

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rule 25-30.420,  
F.A.C., Establishment of Price Index,  
Adjustment of Rates; Requirement of Bond;  
Filings After Adjustment; Notice to  
Customers.

DOCKET NO. 20190055-WS  
ORDER NO. PSC-2019-0275-NOR-WS  
ISSUED: July 11, 2019

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman  
JULIE I. BROWN  
DONALD J. POLMANN  
GARY F. CLARK  
ANDREW GILES FAY

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has proposed the amendment of Rule 25-30.420, Florida Administrative Code, relating to Establishment of Price Index, Adjustment of Rates; Requirement of Bond; Filings After Adjustment; Notice to Customers.

The attached Notice of Proposed Rule appeared in the July 11, 2019 edition of the Florida Administrative Register.

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 August 1, 2019.

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By ORDER of the Florida Public Service Commission this 11th day of July, 2019.



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ADAM J. TEITZMAN  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://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.

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Notice of Proposed Rule

**PUBLIC SERVICE COMMISSION**

RULE NO.: RULE TITLE:

25-30.420 Establishment of Price Index, Adjustment of Rates; Requirement of Bond; Filings After Adjustment; Notice to Customers

PURPOSE AND EFFECT: To amend the rule to reference the updated example form that all water and wastewater utilities may use when applying for index or pass-through rate adjustments, to include the option for filing electronically by e-mail, and to update and clarify the rule.

Docket No. 20190055-WS

SUMMARY: Paragraph (1) of the rule has been amended to reference the updated example form that is sent to all water and waste water utilities to apply for the price index or pass-through rate adjustments. Paragraph (2) has been amended to include the address of the Florida Public Service Commission and the e-mail by which the utilities may submit their application. Paragraph (2) has been amended to remove the requirement that the utilities must submit 5 copies of the application when filing for the index or pass-through rate adjustments. Paragraph (4) has been amended to replace the word "may" with "shall." Other amendments have been made to update and clarify the rule.

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, F.S., and concluded that the rule amendment will not have an adverse impact on economic growth, business competitiveness, or small business and that there would likely be transactional cost savings to the individual and entities, including government entities, 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: 350.127(2), 367.081(4)(a), 367.121(1)(c), (f), FS.

LAW IMPLEMENTED: 367.081(4), 367.121(1)(c), (g), 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: Lauren Davis, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6856, ladavis@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS: [TYPE AND STRIKE VERSION]

25-30.420 Establishment of Price Index, Adjustment of Rates; Requirement of Bond; Filings After Adjustment; Notice to Customers.

(1) ~~On or before March 31 of each year, t~~The Commission shall, ~~on or before March 31 of each year,~~ establish a price increase or decrease index as required by Section 367.081(4)(a), F.S. The Office of Commission Clerk shall mail each regulated water and wastewater utility a copy of the proposed agency action order establishing the index for the year and a copy of ~~the application.~~ Form PSC 1022 (9/18) PSC/AFD-15 (4/99), entitled "Index Application", which is incorporated into this rule by reference and may be obtained from [Dept of State hyperlink] and the Commission's Division of Accounting and Finance. Applications for the newly established price index will be accepted from April 1 of the year the index is established through March 31 of the following year.

(a) through (b) No change.

(2) Any utility seeking to increase or decrease its rates based upon the application of the index established

pursuant to subsection (1) and as authorized by Section 367.081(4)(a), F.S., shall file ~~an original and five copies of~~ a notice of intention and the materials listed in paragraphs (a) through (i) below with the Commission's Division of Accounting and Finance either by mail at 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399 or by e-mail at Applications@psc.state.fl.us at least 60 days prior to the effective date of the increase or decrease. Form PSC 1022 (9/18) is an example application that may be completed by the applicant to comply with this subsection. The adjustment in rates shall take effect on the date specified in the notice of intention unless the Commission finds that the notice of intention or accompanying materials do not comply with Section 367.081(4), F.S. or this rule ~~the law, or the rules or orders of the Commission~~. The notice shall be accompanied by:

(a) through (f) No change.

(g) The utility's Department of Environmental Protection Public Water System identification number and Wastewater Treatment Plant Operating Permit number:-

(h) A statement that the utility does not have any active written complaints, corrective orders, consent orders, or outstanding citations with the Department of Environmental Protection (~~DEP~~) or the County Health Department(s) or that the utility does have active written complaints, corrective orders, consent orders, or outstanding citations with the Department of Environmental Protection or the County Health Department(s):-

(i) A copy of any active written complaints, corrective orders, consent orders, or outstanding citations with the Department of Environmental Protection (~~DEP~~) or the County Health Department(s).

(3) No change.

(4) Upon a finding of good cause, the Commission ~~shall~~ ~~may~~ require that a rate increase pursuant to Section 367.081(4)(a), F.S., be implemented under a bond or corporate undertaking in the same manner as interim rates. For purposes of this subsection, "good cause" shall include:

(a) through (b) No change.

(5) No change.

(6) No utility shall file a notice of intention pursuant to this rule unless the utility has filed on file with the Commission an annual report as required by subsection 25-30.110(3), F.A.C., for the test year specified in the order establishing the index for the year.

(7) No change.

*Rulemaking Authority 350.127(2), 367.081(4)(a), 367.121(1)(c), (f) FS. Law Implemented 367.081(4), 367.121(1)(c), (g) FS. History--New 4-5-81, Amended 9-16-82, Formerly 25-10.185, Amended 11-10-86, 6-5-91, 4-18-99, 12-11-03,\_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Amber Norris

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 44, Number 184, September 20, 2018.