

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Amendments of) DOCKET NO. 950077-PU
Rules 25-8.003, F.A.C., Required) ORDER NO. PSC-95-0831-FOF-PU
Exhibits; 25-8.005, F.A.C., Form) ISSUED: July 13, 1995
and Style; 25-8.006, F.A.C.,)
Number of Copies; and 25-8.009,)
F.A.C., Consummation Reports)
_____)

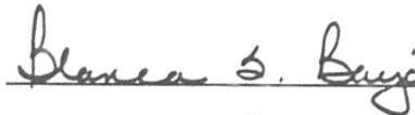
NOTICE OF ADOPTION OF RULE AMENDMENTS

NOTICE is hereby given that the Florida Public Service Commission, pursuant to section 120.54, Florida Statutes, has adopted, with changes, the amendments to Rules 25-8.003, 25-8.005, 25-8.006, and 25-8.009, F.A.C., which relate to the procedure public utilities must follow when seeking authority to issue and sell securities.

The rule amendments were filed with the Department of State on July 7, 1995 and will be effective on July 27, 1995. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission, this 13th day of July, 1995.



BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

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25-8.003 Required Exhibits.

(1) The applicant shall file either one certified and five ~~two~~ uncertified copies or one certified copy, one uncertified copy, and a copy on diskette of the following exhibits as part of its initial application or as an amendment to its initial application where appropriate or where indicated by this rule.

(a) Exhibit A. A copy of the applicant's charter or articles of ~~or~~ incorporation with amendments to date.

(b) Exhibit B. The following schedules: ~~set out in either subsection (2) or subsection (3) of this rule on a basis consistent with the format contained in the respective annual reports filed with the Commission.~~

1. Balance Sheet. A balance sheet prepared as provided by the Federal Energy Regulatory Commission's Uniform System of Accounts showing ~~by titles~~ the balance in each account at the close of the calendar year preceding the filing of the application, and also showing the balance in each account at the end of the latest 12-month period available prior to the filing of the application.
2. Summary of Utility Plant and Accumulated Provision for Depreciation, Amortization, and Depletion. A summary of utility plant, ~~and an~~ amortization, and depletion prepared as provided by the Uniform

System of Accounts showing the balance in each account at the close of the calendar year preceding the filing of the application, and also showing the balance in each account at the end of, ~~and prepared for~~ the latest 12-month period available prior to the filing of the application.

3. Income Statement. An income statement prepared as provided by the Uniform System of Accounts showing the balance in each account at the close of the calendar year preceding the filing of the application, and also showing the balance in each account at the end of ~~for~~ the latest 12-month ~~twelve months~~ period available prior to the filing of the application.
4. Retained Earnings. A statement of retained earnings as provided by the Uniform System of Accounts, and prepared in the same manner and for the same period as the income statement in paragraph (c) of this subsection.
5. A statement of all known contingent liabilities except minor items involving relatively small amounts, as of the date of the application.

6. A utility may, however, satisfy the requirements of Exhibit B by providing the following in lieu of the schedules listed in items (1) through (5) above:

(i) The financial statements and accompanying footnotes as they appear in the utility's Annual Report on Form 10-K, as filed with the United States Securities and Exchange Commission, for the most recent fiscal year ended prior to the filing of the application;

(ii) The financial statements and accompanying footnotes as they appear in the utility's most recent Quarterly Report on Form 10-Q, as filed with the United States Securities and Exchange Commission prior to the filing of the application; and

(iii) Any amendments or changes to the financial information presented in the utility's most recent Form 10-K and Form 10-Q as filed with the Securities and Exchange Commission which the utility has filed prior to the filing of the application.

(c) Exhibit C. The following projected financial information, reflecting the applicant's most recent official forecast.

1. Sources and Uses of Funds Statement. Information identifying sources and uses of funds should be prepared for the period covered by the proposed issuance of securities. This information need not project the applicant's net income. If a utility opts to file Forms 10-K and 10-Q pursuant to subparagraph 25-8.003(1)(b)6., a separate sources and uses of funds statement is not required if the Forms 10-K and 10-Q cover the period of issuance.
2. Construction Budget. A Construction Budget for Gross Property Additions should be prepared for the same period as the Sources and Uses of Funds Statement.

(d) Exhibit D. The map required under Rule 25-8.002(5).

(2) Where the utility has previously filed with the Commission the information to be contained in its application or in Exhibit A, B, C, or D and where the previous filing is current or up-to-date, the Commission will accept specific reference to that filing in lieu of a separate filing to meet the requirements of this rule.

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(3) A utility filing information required by this rule, ~~or~~ Rule 25-8.002, or Rule 25-8.009 need not file information which duplicates that already provided pursuant to another requirement of this chapter ~~either rule~~, but shall make specific reference to where such information may be found in the filing.

Specific Authority: 366.05, F.S.

