

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date April 22, 1996

Docket No. 960515-0T

1. Division Name/Staff Name Appeals/C.Moore
2. OPR Christiana T. Moore (APP)
3. OCR Robert Pierson (LEG); Noreen Davis (LEG); Judy Harlow (RRR)

4. Suggested Docket Title Proposed Repeal of Rules 25-22.009, 25-22.010, 25-22.011, 25-22.040, 25-22.102, and 25-22.106, F.A.C.; and Amendment of Rules 25-22.005(2)(e), 25-22.0376(1), 25-22.042(2), and 25-22.060(3)(b), F.A.C. to delete unnecessary provisions.

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES ONLY for regulated companies or ACRONYMS ONLY regulated industries, as shown in Rule 25-22.104, F.A.C.
B. Provide COMPLETE name and address for all others. (Match representatives to clients.)

1. Parties and their representatives (if any)

2. Interested Persons and their representatives (if any)

N/RM-EGSTW

6. Check one:

- Documentation is attached.
 Documentation will be provided with the recommendation.

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PSC/RAR 10 (Revised 01/96)

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

1 **25-22.005 Noticing Address Files.**

2 The Division of Records and Reporting ("the Division") shall
3 maintain a main noticing address file for purposes of distributing
4 Commission agenda, notices of workshops and rulemaking and, where
5 appropriate, other notices and orders. The Division shall also
6 maintain an individual noticing address file for each docket for
7 purposes of distributing Commission notices and orders issued in
8 that docket.

9 (1) Main File. **No change.**

10 (a) - (f) **No change.**

11 (2) The three lists described in paragraphs (1)(d-f) are
12 further subdivided into the following categories:

13 (a) Electric

14 (b) Gas

15 (c) Telecommunications

16 (d) Water and Wastewater

17 (e) ~~Railroad~~

18 ~~(f)~~ Practice and Procedure

19 (3) - (8) **No change.**

20 Specific Authority: 120.53, F.S.

21 Law Implemented: 120.53, F.S.

22 History: New 8/20/84, formerly 25-22.05, Amended_____.

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

1 Rule 25-22.009 Size of Paper Filed With Commission.

2 ~~(1) Beginning on January 1, 1990, all petitions, pleadings,~~
3 ~~and motions filed with the Commission and all orders, opinions, and~~
4 ~~other official documents issued by the Commission shall be on paper~~
5 ~~measuring 8 1/2 by 11 inches in size. However, the Commission~~
6 ~~shall use legal size paper when necessary to comply with the filing~~
7 ~~requirements of any court or other administrative body.~~

8 ~~(2) Correspondence and other documents filed with or issued~~
9 ~~by the Commission should also be on 8 1/2 by 11 inch paper where~~
10 ~~possible. Maps, data spreadsheets, and similar documents may be on~~
11 ~~larger paper.~~

12 Specific Authority: 120.53, F.S.

13 Law Implemented: 120.53, F.S.

14 History: New 2/12/90, Repealed.

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1 **25-22.010 Commencement of Rulemaking Proceedings.**

2 ~~Proceedings held for the adoption, amendment or repeal of a~~
3 ~~Commission rule shall be conducted according to the provisions of~~
4 ~~Chapter 120, F.S., and these rules. Rulemaking proceedings shall~~
5 ~~commence upon the Commission's own initiative, or on the petition~~
6 ~~of a person regulated by the Commission, or on the petition of a~~
7 ~~person having a substantial interest in a Commission rule. A~~
8 ~~proceeding shall be deemed to have been initiated upon publication~~
9 ~~of notice by the Commission in the Florida Administrative Weekly.~~

10 Specific Authority: 120.53, F.S.

11 Law Implemented: 120.53, F.S.

12 History: New 12/21/81, formerly 25-22.10, Repealed.

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16 **25-22.011 Notice of Rulemaking; Proceeding and the Proposed**

17 **Rules.** ~~Except as provided in the Commission's rules on the~~
18 ~~adoption of emergency rules, notice of its intention to adopt,~~
19 ~~amend, or repeal a rule shall be given by the Commission as~~
20 ~~provided in Section 120.54(1), F.S.~~

21 Specific Authority: 120.53, F.S.

22 Law Implemented: 120.53, F.S.

23 History: New 12/21/81, formerly 25-22.11, Repealed.

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1 25-22.0376 Reconsideration of Prehearing Officer Orders.

