

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendments to Rule 25-4.141, Minimum Filing Requirements for Rate of Return Regulated Local Exchange Companies; Commission Designee; 25-4.202, Construction and Waivers; 25-24.555, Scope and Waiver; 25-6.002, Application and Scope; 25-6.043, Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee; 25-6.0438, Non-Firm Electric Service - Terms and Conditions; 25-17.087, Interconnection and Standards; 25-30.010, Rules for General Application; 25-30.011, Application and Scope; 25-30.436, General Information and Instructions Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase; 25-30.450, Burden of Proof and Audit Provisions; 25-30.455, Staff Assistance in Rate Cases; 25-30.456, Staff Assistance in Alternative Rate Setting; 25-30.570, Imputation of Contributions-in-Aid-of-Construction; and 25-30.580, Guidelines for Designing Service Availability.

DOCKET NO. 980569-PU
ORDER NO. PSC-00-0115-FOF-PU
ISSUED: January 12, 2000

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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NOTICE OF ADOPTION OF RULES

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted Rules 25-4.141, 25-4.202, 25-6.002, 25-6.043, 25-6.0438, 25-17.087, 25-24.555, 25-30.010, 25-30.011, 25-30.436, 25-30.450, 25-30.455, 25-30.456, 25-30.570, 25-30.580 , Florida Administrative Code, relating to rule waiver provisions, without changes.

The rules were filed with the Department of State on January 11, 2000 and will be effective on January 31, 2000. A copy of the rules as filed with the Department is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission, this 12th day of January, 2000.

BLANCA S. BAYÓ, Director
Division of Records & Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

CTM

**25-4.141 Minimum Filing Requirements for Rate-of-Return Regulated
Local Exchange Companies; Commission Designee.**

(1) General Filing Instructions.

(a) Each petition under Section 364.05 or 364.055, Florida Statutes, for adjustment of rates must include or be accompanied by:

1. The information required by Commission Form PSC/CMU 20 (3/96), which is incorporated into this rule by reference. Form PSC/CMU 20, entitled "Minimum Filing Requirements," may be obtained from the Commission's Division of Communications;
2. The exact name of the applicant and the address of the applicant's principal place of business;
3. Copies of prepared direct testimony and exhibits for each witness testifying on behalf of the company; and
4. Proposed tariff sheets.

(b) In compiling the required schedules, a company shall follow the policies, procedures, and guidelines prescribed by the Commission in relevant rules and in the company's last rate case or in a more recent rate case involving a comparable utility. A company may also provide separate, comparable information on a different basis of its own choice, such as, year-end versus average rate base, as long as it reconciles for each schedule the

differences in the required basis and the company basis. Such added filing shall be made on the same date as the required filing. These additional schedules shall be identified appropriately; for example, Schedule B-1 would be designated Company Schedule B-1 - company basis.

(c) Each schedule shall be cross-referenced to identify related schedules as either supporting schedules or recap schedules.

(d) Each page of the filing shall be numbered and on 8 ½ x 11 inch paper. Each witness' prefiled testimony shall be double-spaced with 25 numbered lines on numbered pages. ~~and Exhibits shall be on numbered pages and all exhibits shall be attached to the proponent's testimony and shall also comply with Rule 25-22.048, Evidence.~~ Each set of the filing, consisting of the petition and its supporting attachments, testimony, and exhibits, shall be bound in order of appearance in this rule in standard three ring binders, with each schedule indexed and tabbed.

(e) Except for handwritten official company records, all data in the petition, testimony, exhibits, and minimum filing requirements shall be typed.

(f) Each schedule shall indicate the name of the witness responsible for its presentation.

(g) All schedules involving investment data shall be completed on an average investment basis. Unless a specific schedule requests otherwise, average is defined as the average of 12 monthly average balances.

(h) Whenever the company proposes any corrections, updates or other changes to the originally filed data, 20 copies shall be filed with the Director of Records and Reporting with copies also served on all parties at the same time.

(i) The company shall file 20 copies of the entire filing with the Division of Records and Reporting.

(2) Projected Test Year. When a partially or fully projected test year is used, the company shall provide on Form PSC/CMU 20, in addition to the other requirements of this rule:

(a) The most currently available historical data (for a time period equal to the period requested in the schedule) immediately preceding the test year, in addition to test year data. The historical data schedules shall be indexed and tabbed separately from the test year schedules.

(b) A full description of supporting forecast information and methodology including detailed input data requirements, sources of input, and equations employed.

(3) Commission Designee. The Director of the Division of Communications shall be the designee of the Commission for purposes

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of determining whether the company has met the minimum filing requirements imposed by this rule.

~~(4) Waiver of MFR Requirements. The Commission may grant a waiver with respect to specific data or the number of copies required by this rule upon a showing that production of the data would be impractical or impose an excessive economic burden upon the company.~~

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

Law Implemented: 364.05(4), F.S.

History: New 5/4/81, Amended 7/29/85, 6/11/86, 2/3/88, 3/10/96, 01/31/00.

25-4.202 Construction and Waivers

(1) The intent of this Part is to minimize the regulation of small LECs with respect to audits, investigations, service standards, cost studies, periodic reports, evaluations, and discovery. Where the rules contained in this Part conflict with other provisions in Chapter 25, Florida Administrative Code, the conflicting rules shall be construed so that the less burdensome requirement will apply.

(2) When determining whether regulatory requirements should be imposed on small local exchange companies, the Commission and its staff shall weigh the requirement's benefits against the cost of compliance by considering factors such as the amount of data and

resources available, the relative amount of precision needed, and whether the use of outside consultants is necessary.

~~(3) When compliance with a Commission imposed requirement would result in unreasonable hardship on a small local exchange company, would not be cost effective, or would not be in the public interest, the small local exchange company may apply for a temporary rule waiver pursuant to Rule 25-4.002(2), petition the Commission to amend or repeal its rule pursuant to Rule 25-22.012, or seek similar relief as appropriate.~~

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

Law Implemented: 364.052, F.S.

History: New 3/10/96, Amended 01/31/00.

25-6.002 Application and Scope.

(1) These rules and regulations shall apply to all electric public utilities operating under the jurisdiction of the Florida Public Service Commission. They are intended to define and promote good utility practices and procedures, adequate and efficient services to the public at reasonable costs, and to establish the rights and responsibilities of both the utility and the customer.

