

State of Florida

Commissioners:
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DIVISION OF APPEALS
DAVID E. SMITH
DIRECTOR
(904) 488-7464

Public Service Commission

March 25, 1993

Mr. Carroll Webb
Joint Administrative Procedures
Committee
120 Holland Building
Tallahassee, Florida 32399

Re: Docket No. 911082-WS, Rules 25-22.0406, 25-22.0407 and
25-22.0408 F.A.C.

Dear Mr. Webb:

Enclosed are the following materials concerning the above
referenced proposed rule:

1. A copy of the rules.
2. A copy of the F.A.W. notice.
3. A statement of facts and circumstances justifying the
proposed rules.
4. A federal comparison statement.
5. A statement of the impact of the rules on small
business.
6. An economic impact statement and a statement that the
agency has chosen the regulatory alternative that
imposes the lowest net cost to society or the reasons
why the agency has rejected the lower cost alternatives
in favor of the proposed rule.

ACK _____
 AYA _____
 ABB _____
 CCF _____
 CDD _____
 CTD _____
 EAM _____
 LEB _____
 LIR _____
 ORC _____
 RCH _____
 SEC _____
 WAS _____
 OTH _____

If there are any questions with respect to these rules,
please do not hesitate to call on me.

Sincerely,

Christiana T. Moore

Christiana T. Moore
Associate General Counsel

adm25-22.mrd
Enclosures
cc: Steve Tribble
Director of Records & Reporting

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DOCUMENT NUMBER - DATE
 03307 MAR 25 93
 FPSC-RECORDS/REPORTING

1 25-22.0406 Notice and Public Information on General Rate
2 Increase Requests by Electric, Gas and Telephone Companies.

3 (1) The provisions of this rule shall be applicable to all
4 requests for general rate increases by electric, gas, ~~water and~~
5 ~~sewer utilities~~ and telephone companies subject to the Commission's
6 jurisdiction.

7 (2) Upon filing a petition for a general rate increase, the
8 utility shall mail a copy of the petition to the chief executive
9 officer of the governing body of each municipality and county
10 within the service area affected.

11 (3)(a) Within 15 days after it has been notified by the
12 Commission that the Minimum Filing Requirements (MFRs) have been
13 met, the utility shall place a copy of the MFRs at its official
14 headquarters and at its business office in each municipality in
15 which service hearings were held in the last general rate case of
16 the utility. Within 15 days after the time schedule has been
17 mailed to the utility, copies of the MFRs shall be placed in the
18 utility business office in each additional city in which service
19 hearings are to be held. Upon customer request a copy of the MFRs
20 shall be placed in a utility business office not located in a city
21 where a service hearing is to be held. The copies of the MFRs
22 shall be available for public inspection during the utility's
23 regular business hours.

24 (b) In addition to the locations listed above, the Commission
25 may require that copies of the MFRs be placed at other specified

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1 | locations.

2 | (4)(a) Within 15 days after the time schedule for the case
3 | has been mailed to the utility, the utility shall prepare and
4 | distribute a synopsis of the rate request. The synopsis shall be
5 | approved by the Commission or its staff prior to distribution and
6 | shall include:

7 | 1. A summary of the section of the MFRs showing a comparison
8 | of the present and proposed rates for major services;

9 | 2. A statement of the anticipated major issues involved in
10 | the rate case;

11 | 3. A copy of the executive summary filed with the MFRs.

12 | 4. A description of the ratemaking process and the time
13 | schedule established for the rate case;

14 | 5. The locations at which complete MFRs are available.

15 | (b) Copies of the synopsis shall be distributed to the same
16 | locations as required for the MFRs, to the main county library
17 | within or most convenient to the service area and to the chief
18 | executive officer of each county and municipality within the
19 | service area affected.

20 | (5) Within 30 days after the rate case time schedule has been
21 | mailed to the utility, the utility shall begin sending a notice
22 | approved by the Commission or its staff to its customers
23 | containing:

24 | (a) A statement that the utility has applied for a rate
25 | increase and the general reasons for the request;

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1 (b) The locations at which copies of the MFRs and synopsis
2 are available;

3 (c) The time schedule established for the case, and the
4 dates, times and locations of any hearings that have been
5 scheduled; and

6 (d) A comparison of current rates and service charges and the
7 proposed new rates and service charges.

8 1. Such notice shall be completed at least 10 days prior to
9 the first scheduled service hearing.

10 (6) At least 7 days and not more than 20 days prior to each
11 service hearing, the utility shall have published in a newspaper of
12 general circulation in the area in which the hearing is to be held
13 a display advertisement stating the date, time, location and
14 purpose of the hearing. The advertisement shall be approved by the
15 Commission or its staff prior to publication.

16 (7) When the Commission issues proposed agency action and a
17 hearing is subsequently held, the utility shall give written notice
18 of the hearing to its customers at least 14 days in advance of the
19 hearing. This notice shall be approved by the Commission or its
20 staff prior to distribution.