2 (1) Any party who is adversely affected by an order of a
3 prehearing officer may seek reconsideration by the Commission panel
4 assigned to the proceeding by filing a motion in support thereof
5 within 10 days after issuance of the order. ~~For the purposes of~~
6 ~~this rule, orders of the prehearing officer shall not be considered~~
7 ~~non final orders subject to Rule 25-22.060(3)(b), Florida~~
8 ~~Administrative Code.~~ The Commission shall not entertain a motion
9 for reconsideration of an order disposing of a motion for
10 reconsideration.

11 (2) - (5) **No change.**

12 Specific Authority: 120.53, F.S.

13 Law Implemented: 120.53, F.S.

14 History: New 9/3/95, Amended _____.

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1 25-22.040 Notice of Hearings. ~~The presiding officer shall~~
2 ~~set the time and place for all hearings and shall issue notice~~
3 ~~thereof on all parties of record. No less than fourteen (14) days~~
4 ~~notice shall be given for the final hearing on the merits of the~~
5 ~~petition, complaint, application or other initial pleading unless~~
6 ~~otherwise agreed by the parties. The notice of hearing shall~~
7 ~~contain the statements set out in Section 120.57(1)(b)2, F.S. No~~
8 ~~less than seven (7) days notice shall be given for all other~~
9 ~~hearings.~~

10 Specific Authority: 120.53, F.S.

11 Law Implemented: 120.53, F.S.

12 History: New 12/21/81, formerly 25-22.40, Repealed.

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1 25-22.042 Dismissal.

2 (1) The failure or refusal of a party to comply with any
3 lawful order may be cause for dismissing the party from the
4 proceeding.

5 ~~(2) The presiding officer shall serve upon all parties~~
6 ~~written notice of any recommended order entered pursuant to~~
7 ~~Subsection (1). Not later than fourteen (14) days after service of~~
8 ~~notice, the party against whom such an order is entered may file a~~
9 ~~motion requesting that the recommendation for or dismissal be set~~
10 ~~aside and stating the ground relied upon.~~ If a dismissal is
11 entered against the party who has the burden of proof, the
12 proceeding will be dismissed. If a dismissal is entered against a
13 party who does not have the burden of proof, the party shall not be
14 allowed to participate in the proceeding as a party.

15 Specific Authority: 120.53, F.S.

16 Law Implemented: 120.53, F.S.

17 History: New 12/21/81, formerly 25-22.42, Amended.

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1 25-22.060 Motion for Reconsideration

2 (1) Scope and general provisions.

3 (a) - (f) **No change.**

4 (2) Contents. **No change.**

5 (3) Time.

6 (a) A motion for reconsideration of a final order shall be
7 filed within fifteen (15) days after issuance of the order.

8 ~~(b) A motion for reconsideration of a nonfinal order may be~~
9 ~~filed at any time prior to the issuance of a final order. However,~~
10 ~~except for good cause shown, unless the motion is filed within~~
11 ~~fifteen (15) days after the issuance of the nonfinal order, the~~
12 ~~Commission may rule upon that motion in its final order.~~

13 ~~(e)~~ A response to a motion for reconsideration or a cross
14 motion for reconsideration shall be served within seven (7) days of
15 service of the motion for reconsideration to which the response or
16 cross motion is directed. A response to a cross motion for
17 reconsideration shall be served within seven (7) days of service of
18 the cross motion.

19 Specific Authority: 120.53, F.S.

20 Law Implemented: 120.53, F.S.

21 History: New 12/21/61, Amended 10/4/84, formerly 25-22.60, Amended

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1 25-22.102 Public Inspection and Duplication. Commission
2 ~~orders shall be made available from the agency for public~~
3 ~~inspection and copying.~~

4 Specific Authority: 120.533, F.S.

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

6 History: New 9/24/92, Amended 12/27/94, _____.

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14 25-22.106 Maintenance of Records. ~~Orders shall be maintained~~
15 ~~by the Commission pursuant to the retention schedule approved by~~
16 ~~the Department of State, Division of Library and Information~~
17 ~~Services.~~

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

19 Law Implemented: 119.041(2) F.S.

20 History: New 9/24/92, Amended 12/27/94, _____.

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