Law Implemented: 364.04 ~~366.094~~, F.S.

History: Repromulgated 1/8/75, Amended 10/1/75, 12/20/75, 10/12/81, formerly 25-8.03, amended 7/27/86, 07/27/95.

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3 25-8.005 Form and Style. Applications shall be printed or
4 typewritten on 8½-inch by 11-inch legal-size paper and, ~~if not~~
5 ~~printed, shall be typewritten.~~ The impression shall be on only one
6 side of the paper and shall be double-spaced, except that
7 quotations in excess of 50 words ~~a few lines~~ shall be single-spaced
8 and indented. ~~Mimeographed, multilithed or dittoed copies shall be~~
9 ~~accepted as typewritten provided all copies are clearly legible.~~
10 The original application and exhibits shall be submitted unbound;
11 all copies of the application and ~~Applications and all~~ exhibits
12 ~~submitted~~ shall be bound ~~at the top.~~ The original of each
13 application shall be signed in ink by the party in interest or by
14 counsel and shall show the street and mailing ~~office and Post~~
15 ~~office~~ address of the same. All other copies filed shall be fully
16 conformed.

17 Specific Authority: 366.05, F.S.

18 Law Implemented: 366.04, F.S.

19 History: Repromulgated 1/8/75, Amended 10/12/81, formerly 25-8.05,
20 amended 7/27/86, _____.

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CODING: Words underlined are additions; words in
~~struck through~~ type are deletions from existing law.

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25-8.006 Number of Copies. Either an ~~An~~ original and five
two copies or an original, one copy, and a copy on diskette shall
be submitted.

Specific Authority: 366.05, F.S.

Law Implemented: 366.04, F.S.

History: Repromulgated 1/8/75, formerly 25-8.06, amended 7/27/86,
07/27/95.

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25-8.009 Consummation Reports.

(1) Within ~~ninety~~ (90) days after the end of any fiscal year in which it issues securities, ~~closing of each securities transaction~~ the each utility issuing debt or equity in a fiscal year shall file either an original and three copies or an original, one copy, and a copy on diskette of a securities transaction a consummation report with the Commission. ~~In addition to the following information, the~~ The report shall list each state the fact of such issue that occurred in the fiscal year just ended, and state each issue's ~~its~~ terms and conditions, any amounts ~~amount~~ realized or net proceeds from each the issue, and the expenses of each issue. The report shall also contain a statement showing ~~proforma~~ capitalization, and pretax interest coverage, and together with debt interest and preferred stock dividend requirements as of the end of the preceding fiscal year, ~~and the expenses of the issue.~~ Each utility shall concurrently file either four copies or two copies and a copy on diskette of the following:

(a) Copies of each mortgage, indenture, or other agreement under which the securities were issued and of the prospectus, and any supplement or amendment thereto ~~form S-7, and form 10K~~ for each security issued, if applicable.

(b) A ~~signed~~ copy of each signed opinion of counsel with respect to the legality of each ~~the~~ issue.

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3 (c) A copy of each ~~the~~ first filing of registration with the
4 Securities and Exchange Commission, complete with financial
5 exhibits, any other statements ~~statement~~ filed with that agency
6 concerning each ~~the~~ issue, including the utility's most current
7 Form 10-K, and a copy of each application and exhibit filed with
8 any other state regulatory body in connection with each ~~the~~ issue.

9 (d) A copy of all contracts, underwritings, and other
10 arrangements providing for the sale or marketing of the securities.

11 (e) A statement as to underwriter's and finder's fees, if
12 any, for each issue as follows:

- 13 1. The name and address of each underwriter, the
14 respective amount underwritten, and the amount of
15 the underwriter's fee.
- 16 2. The name and address of each known person receiving
17 or entitled to a fee other than an underwriter's
18 fee for services in connection with the negotiation
19 or consummation of an issue or sale of securities,
20 or for services in securing underwriters, sellers
21 or purchasers of securities and the amount of such
22 fee. For the purpose of this subsection, such a
23 fee shall be referred to as a finder's fee, but
24 shall not include fees paid or to be paid for
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technical services or for the services of an attorney or an accountant.

3. The affiliation, direct or indirect, through directors, officers, or stockholders, or through ownership of securities or otherwise existing between applicant and any such underwriter or finder.

4. When ~~In case~~ a finder's fee is involved, the facts showing the necessity for the employment of the finder, the services rendered, and the reasonableness of the fee.

~~(f) A statement showing total amount and per unit price, interest cost or required dividend, underwriting commissions, and net proceeds to the utility. The statement shall also include an itemization by description and amount of all other expenses incident to the issue and sale of the securities.~~

Specific Authority: 366.05, F.S.

Law Implemented: 366.04, F.S.

History: Repromulgated 1/8/75, Amended 10/12/81, formerly 25-8.09, amended 7/27/86, 07/27/95.

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