

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to Adopt Rules) DOCKET NO. 960258-WS
on Margin Reserve and Imputation) ORDER NO. PSC-96-1153-PCO-WS
of Contributions-In-Aid-Of-) ISSUED: September 16, 1996
Construction on Margin Reserve)
Calculation, by Florida)
Waterworks Association)

ORDER ESTABLISHING PROCEDURES TO BE FOLLOWED
AT RULEMAKING HEARING

I. Background

The Commission has proposed Rule 25-30.431, Florida Administrative Code, on margin reserve and imputation of contributions-in-aid-of-construction on margin reserve calculations for water and wastewater utilities. The rule proposal was published in the Florida Administrative Weekly on August 2, 1996.

II. Rulemaking Hearing

A rulemaking hearing is scheduled before the full Commission at the following time and place:

9:30 a.m., December 10 and 11, 1996
Room 148, Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

The rulemaking hearing shall be governed by section 120.54, Florida Statutes, as amended by Chapter 96-159, Laws of Florida, and by Chapter 25-22, Part II, Florida Administrative Code.

III. Prehearing Procedures

Interested persons may prefile comments or testimony no later than October 18, 1996. Prefiling comments and testimony will aid the Commission in its consideration of the rules and possible alternatives and will save time at the hearing.

Prefiled comments and testimony shall be typed on 8-1/2-inch by 11-inch transcript-quality paper, double-spaced, with 25 numbered lines, on consecutively numbered pages, with left margins sufficient to allow for binding (1.25 inches).

DOCUMENT NUMBER-DATE

09777 SEP 16 86

FPSC-RECORDS/REPORTING

All alternative rule proposals must be made in writing, with copies attached to prefiled comments or testimony. Changes or additions to the proposed rule text should be shaded, and explanations of those changes or additions with cross-references to page numbers of prefiled comments or testimony should be included in footnotes to the rule text.

Each exhibit intended to support prefiled comments or testimony shall be attached to that person's comments or testimony when filed, identified by his or her initials, and consecutively numbered beginning with 1.

An original and 15 copies of all comments, testimony, and exhibits must be filed with the Director, Division of Records and Reporting, by the close of business, which is 5:00 p.m. on the date due.

Any person may prefile responsive comments or responsive testimony to the comments and testimony that are filed by October 18, 1996. The responsive comments and testimony must be filed no later than November 15, 1996, in the format described above.

See Rule 25-22.028(1), Florida Administrative Code, for the requirements of filing on diskette for certain persons.

Service on persons who filed notices of intent to participate is required. The names and addresses of those persons are:

Wayne L. Schiefelbein, Esquire, Counsel for Florida Waterworks Association, Gatlin, Woods & Carlson, 1709-D Mahan Drive, Tallahassee, FL 32308.

Brian P. Armstrong, Esquire, and Matthew J. Feil, Esquire, Southern States Utilities, Inc., 1000 Color Place, Apopka, FL 32703.

Harold McLean, Esquire, Office of Public Counsel, 111 West Madison Street, Room 812, Tallahassee, FL 32399-1400.

Mark F. Kramer, Manager of Regulatory Accounting, Utilities, Inc., 2335 Sanders Road, Northbrook, IL 60062-6196.

IV. Hearing Procedures

The Commission staff will present a summary of the economic impact statement or the statement of estimated regulatory costs and a summary of the proposed rule.

The first exhibit introduced into the record will be a composite exhibit prepared by staff, which will consist of the following documents: Florida Administrative Weekly notice and proposed rule; materials provided to the Joint Administrative Procedures Committee, which include the statement of facts and circumstances justifying rule, statement on federal standards, economic impact statement, notice of rulemaking, and statement of estimated regulatory costs; and any material, including prefiled comments and attachments, that may be submitted pursuant to Section 120.54, Florida Statutes. It shall not be necessary for participants to insert their prefiled comments and testimony into the record at the hearing. Copies of the first exhibit will be available at the hearing.

Following the staff presentation, affected persons will have the opportunity to present evidence and argument. It may be necessary to impose time limits for presentations, depending upon the number of participants. Persons with similar presentations should combine to make one presentation. If time permits, persons making presentations will be subject to questions from other persons. Such questions shall be limited only to those necessary to clarify and understand the presenter's position.

Persons who wish to participate at the hearing must register at the beginning of the hearing. The general order of presentation will be as follows:

Members of the Public
Water and Wastewater Utilities
Office of the Public Counsel
Special Interest Groups

The specific order of presentation will be determined by the presiding officer the first morning of the hearing.

V. Posthearing procedures

A transcript of the proceedings will be made available to the public on or about December 30, 1996, at cost.

Participants may file posthearing comments no later than January 16, 1997, subject to change announced at the hearing. Posthearing comments shall be typed on 8-1/2-inch by 11-inch transcript-quality paper, double-spaced, with 25 numbered lines, on consecutively numbered pages, with left margins sufficient to allow for binding (1.25 inches).

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An original and 15 copies of all posthearing comments shall be filed with the Director, Division of Records and Reporting, by the close of business which is 5:00 p.m. on the date due.

Based on the foregoing, it is

ORDERED that this order shall govern the conduct of these proceedings, as set forth above, unless modified by the Commission.

BY ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 16th day of September, 1996.



J. TERRY DEASON, Commissioner
and Prehearing Officer

(S E A L)



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: September 13, 1996
 TO: DIVISION OF RECORDS AND REPORTING
 FROM: CHRISTIANA T. MOORE, DIVISION OF APPEALS
 RE: DOCKET NO. 960258-WS

CTM

PSC-96-1153-PCO-WS

RECEIVED
SEP 13 1996

3:10

FILE NAME: OR960258.MRD

Attached is an order to be issued as soon as possible to the DIVISION OF RECORDS AND REPORTING

CTM
Attachment

MUST GO TODAY

*102 self markers. OK
M.*