~~(2) In any case where compliance with any of these rules introduces unusual hardship, or if unreasonable difficulty is involved in immediate compliance with any particular rule, application may be made to the Commission for modification of the~~

~~rule or for temporary exemption from its requirements, provided that the utility shall submit with such application a full and complete statement of reason thereafter.~~

~~(2)(3)~~ No deviation from these rules shall be permitted unless authorized in writing by the Commission.

~~(4)~~ The adoption of these rules shall in no way preclude the Commission, upon complaint, upon its own motion, or upon the application of any utility from altering or amending them, in whole or in part, or from requiring any other or additional service, equipment, facility or standard, or from making such modification with respect to their application as may be found necessary to meet exceptional conditions.

~~(3)(5)~~ The adoption of these rules shall not in any way relieve any utility from any of its duties under the Laws of the State.

Specific Authority: 366.05(1), F.S.

Law Implemented: 366.05(1), F.S.

History: New 7/29/69, formerly 25-6.02, Amended 01/31/00.

25-6.043 Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee.

(1) General Filing Instructions

(a) The petition under Section 366.06 and Section 366.071, Florida Statutes, for adjustment of rates must include or be accompanied by:

1. The information required by Commission Form PSC/EAG/11 (3/90), entitled "Minimum Filing Requirements for Investor-Owned Electric Utilities" which is incorporated into this rule by reference. The form may be obtained from the Commission's Division of Electric and Gas.
2. The exact name of the applicant and the address of the applicant's principal place of business.
3. Copies of prepared direct testimony and exhibits for each witness testifying on behalf of the Company.

(b) In compiling the required schedules, a company shall follow the policies, procedures and guidelines prescribed by the Commission in relevant rules and in the company's last rate case or in a more recent rate case involving a comparable utility. These schedules shall be identified appropriately (e.g., Schedule B-1 would be designated Company Schedule B-1 - Company basis).

(c) Each schedule shall be cross-referenced to identify related schedules as either supporting schedules and/or recap schedules.

(d) Each page of the filing shall be numbered on 8 ½ x 11 inch paper. Each witness' prefiled testimony and exhibits shall be on numbered pages and all exhibits shall be attached to the proponent's testimony.

(e) Except for handwritten official company records, all data in the petition, testimony, exhibits and minimum filing requirements shall be typed.

(f) Each schedule shall indicate the name of the witness responsible for its presentation.

(g) All schedules involving investment data shall be completed on an average investment basis. Unless a specific schedule requests otherwise, average is defined as the average of thirteen (13) monthly balances.

(h) Twenty-one (21) copies of the filing, consisting of the petition and its supporting attachments, testimony, and exhibits, shall be filed with the Division of Records and Reporting.

(i) Whenever the company proposes any corrections, updates or other changes to the originally filed data, twenty-one (21) copies shall be filed with the Division of Records and Reporting with copies also served on all parties at the same time.

(2) Commission Designee: The Director of the Division of Electric and Gas shall be the designee of the Commission for

purposes of determining whether the utility has met the minimum filing requirements imposed by this rule.

~~(3) Waiver of Minimum Filing Requirements. The Commission may grant a waiver with respect to specific data required by this rule upon a showing that production of the data would be impractical or impose an excessive economic burden upon the company.~~

Specific Authority: 366.05(1), (2), 366.06(3), F.S.

Law Implemented: 366.06(1), (2), (3), (4), 366.04(2)(f), 366.071, F.S.

History: New 5/27/81, formerly 25-6.43, Amended 7/5/90, 01/31/00.

25-6.0438 Non-Firm Electric Service - Terms and Conditions.

(1) Applicability. This rule shall apply to all investor-owned electric utilities.

(2) Purpose. The purposes of this rule are: to define the character of non-firm electric service and various types thereof; to require a procedure for determining a utility's maximum level of non-firm load; and to establish other minimum terms and conditions for the provision of non-firm electric service.

(3) Definitions.

(a) "Non-firm electric service" means electric service that, in accordance with terms and conditions specified in the applicable tariff, can be limited or interrupted. Non-firm service includes

interruptible, curtailable, load management, and other types of non-firm electric service offered by the utilities pursuant to tariffs approved by the Florida Public Service Commission.

(b) "Interruptible electric service" means electric service that can be limited or interrupted, either automatically or manually, solely at the option of the utility.

(c) "Cost effective" in the context of non-firm service shall be based on avoided costs. It shall be defined as the net economic deferral or avoidance of additional production plant construction by the utility or in other measurable economic benefits in excess of all relevant costs accruing to the utility's general body of ratepayers.

(d) "Curtailable electric service" means electric service that can be reduced or interrupted upon request of a utility but solely at the discretion of the customer.

(e) "Load management service" means electric service provided under an applicable firm rate schedule whereby electric service to specified components of the customer's electric load may be interrupted at the discretion of the utility in accordance with conditions specified in the utility's tariffs.

(4) Availability of Service.

(a) A utility may offer non-firm electric service to any customer or class of customers pursuant to tariffs or contracts

approved by the Commission. Each utility that currently offers or proposes to offer non-firm electric service shall demonstrate, no later than its next rate case, that providing such service is cost effective.

(b) Each utility shall state in its tariff the terms and conditions under which non-firm electric service will be offered. If a utility believes that providing interruptible service or another type of non-firm service to a specific customer who otherwise qualifies for such service under the utility's tariff will not result in benefits accruing to its general body of ratepayers, that utility shall apply to the Commission for authorization to refuse non-firm service to that customer. The provision of non-firm service for standby and supplemental purposes shall be consistent with the Federal Energy Regulatory Commission rule, 18 C.F.R. Sec. 292.305.

(c) When a utility proposes to make a change in any of its non-firm electric service offerings, it must provide written notice to each customer who may be affected by the proposal.

(5) Methods of for Determining Maximum Levels of Non-Firm Load. Each utility offering non-firm electric service shall have on file with the Commission a methodology approved by the Commission for determining the cost effectiveness of non-firm load over its generation planning horizon, pursuant to the definition of

"cost effective" in Paragraph (3)(c). Specific consideration must be given to each type of non-firm electric service offered. A utility may petition the Commission to revise their methodology at any time.

