prior to the filing of the application.

3. Income Statement. An income statement as provided by the Uniform System of Accounts for the latest 12-month ~~twelve-months~~ period available prior to the filing of the application.
4. Retained Earnings. A statement of retained earnings as provided by the Uniform System of Accounts, and prepared in the same manner and for the same period as the income statement in paragraph (c) of this subsection.
5. A statement of all known contingent liabilities except minor items involving relatively small amounts, as of the date of the application.

(c) Exhibit C. The following projected financial information, reflecting the applicant's most recent official forecast.

1. Sources and Uses of Funds Statement. Information identifying sources and uses of funds should be prepared for the period covered by the proposed

issuance of securities. This information need not project the applicant's net income.

2. Construction Budget. A Construction Budget for Gross Property Additions should be prepared for the same period as the Sources and Uses of Funds Statement.

(d) Exhibit D. The map required under Rule 25-8.002(5).

(2) Where the utility has previously filed with the Commission the information to be contained in its application or in Exhibit A, B, C, or D and where the previous filing is current or up-to-date, the Commission will accept specific reference to that filing in lieu of a separate filing to meet the requirements of this rule.

(3) A utility filing information required by this rule, ~~or~~ Rule 25-8.002, or Rule 25-8.009 need not file information which duplicates that already provided pursuant to another requirement of this chapter ~~either rule~~, but shall make specific reference to where such information may be found in the filing.

Specific Authority: 366.05, F.S.

Law Implemented: 366.094, F.S.

History: Repromulgated 1/8/75, Amended 10/1/75, 12/20/75, 10/12/81, formerly 25-8.03, amended 7/27/86, _____.

25-8.005 Form and Style. Applications shall be printed or typewritten on 8½-inch by 11-inch ~~legal size~~ paper and, ~~if not~~

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~~printed, shall be typewritten.~~ The impression shall be on only one side of the paper and shall be double-spaced, except that quotations in excess of 50 words ~~a few lines~~ shall be single-spaced and indented. ~~Mimeographed, multilithed or dittoed copies shall be accepted as typewritten provided all copies are clearly legible.~~ The original application and exhibits shall be submitted unbound; all copies of the application and ~~Applications and all~~ exhibits submitted shall be bound ~~at the top.~~ The original of each application shall be signed in ink by the party in interest or by counsel and shall show the street and mailing office ~~and Post Office~~ address of the same. All other copies filed shall be fully conformed.

Specific Authority: 366.05, F.S.

Law Implemented: 366.04, F.S.

History: Repromulgated 1/8/75, Amended 10/12/81, formerly 25-8.05, amended 7/27/86, _____.

25-8.006 Number of Copies. An original and five ~~two~~ copies or an original, one copy, and a copy on diskette following the procedure in Section 25-22.028(1) shall be submitted.

Specific Authority: 366.05, F.S.

Law Implemented: 366.04, F.S.

History: Repromulgated 1/8/75, formerly 25-8.06, amended 7/27/86, _____.

25-8.009 Consummation Reports.

(1) Within ~~ninety~~ (90) days after the end of any fiscal year in which it conducts a securities transaction, closing of each securities transaction the each utility issuing debt or equity shall file an original and three copies or an original, one copy, and a copy on diskette following the procedure in Section 25-22.028(1) of a securities transaction a consummation report with the Commission. ~~In addition to the following information, the~~ The report shall list each state the fact of such issue that occurred in the fiscal year just ended, and state its terms and conditions, any amounts amount realized or net proceeds from each the issue, a statement showing proforma capitalization and pretax interest coverage, together with debt interest and preferred stock dividend requirements, and the expenses of each the issue. Each utility shall concurrently file four copies or two copies and a copy on diskette following the procedure in Section 25-22.028(1) of the following:

(a) Copies of each mortgage, indenture, or other agreement under which the securities were issued and of the prospectus, form S-7, and form 10K for each security issued, if applicable.

(b) A ~~signed~~ copy of each signed opinion of counsel with respect to the legality of each the issue.

(c) A copy of each the first filing of registration with the Securities and Exchange Commission, complete with financial exhibits, any other statements statement filed with that agency

concerning each ~~the~~ issue, and a copy of each application and exhibit filed with any other state regulatory body in connection with each ~~the~~ issue.

(d) A copy of all contracts, underwritings, and other arrangements providing for the sale or marketing of the securities.

(e) A statement as to underwriter's and finder's fees, if any, for each issue as follows:

1. The name and address of each underwriter, the respective amount underwritten, and the amount of the underwriter's fee.
2. The name and address of each known person receiving or entitled to a fee other than an underwriter's fee for services in connection with the negotiation or consummation of an issue or sale of securities, or for services in securing underwriters, sellers or purchasers of securities and the amount of such fee. For the purpose of this subsection, such a fee shall be referred to as a finder's fee, but shall not include fees paid or to be paid for technical services or for the services of an attorney or an accountant.
3. The affiliation, direct or indirect, through directors, officers, or stockholders, or through ownership of securities or otherwise existing

between applicant and any such underwriter or finder.

4. When ~~In~~ ease a finder's fee is involved, the facts showing the necessity for the employment of the finder, the services rendered, and the reasonableness of the fee.

~~(f) A statement showing total amount and per unit price, interest cost or required dividend, underwriting commissions, and net proceeds to the utility. The statement shall also include an itemization by description and amount of all other expenses incident to the issue and sale of the securities.~~

Specific Authority: 366.05, F.S.

Law Implemented: 366.04, F.S.

History: Repromulgated 1/8/75, Amended 10/12/81, formerly 25-8.09, amended 7/27/86, _____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Ann Causseaux, Division of Auditing and Financial Analysis.

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

DATE PROPOSED RULES APPROVED: February 21, 1995.

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

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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 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).