

CERTIFICATION OF  
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES  
FILED WITH THE  
DEPARTMENT OF STATE

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I do hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

(2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

(a) Are filed not more than 90 days after the notice;

FOR \_\_\_\_\_ or

BY \_\_\_\_\_

DATE \_\_\_\_\_

TITLE \_\_\_\_\_

OFFICE \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_

STATE \_\_\_\_\_

ZIP \_\_\_\_\_

PHONE \_\_\_\_\_

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TELETYPE \_\_\_\_\_

INTERNET \_\_\_\_\_

OTHER \_\_\_\_\_

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending;

(c) Are filed more than 90 days after the notice, but not less than 21 days from the date of publication of the notice of change; or

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/ (d) Are filed more than 90 days after the notice, but within 21 days after the adjournment of the final public hearing on the rule; or

  / (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

  / (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

  / (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

25-8.002, 25-8.003 and 25-8.008

Under the provision of subparagraph 120.54(3)(e)6., F.S.,  
the rules take effect 20 days from the date filed with the  
Department of State or a later date as set out below:

Effective: \_\_\_\_\_  
(month) (day) (year)

  
\_\_\_\_\_  
BLANCA S. BAYÓ, Director  
Division of Records & Reporting

\_\_\_\_\_  
Number of Pages Certified

(S E A L)

CTM

1 25-8.002 Contents of Application. Each application for the  
2 authority to issue and sell securities shall contain in the manner  
3 and form and in the order indicated by this rule:

4 (1) The exact name of the applicant and address of its  
5 principal business office.

6 (2) The State under which incorporated, the date of  
7 incorporation, and the states in which domesticated.

8 (3) The name and address of the person authorized to receive  
9 notices and communications in respect to the application.

10 ~~(4) The names, titles and addresses of the principal officers~~  
11 ~~of the applicant.~~

12 ~~(5) A description of the general character of the applicant's~~  
13 ~~business, together with a designation of the territory served,~~  
14 ~~including a map showing that territory.~~

15 ~~(6) A general statement briefly describing the facilities~~  
16 ~~owned or operated by the applicant.~~

17 (4)(7) A statement detailing items contained in paragraphs  
18 (a) through (g) of this subsection for each class and series of  
19 capital stock and funded debt. The statement shall reflect the  
20 latest twelve months period shown on the balance sheet submitted  
21 with the application as Exhibit A B under Rule 25-8.003(1) (a)(b).

22 (a) A brief description;

23 (b) The amount authorized (face value and number of shares);

24 (c) The amount outstanding (exclusive of any amount held in  
25 the treasury);

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1 (d) The amount held as reacquired securities;

2 (e) The amount pledged by applicant;

3 (f) The amount owned by affiliated corporations;

4 (g) The amount held in any fund.

5 (5)~~(8)~~ A brief statement of each proposed transaction.

6 Such statement shall show:

7 (a) The kind and nature of the securities;

8 (b) The maximum principal amount of debt securities, and the  
9 maximum amount of equity securities;

10 (c) Present estimate of the interest rate(s) for the debt  
11 securities and the dividend rate(s) for the preference or preferred  
12 stocks, which estimate may be stated in terms of current rates for  
13 comparable securities.

14 (6)~~(9)~~ A statement showing in reasonable detail the  
15 purposes for which the securities are to be issued.

16 (a) If one of the purposes is the construction, completion,  
17 extension, or improvement of the facilities, identify the major  
18 generating plants and transmission lines requiring certification of  
19 need by the Commission. Also include the capital requirements  
20 needed for those projects and the actual capital expended to date.

21 (b) If one of the purposes is the reimbursement of the  
22 treasury of the applicant for expenditures against which securities  
23 have not been issued, submit a statement giving in reasonable  
24 detail such expenditures, the amounts and accounts to which  
25 charged, the associated credits, if any, and the periods during

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1 | which the expenditures were made.

2 |       (c) If one of the purposes is the refunding of obligations,  
3 | describe in reasonable detail the obligations to be refunded,  
4 | including the character, principal amounts, discount or premium  
5 | applicable thereto, date of issue and date of maturity, and all  
6 | other material facts concerning such obligations.

7 |       (7)~~(10)~~ The facts relied upon by the applicant to show that  
8 | each issue will be for some lawful object within the corporate  
9 | purposes of the applicant and compatible with the public interest  
10 | and is reasonably necessary or appropriate for such purposes.

11 |       (8)~~(11)~~ The name and address of counsel who will pass upon  
12 | the legality of the proposed issues, and names of any firms of  
13 | which they, or any of them, are members.

14 |       (9)~~(12)~~ A statement as to whether or not any application,  
15 | registration statement, etc., with respect to the transaction or  
16 | any part thereof is required to be filed with any other State or  
17 | Federal regulatory body and, if so, the name and address of each  
18 | such body.

19 |       (10)~~(13)~~ A statement of the measure of control or ownership  
20 | exercised by or over the applicant as to any public utility: where  
21 | there are any intercorporate relationships through holding  
22 | companies, ownership or securities or otherwise, a statement  
23 | regarding the nature and extent of such relationship; if not a  
24 | member of any holding company system, a statement to that effect.  
25 | Specific Authority 366.05 FS.

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1 | Law Implemented 366.04(1) FS.  
2 | History--Repromulgated 1-8-75, Amended 10-12-81, Formerly 25-8.02,  
3 | Amended 7-27-86,\_\_\_\_\_.

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1 25-8.003 Required Exhibits.

2 (1) The applicant shall file either one certified and five  
3 uncertified copies or one certified copy, one uncertified copy, and  
4 a copy on diskette of the following exhibits as part of its initial  
5 application or as an amendment to its initial application where  
6 appropriate or where indicated by this rule.