(6) Maximum Levels of Non-Firm Load. Each utility shall attempt to maintain its subscribed non-firm loads at or below their maximum cost-effective levels, as determined by the utility's approved methodology utilizing its most current system expansion plans and approved rates. If, during a revenue or rate review, the Commission finds that a utility's efforts to maintain its subscribed non-firm loads at or below the maximum cost-effective level have not been prudent, the Commission may impute revenues at otherwise applicable rates for the amount of non-firm load in excess of cost effective levels.

(7) Reporting Requirements. Each utility offering non-firm electric service shall submit to the Commission on January 1 and July 1 of each year a report detailing the type of non-firm service offered and showing the amount of non-firm load on the utility's system as of the month ending one month prior to the reporting date. In addition, the report shall state the cost-effective levels of non-firm load determined by the utility's approved methodology.

(8) Minimum Notice to Transfer from Non-Firm to Firm Service. Each utility that offers non-firm service shall include a specific provision in its tariff that requires a customer to provide the utility with at least five years advance written notice in order for the customer to be eligible to transfer from interruptible to firm service. A utility may apply to the Commission for approval of a different minimum notice requirement if it can demonstrate that a different notice requirement is necessary or appropriate, either for all or any individual non-firm service offerings.

~~(9) The Commission may waive any provision of this rule if it determines that such waiver is consistent with the purpose and intent of this rule after notice to all affected customers.~~

Specific Authority: 350.127(2), 366.05(1), F.S.

Law Implemented: 366.03, 366.04, 366.041, 366.05, F.S.

History: New 8/21/86, Amended 9/4/91, 01/31/00.

25-17.087 Interconnection and Standards.

(1) Each utility shall interconnect with any qualifying facility which:

- (a) is in its service area;
- (b) requests interconnection;
- (c) agrees to meet system standards specified in this rule;
- (d) agrees to pay the cost of interconnection; and
- (e) signs an interconnection agreement.

~~(2) Nothing in this rule shall be construed to preclude a utility from evaluating each request for interconnection on its own merits and modifying the general standards specified in this rule to reflect the result of such an evaluation.~~

(2)~~(3)~~ Where a utility refuses to interconnect with a qualifying facility or attempts to impose unreasonable standards pursuant to subsection ~~(2)~~ of this rule, the qualifying facility may petition the Commission for relief. The utility shall have the burden of demonstrating to the Commission why interconnection with the qualifying facility should not be required or that the standards the utility seeks to impose on the qualifying facility pursuant to subsection ~~(2)~~ are reasonable.

(3)~~(4)~~ Upon a showing of credit worthiness, the qualifying facility shall have the option of making monthly installment payments over a period no longer than 36 months toward the full cost of interconnection. However, where the qualifying facility exercises that option the utility shall charge interest on the amount owing. The utility shall charge such interest at the 30-day commercial paper rate. In any event, no utility may bear the cost of interconnection.

(4)~~(5)~~ Application for Interconnection. A qualifying facility shall not operate electric generating equipment in parallel with the utility's electric system without the prior

written consent of the utility. Formal application for interconnection shall be made by the qualifying facility prior to the installation of any generation related equipment. This application shall be accompanied by the following:

- (a) Physical layout drawings, including dimensions;
- (b) All associated equipment specifications and characteristics including technical parameters, ratings, basic impulse levels, electrical main one-line diagrams, schematic diagrams, system protections, frequency, voltage, current and interconnection distance;
- (c) Functional and logic diagrams, control and meter diagrams, conductor sizes and length, and any other relevant data which might be necessary to understand the proposed system and to be able to make a coordinated system;
- (d) Power requirements in watts and vars;
- (e) Expected radio-noise, harmonic generation and telephone interference factor;
- (f) Synchronizing methods; and
- (g) Operating/instruction manuals.

Any subsequent change in the system must also be submitted for review and written approval prior to actual modification. The above mentioned review, recommendations and approval by the utility do not relieve the qualifying facility from complete responsibility

for the adequate engineering design, construction and operation of the qualifying facility equipment and for any liability for injuries to property or persons associated with any failure to perform in a proper and safe manner for any reason.

(5)~~(6)~~ Personnel Safety. Adequate protection and safe operational procedures must be developed and followed by the joint system. These operating procedures must be approved by both the utility and the qualifying facility. The qualifying facility shall be required to furnish, install, operate and maintain in good order and repair, and be solely responsible for, without cost to the utility, all facilities required for the safe operation of the generation system in parallel with the utility's system.

The qualifying facility shall permit the utility's employees to enter upon its property at any reasonable time for the purpose of inspection and/or testing the qualifying facility's equipment, facilities, or apparatus. Such inspections shall not relieve the qualifying facility from its obligation to maintain its equipment in safe and satisfactory operating condition.

The utility's approval of isolating devices used by the qualifying facility will be required to ensure that these will comply with the utility's switching and tagging procedure for safe working clearances.

(a) Disconnect Switch. A manual disconnect switch, of the visible load break type, to provide a separation point between the qualifying facility's generation system and the utility's system, shall be required. The utility will specify the location of the disconnect switch. The switch shall be mounted separate from the meter socket and shall be readily accessible to the utility and be capable of being locked in the open position with a utility padlock. The utility may reserve the right to open the switch (i.e. isolating the qualifying facility's generation system) without prior notice to the qualifying facility. To the extent practicable, however, prior notice shall be given.

Any of the following conditions shall be cause for disconnection:

1. Utility system emergencies and/or maintenance requirements;
2. Hazardous conditions existing on the qualifying facility's generating or protective equipment as determined by the utility;
3. Adverse effects of the qualifying facility's generation to the utility's other electric consumers and/or system as determined by the utility;
4. Failure of the qualifying facility to maintain any required insurance; or

5. Failure of the qualifying facility to comply with any existing or future regulations, rules, orders or decisions of any governmental or regulatory authority having jurisdiction over the qualifying facility's electric generating equipment or the operation of such equipment.

