

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
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JOE GARCIA



DIVISION OF APPEALS
DAVID E. SMITH
DIRECTOR
(904) 413-6245

Public Service Commission

May 16, 1996

Mr. Carroll Webb
Joint Administrative Procedures
Committee
120 Holland Building
Tallahassee, Florida 32399

Re: Docket No. 960515-OT - 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 or Obsolete Provisions

Dear Mr. Webb:

Enclosed are an original and two copies of the following materials concerning the above referenced proposed rule:

1. A copy of the rules.
2. A copy of the F.A.W. notice.
3. A statement of facts and circumstances justifying the proposed rules.
4. A federal comparison statement.
5. A statement of the impact of the rules on small business.
6. No economic impact statement was prepared.
7. A statement that the agency has chosen the regulatory alternative that imposes the lowest net cost to society.

ACK _____
 AFA _____
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05512 MAY 17 96

Mr. Carroll Webb
May 16, 1996
Page -2-

If there are any questions with respect to these rules, please do not hesitate to call on me.

Sincerely,



Christiana T. Moore
Associate General Counsel

AD25-2207.MRD

Enclosures

cc: Division of Records & Reporting

DOCUMENT NUMBER-DATE
05512 MAY 17 1996
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. The main noticing address file shall contain a
10 single name, address and telephone number for each utility subject
11 to Commission jurisdiction, the Public Counsel, the Clerk of each
12 Board of County Commissioners and the chief executive officer of
13 each municipality. This file shall also contain a name, address
14 and telephone number for each person requesting in writing to be
15 included in the file on one or more of the following lists:

16 (a) Persons requesting the Commission agenda (subject to payment
17 of subscription fee);

18 (b) Persons requesting the weekly report of new dockets (subject
19 to payment of subscription fee);

20 (c) Persons requesting the weekly summary of Commission orders
21 (subject to payment of subscription fee);

22 (d) Persons requesting notices of Commission workshops;

23 (e) Persons requesting notices of proposed rulemaking; and

24 (f) Persons requesting copies of Commission notices of hearings
25 and orders initiating industry-wide nonrule proceedings. Any

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1 person seeking to be on this list shall state with specificity how
2 his substantial interests may be affected by Commission action in
3 the categories of his interest. (For instance, a customer's rates
4 or service may be affected, or a regulated utility's rates or
5 service may be affected). Absent such a showing, a person will not
6 be included on this list.

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

- 9 (a) Electric
- 10 (b) Gas
- 11 (c) Telecommunications
- 12 (d) Water and Wastewater
- 13 (e) Railroad
- 14 ~~(f)~~ Practice and Procedure

15 (3) Any person seeking to be included in the main noticing
16 address file shall file a written request with the Division. The
17 request shall state the name, address and telephone number the
18 person seeks to have placed in the file, as well as the list(s) and
19 category(ies) in which the person desires to be included. Persons
20 entitled to practice before the Commission under Rule 25-22.008 may
21 request inclusion in the file as representatives of their
22 client(s). A request for inclusion in the rulemaking list does not
23 constitute a request for a notice of change to a proposed rule
24 under Section 120.54(11)(a).

25 (4) Purge of Main File. During the first quarter of each

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1 | calendar year the Division shall transmit to all persons listed in
2 | the main file under the lists described in (1)(a-f) a written
3 | request to confirm the name, address and telephone number on file
4 | and the types of notices to be received. Any person who fails to
5 | confirm the foregoing in writing within 30 days after the date of
6 | the Division's request shall be stricken from the main noticing
7 | address file.

8 | (5) Addresses of Regulated Companies. Each regulated company,
9 | as defined in Section 350.113, F.S., shall, in writing and within
10 | 30 days of the effective date of this rule, provide the Division
11 | with a single official mailing address to be placed in the main
12 | noticing address file. Except in a docket where a company
13 | representative has previously provided an alternative address, the
14 | Commission is obliged only to transmit its orders, notices and
15 | other documents (such as regulatory assessment fee notices and
16 | annual report forms) to the official address. The Commission may,
17 | solely as a courtesy, transmit documents to additional addresses.
18 | Initial pleadings served by parties shall be transmitted to the
19 | official address on file. When a regulated company has filed a
20 | document in a docket and such document shows the name and address
21 | of counsel or other official representative and that name and
22 | address is different from the official mailing address it shall be
23 | recorded in the docket mailing address file in lieu of the official
24 | address. All documents thereafter served on the regulated company
25 | shall be transmitted to that address.

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1 (6) Docket File. Individual docket mailing address files shall
2 be maintained as part of each docket file and contain the name,
3 address and phone number of each party of record, or its
4 representative, and each person requesting copies of notices and
5 orders issued in that docket and qualifying under this subsection.

6 (a) Any person, other than a party of record, seeking to be on
7 an individual docket noticing address file shall file a written
8 request with the Division. Such request shall state the name,
9 address and telephone number the person seeks to have placed in the
10 file and, except for rulemaking dockets, shall state with
11 specificity how his substantial interests may be affected by
12 Commission action in that docket. (For instance, the docket may
13 affect a customer's rates or service, or may have a potential
14 impact on other utilities in similar circumstances). Absent such
15 a showing, a person will not be included in the docket noticing
16 address file. Persons entitled to practice before the Commission
17 under Rule 25-22.008 may request inclusion in the file as
18 representatives of their client(s).

