

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Amendment of) DOCKET NO. 950562-PU
Rules 25-4.020, F.A.C., Location) ORDER NO. PSC-95-1308-FOF-PU
and Preservation of Records; 25-) ISSUED: October 25, 1995
6.015, F.A.C., Location and)
Preservation of Records; 25-)
7.015, F.A.C., Location and)
Preservation of Records; 25-)
30.110, F.A.C., Records and)
Reports; Annual Reports; 25-)
4.505, F.A.C., Scope; 25-24.585,)
F.A.C., Records and Reports;)
Rules Incorporated; and 25-)
24.745, F.A.C., Records and)
Reports; Rules Incorporated)
_____)

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 ADOPTION OF RULE

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted the amendments to Rules 25-4.020, 25-6.015, 25-7.015, 25-30.110, 25-4.505, 25-24.585, and 25-24.745, Florida Administrative Code, relating to the location and preservation of records, with changes.

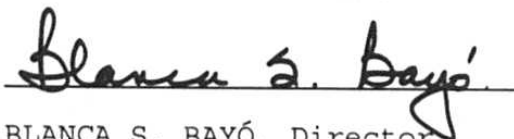
The rules were filed with the Department of State on October 24, 1995 and will be effective on November 13, 1995. A copy of the rules as filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

ESSENTIAL INFORMATION
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FPC-RECORDS/REPORTING

ORDER NO. PSC-95-1308-FOF-PU
DOCKET NO. 950562-PU
PAGE 2

By ORDER of the Florida Public Service Commission, this 25th
day of October, 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)

25-4.020 Location and Preservation of Records.

(1) All records that a company utility is required to keep, by reason of these or other rules prescribed by the Commission, shall be kept at the office or offices of the company within the State unless otherwise authorized by the Commission.

(2) Any company that keeps ~~who obtains permission to keep~~ its ~~required~~ records outside the State shall reimburse the Commission for the reasonable travel expense incurred by each Commission of the Commission's representative during any review of the out-of-state records of the company or its affiliates ~~out-of-State audit, except those companies who keep their records outside the State but within a reasonable short distance from the Florida State line, i.e., Florala Telephone Company and Southland Telephone Company.~~ Reasonable travel expenses are those travel expenses that are equivalent to travel expenses paid by the Commission in the ordinary course of its business.

(a) The company shall remit reimbursement for out-of-state travel expenses within 30 days from the date the Commission mails the invoice.

(b) The reimbursement requirement in subsection (2) shall be waived:

1. For any company that makes its out-of-state records available at the company's office located in Florida or at another mutually agreed upon location in Florida within 10 working days

from the Commission's initial request. If 10 working days is not reasonable because of the complexity and nature of the issues involved or the volume and type of material requested, the Commission may establish a different time frame for the company to bring records into the state. For individual data requests made during an audit, the response time frame established in Rule 25-4.0201, Florida Administrative Code, shall control; or

2. For a company whose records are located within 50 miles of the Florida state line.

(3) All records shall be preserved for the period of time specified in Form PSC/AFA/17 (5/93), entitled "Schedule of Records and Periods of Retention" which is incorporated by reference into this rule, and may be obtained from the Director, Division of Auditing and Financial Analysis, Florida Public Service Commission.

(a) However, all source documents retained as required by 25-4.020(3) shall be maintained in their original form for a minimum of three years, or for any lesser period of time specified for that type of record in Form PSC/AFA/17, after the date the document was created or received by the company utility. This paragraph does not require the company utility to create paper copies of documents where the company utility would not otherwise do so in the ordinary course of its business. The Commission may waive the requirement that documents be retained in their original form upon a showing by a company utility that it employs a storage and retrieval system

that consistently produces clear, readable copies that are substantially equivalent to the originals, and clearly reproduces handwritten notations on documents.

(b) The company utility shall maintain written procedures governing the conversion of source documents to a storage and retrieval system, which procedures ensure the authenticity of documents and the completeness of records. Records maintained in the storage and retrieval system must be easy to search and easy to read.

