

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed repeal of Rule 25-22.028,
F.A.C., Filing, Number of Copies, and
proposed amendment of Rule 25-40.001,
F.A.C., Exceptions to the Uniform Rules of
Procedure.

DOCKET NO. 150143-OT
ORDER NO. PSC-15-0299-NOR-OT
ISSUED: July 23, 2015

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
LISA POLAK EDGAR
RONALD A. BRISÉ
JULIE I. BROWN
JIMMY PATRONIS

BY THE COMMISSION:

NOTICE OF RULEMAKING

NOTICE is hereby given that pursuant to Section 120.54, Florida Statutes, the Florida Public Service Commission has proposed the repeal of Rule 25-22.028, Florida Administrative Code (F.A.C.), Filing, Number of Copies, and the amendment of Rule 25-40.001, F.A.C., Exceptions to the Uniform Rules of Procedure.

The attached Notices of Proposed Rules appeared in the July 23, 2015 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(s) must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than August 13, 2015.

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By ORDER of the Florida Public Service Commission this 23rd day of July, 2015.



CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

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

RG

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-22.028 Filing, Number of Copies

PURPOSE AND EFFECT: Rule 25-22.028, F.A.C. would be repealed and Rule 28-106.104, Filing, would take its place. The Commission initially received a waiver from the Uniform Rules in order to keep Rule 25-22.028, F.A.C. in place because it contains differing filing requirements depending on the size of the utility making the filing. However, with the advent of electronic filing, the reasons for maintaining Rule 25-22.028, F.A.C. have become obsolete. Moreover, pursuant to Rule 28-101.001, F.A.C. the Commission's electronic filing requirements will be outlined in the Commission's Statement of Agency Organization and Operation.

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SUMMARY: Among other things, Rule 25-22.028, F.A.C. requires filings on behalf of companies with gross annual operating revenues in excess of \$750,000 to include a copy of the document on diskette, accompanied by a statement specifying the density of the diskette, the operating system and the software used. With the advent of electronic filing, these filing requirements have become obsolete. Therefore, the Commission no longer needs to maintain an exception from the Uniform Rules in order to keep Rule 25-22.028, F.A.C. in place. The Commission's specific electronic filing requirements not contained in the Uniform Rules will be outlined in the Commission's Statement of Agency Organization and Operation, pursuant to Rule 28-101.001, F.A.C.

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 20.541(2)(c), FS, and concluded that the rule repeal will not have an adverse impact on economic growth, business competitiveness, or small business.

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: 350.01(7), 350.127(2) FS.

LAW IMPLEMENTED: 120.569, 120.57 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: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us

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THE FULL TEXT OF THE PROPOSED RULE IS:

25-22.028 Filing, Number of Copies.

Rulemaking Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS. History—Formerly 25-2.58, Amended 12-21-81, Formerly 25-22.28, Amended 2-11-92, 5-3-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carlotta Stauffer

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 21, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 15, 2015

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-40.001 Exceptions to the Uniform Rules of Procedure

PURPOSE AND EFFECT: In the event that Rule 25-22.028 Filing, Number of Copies is repealed, Rule 25-40.001, F.A.C. would be amended to remove Rule 25-22.028, F.A.C. from the list of Commission rules that are exceptions to the Uniform Rules of Procedure. Docket No. 150143-OT

SUMMARY: 120.54(5)(a)3. F.S. requires the Commission to publish a separate chapter in the FAC that clearly delineates the provisions of the agency's rules that provide exceptions to the Uniform Rules of Procedure. Therefore, in the event that Rule 25-22.028 Filing, Number of Copies is repealed, Rule 25-40.001, F.A.C. would be amended to remove it from the list of Commission rules that are exceptions to the Uniform Rules of Procedure.

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 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), FS, and concluded that the rule amendment will not have an adverse impact on economic growth, business competitiveness, or small business.

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: 120.54(5)(a)3 FS.

LAW IMPLEMENTED: 120.54(5)(a)3 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: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-40.001 Exceptions to the Uniform Rules of Procedure.

The following provisions of the Commission's rules are exceptions to the uniform rules of procedure:

UNIFORM RULE	COMMISSION RULE THAT IS AN EXCEPTION
CHAPTER 28-102, F.A.C. AGENDA AND SCHEDULING OF MEETINGS AND WORKSHOPS	Rule 25-22.0021, F.A.C. Agenda Conference Participation.
CHAPTER 28-102, F.A.C. – AGENDA AND SCHEDULING OF MEETINGS AND WORKSHOPS AND CHAPTER 28-106 – DECISIONS DETERMINING SUBSTANTIAL INTERESTS	Rule 25-22.0022, F.A.C. Oral Argument Rule.
Rule 28-102.001, F.A.C. Notice of Public Meeting, Hearing, or Workshop.	Rule 25-22.001, F.A.C. Notice of Meeting or Workshop.
Subsection 28-102.002(2), F.A.C. Agenda of Meetings, Hearings, and Workshops.	Rule 25-22.002, F.A.C. Agenda of Meetings.
CHAPTER 28-103, F.A.C. RULEMAKING	Rule 25-22.017, F.A.C. Rulemaking Proceeding – Adoption.
CHAPTER 28-106, F.A.C. DECISIONS DETERMINING SUBSTANTIAL INTERESTS	Rule 25-22.006, F.A.C. Confidential Information. Rule 25-22.029, F.A.C. Point of Entry Into Proposed Agency Action Proceedings. Rule 25-22.0376, F.A.C. Reconsideration of Non-Final Orders. Subsections 25-22.0406(7)-(8), F.A.C. Notice and Public Information on General Rate Increase Requests by Electric, Gas and Telephone Companies. Subsections 25-22.0407(8) and (10), F.A.C. Notice of and Public Information for General Rate Increase Requests by Water and Wastewater Utilities. Rule 25-22.060, F.A.C. Motion for Reconsideration.
Rule 28-106.104, F.A.C.	Rule 25-22.028, F.A.C.

Filing.	Filing, Number of Copies.
Rule 28-106.205, F.A.C. Intervention.	Rule 25-22.039, F.A.C. Intervention.
Rule 28-106.208, F.A.C. Notice of Hearing.	Rule 25-22.029, F.A.C. Point of Entry into PAA Proceeding. Rule 25-22.0405, F.A.C. Notices of Hearings.
Rule 28-106.212, F.A.C. Subpoenas.	Rule 25-22.045, F.A.C. Subpoenas.
CHAPTER 28-107 LICENSING	Rule 25-22.075, F.A.C. Transmission Line Permitting Proceedings. Rule 25-22.080, F.A.C. Electrical Power Plant Permitting Proceedings.

Rulemaking Authority 120.54(5)(a)3. FS. Law Implemented 120.54(5)(a)3. FS. History—New 4-28-99, Amended 3-28-07,

NAME OF PERSON ORIGINATING PROPOSED RULE: Carlotta Stauffer
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 21, 2015
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 9, 2015