

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Rule 25-22.030,) DOCKET NO. 930939-OT
F.A.C., Injunctions, Pertaining) ORDER NO. PSC-93-1696-NOR-OT
to Power of Florida Public) ISSUED: November 22, 1993
Service Commission to Seek)
Relief in Circuit Court.)
_____)

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to adopt Rule 25-22.030, F.A.C., relating to injunctions.

The attached Notice of Rulemaking will appear in the November 26, 1993, edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Tuesday, January 11, 1994
Room 122, Fletcher Building
101 East Gaines Street

Written requests for hearing and written comments or suggestions on the rule must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399, no later than December 17, 1993.

By Direction of the Florida Public Service Commission, this 22nd day of November, 1993.



STEVE TRIBBLE, Director
Division of Records & Reporting

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 930939-OT

RULE TITLE: RULE NO.:

Injunctions 25-22.030

PURPOSE AND EFFECT: The purpose of this rule is to establish procedures to implement 1993 legislation addressing the power of the Florida Public Service Commission to seek injunctive relief against utilities.

SUMMARY: The proposed rule specifies that the Commission may seek injunctions or other appropriate orders when two conditions are met. First, the Commission must find that a utility has violated an order or rule, and then the Commission must find that the violation impairs a utility's operations or service. The rule also specifies that the usual noticing practice does not apply to such situations where there is an immediate threat to the public health, safety or welfare. Finally, the rule specifies that no hearing is required prior to the Commission seeking the injunctive relief.

RULEMAKING AUTHORITY: 350.127(2), F.S.

LAW IMPLEMENTED: 364.015, 366.05(10), 367.121(i)(j), 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., Tuesday, January 11, 1994

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

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

THE FULL TEXT OF THE RULE IS:

25-22.030 Injunctions.

(1) The Commission may seek relief in circuit court in the form of temporary or permanent injunctions, restraining orders or other appropriate orders where:

(a) The Commission finds that a utility has violated or is in violation of a Commission Order or rule; and

(b) The Commission finds that said violation impairs a utility's operations or service.

(2) In any instance where there is an immediate threat to the public health, safety or welfare, no notice shall be required prior to the Commission's decision to seek the relief described in subsection (1).

(3) Seeking relief in circuit court is not conditioned on conducting a hearing pursuant to Chapter 120, Florida Statutes.

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

Law Implemented: 364.015, 366.05(10), 367.121(i)(j), F.S. (1993)

History: New, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: William E. Wyrrough

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

DATE PROPOSED RULE APPROVED: November 9, 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).