(b) Responsibility and Liability. The utility and the qualifying facility shall each be responsible for its own facilities. The utility and the qualifying facility shall each be responsible for ensuring adequate safeguards for other utility customers, utility and qualifying facility personnel and equipment, and for the protection of its own generating system. The utility and the qualifying facility shall each indemnify and save the other harmless from any and all claims, demands, costs, or expense for loss, damage, or injury to persons or property of the other caused by, arising out of, or resulting from:

1. Any act or omission by a party or that party's contractors, agents, servants and employees in connection with the installation or operation of that party's generation system or the operation thereof in connection with the other party's system;

2. Any defect in, failure of, or fault related to a party's generation system;

3. The negligence of a party or negligence of that party's contractors, agents, servants or employees; or

4. Any other event or act that is the result of, or proximately caused by, a party.

For the purposes of this paragraph, the term party shall mean either utility or qualifying facility, as the case may be.

(c) Insurance.

The qualifying facility shall deliver to the utility, at least fifteen days prior to the start of any interconnection work, a certificate of insurance certifying the qualifying facility's coverage under a liability insurance policy issued by a reputable insurance company authorized to do business in the State of Florida naming the qualifying facility as named insured, and the utility as an additional named insured, which policy shall contain a broad form contractual endorsement specifically covering the liabilities accepted under this agreement arising out of the interconnection to the qualifying facility, or caused by operation of any of the qualifying facility's equipment or by the qualifying facility's failure to maintain the qualifying facility's equipment in satisfactory and safe operating condition.

1. The policy providing such coverage for a standard offer contract shall provide public liability insurance, including property damage, in the amount of \$1,000,000 for each occurrence.

2. The policy providing such coverage for a negotiated contract shall provide public liability insurance, including

property damage, in an amount not less than \$1,000,000 for each occurrence. The parties may negotiate the amount of insurance over \$1,000,000.

3. The above required policy shall be endorsed with a provision requiring the insurance company to notify the utility thirty days prior to the effective date of cancellation or material change in the policy.

4. The qualifying facility shall pay all premiums and other charges due on said policy and keep said policy in force during the entire period of interconnection with the utility.

~~(6)-(7)~~ Protection and Operation. It will be the responsibility of the qualifying facility to provide all devices necessary to protect the qualifying facility's equipment from damage by the abnormal conditions and operations which occur on the utility system that result in interruptions and restorations of service by the utility's equipment and personnel. The qualifying facility shall protect its generator and associated equipment from overvoltage, undervoltage, overload, short circuits (including ground fault condition), open circuits, phase unbalance and reversal, over or under frequency condition, and other injurious electrical conditions that may arise on the utility's system and any reclose attempt by the utility.

The utility may reserve the right to perform such tests as it deems necessary to ensure safe and efficient protection and operation of the qualifying facility's equipment.

(a) Loss of Source: The qualifying facility shall provide, or the utility will provide at the qualifying facility's expense, approved protective equipment necessary to immediately, completely, and automatically disconnect the qualifying facility's generation from the utility's system in the event of a fault on the qualifying facility's system, a fault of the utility's system, or loss of source on the utility's system. Disconnection must be completed within the time specified by the utility in its standard operating procedure for its electric system for loss of a source on the utility's system.

This automatic disconnecting device may be of the manual or automatic reclose type and shall not be capable of reclosing until after service is restored by the utility. The type and size of the device shall be approved by the utility depending upon the installation. Adequate test data or technical proof that the device meets the above criteria must be supplied by the qualifying facility to the utility. The utility shall approve a device that will perform the above functions at minimal capital and operating costs to the qualifying facility.

(b) Coordination and Synchronization. The qualifying facility shall be responsible for coordination and synchronization of the qualifying facility's equipment with the utility's electrical system, and assumes all responsibility for damage that may occur from improper coordination or synchronization of the generator with the utility's system.

(c) Electrical Characteristics. Single phase generator interconnections with the utility are permitted at power levels up to 20 KW. For power levels exceeding 20 KW, a three phase balanced interconnection will normally be required. For the purpose of calculating connected generation, 1 horsepower equals 1 kilowatt. The qualifying facility shall interconnect with the utility at the voltage of the available distribution or the transmission line of the utility for the locality of the interconnection, and shall utilize one of the standard connections (single phase, three phase, wye, delta) as approved by the utility.

The utility may reserve the right to require a separate transformation and/or service for a qualifying facility's generation system, at the qualifying facility's expense. The qualifying facility shall bond all neutrals of the qualifying facility's system to the utility's neutral, and shall install a separate driven ground with a resistance value which shall be

determined by the utility and bond this ground to the qualifying facility's system neutral.

(d) Exceptions. A qualifying facility's generator having a capacity rating that can:

1. produce power in excess of 1/2 of the minimum utility customer requirements of the interconnected distribution or transmission circuit; or

2. produce power flows approaching or exceeding the thermal capacity of the connected utility distribution or transmission lines or transformers; or

3. adversely affect the operation of the utility or other utility customer's voltage, frequency or overcurrent control and protection devices; or

4. adversely affect the quality of service to other utility customers; or

5. interconnect at voltage levels greater than distribution voltages, will require more complex interconnection facilities as deemed necessary by the utility.

~~(7)~~(8) Quality of Service. The qualifying facility's generated electricity shall meet the following minimum guidelines:

(a) Frequency. The governor control on the prime mover shall be capable of maintaining the generator output frequency within limits for loads from no-load up to rated output. The limits for

frequency shall be 60 hertz (cycles per second), plus or minus an instantaneous variation of less than 1%.

(b) Voltage. The regulator control shall be capable of maintaining the generator output voltage within limits for loads from no-load up to rated output. The limits for voltage shall be the nominal operating voltage level, plus or minus 5%.

(c) Harmonics. The output sine wave distortion shall be deemed acceptable when it does not have a higher content (root mean square) of harmonics than the utility's normal harmonic content at the interconnection point.

(d) Power Factor. The qualifying facility's generation system shall be designed, operated and controlled to provide reactive power requirements from 0.85 lagging to 0.85 leading power factor. Induction generators shall have static capacitors that provide at least 85% of the magnetizing current requirements of the induction generator field. (Capacitors shall not be so large as to permit self-excitation of the qualifying facility's generator field).

(e) DC Generators. Direct current generators may be operated in parallel with the utility's system through a synchronous inverter. The inverter must meet all criteria in these rules.

~~(8)~~(9) Metering. The actual metering equipment required, its voltage rating, number of phases, size, current transformers,

potential transformers, number of inputs and associated memory is dependent on the type, size and location of the electric service provided. In situations where power may flow both in and out of the qualifying facility's system, power flowing into the qualifying facility's system will be measured separately from power flowing out of the qualifying facility's system.