21 ~~(8) Staff Assisted Water or Sewer Rate Requests. The~~
22 ~~following is applicable to a staff assisted rate request for a~~
23 ~~water or sewer utility as provided for in Rule 25-10.180, F.A.C.~~

24 ~~(a) Upon receipt of the staff reports, the utility shall~~
25 ~~place copies of the application and staff reports, including a~~

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1 ~~comparison of the present and proposed rates, at its offices. The~~
2 ~~copies shall be available for public inspection during the~~
3 ~~utility's regular business hours.~~

4 ~~(b) At least 14 days prior to the customer meeting, the~~
5 ~~utility shall send a notice to its customers containing:~~

6 ~~1. The time, date, place and purpose of the meeting;~~

7 ~~2. A statement that the utility has applied for a rate~~
8 ~~increase and the general reasons for the increase;~~

9 ~~3. The location at which copies of the application and staff~~
10 ~~reports are available;~~

11 ~~4. A comparison of the present and proposed rates;~~

12 ~~5. A statement that any customer comments concerning the~~
13 ~~rate increase should be addressed to the Commission Clerk. The~~
14 ~~address and telephone number of Clerk shall be provided.~~

15 ~~6. The utility's address, telephone number and business~~
16 ~~hours.~~

17 ~~(c) Notice of the customer meeting shall be approved by the~~
18 ~~Commission or its staff in advance of distribution.~~

19 ~~(8)(9)~~ After the Commission's issuance of an order granting
20 or denying a rate change, the utility shall give notice to its
21 customers of the order and the revised rates. The notice shall be
22 approved in advance by the Commission or its staff and transmitted
23 to the customers with the first bill containing the new rates.

24 Specific Authority: 350.127(2) and 366.05, F.S.

25 Law Implemented: 364.035(1) and 366.06, F.S.

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1 | History: New 09/27/83, formerly 25-22.406, Amended ____.

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1 25-22.0407 Notice of and Public Information for General Rate
2 Increase Requests by Water and Wastewater Utilities.

3 (1) This rule applies to all requests for general rate
4 increases made by water and wastewater utilities.

5 (2) Upon filing a petition for a general rate increase, the
6 utility shall mail a copy of the petition to the chief executive
7 officer of the governing body of each municipality and county
8 within the service areas included in the rate request. Each copy
9 of the petition shall be accompanied by a statement that a copy of
10 the minimum filing requirements (MFRs) when accepted by the
11 Commission can be obtained from the petitioner upon request.

12 (3) Within 30 days after the official date of filing
13 established by the Commission, the utility shall place a copy of
14 the petition and the MFRs at its official headquarters and at any
15 business offices it has in the service areas included in the rate
16 request. Such copies shall be available for public inspection
17 during the utility's regular business hours. If the utility does
18 not have a business office in a service area included in its rate
19 request, the utility shall place a copy of the petition and the
20 MFRs at the main county library, the local community center or
21 other appropriate location which is within or most convenient to
22 the service area and which is willing to accept and provide public
23 access to the copies. The Commission may require that copies of
24 the petition and MFRs be placed at other specified locations.

25 (4)(a) Within 30 days after the official date of filing

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1 established by the Commission, the utility shall place a copy of
2 its rate case synopsis at all locations where copies of the
3 petition and MFRs were placed.

4 (b) Within 30 days after the official date of filing
5 established by the Commission, the utility shall mail a copy of its
6 rate case synopsis to the chief executive officer of the governing
7 body of each municipality and county within the service areas
8 included in the rate request.

9 (c) The utility's rate case synopsis shall be approved by the
10 Commission staff prior to distribution and shall include the
11 following:

12 1. A summary of the section of the MFRs showing a comparison
13 of the present and proposed rates and charges;

14 2. A statement of the general reasons for the rate request;

15 3. A statement of any anticipated major issues involved in
16 the rate case;

17 4. A description of the ratemaking process and the time
18 schedule established for the rate case; and

19 5. The locations where complete MFRs are available.

20 (5)(a) Within 50 days after the official date of filing
21 established by the Commission, the utility shall provide, in
22 writing, an initial customer notice to all customers within the
23 service areas included in the rate request and to all persons in
24 the same service areas who have filed a written request for service
25 or who have been provided a written estimate for service within the

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1 12 calendar months prior to the month the petition is filed.

2 (b) The initial customer notice shall be approved by
3 Commission staff prior to distribution and shall include the
4 following:

5 1. The date the notice was issued;

6 2. A statement that the utility has filed a rate request
7 with the Commission and a statement of the general reasons for the
8 request;

9 3. A statement of the locations where copies of the MFRs,
10 petition, and rate case synopsis are available for public
11 inspection and the hours and days when inspection may be made;

12 4. The time schedule established for the case, including the
13 dates, times, and locations of any hearings scheduled;

14 5. A comparison of current rates and charges and the
15 proposed new rates and charges;

16 6. The utility's address, telephone number, and business
17 hours;

18 7. A statement that written comments regarding utility
19 service or the proposed rates and charges should be addressed to
20 the Director, Division of Records and Reporting, 101 East Gaines
21 Street, Tallahassee, Florida 32399-0870, and that such comments
22 should identify the docket number assigned to the proceeding;

23 8. A statement that complaints regarding service may be made
24 to the Commission's Division of Consumer Affairs at the following
25 toll-free number: 1-800-342-3552; and

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1 9. If the utility has not requested a change in its service
2 availability charges as part of its rate request, a statement that
3 the Commission will be reviewing the utility's service availability
4 charges in the pending rate case and that the Commission may adjust
5 those charges.

6 10. The docket number assigned by the Commission's Division
7 of Records and Reporting.

8 (c) The initial customer notice shall be mailed to the out-
9 of-town address of all customers who have provided the utility with
10 an out-of-town address.