Specific Authority: 350.127(2), 364.016, 364.17, 364.18, 364.183, 364.185, 364.20, F.S.

Law Implemented: 364.016, 364.17, 364.18, 364.183, 364.185, 364.20, F.S.

History: Revised 12/1/68, formerly 25-4.20, Amended 3/31/76, 6/23/93, 11/13/95.

25-6.015 Location and Preservation of Records.

(1) All records that a utility is required to keep by reason of these or other rules prescribed by the Commission shall be kept at the office or offices of the utility within this state, unless otherwise authorized by the Commission.

(2) Any utility that keeps ~~authorized to keep~~ its records outside of the state shall reimburse the Commission for the reasonable travel expense incurred by each Commission of the Commission's representative during any review of the out-of-state records of the utility or its affiliates ~~out-of-state audit~~. Reasonable travel expenses are those travel expenses that are equivalent to travel expenses paid by the Commission in the ordinary course of its business.

(a) The utility shall remit reimbursement for out-of-state travel expenses within 30 days from the date the Commission mails the invoice.

(b) The reimbursement requirement in subsection (2) shall be waived:

1. For any utility that makes its out-of-state records available at the utility's office located in Florida or at another mutually agreed upon location in Florida within 10 working days from the Commission's initial request. If 10 working days is not reasonable because of the complexity and nature of the issues involved or the volume and type of material requested, the

Commission may establish a different time frame for the utility to bring records into the state. For individual data requests made during an audit, the response time frame in Rule 25-6.0151, Florida Administrative Code, shall control; or

2. For a utility whose records are located within 50 miles of the Florida state line.

(3) All records shall be preserved in accordance with the Federal Energy Regulatory Commission's regulations, Title 18, Subchapter C, Part 125, Code of Federal Regulations, entitled "Preservation of Records of Public Utilities and Licensees" as revised, April 1, 1994 ~~1991~~, which is hereby incorporated by reference into this rule, with the exception of Item 64 (Records of predecessors and former associates) of the Schedule of records and periods of retention contained in Title 18, Subchapter C, Section 125.3, Code of Federal Regulations. Instead, utilities shall retain records of acquired companies until permission for disposal is petitioned for and approved by the Florida Public Service Commission.

(a) However, all source documents retained as required by Title 18, Subchapter C, Part 125, Code of Federal Regulations shall be maintained in their original form for a minimum of three years, or for any lesser period of time specified for that type of record in Title 18, Subchapter C, Part 125, Code of Federal Regulations, after the date the document was created or received by the utility.

This paragraph does not require the utility to create paper copies of documents where the utility would not otherwise do so in the ordinary course of its business. The Commission may waive the requirement that documents be retained in their original form upon a showing by a utility that it employs a storage and retrieval system that consistently produces clear, readable copies that are substantially equivalent to the originals, and clearly reproduces handwritten notations on documents.

(b) The utility shall maintain written procedures governing the conversion of source documents to a storage and retrieval system, which procedures ensure the authenticity of documents and the completeness of records. Records maintained in the storage and retrieval system must be easy to search and easy to read.

Specific Authority: 366.05(1), (9) & (11), 366.08, 366.093(1), 350.127(2), F.S.

Law Implemented: 366.05(1), (9), & (11), 366.08, 366.093(1), F.S.

History: Amended 7/29/69, 7/19/72, 1/11/76, 9/28/81, 11/18/82, Formerly 25-6.15, Amended 10/1/86, 11/02/87, 6/23/93, 11/13/95.

25-7.015 Location and Preservation of Records.

(1) All records that a utility is required to keep, by reason of these or other rules prescribed by the Commission, shall be kept at the office or offices of the utility within the state, unless otherwise authorized by the Commission. Such records shall be open for inspection by the Commission or its authorized representatives at any and all reasonable times.

