

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rule 25-17.003,
F.A.C., Energy Audits.

DOCKET NO. 130257-EI
ORDER NO. PSC-13-0658-NOR-EI
ISSUED: December 16, 2013

The following Commissioners participated in the disposition of this matter:

RONALD A. BRISÉ, Chairman
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-17.003, Florida Administrative Code, relating to energy audits.

The attached Notice of Rulemaking appeared in the December 13, 2013 edition of the Florida Administrative Register. 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 on the rule must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than January 3, 2014.

By ORDER of the Florida Public Service Commission this 16th day of December, 2013.

Carlotta S Stauffer

CARLOTTA S. STAUFFER

Commission Clerk

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

(850) 413-6770

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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-17.003 Energy Audits

PURPOSE AND EFFECT: To delete obsolete references and repeal requirement for information to be filed with the Commission that is no longer necessary.

Docket No. 130257-EI

SUMMARY: The amendments remove obsolete references in paragraph (2)(a) of Rule 25-17.003, F.A.C. The rules mentioned in the subsection have been repealed and they should not be listed. The amendments also delete a requirement in paragraph (5)(a) which required that a utility file annually with the Commission a certification that each of its residential energy auditors meet minimum qualifications along with a list of auditors performing energy audits. This submission of the information is unnecessary because it has not been used by the Commission or outside entities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The SERC examined the factors required by Section 120.541(2)(c), F.S., and concluded that the rule amendments will not have an adverse impact on economic growth, business competitiveness, or small business and that there would likely be cost savings to the affected utilities required to comply with the rule.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 366.05(1), 350.127(2) FS.

LAW IMPLEMENTED: 350.115, 366.04(2)(a), (f), 366.82(5), (7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, cmiller@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-17.003 Energy Audits.

(1) No change.

(2) Definitions.

(a) "Building Energy-Efficiency Rating System (BERS) Audit" means an energy analysis of a residence performed in compliance with Section 553.995, F.S., and ~~subsections 9B-60.004(3) and (4) and Rule 9B-60.005, F.A.C.~~

(b) through (i) No change.

(3) through (4) No change.

(5) Minimum Auditor Qualifications.

(a) Every utility shall certify that each of its residential energy auditors meets the minimum qualifications in paragraph (5)(b). ~~The certification, along with a list of auditors performing energy audits, shall be filed annually with the Director, Division of Economic Regulation, by September 30 of each year.~~

(b) through (c) No change.

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(6) through (14) No change.

Rulemaking Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 350.115, 366.04(2)(a), (f), 366.82(5), (7) FS. History—New 12-2-80, Amended 12-30-82, Formerly 25-17.03, Amended 11-24-86, 5-10-93, 7-14-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephen Garl

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 39, Number 164,
August 22, 2013