

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Amendments to) DOCKET NO. 930487-OT
Rule 25-22.100, F.A.C.,) ORDER NO. PSC-94-1330-NOR-OT
Authority; Rule 25-22.101,) ISSUED: October 27, 1994
F.A.C., Purpose; Rule 25-22.102,)
F.A.C., Public Inspection and)
Duplication; Rule 25-22.103,)
F.A.C., Final Orders Indexed;)
Rule 25-22.104, F.A.C.,)
Numbering of Final Orders; Rule)
25-22.105, F.A.C., System for)
Indexing Final Orders; Rule 25-)
22.106, F.A.C., Maintenance of)
Records; and Rule 25-22.107,)
F.A.C., Plan for Making Orders)
and Index Available to the)
Public; and Proposed New Rule)
25-22.1035, F.A.C., Designation)
of Official Reporter.)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to adopt Rule 25-22.1035, and amend Rules 25-22.100, 25-22.101, 25-22.102, 25-22.103, 25-22.104, 25-22.105, 25-22.106, and 25-22.107, Florida Administrative Code, relating to the indexing and availability of Commission orders.

The attached Notice will appear in the November 4, 1994, edition of the Florida Administrative Weekly. No hearing will be held because the rules relate exclusively to the Commission's organization, procedure, or practice.

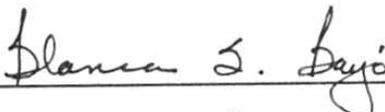
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FPSC-RECORDS/REPORTING

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By Direction of the Florida Public Service Commission, this
27th day of October, 1994.



BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

MAH

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 930487-OT

RULE TITLE:	RULE NO.:
Authority	25-22.100
Purpose	25-22.101
Public Inspection and Duplication	25-22.102
Final Orders Indexed	25-22.103
Designation of Official Reporter	25-22.1035
Numbering of Final Orders	25-22.104
System for Indexing Final Orders	25-22.105
Maintenance of Records	25-22.106
Plan for Making Orders and Index Available to the Public	25-22.107

PURPOSE: The purpose of the proposed rule changes to Part VI of Chapter 25-22 is for the Florida Public Service Commission to designate FALR, Inc. as its official reporter to publish and index all Commission orders, as provided by Section 120.53(4)(a), Florida Statutes.

SUMMARY: The Commission is proposing the following changes be made to Part VI of Chapter 25-22: deleting all references to final orders because FALR will publish and index all Commission orders; deleting references to a Commission-assembled subject matter index and reflecting that FALR, as the Commission's official reporter, will compile the subject matter index; reflecting that FALR

includes Florida Public Service Commission Reporter citations in its subject matter index; and, finally, adding a new rule designating FALR as the Commission's official reporter.

RULEMAKING AUTHORITY: 120.53(2)(f) and (8), 120.533, F.S.

LAW IMPLEMENTED: 119.041(2), 120.53(2)-(4), 350.06(7), 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.

NO HEARING WILL BE HELD BECAUSE THESE RULES RELATE EXCLUSIVELY TO THE COMMISSION'S ORGANIZATION, PROCEDURE, OR PRACTICE.

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 32399-0862.

THE FULL TEXT OF THE RULES ARE:

PART VI

INDEXING OF ~~FINAL~~ ORDERS

25-22.100 Authority

25-22.101 Purpose

25-22.102 Public Inspection and Duplication

25-22.103 ~~Final~~ Orders Indexed

25-22.1035 Designation of Official Reporter

25-22.104 Numbering of ~~Final~~ Orders

25-22.105 System For Indexing ~~Final~~ Orders

25-22.106 Maintenance of Records

25-22.107 Plan for Making Orders and Index Available to the
Public

25-22.100 Authority. These rules regarding the indexing, management, and availability of Commission ~~final~~ orders are issued pursuant to Section 120.533, Florida Statutes, and Chapter 1S-6, Florida Administrative Code, and have been approved by the Department of State pursuant to Section 120.53(2)(c), Florida Statutes.

Specific Authority: 120.533 F.S.

Law Implemented: 120.53(2) - (4) F.S.

History: New 9/24/92, Amended_____.

25-22.101 Purpose. The purpose of this part is to provide public access to and availability of all Commission ~~final~~ orders.

Specific Authority: 120.533 F.S.

Law Implemented: 120.53(2) - (4) F.S.

History: New 9/24/92, Amended_____.

25-22.102 Public Inspection and Duplication. Commission orders ~~The following~~ shall be made available from the agency for public inspection and copying, ~~at \$1 per page.~~

~~(1) All final orders.~~

~~(2) A current subject matter index identifying all final orders.~~

~~The subject matter index will also be available by subscription.~~

Specific Authority: 120.533, F.S.

Law Implemented: 120.53(2)(a)(1) - (5), 350.06(7), F.S.

History: New 9/24/92, Amended_____.

25-22.103 ~~Final~~ Orders Indexed. All Commission final orders of the Commission issued pursuant to Sections 120.565, 120.57(1), (2), and (3), Florida Statutes, shall be indexed.

Specific Authority: 120.533 F.S.

Law Implemented: 120.53(2)(a)3, 120.53(2)(d) F.S.

History: New 9/24/92, Amended_____.

25-22.1035 Designation of Official Reporter.