11 (6)(a) No less than 14 days and no more than 30 days prior to
12 the date of each service hearing, in those cases where the
13 Commission has scheduled a service hearing, the utility shall
14 provide written notice of the date, time, location, and purpose of
15 the service hearing to all customers within service areas
16 designated by the prehearing officer or the Commission staff. The
17 notice shall be approved by Commission staff prior to distribution.
18 The notice shall be mailed to the out-of-town address of all
19 customers who have provided the utility with an out-of-town
20 address.

21 (b) No less than 14 days and no more than 30 days prior to
22 the date of the hearing, in all cases, including those in which the
23 Commission has scheduled a service hearing, the utility shall
24 provide written notice of the date, time, location, and purpose of
25 the hearing to all customers within the service areas included in

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1 the rate request. The notice shall be approved by Commission staff
2 prior to distribution. The notice shall be mailed to the out-of-
3 town address of all customers who have provided the utility with an
4 out-of-town address.

5 (7) No less than 14 days and no more than 30 days prior to
6 the date of each hearing held in or near a utility service area
7 included in the rate request, the utility shall have published in
8 a newspaper of general circulation in the area in which such
9 hearing is to be held a display advertisement stating the date,
10 time, location, and purpose of the hearing. The notice shall be
11 approved by Commission staff prior to publication.

12 (8) When a utility files for a petition for a general rate
13 increase and requests that its case be processed as proposed agency
14 action in accordance with section 367.081 (8), F.S., the utility
15 shall comply with the requirements of sections (2), (3), (4), and (5)
16 of this rule.

17 (a) No less than 14 days and no more than 30 days prior to
18 the date of a customer meeting conducted by the Commission staff,
19 the utility shall provide written notice of the date, time,
20 location, and purpose of the customer meeting to all customers
21 within service areas designated by the Commission staff. The
22 notice shall be approved by Commission staff prior to distribution.
23 The notice shall be mailed to the out-of-town address of all
24 customers who have provided the utility with an out-of-town
25 address.

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1 (b) If the proposed agency action order issued in the case is
2 protested and any hearings are subsequently held, the utility shall
3 give notice in accordance with subsections (6) and (7) above.

4 (9) When a utility applies for a staff-assisted rate case in
5 accordance with section 367.0814, F.S., and Rule 25-30.455, F.A.C.,
6 and staff-assistance is granted, the requirements of sections
7 (2),(3),(4), and (5) of this rule shall not apply.

8 (a) Upon receipt of the staff reports, the utility shall
9 place two copies of its application for staff-assistance and the
10 staff reports at any business offices it has in its service area.
11 Such copies shall be available for public inspection during the
12 utility's regular business hours. If the utility does not have a
13 business office in its service area, the utility shall place two
14 copies of its application and the staff reports at the main county
15 library, the local community center or other appropriate location
16 that is within or most convenient to the service area and that is
17 willing to accept and provide public access to the copies.

18 (b) No less than 14 days and no more than 30 days prior to
19 the date of a customer meeting conducted by the Commission staff,
20 the utility shall provide, in writing, a customer meeting notice to
21 all customers within its service area and to all persons in the
22 same service areas who have filed a written request for service or
23 who have been provided a written estimate for service within the 12
24 calendar months prior to the month the petition is filed.

25 (c) The customer meeting notice shall be approved by

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1 Commission staff prior to distribution and shall include the
2 following:

3 1. The date the notice was issued;

4 2. The time, date, location, and purpose of the customer
5 meeting;

6 3. A statement that the utility has applied for a staff-
7 assisted rate case and the general reasons for doing so;

8 4. A statement of the location where copies of the
9 application and staff reports are available for public inspection
10 and the times during which inspection may be made;

11 5. A comparison of current rates and charges and the
12 proposed new rates and charges;

13 6. The utility's address, telephone number, and business
14 hours;

15 7. A statement that written comments regarding utility
16 service or the proposed rates and charges should be addressed to
17 the Director, Division of Records and Reporting, 101 East Gaines
18 Street, Tallahassee, Florida 32399-0870, and that such comments
19 should identify the docket number assigned to the proceeding;

20 8. A statement that complaints regarding service may be made
21 to the Commission's Division of Consumer Affairs at the following
22 toll-free number: 1-800-342-3552.

23 9. A statement that the Commission will be reviewing the
24 utility's service availability charges in the pending case and that
25 the Commission may adjust those charges.

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1 10. The docket number assigned by the Commission's Division
2 of Records and Reporting.

3 (c) The customer meeting notice shall be mailed to the out-
4 of-town address of all customers who have provided the utility with
5 an out-of-town address.

6 (d) If the proposed agency action order issued in the case is
7 protested and any hearings are subsequently held, the utility shall
8 give notice in accordance with subsections (6) and (7) above.

9 (10) After the Commission issues an order granting or denying
10 a rate change, the utility shall notify its customers of the order
11 and any revised rates. The customer notification shall be approved
12 by Commission staff and be distributed no later than with the first
13 bill containing any revised rates.

14 Specific Authority: 350.127(2) and 367.121 (1) (f), F.S.

15 Law Implemented: 367.081, 367.0814(1), and 367.091, F.S.

16 History: Transferred from 25-22.0406, F.A.C. and Amended _____.
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1 25-22.0408 Notice of Requests for New or Revised Service
2 Availability Charges or Policies and Notice of Requests for
3 Allowance for Funds Prudently Invested (AFPI) charges.