The utility will provide, at no additional cost to the qualifying facility, the metering equipment necessary to measure capacity and energy deliveries to the qualifying facility. The utility will provide, at the qualifying facility's expense, the necessary additional metering equipment to measure energy deliveries by the qualifying facility to the utility.

(9)~~(10)~~ Cost Responsibility. The qualifying facility is required to bear all costs associated with the change-out, upgrading or addition of protective devices, transformers, lines, services, meters, switches, and associated equipment and devices beyond that which would be required to provide normal service to the qualifying facility if the qualifying facility were a non-generating customer. These costs shall be paid by the qualifying facility to the utility for all material and labor that is required. Prior to any work being done by the utility, the utility shall supply the qualifying facility with a written cost estimate of all its required materials and labor and an estimate of

the date by which construction of the interconnection will be completed. This estimate shall be provided to the qualifying facility within 60 days after the qualifying facility supplies the utility with its final electrical plans. The utility shall also provide project timing and feasibility information to the qualifying facility.

~~(10)~~~~(11)~~ Each utility shall submit to the Commission, a standard agreement for interconnection by qualifying facilities as part of their standard offer contract or contracts required by Rule 25-17.0832(3).

Specific Authority: 366.051, 350.127(2), F.S.

Law Implemented: 366.04(2)(c)&(5), 366.051, F.S.

History: New 9/4/83, formerly 25-17.87, Amended 10/25/90, 5/6/93, 01/31/00.

25-24.555 Scope and Waiver.

(1) This part applies to persons or companies who provide for sharing or resale of local telecommunications service as defined in 25-24.560(10), F.A.C.

(2) To the extent these rules are inconsistent with provisions of Chapter 364, Florida Statutes, regarding shared tenant service, companies subject to this Part are exempted from such provisions or are subject to different requirements than

otherwise prescribed for telecommunications companies under the authority of section 364.339, Florida Statutes.

(3) A shared tenant service company may petition for exemption from applicable portions of Chapter 364, Florida Statutes, or for application of different requirements than otherwise prescribed for telecommunications companies by Chapter 364, Florida Statutes, under the authority of section 364.339, Florida Statutes.

~~(4) A shared tenant service company may petition for a waiver of any provision of this part. The Commission may grant a waiver to the extent that it determines that it is in the public interest to do so. The Commission may grant the petition in whole or part and may impose reasonable alternative regulatory requirements on the petitioning company. In disposing of a petition, the Commission shall consider:~~

~~—— (a) The factors enumerated in section 364.339(4), Florida Statutes;~~

~~—— (b) The extent to which competitive forces may serve the same function as, or prevent the necessity for, the provision sought to be waived; and~~

~~—— (c) Alternative regulatory requirements for the company which may serve the purposes of this part.~~

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~~(5) Any statutory exemptions granted or rule waivers granted prior to the adoption of this rule are void, and to the extent not covered in this rule, must be renewed.~~

Specific Authority: 350.127(2) F.S.

Law Implemented: 364.01, 364.339 F.S.

History--New 1-28-91, Amended 7-29-97, 01/31/00.

25-30.010 Rules for General Application. The rules hereinafter set forth are for general application and are subject to such changes and modifications, permitted by law, as the Commission from time to time may determine advisable. ~~The rules are subject to such exceptions as the Commission may consider just and reasonable in individual cases.~~ The rules are supplementary to the Water and Wastewater System Regulatory Law, Chapter 367, Florida Statutes.

Specific Authority: 367.121, F.S.

Law Implemented: 367.121, F.S.

History: Amended 2/3/70, 9/12/74, formerly 25-10.01, Transferred from 25-10.001 11/9/86, Amended 01/31/00.

25-30.011 Application and Scope.

(1) These rules and regulations shall, as appropriate, apply to all water systems and/or wastewater systems which are now, or may hereafter be, subject to the jurisdiction of the Florida Public Service Commission. They are intended to define and promote good utility practices, adequate and efficient service to the public at

reasonable cost, and to establish the rights and responsibilities of both the utility and the customer.

~~(2) In any case where compliance with any of these rules introduces unusual hardship, or if unreasonable difficulty is involved in immediate compliance with any particular rule, application may be made to the Commission for modification of the rule or for temporary exemption from its requirements, provided that the utility shall submit with such application a full and complete statement of reason therefor.~~

(2)~~(3)~~ No deviation from these rules shall be permitted unless authorized in writing by the Commission.

~~(4) The adoption of these rules shall in no way preclude the Commission, upon complaint, upon its own motion or upon the application of any utility, from altering or amending them, in whole or in part, or from requiring any other or additional service, equipment, facility or standard, or from making such modification with respect to their application as may be found necessary to meet exceptional conditions.~~

(3)~~(5)~~ It is not intended that any rule or regulation contained herein shall supersede or conflict with an applicable regulation of the Department of Health and Rehabilitative Services (DHRS) or the Department of Environmental Protection Regulation (DEPR). Compliance by a utility with the regulations of the DHRS

or DEPR on a particular subject matter shall constitute compliance with such of these rules as relate to the same subject matter except as otherwise ordered by the Commission.

~~(4)-(6)~~ The adoption of these rules shall not in any way relieve any utility from any of its duties under the laws of this State.

Specific Authority: 367.121, F.S.

Law Implemented: 367.121(1), F.S.

History: Amended 9/12/74, formerly 25-10.14, Transferred from 25-10.014 and Amended 11/9/86, 01/31/00.

25-30.436 General Information and Instructions Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase.

(1) Each applicant for a rate increase shall provide the following general information to the Commission:

(a) The name of the applicant as it appears on the applicant's certificate and the address of the applicant's principal place of business;

(b) The type of business organization under which the applicant's operations are conducted; if the applicant is a corporation, the date of incorporation; the names and addresses of

all persons who own 5 percent or more of the applicant's stock or the names and addresses of the owners of the business.

(c) The number of the Commission order, if any, which previously considered the applicant's rates for the system(s) involved.

(d) The address within the service area where the application is available for customer inspection during the time the rate application is pending.

(e) Where the utility requests rates which generate less than a fair rate of return, it must provide a statement of assurance that its quality of service will not suffer.