19 (7) Change of Name, Address, Telephone. Each person included
20 in the main noticing address file or in any docket noticing address
21 file shall, in writing, notify the Division (and any parties of
22 record in a docketed matter) of any change in name, address or
23 telephone number. Any notice, order or other document served on
24 the name and address on file prior to the date of receipt of such
25 written notification shall be considered properly served.

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1 (8) The Division Director may grant requests to be placed in the
2 main file under (1)(f) or requests to be placed in a docket
3 noticing address file. The Chairman will rule on all such requests
4 that the Division Director recommends be denied.

5 **Specific Authority:** 120.53, F.S.

6 **Law Implemented:** 120.53, F.S.

7 **History:** New 8/20/84, formerly 25-22.05, Amended .
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1 File 25-22.009 Size of Paper Filed With Commission.

2 ~~(1) Beginning on January 1, 1990, all petitions, pleadings, and~~
3 ~~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 by~~
9 ~~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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25-22.010 Commencement of Rulemaking Proceedings.

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

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

6 Specific Authority: 120.53, F.S.

7 Law Implemented: 120.53, F.S.

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

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1 25-22.0376 Reconsideration of Non-Final Prehearing Officer
2 Orders.

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

12 (2) A party may file a response to a motion for reconsideration
13 within 7 days after service of the motion for reconsideration.

14 (3) Failure to timely file a motion for reconsideration or a
15 response shall constitute a waiver of the right to do so.

16 (4) Any motion or response filed pursuant to this rule shall
17 contain a concise statement of the grounds therefor and the
18 signature of counsel or other person filing the motion.

19 (5) Oral argument on any motion filed pursuant to this rule may
20 be granted at the discretion of the Commission. A party who fails
21 to file a written response to a point on reconsideration shall be
22 precluded from responding to that point during oral argument.

23 **Specific Authority:** 120.53, F.S.

24 **Law Implemented:** 120.53, F.S.

25 **History:** New 9/3/95, Amended.

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

9 **Specific Authority:** 120.53, F.S.

10 **Law Implemented:** 120.53, F.S.

11 **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 lawful
3 order may be cause for dismissing the party from the proceeding.

4 ~~(2) The presiding officer shall serve upon all parties written~~
5 ~~notice of any recommended order entered pursuant to Subsection (1).~~

6 ~~Not later than fourteen (14) days after service of notice, the~~

7 ~~party against whom such an order is entered may file a motion~~

8 ~~requesting that the recommendation for or dismissal be set aside~~

9 ~~and stating the ground relied upon.~~ If a dismissal is entered

10 against the party who has the burden of proof, the proceeding will

11 be dismissed. If a dismissal is entered against a party who does

12 not have the burden of proof, the party shall not be allowed to

13 participate in the proceeding as a party.

14 **Specific Authority:** 120.53, F.S.

15 **Law Implemented:** 120.53, F.S.

16 **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) Any party to a proceeding who is adversely affected by an
4 order of the Commission may file a motion for reconsideration of
5 that order. The Commission will not entertain any motion for
6 reconsideration of any order which disposes of a motion for
7 reconsideration. The Commission will not entertain a motion for
8 reconsideration of a Notice of Proposed Agency Action issued
9 pursuant to Rule 25-22.029, regardless of the form of the Notice
10 and regardless of whether or not the proposed action has become
11 effective under Rule 25-22.029(6).

12 (b) A party may file a response to a motion for reconsideration
13 and may file a cross motion for reconsideration. A party may file
14 a response to a cross motion for reconsideration.

15 (c) A final order shall not be deemed rendered for the purpose
16 of judicial review until the Commission disposes of any motion and
17 cross motion for reconsideration of that order, but this provision
18 does not serve automatically to stay the effectiveness of any such
19 final order. The time period for filing a motion for
20 reconsideration is not tolled by the filing of any other motion for
21 reconsideration.

22 (d) Failure to file a timely motion for reconsideration, cross
23 motion for reconsideration, or response, shall constitute waiver of
24 the right to do so.

25 (e) A motion for reconsideration of an order adopting, repealing

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1 or amending a rule shall be treated by the Commission as a petition
2 to adopt, repeal or amend a rule under §120.54(5), F.S., and Rule
3 25-22.012.

4 (f) Oral argument on any pleading filed under this rule shall
5 be granted solely at the discretion of the Commission. A party who
6 fails to file a written response to a point on reconsideration is
7 precluded from responding to that point during the oral argument.

8 (2) Contents. Any motion or response filed pursuant to this
9 rule shall contain a concise statement of the grounds for
10 reconsideration, and the signature of counsel, if any.

11 (3) Time.

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

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

19 ~~(e)~~ A response to a motion for reconsideration or a cross motion
20 for reconsideration shall be served within seven (7) days of
21 service of the motion for reconsideration to which the response or
22 cross motion is directed. A response to a cross motion for
23 reconsideration shall be served within seven (7) days of service of
24 the cross motion.