(2) Any utility that keeps ~~authorized to keep~~ its records outside of the state shall reimburse the Commission for the reasonable travel expense incurred by each Commission of the Commission's representative during any review of the out-of-state records of the utility or its affiliates out of state audit. Reasonable travel expenses are those travel expenses that are equivalent to travel expenses paid by the Commission in the ordinary course of its business.

(a) The utility shall remit reimbursement for out-of-state travel expenses within 30 days from the date the Commission mails the invoice.

(b) The reimbursement requirement in subsection (2) shall be waived:

1. For any utility that makes its out-of-state records available at the utility's office located in Florida or at another mutually agreed upon location in Florida within 10 working days from the Commission's initial request. If 10 working days is not

reasonable because of the complexity and nature of the issues involved or the volume and type of material requested, the Commission may establish a different time frame for the utility to bring records into the state. For individual data requests made during an audit, the response time frame established in Rule 25-7.0151, Florida Administrative Code, shall control; or

2. For a utility whose records are located within 50 miles of the Florida state line.

(3) All records shall be preserved in accordance with the Federal Energy Regulatory Commission's regulations, Title 18, Subchapter F, Part 225, Code of Federal Regulations, entitled "Preservation of Records of Natural Gas Companies" as revised, April 1, 1994 1987, which is incorporated by reference into this rule, with the exception of Item 64 (Records of predecessors and former associates) of the Schedule of records and periods of retention contained in Title 18, Subchapter F, Section 225.3, Code of Federal Regulations. Instead, utilities shall retain records of acquired companies until permission for disposal is petitioned for and approved by the Florida Public Service Commission.

(a) However, all source documents retained as required by Title 18, Subchapter F, Part 225, Code of Federal Regulations shall be maintained in their original form for a minimum of three years, or for any lesser period of time specified for that type of record in Title 18, Subchapter F, Part 225, Code of Federal Regulations,

25-30.110 Records and Reports; Annual Reports.

(1) RECORDS.

(a) Each utility shall preserve its records in accordance with the "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities" as issued by the National Association of Regulatory Utility Commissions, as revised May 1985.

1. Those utilities that choose to convert documents from their original media form shall retain the original source documents as required by 25-30.110(1)(a) for a minimum of three years, or for any lesser period of time specified for that type of record in the "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities," after the date the document was created or received by the utility. This paragraph does not require the utility to create paper copies of documents where the utility would not otherwise do so in the ordinary course of its business. The Commission may waive the requirement that documents be retained in their original form upon a showing by a utility that it employs a storage and retrieval system that consistently produces clear, readable copies that are substantially equivalent to the originals, and clearly reproduces handwritten notations on documents.

2. The utility shall maintain written procedures governing the conversion of source documents to a storage and retrieval system, which procedures ensure the authenticity of documents and

the completeness of records. Records maintained in the storage and retrieval system must be easy to search and easy to read.

(b) Unless otherwise authorized by the Commission, each utility shall maintain its records at the office or offices of the utility within this state and shall keep those records open for inspection during business hours by Commission staff.

(c) Any utility that keeps its records outside the state shall reimburse the Commission for the reasonable travel expense incurred by each Commission representative during any review of the out-of-state records of the utility or its affiliates. Reasonable travel expenses are those travel expenses that are equivalent to travel expenses paid by the Commission in the ordinary course of its business.

1. The utility shall remit reimbursement for out-of-state travel expenses within 30 days from the date the Commission mails the invoice.

2. The reimbursement requirement in subparagraph (1)(c) shall be waived:

a. For any utility that makes its out-of-state records available at the utility's office located in Florida or at another mutually agreed upon location in Florida within 10 working days from the Commission's initial request. If 10 working days is not reasonable because of the complexity and nature of the issues involved or the volume and type of material requested, the

Commission may establish a different time frame for the utility to bring records into the state. For individual data requests made during an audit, the response time frame established in Rule 25-30.145, Florida Administrative Code, shall control; or

b. For a utility whose records are located within 50 miles of the Florida state line.