(f) An affidavit signed by an officer of the utility that states that the utility will comply with Rule 25-22.0407, F.A.C.

(g) A statement whether the applicant requests to have the case processed using the proposed agency action procedure outlined in section 367.081(8), F.S.

(2) The applicant's petition for rate relief will not be deemed filed until the appropriate filing fee has been paid and all minimum filing requirements have been met, including filing of the applicant's prepared direct testimony unless the applicant has filed its petition pursuant to section 367.081(8), F.S. At a minimum, the direct testimony shall explain why the rate increase

is necessary and address those areas anticipated at the time of filing to be at issue.

(3) The applicant shall state any known deviation from the policies, procedures and guidelines prescribed by the Commission in relevant rules or in the company's last rate case.

(4) In the rate case application:

(a) Each schedule shall be cross-referenced to identify related schedules as either supporting schedules or recap schedules.

(b) Each page of the filing shall be consecutively numbered on 8 1/2 x 11-inch paper.

(c) Except for handwritten official company records, all data in the petition, exhibits and minimum filing requirements shall be typed.

(d) Sixteen copies shall to be filed with the Commission's Division of Records and Reporting, except as specifically identified in (4)(h) below or in Rule 25-30.437, 25-30.4385 or 25-30.440, F.A.C.

(e) Whenever the applicant proposes any corrections, updates or other changes to the originally filed data, 20 copies shall be filed with the Division of Records and Reporting with copies also served on all parties of record at the same time.

(f) If the capital structure contains zero or negative equity, a return on equity shall be requested, which shall be the maximum of the return of the current equity leverage formula established by order of this Commission pursuant to section 367.081(4), F.S.

(g) The provisions of Rule 25-30.433 shall be followed in preparing the utility's application.

(h) Any system that has costs allocated or charged to it from a parent, affiliate or related party, in addition to those costs reported on Schedule B-12 of Commission Form PSC/WAW 19 for a Class A utility, or PSC/WAW 20 for a Class B utility, (incorporated by reference in Rule 25-30.437) shall file three copies of additional schedules that show the following information:

1. The total costs being allocated or charged prior to any allocation or charging as well as the name of the entity from which the costs are being allocated or charged and its relationship to the utility.

2. For costs allocated or charged to the utility in excess of one percent of test year revenues:

- a. a detailed description and itemization; and
- b. the amount of each itemized cost.

3. The allocation or direct charging method used and the bases for using that method.

4. The workpapers used to develop the allocation method, including but not limited to the numerator and denominator of each allocation factor.

5. The workpapers used to develop, where applicable, the basis for the direct charging method.

6. An organizational chart of the relationship between the utility and its parent and affiliated companies and the relationship of any related parties.

7. A copy of any contracts or agreements between the utility and its parent or affiliated companies for services rendered between or among them.

(i) For any land recorded on the utility's books since rate base was last established, the utility shall file copies of the documents that demonstrate that the utility owns the land upon which the utility treatment facilities are located, or that provides for the continued use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative.

(5) Commission Designee. The Director of the Division of Water and Wastewater shall be the designee of the Commission for purposes of determining whether the applicant has met the minimum filing requirements imposed by this rule.

~~(6) Waiver of MFR Requirements. The Commission may grant a waiver with respect to specific data required by this rule upon a showing that the production of the data would be impractical or impose an excessive economic burden upon the applicant. All requests for waiver of specific portions of the minimum filing requirements shall be made as early as practicable.~~

(6)~~(7)~~ Within 60 days after the issuance of a final order entered in response to an application for increased rates, or, if applicable, within 60 days after the issuance of an order entered in response to a motion for reconsideration of the final order, each utility shall submit a breakdown of actual rate case expense incurred, in total, in a manner consistent with Schedule No. B-10 (PSC/WAW Form 19 or 20, whichever is applicable, as described in Rule 25-30.437). If the deadline prescribed above cannot be met, an extension shall be granted by the Director of the Division of Water and Wastewater for good cause shown.

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

Law Implemented: 367.081, 367.083, 367.121, F.S.

History: New 11/9/86, Amended 6/25/90, 11/30/93, 01/31/00.

25-30.450 Burden of Proof and Audit Provisions. In each instance, the utility must be able to support any schedule submitted, as well as any adjustments or allocations relied on by the utility. The work sheets, etc. supporting the schedules and data submitted must

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be organized in a systematic and rational manner so as to enable Commission personnel to verify the schedules in an expedient manner and minimum amount of time. The supporting work sheets, etc., shall list all reference sources necessary to enable Commission personnel to track to original source of entry into the financial and accounting system and, in addition, verify amounts to the appropriate schedules. ~~Utilities may request a waiver of specific parts of the above rule from the Commission by submitting a written statement setting forth the reason, in detail, why the waiver should be granted.~~

Specific Authority: 367.121, F.S.

Law Implemented: 367.081, F.S.

History: New 6/10/75, Transferred from 25-10.177 11/9/86, Amended 01/31/00.

25-30.455 Staff Assistance in Rate Cases.

(1) Water and wastewater utilities whose total gross annual operating revenues are \$150,000 or less for water service or \$150,000 or less for wastewater service, or \$300,000 or less on a combined basis, may petition the Commission for staff assistance in rate applications by submitting a completed staff assisted rate case application. In accordance with section 367.0814(4), F.S., a utility that requests staff assistance waives its right to protest by agreeing to accept the final rates and charges approved by the

Commission unless the final rates and charges would produce less revenue than the existing rates and charges. If a utility that chooses to utilize the staff assistance option employs outside experts to assist in developing information for staff or to assist in evaluating staff's schedules and conclusions, the reasonable and prudent expense will be recoverable through the rates developed by staff. A utility that chooses not to exercise the option of staff assistance may file for a rate increase under the provisions of Rule 25-30.443, F.A.C.

(2) Upon request, the Division of Water and Wastewater shall provide the potential applicant with the appropriate application form, Commission Form PSC/WAS 2 (Rev. 11/86), "Application for Staff Assisted Rate Case", which is incorporated by reference in this rule, and a copy of Rule 25-30.455, F.A.C., governing staff assisted rate cases. The form may be obtained from the Commission's Division of Water and Wastewater, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

(3) Upon completion of the form, the petitioner may return it to the Director of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

(4) Upon receipt of a completed application, the Director of Records and Reporting shall acknowledge its receipt, assign a

docket number for identification, and shall forward the application to a committee comprised of one member each of the Commission's Divisions of Water and Wastewater, Auditing and Financial Analysis, and Legal Services.