25 **Specific Authority: 120.53, F.S.**

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~~struck through~~ type are deletions from existing law.

1 Law Implemented: 120.53, F.S.

2 History: New 12/21/81, 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, Repealed.
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1 25-22.106 Maintenance of Records. ~~Orders shall be maintained~~
2 ~~by the Commission pursuant to the retention schedule approved by~~
3 ~~the Department of State, Division of Library and Information~~
4 ~~Services.~~

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

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

7 History: New 9/24/92, Amended 12/27/94, Repealed.
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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 <u>Non-Final</u> 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

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 intent 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.

~~(1)~~ 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

Rules 25-22.009, 25-
22.010, 25-22.011, 25-
22.040, 25-22.102, 25-
22.106, 25-22.005(2)(e),
25-22.0376(1), 25-
22.042(2), and 25-
22.060(3)(b)
Docket No. 960515-OT

**STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE**

The Commission and other state agencies were asked by the President of the Florida Senate last year to identify rules that are unnecessary, redundant, overlapping, or obsolete. In its response to that request, the Commission identified the procedural rules in this docket and stated that it would proceed with repealing them.

25-22.005(2)(e), Noticing Address Files. This rule lists the different categories of industries to receive certain Commission notices and includes, in subsection (2)(e), "railroads." Because the Public Service Commission no longer regulates railroads, this rule is obsolete.

Rule 25-22.009 Size of Paper Filed With Commission: Rule 25-22.009(1) requires pleadings filed with the Commission to be on 8 1/2 by 11-inch paper beginning January 1, 1990. The rule was adopted to inform persons of the transition from the use of legal-size to letter-size paper. Since use of letter-size paper is now standard practice, the rule is unnecessary. Subsection (2) of the rule is also unnecessary.

25-22.010 Commencement of Rulemaking Proceedings. This rule is unnecessary because it merely states that rulemaking will be conducted pursuant to Chapter 120, Florida Statutes, and how rulemaking is commenced in general terms. Statutes and other rules, including Rule 25-22.012, entitled "Petitions to Initiate Rulemaking Proceedings," inform the public more specifically how rulemaking is commenced.

25-22.011 Notice of Rulemaking; Proceeding and the Proposed Rules. Rule 25-22.011 requires the Commission to give notice of its intent to adopt, amend, or repeal a rule as provided by statute. It is unnecessary for the Commission to require itself by rule to give a notice that is required by statute.

25-22.0376(1) Reconsideration of Prehearing Officer Orders. The second sentence of this rule provides that orders of a prehearing officer are not nonfinal orders that are subject to Rule 25-22.060(3)(b), which authorizes filing of a motion for reconsideration of a nonfinal order at any time. This rule is unnecessary if the Commission repeals Rule 25-22.060(3)(b) as recommended by Staff and discussed below. The rule is amended to

apply to reconsideration of any nonfinal order, and not just those issued by a prehearing officer, because there are some prehearing orders issued by the Commission or a Commission panel.

25-22.040 Notice of Hearings. This rule requires 14 days notice of final hearings; requires the notice to contain the statements set out in section 120.57(1)(b)2, Florida Statutes; and requires at least seven days notice for all other hearings. The rule is unnecessary because it merely reiterates the provisions of sections 120.57(1)(b)2. and 120.53(1)(d), Florida Statutes, and addresses a subject that is covered in more detail in Rules 25-22.0405 through 25-22.0408.

25-22.042(2) Recommended Order for Dismissal. Rule 25-22.042(2) provides the procedure for a hearing officer to enter a recommended order dismissing a party for failure to comply with a Commission order. This part of the rule is obsolete because the Commission no longer employs hearing officers and the procedure does not conform to current practice.

25-22.060(3)(b) Motion for Reconsideration of Nonfinal Order. This provision, which is in the rule on Motions for Reconsideration in the post-hearing part of Rule Chapter 25-22, describes the procedure for reconsideration of a nonfinal order prior to issuance of a final order. The rule is obsolete because there are no post-hearing nonfinal orders to which it applies. Reconsideration of pre-hearing nonfinal orders is covered under Rule 25-22.0376.

25-22.102 Public Inspection and Duplication. Rule 25-22.102, which requires the Commission to make its orders available for public inspection and copying, restates section 120.53(2)(a)2., Florida Statutes, and is unnecessary.

25-22.106 Maintenance of Records. This rule, which requires records to be maintained pursuant to a Department of State approved retention schedule, merely restates the requirements of section 120.532, Florida Statutes, and is unnecessary.

STATEMENT ON FEDERAL STANDARDS

There is no federal standard on the same subject.

STATEMENT OF IMPACT ON SMALL BUSINESS

The agency determined that repeal or revision of these rules does not result in an increase in costs and has no significant adverse effects on any party or business.

STATEMENT THAT THE AGENCY HAS CHOSEN THE REGULATORY ALTERNATIVE THAT IMPOSES THE LOWEST NET COST ALTERNATIVE TO SOCIETY

Repeal or revision of these rules does not impose any costs.