

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of
Rule 25-6.043, F.A.C., Investor-
Owned Electric Utility Minimum
Filing Requirements; Commission
Designee, and Rule 25-6.0435,
F.A.C., Interim Rate Relief.

DOCKET NO. 031029-EI
ORDER NO. PSC-03-1395-NOR-EI
ISSUED: December 11, 2003

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

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 amend Rules 25-6.043 and 25-6.0435, Florida
Administrative Code, relating to investor-owned electric utility
minimum filing requirements; Commission designee and interim rate
relief.

The attached Notice of Rulemaking will appear in the December
19, 2003 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 rules 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 January 9, 2004.

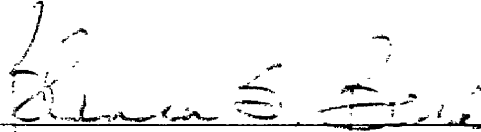
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FPSC-COMM. CLERK

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By ORDER of the Florida Public Service Commission, this 11th
day of December, 2003.



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

(S E A L)

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NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 031029-EI

RULE TITLE:	RULE NO.:
Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee Interim Rate Relief	25-6.043 25-6.0435

PURPOSE AND EFFECT: The Minimum Filing Requirements (MFRs) have been streamlined by significantly reducing both the requirements of, and the number of, schedules that must be filed by electric utilities in rate proceedings. Rule 25-6.0435 is amended to incorporate the latest revision of the MFRs. Paragraph (2) has been amended to clarify the calculation of interim rates.

SUMMARY: Rule 25-6.043 is amended to incorporate the latest revision of Commission Form PSC/ECR/011-E, entitled "Minimum Filing Requirements for Investor-Owned Electric Utilities." Schedules are added to report security costs and hedging costs.

Rule 25-6.0435 incorporates the latest revision of "Minimum Filing Requirements for Investor-Owned Electric Utilities" and outdated requirements are deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

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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(1), (2), 366.06(3), FS

LAW IMPLEMENTED: 366.06(1), (2), (3), (4), 366.04(2)(f), 366.071, FS

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULES ARE: CHRISTIANA T. MOORE, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6199.

THE FULL TEXT OF THESE PROPOSED RULES ARE:

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, F.S. Florida Statutes, for adjustment of rates must include or be accompanied by:

1. The information required by Commission Form PSC/ECR/011-E 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 Economic Regulation.

2. - 3.(b) No Change.

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

(d) - (i) No Change.

(2) Commission Designee: The Director of the Division of Economic Regulation shall be the designee of the Commission for purposes of determining whether the utility has met the minimum filing requirements imposed by this rule. In making this determination, the Director shall consider whether information that would have been provided in a particular schedule required by this rule has been provided to the same degree of detail in another required schedule that the utility incorporates by reference.

Specific Authority 366.05(1), (2), 366.06(3) FS

Law Implemented 366.06(1), (2), (3), (4), 366.04(2)(f), 366.071 FS

History--New 05-27-81, formerly 25-6.43, Amended 07-05-90, 01-31-00, _____.

25-6.0435 Interim Rate Relief.

(1) Each electric utility petitioning for interim rate relief pursuant to s. 366.071, F.S., shall file the data required ~~by in Schedules 2 through 14, 17, and 23, in Rule 25-6.043(1)(a).~~ In addition, ~~a schedule shall be submitted calculating the interim relief in accordance with s. 366.07, F.S., and allocation factors by functional group approved in the company's last rate case.~~

(2)(a) The requested interim increase in base rate revenues shall be divided by interim test year base rate revenues to derive a percentage increase factor. The percentage increase factor shall be applied uniformly to all existing base rates and charges to derive the interim base rates and charges. ~~Interim rates shall apply across the board based on base rate revenues for the test period less embedded fuel revenue by rate schedule. The resulting dollar amount shall be divided by base rate revenues per rate schedule to determine the percent increase applied to each rate schedule.~~

~~(b) In determining the interim increase, the following data shall be provided: KWH sales; base rate revenue less base fuel revenue; base fuel revenues; total base rate revenue; fuel adjustment revenue; total revenue. The interim increase shall be shown by dollar amount and percentage by rate schedule in the following manner:~~

~~I. Requested Interim Amount Across the board
base rate revenue less = percentage constant
base fuel revenue~~

~~II. Percentage x base rate revenue less = Dollar increase
Constant base fuel revenue to rate schedule~~

~~III. Dollar Increase = Percent increase applied
total base rate revenue to rate schedule~~

(3) Interim rate relief collected is subject to refund pending final order in the permanent rate relief request. Such increase shall be subject to a corporate undertaking or under bond as authorized by the Commission and any refund shall be made with an interest factor determined by using 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. The annual rate as published on the first day

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of the current business month would be added to the rate as published on the first day of the subsequent business month and halved to obtain the simple average rate to be applied in that month. This rate of interest would be applied to the refund amount for that month. The amount of interest calculated would be added to the beginning balance of the following month so as to accomplish the compounding of the interest feature of the refund provision.

Specific Authority 366.05(1) FS

Law Implemented 366.04(2)(f), 366.06, 366.071 FS

History: New 5-27-81, formerly 25-6.435, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULES: John Slemkewicz

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

DATE PROPOSED RULES APPROVED: December 2, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 29, Number 9, February 28, 2003 (25-6.043) and Volume 29, Number 42, October 17, 2003 (25-6.0435)

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 the Commission Clerk and Administrative Services at (850) 413-6770 at least 48 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).