

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Proposed revisions to Rule 25-6.049,
F.A.C., Measuring Customer Service.

DOCKET NO. 050152-EU
ORDER NO. PSC-06-0586-PCO-EU
ISSUED: July 6, 2006

ORDER ESTABLISHING PROCEDURES TO BE FOLLOWED
AT RULEMAKING HEARING

I. Background

The Commission has proposed amendments to Rule 25-6.049, Florida Administrative Code, Measuring Customer Service. Specifically, the Commission voted to amend Rule 25-6.049 to allow an exemption from the Rule's individual metering requirements for certain resort condominium developments which are intended to be operated like hotels. The rule proposal was published in the Florida Administrative Weekly on May 19, 2006. Power Check Consultants filed a request for hearing on June 6, 2006.

II. Rulemaking Hearing

A rulemaking hearing is scheduled before the Commission at the following time and place:

9:30 a.m., September 6, 2006
Room 148, Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

The rulemaking hearing shall be governed by section 120.54(3)(c), Florida Statutes, and by Rule 28-103.004, Florida Administrative Code.

III. Prehearing Procedures and Deadlines

Power Check Consultants and other interested persons who are or will be requesting the Commission to adopt changes to the Rule as proposed in the May 19, 2006, Florida Administrative Weekly shall prefile comments or testimony no later than August 16, 2006. Any person may then prefile comments or testimony responding to the comments and/or testimony filed on August 16, 2006. The responsive comments and/or testimony must be filed no later than August 23, 2006.

Prefiled comments or testimony shall be typed on 8-1/2-inch by 11-inch transcript-quality paper, double-spaced, on consecutively numbered pages, with left margins sufficient to allow for binding (1.25 inches).

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

All alternative rule proposals must be made in writing, with copies attached to prefiled comments or testimony. Changes or additions to the proposed rule text must be shaded, and explanations of those changes or additions with cross-references to page numbers of prefiled comments/testimony should be included in footnotes to the rule text.

Each exhibit intended to support prefiled comments or testimony shall be attached to that person's comments/testimony when filed, identified by his or her initials, and consecutively numbered beginning with 1.

An original and 15 copies of all comments, testimony, alternative rule proposals, and exhibits must be filed with the Director, Division of the Commission Clerk and Administrative Services, by the close of business, which is 5:00 p.m. on the date due. Service on the following persons is required:

Marc D. Mazo, Power Check Consultants, 14252 Puffin Court, Clearwater, Florida, 33762

Kenneth A. Hoffman, Esquire, and John R. Ellis, Esquire, Rutledge, Ecenia, Underwood, Purnell, & Hoffman, P.A., P. O. Box 551, Tallahassee, FL 32302

Larry D. Harris, Esquire, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862

IV. Hearing Procedures

The Commission staff will present a summary of the proposed rule amendments as approved by the Commission the May 2, 2006, Agenda Conference.

The first exhibit introduced into the record will be a composite exhibit prepared by staff, which will consist of the following documents: Florida Administrative Weekly notice and proposed rule; materials provided to the Joint Administrative Procedures Committee, which include the statement of facts and circumstances justifying the rule, statement on federal standards, and notice of rulemaking; a memorandum regarding a statement of estimated regulatory costs; and any material, including prefiled comments, testimony, and attachments, that may be submitted pursuant to section 120.54, Florida Statutes. It shall not be necessary for participants to insert their prefiled comments or testimony into the record at the hearing. Copies of the first exhibit will be available at the hearing.

Following the staff presentation, affected persons will have the opportunity to present evidence and argument. It may be necessary to impose time limits for presentations, depending upon the number of participants. Persons with similar presentations should combine to make one presentation. Persons making presentations will be subject to questions from other persons. Such questions shall be limited only to those necessary to clarify and understand the presenter's position.

Persons who wish to participate at the hearing must register at the beginning of the hearing. The specific order of presentation will be determined by the presiding officer the morning of the hearing.

At the conclusion of the hearing, the Commission may make its decision, or may announce dates for the filing of a staff recommendation and an Agenda Conference. Based on the hearing record, the Commission may decide to file the rule for adoption as originally proposed; propose changes to the rule; or withdraw all proposed changes.

V. Posthearing Procedures

At the conclusion of the September 6, 2006, hearing, the Commission may make its decision. In the event the Commission does not make its decision at the conclusion of the hearing, the provisions of this section shall apply.

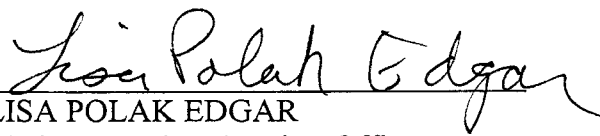
A transcript of the proceedings will be made available to the public on or about September 15, 2006, at cost.

If the Commission decides to allow posthearing comments, they shall be filed no later than September 26, 2006, or such other date as announced at the hearing. If allowed, posthearing comments shall be typed on 8-1/2-inch by 11-inch transcript-quality paper, double-spaced, on consecutively numbered pages, with left margins sufficient to allow for binding (1.25 inches). An original and 15 copies of all posthearing comments shall be filed with the Director, Division of Commission Clerk and Administrative Services, by the close of business which is 5:00 p.m. on the date due.

Based on the foregoing, it is

ORDERED that this order shall govern the conduct of these proceedings, as set forth above, unless modified by the Commission.

By ORDER of Chairman Lisa Polak Edgar, as Prehearing Officer, this 6th day of July, 2006.


LISA POLAK EDGAR
Chairman and Prehearing Officer

(SEAL)

LDH

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.