4 (1) This rule applies to all requests for new or revised
5 service availability charges or policies and to all requests for
6 allowance for funds prudently invested (AFPI) charges made by water
7 and wastewater utilities, including those requests made in
8 conjunction with a request for a general rate increase.

9 (2) Upon filing an application for new or revised service
10 availability charges or policies or an application for AFPI
11 charges, the utility shall place a copy of the application at its
12 official headquarters and at any business offices it has in the
13 service areas included in the request. Such copies shall be
14 available for public inspection during the utility's regular
15 business hours. If the utility does not have a business office in
16 a service area included in the request, the utility shall place a
17 copy of the application at the main county library, the local
18 community center or other appropriate location which is within or
19 most convenient to the service area and which is willing to accept
20 and provide public access to said copies. The Commission may
21 require that copies of the application be placed at other specified
22 locations.

23 (3)(a) Upon filing an application for new or revised service
24 availability charges or policies or an application for AFPI
25 charges, the utility shall have published a notice of application

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1 in a newspaper of general circulation in the service areas included
2 in the petition.

3 (b) Upon filing an application for new or revised service
4 availability charges or policies or an application for AFPI
5 charges, the utility shall mail or hand deliver a notice of
6 application to all persons in the service areas included in the
7 application who have filed a written request for service or who
8 have been provided a written estimate for service within the 12
9 calendar months prior to the month the application is filed.

10 (c) The Commission may require such other notice as it finds
11 reasonably necessary.

12 (d) The notice of petition shall include the following:

13 1. The date the notice was issued;

14 2. A statement that the utility has filed a petition for new
15 or revised service availability charges or policies or AFPI charges
16 with the Commission;

17 3. A statement that the requested service availability
18 charge or AFPI charge is to pay for growth in the utility system
19 and the requested charges are to be paid by new, not existing,
20 customers;

21 4. A statement of the locations where copies of the
22 application are available for public inspection and the times
23 during which inspection may be made;

24 5. A comparison of the present and proposed policy and
25 charges;

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1 6. The utility's address, telephone number and business
2 hours; and

3 7. A statement that any comments concerning the policy or
4 charges should be addressed to the Director of Records and
5 Reporting at 101 East Gaines Street, Tallahassee, Florida
6 32399-0870.

7 Specific Authority: 350.127(2) and 367.121 (1) (f), F.S.

8 Law Implemented: 367.101, 367.111, and 367.091, F.S.

9 History: New ____.

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 911082-WS

RULE TITLE:

RULE NO.:

Notice and Public Information on General

Rate Increase Requests by Electric, Gas and

Telephone Companies

25-22.0406

Notice of and Public Information for General

Rate Increase Requests by Water and Waste-

water Utilities

25-22.0407

Notice of Requests for New or Revised Service

Availability Charges or Policies and Notice

of Requests for Allowance for Funds Prudently

Invested (AFPI) Charges

25-22.0408

PURPOSE AND EFFECT: Rule 25-22.0406 is amended and 25-22.0407 is created to clarify the different notice requirements that apply for different industries regulated by the PSC by separating the requirements applicable to the electric, gas, and telecommunications industries from those applicable to the water and wastewater industry and to simplify the requirements for water and wastewater utilities.

The purpose of new Rule 25-22.0408 is to streamline noticing requirements for service availability policy and charge applications, to clarify that the rule applies to filings for both new and revised service availability policy and charges, to clarify that the rule applies when the utility makes a request in conjunction with a rate case, and to make clear that it applies to AFPI filings as well.

SUMMARY: Rule 25-22.0406 is amended to remove the provisions relating to water and wastewater utilities and Rule 25-22.0407 is created to provide a separate rule providing the requirements for notice and public information for general rate increase requests by water and wastewater utilities.

Rule 25-22.0407 requires water and wastewater utilities to publish notice of any hearing held in or near a utility service area that is included in a rate request. If the utility does not have a business office in a service area, it must place a copy of the petition for a rate increase and a copy of the minimum filing requirements at the main county library, local community center, or other conveniently located facilities that will provide public access. The utility is also required to provide the customer notice, which must mention the possibility of the Commission's initiating an adjustment to service availability, to persons potentially affected by a change in service availability. The deadlines by which notice must be completed are also clarified. Similar notice provisions are included for staff-assisted rate cases.

Rule 25-22.0408 provides for notice of applications for new or revised service availability charges or policies and notice of requests for allowance for funds prudently invested (AFPI) charges filed by water and wastewater utilities.

RULEMAKING AUTHORITY: 350.127(2), 366.05, F.S. and 367.121(1)(f), F.S.

LAW IMPLEMENTED: 364.035(1) and 366.06, F.S., 367.081, 367.0814(1), 367.091, F.S., 367.101, 367.111, and 367.091, F.S. WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, 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 HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., May 24, 1993.

PLACE: Room 106, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THESE RULES ARE:

25-22.0406 Notice and Public Information on General Rate Increase Requests [[by Electric, Gas and Telephone Companies.]]

(1) The provisions of this rule shall be applicable to all requests for general rate increases by electric, gas[, water and sewer utilities] and telephone companies subject to the Commission's jurisdiction.

(2) No change.

(3)(a) - (b) No change.

(4)(a) - (b) No change.

(5)(a) - (d) No change.

(6) No change.

(7) No change.

[(8) Staff Assisted Water or Sewer Rate Requests. The following is applicable to a staff assisted rate request for a water or sewer utility as provided for in Rule 25-10.180, F.A.C.

