

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Rule 25-30.432,
F.A.C., Flows to be Used for
Wastewater Treatment Plant Used
and Useful Calculations.

DOCKET NO. 000154-SU
ORDER NO. PSC-02-0988-NOR-SU
ISSUED: July 22, 2002

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

AMENDED NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to adopt new Rule 25-30.432, Florida Administrative Code, relating to wastewater treatment plant used and useful calculations.

The attached Notice of Rulemaking will appear in the July 26, 2002, edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at a time and place to be announced in a future notice.

Written requests for hearing and written comments or suggestions on the rule must be received by the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than August 16, 2002.

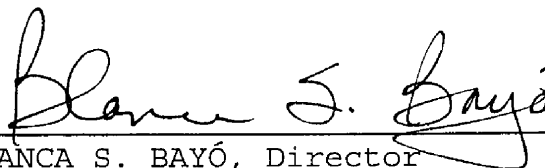
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FPSC-COMMISSION CLERK

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By ORDER of the Florida Public Service Commission, this 22nd
day of July, 2002.

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

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

CTM

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:
CHRISTIANA T. MOORE, Florida Public Service Commission, 2540
Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6245.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-30.432 Wastewater Treatment Plant Used and Useful Calculations. The flow data to be used in the numerator of the equation for calculating the used and useful percentage of a wastewater treatment plant shall be the same period or basis (such as annual average daily flow, three-month average daily flow, maximum month average daily flow) as the period or basis stated for the permitted capacity on the most recent operating permit issued by the Florida Department of Environmental Protection (DEP). The DEP permitted capacity shall be used in the denominator of the equation. If there are differences between the capacities of the individual components of the wastewater treatment plant, the Commission may calculate a used and useful percentage for each individual component of the treatment plant using the actual capacity of the component in the denominator. In determining the used and useful amount, the Commission will also consider other factors such as the allowance for growth pursuant to section 367.081(2)(a)2., F.S., infiltration and inflow, the extent to which

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the area served by the plant is built out, whether the permitted capacity differs from the design capacity, and whether flows have decreased due to conservation or a reduction in the number of customers. This rule does not apply to reuse projects pursuant to section 367.0817(3), F.S., or investment for environmental compliance pursuant to 367.081(2)(a)2.c., F.S.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Wetherington

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

DATE PROPOSED RULE APPROVED: July 9, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume
26, Number 14, April 7, 2000

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850) 413-6770 at least 48

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hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).