(2) IN GENERAL. Each utility shall furnish to the Commission at such time and in such forms as the Commission may require, the results of any required tests and summaries of any required records. The utility shall also furnish the Commission with any information concerning the utility's facilities or operation that the Commission may request and require for determining rates or judging the practices of the utility. All such data, unless otherwise specified, shall be consistent with and reconcilable with the utility's annual report to the Commission.

(3) ANNUAL REPORTS; FILING EXTENSIONS. Each utility shall file with the Commission annual reports on forms prescribed by the Commission. The obligation to file an annual report for any year shall apply to any utility which is subject to this Commission's jurisdiction as of December 31 of that year, whether or not the utility has actually applied for or been issued a certificate.

(a) The Commission shall, by January 15 of each year, send one blank copy of the appropriate annual report form to each utility company. The failure of a utility to receive a report form

shall not excuse the utility from its obligation to timely file the annual report. An original and two copies of the annual reports shall be filed with the Commission on or before March 31 for the preceding year ending December 31. Annual reports are considered filed on the day they are postmarked or received and logged in by the Commission's Division of Water and Wastewater in Tallahassee.

(b) An annual report is considered on file if it is properly addressed, with sufficient postage, and postmarked no later than the due date. If an annual report is sent by registered mail, the date of the registration is the postmark date. The registration is evidence that the annual report was delivered. If an annual report is sent by certified mail and the receipt is postmarked by a postal employee, the date on the receipt is the postmark date. The postmarked certified mail receipt is evidence that the return was delivered.

(c) A utility may file a written request for an extension of time with the Division of Water and Wastewater no later than March 31. One extension of 30 days will be automatically ~~be automatically~~ granted upon request. A request for a longer extension must be accompanied by a statement of good cause and shall specify the date by which the report will be filed.

(4) ANNUAL REPORTS; CONTENTS. The appropriate annual report form required from each utility shall be determined by using the same three classes of utilities used by the National Association of

Regulatory Utility Commissioners for publishing its system of accounts: Class A (those having annual water or wastewater operating revenues of \$750,000 or more); Class B (those having annual water or wastewater revenues of \$150,000 to \$749,999); Class C (annual water or wastewater revenues of less than \$150,000). The class to which a utility belongs shall be determined by using the higher of the average of its annual water or wastewater operating revenues for each of the last three preceding ~~preceeding~~ years.

(a) Class A utilities shall file the annual report entitled "Water and/or Wastewater Utilities (Gross Revenues of \$750,000 and Over)" required by Commission Form PSC/WAS 4 (Rev. 12/86), which was effective on December 22, 1986.

(b) Class B utilities shall file the annual report entitled "Water and/or wastewater Utilities (Gross Revenues of \$150,000 or more But Less Than \$750,000 Each)" required by Commission Form PSC/WAS 5 (Rev. 12/86) which was effective on December 22, 1986.

(c) Class C utilities shall file the annual report entitled "Water and/or wastewater Utilities (Gross Revenues of less than \$150,000 each)" required by Commission Form PSC/WAS 6 Rev. 12/86 which was effective on December 22, 1986.

(d) Class A or B utilities that have multiple systems under one consolidated company should file the Consolidated Annual Report (Form PSC/WAS 3 (/91)) in lieu of separate annual reports for each system. Any questions regarding the annual report form to be

filed, should be directed to the Division of Water and Wastewater, Bureau of Accounting.

(e) The foregoing forms can be obtained from the Commission's Division of Water and Wastewater.

(5) CERTIFICATION OF ANNUAL REPORTS. As part of the annual report, each utility shall certify the following in writing by the utility's chief executive officer and chief financial officer:

(a) Whether the utility is in substantial compliance with the Uniform System of Accounts as prescribed by Rule 25-30.115, Florida Administrative Code;

(b) Whether the utility is in substantial compliance with all applicable rules and orders of the Florida Public Service Commission;

(c) Whether there have been any written communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices that could have a material effect on the financial statements;

(d) Whether the financial statements and related schedules fairly present the financial condition and results of operations for the period presented and whether other information and statements presented as to the business affairs of the respondent are true, correct, and complete for the period which they represent.