(a) Upon receipt of the staff reports, the utility shall place copies of the application and staff reports, including a comparison of the present and proposed rates, at its offices. The copies shall be available for public inspection during the utility's regular business hours.

(b) At least 14 days prior to the customer meeting, the utility shall send a notice to its customers containing:

1. The time, date, place and purpose of the meeting;
2. A statement that the utility has applied for a rate increase and the general reasons for the increase;
3. The location at which copies of the application and staff reports are available;
4. A comparison of the present and proposed rates;
5. A statement that any customer comments concerning the rate increase should be addressed to the Commission Clerk. The address and telephone number of Clerk shall be provided.
6. The utility's address, telephone number and business hours.

(c) Notice of the customer meeting shall be approved by the Commission or its staff in advance of distribution.]

[[8]][9] After the Commission's issuance of an order granting or denying a rate change, the utility shall give notice to its customers of the order and the revised rates. The notice shall be approved in advance by the Commission or its staff and transmitted to the customers with the first bill containing the new rates.

Specific Authority: 350.127(2) and 366.05, F.S.

Law Implemented: 364.035(1) and 366.06, F.S.

History: New 09/27/83, formerly 25-22.406, Amended

[[25-22.0407 Notice of and Public Information for General Rate Increase Requests by Water and Wastewater Utilities.

(1) This rule applies to all requests for general rate increases made by water and wastewater utilities.

(2) Upon filing a petition for a general rate increase, the utility shall mail a copy of the petition to the chief executive officer of the governing body of each municipality and county within the service areas included in the rate request. Each copy of the petition shall be accompanied by a statement that a copy of the minimum filing requirements (MFRs) when accepted by the Commission can be obtained from the petitioner upon request.

(3) Within 30 days after the official date of filing established by the Commission, the utility shall place a copy of the petition and the MFRs at its official headquarters and at any business offices it has in the service areas included in the rate request. Such copies shall be available for public inspection

during the utility's regular business hours. If the utility does not have a business office in a service area included in its rate request, the utility shall place a copy of the petition and the MFRs at the main county library, the local community center or other appropriate location which is within or most convenient to the service area and which is willing to accept and provide public access to the copies. The Commission may require that copies of the petition and MFRs be placed at other specified locations.

(4) (a) Within 30 days after the official date of filing established by the Commission, the utility shall place a copy of its rate case synopsis at all locations where copies of the petition and MFRs were placed.

(b) Within 30 days after the official date of filing established by the Commission, the utility shall mail a copy of its rate case synopsis to the chief executive officer of the governing body of each municipality and county within the service areas included in the rate request.

(c) The utility's rate case synopsis shall be approved by the Commission staff prior to distribution and shall include the following:

1. A summary of the section of the MFRs showing a comparison of the present and proposed rates and charges;
2. A statement of the general reasons for the rate request;

3. A statement of any anticipated major issues involved in the rate case;

4. A description of the ratemaking process and the time schedule established for the rate case; and

5. The locations where complete MFRs are available.

(5)(a) Within 50 days after the official date of filing established by the Commission, the utility shall provide, in writing, an initial customer notice to all customers within the service areas included in the rate request and to all persons in the same service areas who have filed a written request for service or who have been provided a written estimate for service within the 12 calendar months prior to the month the petition is filed.

(b) The initial customer notice shall be approved by Commission staff prior to distribution and shall include the following:

1. The date the notice was issued;

2. A statement that the utility has filed a rate request with the Commission and a statement of the general reasons for the request;

3. A statement of the locations where copies of the MFRs, petition, and rate case synopsis are available for public inspection and the hours and days when inspection may be made;

4. The time schedule established for the case, including the dates, times, and locations of any hearings scheduled;

5. A comparison of current rates and charges and the proposed new rates and charges;

6. The utility's address, telephone number, and business hours;

7. A statement that written comments regarding utility service or the proposed rates and charges should be addressed to the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, and that such comments should identify the docket number assigned to the proceeding;

8. A statement that complaints regarding service may be made to the Commission's Division of Consumer Affairs at the following toll-free number: 1-800-342-3552; and

9. If the utility has not requested a change in its service availability charges as part of its rate request, a statement that the Commission will be reviewing the utility's service availability charges in the pending rate case and that the Commission may adjust those charges.

10. The docket number assigned by the Commission's Division of Records and Reporting.

(c) The initial customer notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(6)(a) No less than 14 days and no more than 30 days prior to the date of each service hearing, in those cases where the Commission has scheduled a service hearing, the utility shall

provide written notice of the date, time, location, and purpose of the service hearing to all customers within service areas designated by the prehearing officer or the Commission staff. The notice shall be approved by Commission staff prior to distribution. The notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(b) No less than 14 days and no more than 30 days prior to the date of the hearing, in all cases, including those in which the Commission has scheduled a service hearing, the utility shall provide written notice of the date, time, location, and purpose of the hearing to all customers within the service areas included in the rate request. The notice shall be approved by Commission staff prior to distribution. The notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(7) No less than 14 days and no more than 30 days prior to the date of each hearing held in or near a utility service area included in the rate request, the utility shall have published in a newspaper of general circulation in the area in which such hearing is to be held a display advertisement stating the date, time, location, and purpose of the hearing. The notice shall be approved by Commission staff prior to publication.