The official reporter of the Florida Public Service Commission shall be the Florida Public Service Commission Reporter (FPSCR), published by FALR, Inc. The official reporter shall index orders of the Commission as required by Rule 25-22.103, Florida Administrative Code, and shall publish the index and all orders. The Florida Public Service Commission Reporter is found at some county law libraries and is available by subscription at the offices of FALR, Inc., P.O. Box 385, Gainesville, FL 32602. A copy of the Florida Public Service Commission Reporter is also available for public inspection at the Division of Records and Reporting.

Specific Authority: 120.533 F.S.

Law Implemented: 120.53(2)(a)3, 120.53(2)(d), 120.53(4)(a) F.S.

History: New .

25-22.104 Numbering of ~~Final~~ Orders.

(1) All ~~final~~ orders shall be sequentially numbered as rendered using a two-part number separated by a dash with the first part before the dash indicating the year and the second part indicating the numerical sequence of the order issued for that year beginning with the number 0001 each new calendar year. Amendatory orders will be assigned the same order number as the order being amended, with the addition of the letter "A" immediately following the order number. The assigned agency prefix which is "PSC" shall precede the two-part number.

(2) The applicable order category shall be added as a suffix succeeding the agency designation prefix and the two-part number. The order category suffix for proposed agency action orders will be either "FOF" or "FOI", depending on the type of proceeding in which the order was issued. The order categories are as follows:

DS	-	Declaratory Statement
FOI	-	Final Order Informal Proceedings
FOF	-	Final Order Formal Proceedings
S	-	Stipulation
AS	-	Agreed Settlement
CO	-	Consent Order
PCO	-	Procedural Order

PHO - Prehearing Order
CFO - Confidentiality Order
NOR - Notice of Rulemaking

(3) After the order category, the applicable industry designation shall be inserted. The industry designations are as follows:

EI - Electric Utility - Investor Owned
EM - Electric Utility - Municipality
EC - Electric Utility - Rural Electric Cooperative
EU - Electric Utility - All
EG - Energy Conservation
EQ - Qualifying Cogeneration Facility
GU - Gas Industry
GP - Gas Pipeline
TA - Telephone Utility - Alternate Access Vendor
TC - Telephone Utility - Coin (Pay) Telephone
Company
TI - Telephone Utility - Interexchange Company
TL - Telephone Utility - Local Exchange Company
TS - Telephone Utility - Shared Tenant Company
TP - Telephone (Communications) Industry Generally
WU - Water Utility
SU - Wastewater (Sewer) Utility
WS - Water and Wastewater Utility

- PU - Public Utilities Generally - Applies to matters which pertain to two or more industries.
- OT - Other Matters - Administrative Matters not related to a particular industry.

Specific Authority: 120.533(1)(f) F.S.

Law Implemented: 120.53(2) -(4) F.S.

History: New 9/24/92, Amended.

25-22.105 System for Indexing ~~Final~~ Orders.

(1) The index shall be alphabetically arranged by main subject headings representing major categories of the Commission's regulatory jurisdiction and taken from the Florida Statutes index, when applicable. The applicable titles of citations of the Florida Statutes construed within the final order may determine the main subject headings and subheadings in the index. The index shall show the main subject headings in all capital letters, flush left on the page, followed by relevant subheadings which shall be initial caps and lower case letters indented. Subheadings and sub-subheadings shall reflect increasingly specific areas or subjects addressed in Commission orders and may be taken from the text of the Florida Statutes construed. Subheadings and sub-subheadings at equal indentations shall also be alphabetized. The FPSCR citation to numbers of final orders shall be listed sequentially in an indentation immediately below the applicable sub or sub-subheading. Cross references shall be used to direct the user to subject

headings which contain the relevant information. Related key words (specific words, terms, and phrases) and common and colloquial words shall be listed and cross-referenced to the appropriate main subject headings. New subject headings will be added when necessary.

(2) The index shall be cumulative for at least one calendar year and shall be updated and made available to the public at least quarterly.

~~(3) The Division of Records and Reporting shall maintain the index of final orders.~~

Specific Authority: 120.533(1)(f) F.S.

Law Implemented: 120.53(2) - (4) F.S.

History: New 9/24/92, Amended_____.

25-22.106 Maintenance of Records. ~~Final orders that comprise final agency action and therefore must be indexed pursuant to these rules~~ Orders shall be permanently maintained by the Commission pursuant to the retention schedule approved by the Department of State, Division of Library and Information Services.

Specific Authority: 120.53(2)(f) F.S.

Law Implemented: 119.041(2) F.S.

History: New 9/24/92, Amended_____.

25-22.107 Plan for Making Orders and Index Available to the Public.

(1) The Commission shall make ~~final~~ orders accessible and available to the public by sequentially numbering and maintaining indexing all ~~final~~ orders.

(2) The Division of Records and Reporting shall assist the public in obtaining information pertaining to Commission final orders.

(3) ~~The subject matter index and copies~~ Copies of all ~~final~~ orders, in numerical order, and a copy of the Commission's official reporter shall be maintained in the offices of the Division of Records and Reporting, ~~located at Room 111, Fletcher Building, 101 East Gaines St., Tallahassee, Fl 32399-0870. The office is open to the public between the hours of 7:45 a.m. and 4:45 p.m., excluding holidays and weekends.~~

Specific Authority: 120.53(2)(8) F.S.

Law Implemented: 120.52(2), F.S.

History: New 9/24/92, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Blanca Bayó.

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

DATE PROPOSED RULES APPROVED: October 18, 1994.

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

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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).