

M E M O R A N D U M

May 7, 1993

TO : STEVE TRIBBLE, DIRECTOR, DIVISION OF RECORDS & REPORTING
FROM : CHRISTIANA T. MOORE, ASSOCIATE GENERAL COUNSEL *CTM*
RE : DOCKET NO. 911082-WS RULE NOS. 25-22.0406, 25-22.0407
AND 25-22.0408, F.A.C.

Attached is an original and three copies of the certification of Rule Nos. 25-22.0406, 25-22.0407 and 25-22.0408, F.A.C. The Department of State must receive the original and two copies of the certification no later than 5:00 p.m., May 7, 1993. The Certification includes:

- (1) An original and two certified copies of Rule Nos. 25-22.0406, 25-22.0407 and 25-22.0408, F.A.C.;
- (2) A summary of the rule;
- (3) A summary of the hearing on the rule; and
- (4) A written statement of the facts and circumstances justifying the rule.

adp25-22.mrd ACK _____
Attachments AFA _____
 APP _____
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FPC-RECORDS/REPORTING

CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;

(a) And are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(e) Are filed within 21 days after the date the transcript was received by this agency.

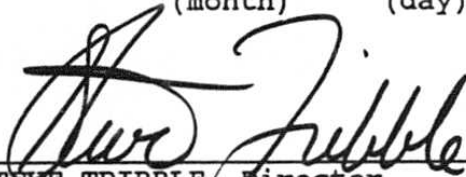
Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the

undersigned agency by and upon their filing with the Department of State.

<u>Rule No.</u>	<u>Rulemaking Authority</u>	<u>Specific Law Being Implemented, Interpreted or Made Specific</u>
25-22.0406	350.127(2) and 366.05, F.S.	364.035(1) & 366.06, F.S.
25-22.0407	350.127(2) and 367.121(1)(f), F.S.	367.081, 367.0814(1) and 367.091, F.S.
25-22.0408	350.127(2) and 367.121(1)(f), F.S.	367.101, 367.111 and 367.091, F.S.

Under the provision of paragraph 120.54(13)(a), F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



STEVE TRIBBLE, Director
Division of Records & Reporting

Number of Pages Certified

(S E A L)

adp25-22.mrd

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: New ____.

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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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Rule Nos. 25-22.0406, 25-
22.0407 and 25-22.0408,
F.A.C.
Docket No. 911082-WS

SUMMARY OF RULE

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 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 locate 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.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested and none was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE 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 Allowance for Funds Prudently
Invested (AFPI) filings as well.