(8) When a utility files for a petition for a general rate increase and requests that its case be processed as proposed

agency action in accordance with section 367.081 (8), F.S., the utility shall comply with the requirements of sections (2), (3), (4), and (5) of this rule.

(a) No less than 14 days and no more than 30 days prior to the date of a customer meeting conducted by the Commission staff, the utility shall provide written notice of the date, time, location, and purpose of the customer meeting to all customers within service areas designated by the Commission staff. The notice shall be approved by Commission staff prior to distribution. The notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(b) If the proposed agency action order issued in the case is protested and any hearings are subsequently held, the utility shall give notice in accordance with subsections (6) and (7) above.

(9) When a utility applies for a staff-assisted rate case in accordance with section 367.0814, F.S., and Rule 25-30.455, F.A.C., and staff-assistance is granted, the requirements of sections (2), (3), (4), and (5) of this rule shall not apply.

(a) Upon receipt of the staff reports, the utility shall place two copies of its application for staff-assistance and the staff reports at any business offices it has in its service area. Such copies shall be available for public inspection during the utility's regular business hours. If the utility does not have a

business office in its service area, the utility shall place two copies of its application and the staff reports at the main county library, the local community center or other appropriate location that is within or most convenient to the service area and that is willing to accept and provide public access to the copies.

(b) No less than 14 days and no more than 30 days prior to the date of a customer meeting conducted by the Commission staff, the utility shall provide, in writing, a customer meeting notice to all customers within its service area and to all persons in the same service areas who have filed a written request for service or who have been provided a written estimate for service within the 12 calendar months prior to the month the petition is filed.

(c) The customer meeting notice shall be approved by Commission staff prior to distribution and shall include the following:

1. The date the notice was issued;
2. The time, date, location, and purpose of the customer meeting;
3. A statement that the utility has applied for a staff-assisted rate case and the general reasons for doing so;
4. A statement of the location where copies of the application and staff reports are available for public inspection and the times during which inspection may be made;

5. A comparison of current rates and charges and the proposed new rates and charges;

6. The utility's address, telephone number, and business hours;

7. A statement that written comments regarding utility service or the proposed rates and charges should be addressed to the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, and that such comments should identify the docket number assigned to the proceeding;

8. A statement that complaints regarding service may be made to the Commission's Division of Consumer Affairs at the following toll-free number: 1-800-342-3552.

9. A statement that the Commission will be reviewing the utility's service availability charges in the pending case and that the Commission may adjust those charges.

10. The docket number assigned by the Commission's Division of Records and Reporting.

(c) The customer meeting notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(d) If the proposed agency action order issued in the case is protested and any hearings are subsequently held, the utility shall give notice in accordance with subsections (6) and (7) above.

(10) After the Commission issues an order granting or denying a rate change, the utility shall notify its customers of the order and any revised rates. The customer notification shall be approved by Commission staff and be distributed no later than with the first bill containing any revised rates.]]

Specific Authority: 350.127(2) and 367.121 (1) (f), F.S.

Law Implemented: 367.081, 367.0814(1), and 367.091, F.S.

History: New

[[25-22.0408 Notice of Requests for New or Revised Service Availability Charges or Policies and Notice of Requests for Allowance for Funds Prudently Invested (AFPI) charges.

(1) This rule applies to all requests for new or revised service availability charges or policies and to all requests for allowance for funds prudently invested (AFPI) charges made by water and wastewater utilities, including those requests made in conjunction with a request for a general rate increase.

(2) Upon filing an application for new or revised service availability charges or policies or an application for AFPI charges, the utility shall place a copy of the application at its official headquarters and at any business offices it has in the service areas included in the request. Such copies shall be available for public inspection during the utility's regular business hours. If the utility does not have a business office in a service area included in the request, the utility shall place a copy of the application at the main county library, the

local community center or other appropriate location which is within or most convenient to the service area and which is willing to accept and provide public access to said copies. The Commission may require that copies of the application be placed at other specified locations.

(3)(a) Upon filing an application for new or revised service availability charges or policies or an application for AFPI charges, the utility shall have published a notice of application in a newspaper of general circulation in the service areas included in the petition.

(b) Upon filing an application for new or revised service availability charges or policies or an application for AFPI charges, the utility shall mail or hand deliver a notice of application to all persons in the service areas included in the application who have filed a written request for service or who have been provided a written estimate for service within the 12 calendar months prior to the month the application is filed.

(c) The Commission may require such other notice as it finds reasonably necessary.

(d) The notice of petition shall include the following:

1. The date the notice was issued;
2. A statement that the utility has filed a petition for new or revised service availability charges or policies or AFPI charges with the Commission;

3. A statement that the requested service availability charge or AFPI charge is to pay for growth in the utility system and the requested charges are to be paid by new, not existing, customers;

4. A statement of the locations where copies of the application are available for public inspection and the times during which inspection may be made;

5. A comparison of the present and proposed policy and charges;

6. The utility's address, telephone number and business hours; and

7. A statement that any comments concerning the policy or charges should be addressed to the Director of Records and Reporting at 101 East Gaines Street, Tallahassee, Florida 32399-0870.]]

Specific Authority: 350.127(2) and 367.121 (1) (f), F.S.

Law Implemented: 367.101, 367.111, and 367.091, F.S.

History: New.