(5) Within 30 days of receipt of the completed application, the committee shall evaluate the application and determine the petitioner's eligibility for staff assistance.

(a) If the Commission has received four or more applications in the previous 30 days; or, if the Commission has 20 or more docketed staff assisted rate cases in active status on the date the application is received, the Commission shall deny initial evaluation of an application for staff assistance and close the docket. When an application is denied under the provisions of this subsection, the applicant shall be notified of the date on which the application may be resubmitted.

(b) Initially, determinations of eligibility may be conditional, pending an actual examination of the condition of petitioner's books and records. After an initial determination of eligibility, the Division of Auditing and Financial Analysis committee shall examine the books and records of the utility before making a final determination of eligibility.

(c) All recommendations of ineligibility shall be in writing and shall state the deficiencies in the application with reference

to guidelines set out in subsection (8) of this rule ~~or with reference to subsection (11) of this rule.~~

(6) Upon reaching a decision to officially accept or deny the application, the Director of the Division of Water and Wastewater shall notify the petitioner by letter and initiate staff assistance for the accepted applicant.

(7) The official date of filing will be 30 days after the date of the letter notifying the applicant of the official acceptance of the application by the Commission.

(8) In arriving at a recommendation whether to grant or deny the petition, the following shall be considered:

(a) Whether the petitioner qualifies for staff assistance pursuant to subsection (1) of this rule;

(b) Whether the petitioner's books and records are organized consistent with Rule 25-30.110, F.A.C., so as to allow commission personnel to verify costs and other relevant factors within the 30-day time frame set out in this rule;

(c) Whether the petitioner has filed annual reports;

(d) Whether the petitioner has paid applicable regulatory assessment fees;

(e) Whether the petitioner has at least 1 year's actual experience in utility operation;

(f) Whether the petitioner has filed additional relevant information in support of eligibility, together with reasons why the information should be considered;

(g) Whether the petitioner has complied in a timely manner with all Commission decisions and requests affecting water and wastewater utilities for 2-years prior to the filing of the application under review;

(h) Whether the utility has applied for a staff assisted rate case within the 2 year period prior to the receipt of the application under review.

(9) The Commission will deny the application if a utility does not remit the fee as provided by section 367.145, Florida Statutes, and Rule 25-30.020(2)(f), F.A.C., within 30 days after official acceptance.

(10) An aggrieved petitioner may request reconsideration which shall be decided by the full Commission.

~~(11) A petitioner may request a waiver of any of the guidelines set out in subsection (8) of this rule.~~

(11)~~(12)~~ A substantially affected person may file a petition to protest the Commission's proposed agency action in a staff assisted rate case within 21 days of issuance of the Notice of Proposed Agency Action as set forth in Rule 25-22.036, F.A.C.

~~(12)~~~~(13)~~ In the event of a protest of the Commission's Notice of Proposed Agency Action (PAA Order) in a staff assisted rate case, the utility shall:

(a) Provide prefiled direct testimony in accordance with the procedural order in the case. At a minimum, that testimony shall adopt the Commission's PAA Order in the case;

(b) Sponsor a witness to support source documentation provided to the Commission staff in its preparation of the staff audit, the staff engineering and accounting report and the staff PAA recommendation in the case;

(c) Include in its testimony the necessary factual information to support its position on any issue that it chooses to take a position different than that contained in the Commission's PAA Order;

(d) Meet all other requirements of the order establishing procedures.

~~(13)~~~~(14)~~ Failure to comply with the dates established in the procedural order, or to file timely a request for extension of time for good cause shown, may result in dismissal of the staff assisted rate case and closure of the docket.

~~(14)~~~~(15)~~ In the event of a protest of the Commission's PAA Order in a staff assisted rate case the Commission staff shall:

(a) File prefiled direct testimony to explain its analysis in the PAA recommendation. In the event the staff wishes to alter its PAA position on any issue, it shall provide factual testimony to support its changed position.

(b) Meet all other requirements of the order establishing procedures;

(c) Provide to the utility materials to assist the utility in the preparation of its testimony and exhibits. This material shall consist of an example of testimony filed by a utility in another case, an example of testimony that would support the PAA Order in this case, an example of an exhibit filed in another case, and examples of prehearing statements and briefs filed in other cases.
Specific Authority: 367.0814, 367.121, F.S.

Law Implemented: 367.0814, F.S.

History: New 12/8/80, Transferred from 25-10.180 and Amended 11/9/86, 8/26/91, 11/30/93, 01/31/00.

25-30.456 Staff Assistance in Alternative Rate Setting.

(1) As an alternative to a staff assisted rate case as described in Rule 25-30.455, F.A.C., water and wastewater utilities whose total gross annual operating revenues are \$150,000 or less for water service or \$150,000 or less for wastewater service, or \$300,000 or less on a combined basis, may petition the Commission

for staff assistance in alternative rate setting by submitting a completed staff assisted application for alternative rate setting.

(2) Upon request, the Division of Water and Wastewater shall provide the potential applicant with the application form, PSC/WAS 25 (11/93), titled "Application for Staff Assistance for Alternative Rate Setting" which is incorporated by reference in this rule, and a copy of the rules governing Staff Assistance in Alternative Rate Setting. The form may be obtained from the Commission's Division of Water and Wastewater, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

(3) Upon completion of the form, the applicant may return it to the Director of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

(4) Upon receipt of an application, the Director of Records and Reporting shall acknowledge its receipt, assign a docket number for identification, and shall forward the application to the Commission's Division of Water and Wastewater.

(5) Within 30 days of receipt of the completed application, the Division of Water and Wastewater shall evaluate the application and determine the petitioner's eligibility for staff assistance.

(a) If the Commission has received four or more alternative rate setting applications in the previous 30 days; or, if the

Commission has 20 or more docketed staff assisted rate cases in active status on the date the application is received, the Commission shall deny initial evaluation of an application for staff assistance and close the docket. When an application is denied under the provisions of this subsection, the applicant shall be notified of the date on which the application may be resubmitted.

