

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 960515-OT

RULE TITLE:

RULE NO.:

Notice Address Files

25-22.005

Size of Paper Filed With Commission

25-22.009

Commencement of Rulemaking Proceedings

25-22.010

Notice of Rulemaking: Proceeding

and the Proposed Rules

25-22.011

Reconsideration of Non-Final

~~Prehearing Officer~~ Orders

25-22.0376

Notice of Hearings

25-22.040

Dismissal

25-22.042

Motion for Reconsideration

25-22.060

Public Inspection and Duplication

25-22.102

Maintenance of Records

25-22.106

PURPOSE AND EFFECT: To delete unnecessary or obsolete provisions of Commission rules governing practice and procedure.

SUMMARY: Rule provisions that are obsolete, or that are unnecessary because they reiterate statutes, are being repealed or amended. In addition, Rule 25-22.0376 is amended to apply to reconsideration of

all non-final orders.

RULEMAKING AUTHORITY: 120.53, 120.53(2)(f), 120.533 FS.

LAW IMPLEMENTED: 119.041(2), 120.53, 120.53(2)(a)(1)-(5), 350.06(7)

FS.

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

DOCUMENT NUMBER-DATE

05184 MAY-88

FPSC-RECORDS/REPORTING

RECEIVED
MAY - 8 AM 11:15
TALLAHASSEE, FLORIDA
ORIGINAL
FILE COPY

AKK _____
APA _____
APC _____
CME _____
CML _____
CTM _____
DAG _____
LEG _____
LWJ _____
ORC _____
RCH _____
SEC 1 _____
WAS _____

PROCEEDING.

NO HEARING WILL BE HELD BECAUSE THIS RULE RELATES 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, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399.

THE FULL TEXT OF THESE RULES ARE:

25-22.005 Noticing Address Files.

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

(1) Main File. No change.

(a) - (f) No change.

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

(a) Electric

(b) Gas

(c) Telecommunications

(d) Water and Wastewater

(e) ~~Railroad~~

~~(f)~~ Practice and Procedure

(3) - (8) No change.

Specific Authority: 120.53 FS.

Law Implemented: 120.53 FS.

History: New 8-20-84, formerly 25-22.05, Amended.

Rule 25-22.009 Size of Paper Filed With Commission.

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

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

Specific Authority: 120.53 FS.

Law Implemented: 120.53 FS.

History: New 2-12-90, Repealed.

25-22.010 Commencement of Rulemaking Proceedings.

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

Specific Authority: 120.53 FS.

Law Implemented: 120.53 FS.

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

25-22.011 Notice of Rulemaking; Proceeding and the Proposed Rules. ~~Except as provided in the Commission's rules on the adoption of emergency rules, notice of its intention to adopt, amend, or repeal a rule shall be given by the Commission as provided in Section 120.54(1) FS.~~

Specific Authority: 120.53 FS.

Law Implemented: 120.53 FS.

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

25-22.0376 Reconsideration of Non-Final Prehearing Officer Orders.

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

(2) - (5) No change.

Specific Authority: 120.53 FS.

Law Implemented: 120.53 FS.

History: New 9-3-95, Amended.

25-22.040 Notice of Hearings. ~~The presiding officer shall set the time and place for all hearings and shall issue notice thereof on all parties of record. No less than fourteen (14) days notice~~

~~shall be given for the final hearing on the merits of the petition
complaint, application or other initial pleading unless otherwise
agreed by the parties. The notice of hearing shall contain the
statements set out in Section 120.57(1)(b)2, FS. No less than seven
(7) days notice shall be given for all other hearings.~~

Specific Authority: 120.53 FS.

Law Implemented: 120.53, FS.

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

25-22.042 Dismissal.

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

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

Specific Authority: 120.53 FS.

Law Implemented: 120.53, FS.

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

25-22.060 Motion for Reconsideration

(1) Scope and general provisions.

(a) - (f) No change.

(2) Contents. No change.

(3) Time.

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

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

~~(c)~~ A response to a motion for reconsideration or a cross motion for reconsideration shall be served within seven (7) days of service of the motion for reconsideration to which the response or cross motion is directed. A response to a cross motion for reconsideration shall be served within seven (7) days of service of the cross motion.

Specific Authority: 120.53 FS.

Law Implemented: 120.53 FS.

History: New 12-21-81, Amended 10-4-84, formerly 25-22.60, Amended

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

Specific Authority: 120.533 FS.

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

History: New 9-24-92, Amended 12-27-94, Repealed.

25-22.106 Maintenance of Records. ~~Orders shall be 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) FS.

Law Implemented: 119.041(2) FS.

History: New 9-24-92, Amended 12-27-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULES: Robert Pierson.

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULES:

Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: May 7, 1996