NAME OF PERSON ORIGINATING PROPOSED RULES: Matthew Feil

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULES:
Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: March 5, 1993

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 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 Records and Reporting at (904) 488-8371 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

**STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE**

Rule 25-22.0406 is confusing to water and wastewater utilities because it provides the same notice requirements that are applicable to the very different electric, gas, and telecommunications industries. Water and wastewater utilities are typically much smaller and there is a need to simplify the requirements for this industry. The Commission's current rule regarding public access to a utility's minimum filing requirements (MFRs) requires that the MFRs be kept at the utility's headquarters and at its business offices in cities where service hearings were held in the last case and where service hearings are to be held in the current case. Aside from the fact that separate service hearings are not always held in water and wastewater rate cases, it is not unusual for a water or wastewater utility not to have a business office in its service area. The time requirements for providing notice are also confusing and result in numerous telephone requests to staff for clarification. The rule also attempts to correct a problem of inadequate notice when the Commission initiates a change in service availability charges.

Rule 25-22.0408 is necessary to streamline the noticing requirements for service availability policy and charge applications filed by water and wastewater utilities, to clarify that the rule applies to filings for both new and revised service availability policy and charges, to clarify that the rule applies when the utility makes a request in conjunction with a rate case, and to make clear that it applies to AFPI filings as well.

STATEMENT ON FEDERAL STANDARDS

There is no federal standard on the same subject.

STATEMENT OF IMPACT ON SMALL BUSINESS

Although many water and wastewater utilities are small businesses, no direct impact on small businesses has been identified.

**STATEMENT THAT THE AGENCY HAS CHOSEN THE REGULATORY ALTERNATIVE
THAT IMPOSES THE LOWEST NET COST ALTERNATIVE TO SOCIETY
OR REASONS FOR REJECTING LOWEST NET COST ALTERNATIVE
IN FAVOR OF PROPOSED RULE**

The Commission has chosen the regulatory alternative that imposes the lowest net cost to society with one exception in Rule

25-22.0407(7). The Commission decided that newspaper notices of hearings should continue to be published in a display advertisement, because although a legal notice would be less costly, the display advertisements are more conspicuous and therefore more effective.

M E M O R A N D U M

February 18, 1993

TO: DIVISION OF APPEALS (MOORE)

FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (MAHONEY) *WAS* *OMA*

SUBJECT: REVISED ECONOMIC IMPACT STATEMENT FOR DOCKET NO. 911082-WS; PROPOSED REVISIONS TO RULES 25-22.0406, 25-30.020, 25-30.025, 25-30.030, 25-30.032 THROUGH 25-30.037, 25-30.060, 25-30.110, 25-30.111, 25-30.135, 25-30.255, 25-30.320, 25-30.355, 25-30.360, 25-30.430, 25-30.436, 25-30.437, 25-30.441, 25-30.443, 25-30.455, 25-30.515, AND 25-30.565, FAC; PROPOSED NEW RULES 25-22.0407, 25-22.0408, 25-30.0371, 25-30.038, 25-30.039, 25-30.090, 25-30.117, 25-30.432 THROUGH 25-30.435, 25-30.4385, 25-30.4415, 25-30.456, 25-30.460, 25-30.465, 25-30.470, AND 25-30.475, FAC; PROPOSED RULES AND RULE REVISIONS PERTAINING TO WATER AND WASTEWATER REGULATION

SUMMARY OF THE RULE

These new and amended rules are an attempt by the Division of Water and Wastewater to affect major cost savings for the Commission and for the water and wastewater utilities through codification and simplification of the regulatory process. The rules may be broadly separated into those pertaining to acquisition policy; certification; file and suspend rate cases; staff assisted rate cases; rates, charges, and tariffs; and miscellaneous and cleanup.

The acquisition policy changes relate to issues involved in the transfer of ownership of an existing utility. These changes explain and codify existing Commission policy relating to calculation of acquisition adjustments resulting from transfers and provide a mechanism that will encourage the acquisition of small systems by large utilities.

The proposed certification rule action includes streamlining of the notification requirements, an expedited amendment process for minor extensions, and two new rules codifying existing Commission practice in applications for acknowledgement of a name change and in abandonments.

The rules pertaining to file and suspend rate cases are primarily codification of existing Commission policy. However, there are some rules which would be a reversal of present Commission policy and some rules establish new Commission policy.

The changes pertaining to staff assisted rate cases are clarification and codification of existing Commission policy and practice. A new rule on non-rate base ratemaking implements a section of the statute that the Commission has not used prior to this time.

The rates, charges, and tariffs changes will clarify existing language, codify existing policy, or implement cost saving procedures.

The changes defined as miscellaneous and cleanup address rules related to various noticing requirements, mandatory meter installation, filing fees, out-of-state records, and elimination of the rule regarding imputation of CIAC (contributions-in-aid-of-construction). An additional revision requires individual metering for multiple units.

DIRECT COSTS TO THE AGENCY AND OTHER STATE OR LOCAL GOVERNMENT ENTITIES

No significant increased costs to the Commission have been identified. Due to the simplification of the filing process, in almost all cases under the new and revised rules, a decrease in total Commission costs per application and per rate case is expected. Some increases in Commission costs will occur as a result of the revision of Rule 25-30.135(3). This revision requires the provision of current copies of the water and wastewater rules and Chapter 367, FS, to the utilities by the Commission. This increase will reoccur annually as the Commission provides updated replacement sheets for those specific items which have been revised. It is not possible to quantify this cost at this time as the cost will vary from year to year based on the extent of any revisions to the rules or the statutes. The cost is expected to be an insignificant part of the total costs of regulating the industry.

