

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Repeal of Rules ) DOCKET NO. 960515-OT  
25-22.009, 25-22.010, 25-22.011, ) ORDER NO. PSC-96-0820-FOF-OT  
25-22.040, 25-22.102, and 25- ) ISSUED: June 25, 1996  
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 )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF ADOPTION

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has repealed Rules 25-22.009, 25-22.010, 25-22.011, 25-22.040, 25-22.102, and 25-22.106, F.A.C., and amended Rules 25-22.005(2)(e), 25-22.042(2), and 25-22.060(3)(b), F.A.C., Florida Administrative Code, to delete unnecessary or obsolete provisions without changes.

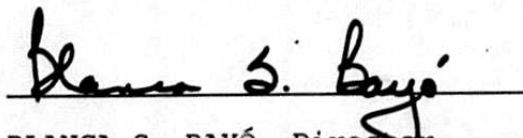
The rules were filed with the Department of State on June 21, 1996 and will be effective on July 11, 1996. A copy of the rule as filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

DOCUMENT NUMBER-DATE  
06794 JUN 25 96  
FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 25th  
day of June, 1996.

A handwritten signature in black ink, reading "Blanca S. Bayó", is written over a horizontal line. The signature is cursive and includes a flourish at the end.

BLANCA S. BAYÓ, Director  
Division of Records & Reporting

( S E A L )

CTM

**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. The main noticing address file shall contain a single name, address and telephone number for each utility subject to Commission jurisdiction, the Public Counsel, the Clerk of each Board of County Commissioners and the chief executive officer of each municipality. This file shall also contain a name, address and telephone number for each person requesting in writing to be included in the file on one or more of the following lists:

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

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

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

(d) Persons requesting notices of Commission workshops;

(e) Persons requesting notices of proposed rulemaking; and

(f) Persons requesting copies of Commission notices of hearings and orders initiating industry-wide nonrule proceedings. Any person seeking to be on this list shall state with specificity how his substantial interests may be affected by Commission action in the categories of his interest. (For instance, a customer's rates or service may be affected, or a regulated utility's rates or service may be affected). Absent such a showing, a person will not be included on this list.

(2) The three lists described in paragraphs (1)(d-f) are further subdivided into<sup>\*</sup> the following categories:

- (a) Electric
- (b) Gas
- (c) Telecommunications
- (d) Water and Wastewater
- (e) Railroad
- ~~(f)~~ Practice and Procedure

(3) Any person seeking to be included in the main noticing address file shall file a written request with the Division. The request shall state the name, address and telephone number the person seeks to have placed in the file, as well as the list(s) and category(ies) in which the person desires to be included. Persons entitled to practice before the Commission under Rule 25-22.008 may request inclusion in the file as representatives of their client(s). A request for inclusion in the rulemaking list does not

constitute a request for a notice of change to a proposed rule under Section 120.54(11)(a).

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

(5) Addresses of Regulated Companies. Each regulated company, as defined in Section 350.113, F.S., shall, in writing and within 30 days of the effective date of this rule, provide the Division with a single official mailing address to be placed in the main noticing address file. Except in a docket where a company representative has previously provided an alternative address, the Commission is obliged only to transmit its orders, notices and other documents (such as regulatory assessment fee notices and annual report forms) to the official address. The Commission may, solely as a courtesy, transmit documents to additional addresses. Initial pleadings served by parties shall be transmitted to the official address on file. When a regulated company has filed a document in a docket and such document shows the name and address of counsel or other official representative and that name and

address is different from the official mailing address it shall be recorded in the docket mailing address file in lieu of the official address. All documents thereafter served on the regulated company shall be transmitted to that address.

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

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

(7) Change of Name, Address, Telephone. Each person included in the main noticing address file or in any docket noticing address

file shall, in writing, notify the Division (and any parties of record in a docketed matter) of any change in name, address or telephone number. Any notice, order or other document served on the name and address on file prior to the date of receipt of such written notification shall be considered properly served.

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

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

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

**History:** New 8/20/84, formerly 25-22.05, Amended 7/11/96.

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

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

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

**History:** New 2/12/90, Repealed 7/11/96.

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

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

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

**History:** New 12/21/81, formerly 25-22.10, Repealed 7/11/96.

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

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

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

**History:** New 12/21/81, formerly 25-22.11, Repealed 7/11/96.

**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) A party may file a response to a motion for reconsideration within 7 days after service of the motion for reconsideration.

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



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

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

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

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

**History:** New 9/3/95, Amended 7/11/96.

**25-22.040 Notice of Hearings.**

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

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

**History:** New 12/21/81, formerly 25-22.40, Repealed 7/11/96.

**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, F.S.

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

**History:** New 12/21/81,<sup>4</sup> formerly 25-22.42, Amended 7/11/96.

**25-22.060 Motion for Reconsideration**

(1) Scope and general provisions.

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

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

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

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

(e) A motion for reconsideration of an order adopting, repealing or amending a rule shall be treated by the Commission as a petition to adopt, repeal or amend a rule under §120.54(5), F.S., and Rule 25-22.012.

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

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

(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, F.S.

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

**History:** New 12/21/81, Amended 10/4/84, formerly 25-22.60, Amended 7/11/96.

**25-22.102 Public Inspection and Duplication.**

**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 12/27/94, Repealed 7/11/96.

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**25-22.106 Maintenance of Records.**

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

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

**History: New 9/24/92, Amended 12/27/94, Repealed 7/11/96.**