

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Repeal of) DOCKET NO. 961382-PU
Subsections (4), (5), and (6) of) ORDER NO. PSC-96-1576-NOR-PU
Rule 25-8.002, F.A.C., Contents) ISSUED: December 30, 1996
of Application; Paragraphs)
(1) (a) and (1) (d) of Rule 25-)
8.003, F.A.C., Required)
Exhibits; and Rule 25-8.008,)
F.A.C., Commission Actions)

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 repeal Rules 25-8.002, 25-8.003 and 25-8.008, Florida Administrative Code, relating to applications for approval to issue and sell securities.

The attached Notice of Rulemaking will appear in the January 10, 1997, edition of the Florida Administrative Weekly.

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

Florida Public Service Commission
10:00 a.m., February 19, 1997
Betty Easley Conference Center
Room 152, 4075 Esplanade Way
Tallahassee, Florida

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, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than January 31, 1997.

DOCUMENT NUMBER-DATE

13799 DEC 30 96

FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 30th
day of December, 1996.

BLANCA S. BAYÓ, Director
Division of Records & Reporting

by: Kay DeLeon
Chief, Bureau of Records

(S E A L)

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 961382-PU

RULE TITLE:	RULE NO.:
Contents of Application	25-8.002
Required Exhibits	25-8.003
Commission Action	25-8.008

PURPOSE AND EFFECT: Several requirements of these rules duplicate others or are no longer necessary. The effect of the repeal will be to streamline the application procedure by decreasing the amount of paperwork to be filed, which will reduce costs for public utilities. Rule 25-8.008 will more accurately state the time required for disposing of an application.

SUMMARY: The rules set forth forms and procedures public utilities must follow to seek approval to issue and sell securities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

No additional costs are anticipated. No impact on small businesses, counties, or cities is foreseen. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 366.05 FS.

LAW IMPLEMENTED: 366.04(1) FS.

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.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., February 19, 1997

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULES ARE: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THESE PROPOSED RULES ARE:

25-8.002 Contents of Application. Each application for the authority to issue and sell securities shall contain in the manner and form and in the order indicated by this rule:

(1)-(3) No Change.

~~(4) The names, titles and addresses of the principal officers of the applicant.~~

~~(5) A description of the general character of the applicant's business, together with a designation of the territory served, including a map showing that territory.~~

~~(6) A general statement briefly describing the facilities owned or operated by the applicant.~~

~~(4)-(7)~~ A statement detailing items contained in paragraphs (a) through (g) of this subsection for each class and series of capital stock and funded debt. The statement shall reflect the latest twelve months period shown on the balance sheet submitted with the application as Exhibit A B under Rule 25-8.003(1) ~~(a)-(b)~~.

(a) - (g) No Change.

~~(5)-(8)~~ A brief statement of each proposed transaction. Such statement shall show:

(a) - (c) No Change.

~~(6)-(9)~~ A statement showing in reasonable detail the purposes for which the securities are to be issued.

(a) - (c) No Change.

~~(7)-(10)~~ The facts relied upon by the applicant to show that each issue will be for some lawful object within the corporate purposes of the applicant and compatible with the public interest and is reasonably necessary or appropriate for such purposes.

~~(8)-(11)~~ The name and address of counsel who will pass upon the legality of the proposed issues, and names of any firms of which they, or any of them, are members.

~~(9)-(12)~~ A statement as to whether or not any application, registration statement, etc., with respect to the transaction or any part thereof is required to be filed with any other State or Federal regulatory body and, if so, the name and address of each such body.

~~(10)~~ ~~(13)~~ A statement of the measure of control or ownership exercised by or over the applicant as to any public utility: where there are any intercorporate relationships through holding companies, ownership or securities or otherwise, a statement regarding the nature and extent of such relationship; if not a member of any holding company system, a statement to that effect. Specific Authority 366.05 FS.

Law Implemented 366.04 (1) FS.

History--Repromulgated 1-8-75, Amended 10-12-81, Formerly 25-8.02, Amended 7-27-86, _____.

25-8.003 Required Exhibits.

(1) No Change.

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

~~(b) Exhibit B.~~ The following schedules:

1.-3. No Change.

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 (b) ~~(e)~~ of this subsection.

5. No Change.

6. A utility may, however, satisfy the requirements of Exhibit A ~~B~~ by providing the following in lieu of the schedules listed in items ~~(1.)~~ through ~~(5.)~~ above:

(i)-(iii) No Change.

~~(b)(e)~~ Exhibit B ~~E~~. 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. If a utility opts to file Forms 10-K and 10-Q pursuant to subparagraph 25-8.003(1) ~~(a)(b)~~6., a separate sources and uses of funds statement is not required if the Forms 10-K and 10-Q cover the period of issuance.

2. No Change.

~~(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 ~~or~~ B, ~~E~~, ~~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) No Change.

Specific Authority 366.05 FS.

Law Implemented 3664.04(1) FS.

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History--Repromulgated 1-8-75, Amended 10-1-75, 12-20-75, 10-12-81,
Formerly 25-8.03, Amended 7-27-86, 7-27-95,_____.

25-8.008 Commission Action. After preliminary study or investigation of an application by staff, the Commission will give full consideration to the application and dispose of it either upon an examination of the filing or after public notice and an opportunity for hearing on the application, whichever is appropriate in the premises. Such disposition will ordinarily be accomplished within 45 ~~thirty (30)~~ days after the date on which filing is completed.

Specific Authority 366.05 FS.

Law Implemented 366.04(1) FS.

History--Repromulgated 1-8-75, Amended 10-12-81, Formerly 25-8.08,
Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Pete Lester.

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULES:
Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: DECEMBER 17, 1996.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:
SEPTEMBER 20, 1996.

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) 413-6770 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).