The new rule requiring all utility systems of one company to file for a rate case together may result in increased Commission costs for the first rate case. However, that utility should file less rate cases over the long run, which would result in a decrease in Commission costs. The savings related to these changes are not quantifiable at this time.

No effect on costs or revenues to any other state or local government entity is anticipated as a direct result of these proposed rules and rule changes.

COSTS AND BENEFITS TO THOSE PARTIES DIRECTLY AFFECTED BY THE RULE

Of the seventy-nine concerned parties that were sent a data request soliciting information upon which to base the estimated economic impact of the proposed rule action, nine responded. Of the nine companies responding to the staff data request, five companies estimated some quantifiable costs/savings as a direct result of the rule action. These data are contained in the table below.

RULE	COMPANY	ESTIMATED COSTS	ESTIMATED SAVINGS
25-22.0408	Indiantown Palm Coast Royal Utility Gulf Aire	\$ 2,500 per application 5,000 per application 10,625 per application	\$ 35 per application
25-30.020	Indiantown Palm Coast Royal Utility Gulf Aire	2,700 per application 6,000 per application 1,200 per application 750 per application	
25-30.036	Gulf Aire	400 per application	
25-30.110	Palm Coast	5,000 per application	
25-30.432	Palm Coast Royal Utility		50,000 per rate case 15,000 per rate case
25-30.433	Palm Coast Royal Utility Gulf Aire	3,000 one time 5,000 one time 2,000 one time	
25-30.435	Florida Cities Water	142,000 per rate case	
25-30.456	Gulf Aire	500 one time	

The estimates of costs/savings on a per rule basis are explained as follows:

- 25-22.0408 Estimated increased costs are due to additional noticing requirements which will be necessary under the utilities' interpretation of one rule revision.
- Estimated savings are due to the reduction in noticing requirements which will be necessary under the utility's interpretation of the rule revision.
- 25-30.020 Estimated increased costs are based upon the proposed increases in filing fees.
- 25-30.036 Estimated increased costs are due to the proposed addition of a special approval process for small extensions of service.
- 25-30.110 Estimated increased costs are due to the change in Commission reimbursement for travel costs for Commission personnel when records are kept out of state.
- 25-30.255 Estimated increased costs are due to requirement for individual metering for each separate occupancy unit constructed after January 1, 1993.
- 25-30.432 Estimated savings are due to reductions in expense for professional work time necessary to prepare documentation for used-and-useful study.
- 25-30.433 Estimated costs are worst case costs for increased expenses using the most costly alternatives for working capital allowance and imputation of CIAC.
- 25-30.435 Estimated costs are due to the necessity to file information on all companies when requesting a rate change for one company in cases of multicompany entities. This estimate was based upon the utility's interpretation of the proposed rule. Staff strongly asserts that this rule would in fact substantially decrease costs under staff's interpretation of the rule.
- 25-30.456 Estimated costs are projected on the utility's understanding of the additional effort needed to meet the requirements of the alternative staff assisted rate case.

Staff believes that some of these costs are based on a misunderstanding of the effect of the rule changes. In addition, other identified costs are not the increased costs related to the proposed rules but are the cost of performing certain functions which have been performed in the past but are now

being codified in these rule revisions. Therefore, it is the opinion of staff that the total estimated economic costs as provided by the companies would be somewhat less than was reported by the companies.

It should be noted that subsequent to the companies' responses to the data request, additional revisions were made to the proposed rules. Therefore any additional costs associated with the current proposed rules have not been identified by the companies in their data request responses. One revision to Rule 25-22.04(7), Notice and Public Information, now requires notification of hearing dates by use of newspaper display ad as opposed to the early rule proposal which required a legal notice.

To estimate any impact to the companies, a telephone survey of selected newspapers in different areas of the state was completed. This survey indicated the cost of a display ad generally ran about 40 to 45 percent higher than the cost of the same size classified ad (legal notice).

No other utility costs associated with implementation of these additional rule revisions were identified.

REASONABLE ALTERNATIVE METHODS

No reasonable alternatives to the staff's proposed package of rules and rule changes have been offered by any party although staff has, on its own, provided alternative methods for two of the proposed new rules. No information is yet available on cost differences, if any, between the alternatives for these rules.

IMPACT ON SMALL BUSINESSES

No direct impact on small businesses was identified. In addition, none of the utilities responding to the data request qualified as a small business as defined in Section 288.703(1), Florida Statutes (1991).

IMPACT ON COMPETITION

No impact on competition is foreseen as water and wastewater utilities are not normally in the competitive area. Further, since the rules would apply equally to all participants, should there be an occasion for competition, the rule changes should have no effect on this competition.

IMPACT ON EMPLOYMENT

Some decrease in the necessary level of work effort for both the Commission and the individual utilities is expected. This decrease in workload is not expected to be large enough to affect staffing levels of either the Commission or the utilities. In all probability, there will be some decrease in the level of consulting work required by the utilities in order to meet present regulatory requirements.

METHODOLOGY

Meetings were held with the Division of Appeals and the Division of Water and Wastewater. Workshops were conducted with the Commission staff, the utilities, consultants, representatives of the Office of Public Counsel and other interested parties participating. Follow-up meetings were held and comments submitted. A data request was sent to participating parties soliciting information on the impact of the rule action. Current Florida statutes and Commission rules were reviewed for consistency.

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