(6) ANNUAL REPORTS, PENALTY FOR NONCOMPLIANCE. A penalty shall be assessed against any utility that fails to file an annual report or an extension in the following manner:

(a) Failure to file an annual report or an extension on or before March 31;

(b) Failure to file a complete annual report;

(c) Failure to file an original and two copies of the annual report.

Any utility that fails to comply with this rule shall be subject to the penalties imposed herein unless the utility demonstrates good cause for the noncompliance. The Commission may, in its discretion, impose penalties for noncompliance that are greater or lesser than provided herein; such as in cases involving a flagrant disregard for the requirements of this rule or repeated violations of this rule. No final determination of noncompliance or assessment of penalty shall be made by the Commission except after notice and an opportunity to be heard, as provided by applicable law.

(d) Any utility which fails to pay a penalty within 30 days after its assessment by the Commission shall be subject to interest applied to the penalty up to and including the date of payment of the penalty. Such interest shall be compounded monthly, based on ~~the~~ ~~on~~ the 30 day commercial paper rate for high grade, unsecured

notes sold through dealers by major corporations in multiples of \$1,000 as regularly published in the Wall Street Journal.

(7) DELINQUENT REPORTS.

(a) Any utility that fails to file its annual report or extension on or before March 31, or within the time specified by any extension, approved in writing by the Division of Water and Wastewater shall be subject to a penalty. The penalty shall be based on the number of calendar days elapsed from March 31, or from an approved extended filing date, until the date of filing. The date of filing shall be included in the days elapsed.

(b) The penalty for delinquent reports shall accrue based on the utility's classification established under subsection (4), in the following manner for each day the report is delinquent:

1. \$25 per day for Class A utilities;
2. \$13.50 per day for Class B utilities; and
3. \$3.00 per day for Class C utilities.

(8) INCOMPLETE REPORTS.

(a) The Commission's Division of Water and Wastewater shall provide written notification to a utility if its report does not contain information required by subsection (4) of this rule. The utility shall file the missing information no later than 30 days after the date on the face of the notification. If the utility fails to file the information within that period, the report will be deemed delinquent and the utility shall be subject to a penalty

as provided under paragraphs (7)(a) and (b), except that the penalty shall be based on the number of days elapsed from the date the information is due to the date it is actually filed. The date of filing shall be included in the elapsed days.

(b) A report is incomplete if any of the schedules required by the following forms of this rule are not completed:

1. Form PSC/WAS 4 (Rev. 12/86 for Class A utilities);
2. Form PSC/WAS 5 (Rev. 12/86) for Class B Utilities); and
3. Form PSC/WAS 3 (Rev. 03/91 for Class A or B Utilities that have multiple systems.)
4. Form PSC/WAS 6 (Rev. 12/86 for Class C. Utilities).

(c) An incomplete report will remain incomplete until the missing information is filed with the Division of Water and Wastewater on the appropriate Commission form.

(9) INCORRECT FILING. If a utility files an incorrect annual report it shall be considered delinquent and subject to a penalty on the same basis as a utility that fails to timely file an annual report. The classification determining the applicable penalty, as prescribed by paragraphs 7(a) and (b), shall be determined by the latest annual revenue figures available for the utility. The failure of a utility to receive a report form for the correct class of utility shall not excuse the utility from its obligation to timely file the annual report for the correct class of utility.

(10) INSUFFICIENT COPIES. A utility that fails to file one original and two copies of its annual report shall be subject to a penalty of one dollar per page per missing copy. The Commission will provide the utility with written notice that insufficient copies were received. A penalty may be avoided if, within 20 days after the date of the notice, the utility files the missing copies or requests that the Commission copy its report for it and remits the appropriate fee for the copying.