(b) Determinations of eligibility may be conditional, pending an actual examination of the condition of petitioner's books and records.

(c) All recommendations of ineligibility shall be in writing and shall state the deficiencies in the application with reference to guidelines set out in subsection (8) of this rule ~~or with reference to subsection (11) of this rule.~~

(6) Upon reaching a decision to officially accept or deny the application, the Director of the Division of Water and Wastewater shall notify the applicant by letter and initiate staff assistance for the accepted applicant.

(7) The official date of filing will be 30 days after official acceptance of the application by the Commission.

(8) In deciding whether to grant or deny the application, the following shall be considered:

(a) Whether the applicant qualifies for staff assistance pursuant to subsection (1) of this rule;

(b) Whether the applicant has filed annual reports;

(c) Whether the applicant has paid applicable regulatory assessment fees;

(d) Whether the applicant has at least 1 year's actual experience in utility operation;

(e) Whether the applicant has filed additional relevant information in support of eligibility, together with reasons why the information should be considered;

(f) Whether the applicant has made a good faith effort in a timely manner to comply with all Commission decisions and requests affecting water and wastewater utilities for 2-years prior to the filing of the application under review;

(g) Whether the utility has been granted a staff assisted rate case or alternative rate setting within the 2-year period prior to the receipt of the application under review.

(9) The Commission shall deny the application if a utility does not remit the fee, as provided by section 367.145, F.S., and Rule 25-30.020(2)(f), F.A.C., within 30 days after official acceptance.

(10) An aggrieved applicant may request reconsideration which shall be decided by the full Commission.

~~(11) An applicant may request a waiver of any of the guidelines set out in subsection (8) of this rule.~~

(11)~~(12)~~ The Commission shall, for the purposes of determining the amount of rate increase, if any, compare the operation and maintenance expenses (O & M) of the utility to test year operating revenues. The Commission shall consider an allowance for return on working capital using the one-eighth of O & M formula approach.

(12)~~(13)~~ The Commission shall limit the maximum increase in operating revenues to 50 percent of test year operating revenues.

(13)~~(14)~~ The Commission shall vote on a proposed agency action (PAA) recommendation establishing rates no later than 90 days from the official filing date as established in Rule 25-30.455(7), F.A.C.

(14)~~(15)~~ A substantially affected person may file a petition to protest the Commission's PAA Order regarding a staff assisted alternative rate setting application within 21 days of issuance of the Notice of Proposed Agency Action as set forth in Rules 25-22.036 and 28-106.201, F.A.C.

(15)~~(16)~~ In the event of protest of the PAA Order by a substantially affected party, the rates established in the PAA Order may be implemented on a temporary basis. At that time the

utility may elect to pursue rates set pursuant to the rate base determination provisions of Rule 25-30.455, F.A.C.

~~(16)-(17)~~ In the event of a protest the maximum increase established in (13) above shall no longer apply.

~~(17)-(18)~~ In the event of a protest of the Commission's PAA Order in a staff assisted alternative rate setting application, the utility shall:

(a) Provide prefiled direct testimony in accordance with the procedural order in the case. At a minimum, that testimony shall adopt the Commission's PAA Order in the case;

(b) Sponsor a witness to support source documentation provided to the Commission staff in its preparation of the staff engineering and accounting analysis and the staff PAA recommendation in the case;

(c) Include in its testimony the necessary factual information to support its position on any issue that it chooses to take a position different than that contained in the Commission's PAA Order;

(d) Meet all other requirements of the order establishing procedures.

~~(18)-(19)~~ Failure to comply with the dates established in the procedural order, or to timely file a request for extension of time

for good cause shown, may result in dismissal of the staff assisted alternative rate setting application and closure of the docket.

~~(19)~~~~(20)~~ In the event of protest of the Commission's PAA Order in a staff assisted alternative rate setting application the Commission staff shall:

(a) File prefiled direct testimony to explain its analysis in the PAA recommendation. In the event the staff wishes to alter its PAA position on any issue it shall provide factual testimony to support its changed position.

(b) Meet all other requirements of the order establishing procedures;

(c) Provide to the utility materials to assist the utility in the preparation of its testimony and exhibits. This material shall consist of an example of testimony filed by a utility in another case, a sample of testimony that would support the PAA Order in this case, an example of an exhibit filed in another case, and examples of prehearing statements and briefs filed in other cases.
Specific Authority: 367.0814, 367.121, F.S.

Law Implemented: 367.0814, F.S.

History: New 11/30/93, Amended 01/31/00.

25-30.570 Imputation of Contributions-in-Aid-of-Construction.

~~(1)~~ If the amount of CIAC has not been recorded on the utility's books and the utility does not submit competent

substantial evidence as to the amount of CIAC, the amount of CIAC shall be imputed to be the amount of plant costs charged to the cost of land sales for tax purposes if available, or the proportion of the cost of the facilities and plant attributable to the water transmission and distribution system and the sewage collection system.

~~(2) In any case where the provisions of subsection (1) introduces unusual hardship or unreasonable difficulty, and the Commission, utility or interested party shows that it is not in the best interests of the customers of the utility, the Commission may waive the applicability of the rule to the utility.~~

Specific Authority: 367.121(1), 367.101, F.S.

Law Implemented: 367.101, F.S.

History: New 6/14/83, formerly 25-30.57, Amended 01/31/00.

25-30.580 Guidelines for Designing Service Availability Policy.

~~(1)~~ A utility's service availability policy shall be designed in accordance with the following guidelines:

(1)~~(a)~~ The maximum amount of contributions-in-aid-of-construction, net of amortization, should not exceed 75% of the total original cost, net of accumulated depreciation, of the utility's facilities and plant when the facilities and plant are at their designed capacity; and

(2)~~(b)~~ The minimum amount of contributions-in-aid-of-

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construction should not be less than the percentage of such facilities and plant that is represented by the water transmission and distribution and sewage collection systems.

~~(2) In any case where compliance with the guidelines of subsection (1) introduces unusual hardship or unreasonable difficulty, and the Commission, utility, or interested party shows that it is not in the best interests of the customers of the utility to require compliance, the Commission may exempt the utility from the guidelines.~~

Specific Authority: 367.121(1), 367.101, F.S.

Law Implemented: 367.101, F.S.

History: New 6/14/83, formerly 25-30.58, Amended 01/31/00.