(11) OTHER PENALTIES. The penalties that may be assessed against a utility for failure to file an annual report in compliance with the foregoing shall be separate and distinct from penalties that may be imposed for other violations of the requirements of the ~~of the~~ Commission.

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

Law Implemented: 367.121(1)(c), 367.121(1)(g), 367.121(1)(i), 367.121(1)(k), 367.156(1), 367.161, F.S.

History: Amended 9/12/74, 1/18/83, 2/24/85, 10/27/85, formerly 25-10.25, Transferred from 25-10.025 11/9/86, Amended 12/22/86, 3/11/91, 11/13/95.

25-24.505 Scope.

(1) This part applies to any person other than a local exchange company providing pay telephone service. As provided by Rules 25-4.002 ~~25-4.02~~, 25-9.001 ~~25-9.01~~, and 25-14.001 ~~25-14.01~~, no provision of Chapters 25-4, 25-9, or 25-14 shall apply to pay telephone service companies, except the following: 25-4.003 ~~25-4.03~~ (Definitions), 25-4.0161 ~~25-4.161~~ (Regulatory Assessment Fees; Telecommunications Companies Fee), 25-4.019 ~~25-4.19~~ (Records and & Reports In General), 25-4.020(2) ~~25-4.20~~ (Location and & Preservation of Records), and 25-4.043 ~~25-4.43~~ (Response to Commission Staff Inquiries).

(2) To the extent these rules are inconsistent with provisions of Chapter 364, Florida Statutes, as regards pay telephone service, companies subject to this part are exempted from such provisions or are subject to different requirements than otherwise prescribed for telephone companies under the authority of Section 364.337, Florida Statutes.

(3) Any applicant may petition for exemption from applicable portions of Chapter 364, Florida Statutes, or for application of different requirements than otherwise prescribed for telephone companies by Chapter 364, Florida Statutes, under the authority of Section 364.337, Florida Statutes.

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

ORDER NO. PSC-95-1308-FOF-PU
DOCKET NO. 950562-PU
PAGE 23

Law Implemented: 350.113, 350.115, 350.117, 364.01, 364.016,
364.02, 364.17, 364.18, 364.183, 364.185, 364.32, 364.337, F.S.
History: New 1/5/87. Amended, 11/13/95.

25-24.585 Records and Reports; Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to shared tenant service companies:

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS</u> <u>NOT APPLICABLE</u>
25-4.019	Records <u>and</u> & Reports in General	NONE
25-4.020	Location <u>and</u> & Preservation of Records	<u>1 and 3</u> NONE
25-4.043	<u>Response to Commission Staff</u> Inquiries	NONE
25-4.0161	Regulatory Assessment Fees; <u>Telecommunication Companies</u>	NONE

(2) Each shared tenant service company shall file with the Commission's Division of Communications updated information for the following items within ~~ten~~(10) days after either such change occurs.

(a) The mailing address of the certificate holder.

(b) Name, title, and phone number of individual responsible for Commission contacts.

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

Law Implemented: 350.113, 364.016, 364.17, 364.18, 364.183,
364.185, 364.339, F.S.

History: New 1/28/91, Amended 12/29/91, 11/15/95.

25-24.745 Records and Reports; Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to Alternative Access Vendor service companies:

Section	Title
25-4.019	Records <u>and</u> & Reports in General
25-4.020 (1) , (2)	Location <u>and</u> & Preservation of Records
25-4.043	<u>Response to Commission Staff Inquiries</u>
25-4.0161	Regulatory Assessment Fees; <u>Telecommunications Companies</u>

(2) Each AAV service provider shall file with the Commission's Division of Communications updated information for the following items within 10 days after any such change occurs:

- (a) mailing address of the certificate holder; and
- (b) name, title, and phone number of the individual responsible for Commission contacts.

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

Law Implemented: 364.016, 364.17, 364.18, 364.183, 364.185, 364.337, F.S.

History: New 1/8/95. Amended 11/13/95.