7 (a) Exhibit A. ~~A copy of the applicant's charter or articles~~  
8 ~~of incorporation with amendments to date.~~

9 ~~(b) Exhibit B.~~ The following schedules:

10 1. Balance Sheet. A balance sheet prepared as provided by  
11 the Federal Energy Regulatory Commission's Uniform System of  
12 Accounts showing the balance in each account at the close of the  
13 calendar year preceding the filing of the application, and also  
14 showing the balance in account at the end of the latest 12-month  
15 period available prior to the filing of the application.

16 2. Summary of Utility Plant and Accumulated Provision for  
17 Depreciation, Amortization, and Depletion. A summary of utility  
18 plant, amortization, and depletion prepared as provided by the  
19 Uniform System of Accounts showing the balance in each account at  
20 the close of the calendar year preceding the filing of the  
21 application, and also showing the balance in each account at the  
22 end of the latest 12-month period available prior to the filing of  
23 the application.

24 3. Income Statement. An income statement prepared as  
25 provided by the Uniform System of Accounts showing the balance in

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1 each account at the close of the calendar year preceding the filing  
2 of the application, and also showing the balance in each account at  
3 the end of the latest 12-month period available prior to the filing  
4 of the application.

5 4. Retained Earnings. A statement of retained earnings as  
6 provided by the Uniform System of Accounts, and prepared in the  
7 same manner and for the same period as the income statement in  
8 paragraph (b)~~(e)~~ of this subsection.

9 5. A statement of all known contingent liabilities except  
10 minor items involving relatively small amounts, as of the date of  
11 the application.

12 6. A utility may, however, satisfy the requirements of  
13 Exhibit A B by providing the following in lieu of the schedules  
14 listed in items ~~(1)~~ through ~~(5)~~ above:

15 (i) The financial statements and accompanying footnotes as  
16 they appear in the utility's Annual Report on Form 10-K, as filed  
17 with the United States Securities and Exchange Commission, for the  
18 most recent fiscal year ended prior to the filing of the  
19 application;

20 (ii) The financial statements and accompanying footnotes as  
21 they appear in the utility's most recent Quarterly Report on Form  
22 10-Q, as filed with the United States Securities and Exchange  
23 Commission prior to the filing of the application; and

24 (iii) Any amendments or changes to the financial  
25 information presented in the utility's most recent Form 10-K and

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1 Form 10-Q as filed with the Securities and Exchange Commission  
2 which the utility has filed prior to the filing of the application.

3 (b)~~(e)~~ Exhibit B ~~E~~. The following projected financial  
4 information, reflecting the applicant's most recent official  
5 forecast.

6 1. Sources and Uses of Funds Statement. Information  
7 identifying sources and uses of funds should be prepared for the  
8 period covered by the proposed issuance of securities. This  
9 information need not project the applicant's net income. If a  
10 utility opts to file Forms 10-K and 10-Q pursuant to subparagraph  
11 25-8.003(1) (a)~~(b)~~6., a separate sources and uses of funds statement  
12 is not required if the Forms 10-K and 10-Q cover the period of  
13 issuance.

14 2. Construction Budget. A Construction Budget for Gross  
15 Property Additions should be prepared for the same period as the  
16 Sources and Uses of Funds Statement.

17 ~~(d) Exhibit D. The map required under Rule 25-8.002(5).~~

18 (2) Where the utility has previously filed with the  
19 Commission the information to be contained in its application or in  
20 Exhibit A or B, C, ~~or D~~ and where the previous filing is current  
21 or up-to-date, the Commission will accept specific reference to  
22 that filing in lieu of a separate filing to meet the requirements  
23 of this rule.

24 (3) A utility filing information required by this rule, Rule  
25 25-8.002, or Rule 25-8.009 need not file information which

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1 | duplicates that already provided pursuant to another requirement of  
2 | this chapter, but shall make specific reference to where such  
3 | information may be found in the filing.

4 | Specific Authority 366.05 FS.

5 | Law Implemented ~~366~~4.04(1) FS.

6 | History--Repromulgated 1-8-75, Amended 10-1-75, 12-20-75, 10-12-81,

7 | Formerly 25-8.03, Amended 7-27-86, 7-27-95, \_\_\_\_\_.

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1 25-8.008 Commission Action. After preliminary study or  
2 investigation of an application by staff, the Commission will give  
3 full consideration to the application and dispose of it either upon  
4 an examination of the filing or after public notice and an  
5 opportunity for hearing on the application, whichever is  
6 appropriate in the premises. Such disposition will ordinarily be  
7 accomplished within 45 ~~thirty (30)~~ days after the date on which  
8 filing is completed.

9 Specific Authority 366.05 FS.

10 Law Implemented 366.04(1) FS.

11 History--Repromulgated 1-8-75, Amended 10-12-81, Formerly 25-8.08,  
12 Amended \_\_\_\_\_.

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**SUMMARY OF RULE**

The rules set forth forms and procedures public utilities must follow to seek approval to issue and sell securities.

**SUMMARY OF HEARINGS ON THE RULE**

No hearing was requested and none was held.

**FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE**

**Rule 25-8.002(4):** This subsection requires the application to list the name, title, and addresses of the principal officers of the applicant. Because this information is not essential for staff to process a securities application, this subsection can be repealed. If it is needed, the information can be obtained from annual reports or by requesting it from the applicant.

**Rule 25-8.002(5):** This subsection states the application must contain a description of the general character of the applicant's business, together with a map of the territory served. Because this information is not essential for staff to process a securities application, this subsection can be repealed. Moreover, electric and gas utilities are already required to file maps of territories served under Rules 25-9.023(1), 25-6.016(1), and 25-7.016(1).

**Rule 25-8.002(6):** This subsection states the application must contain a general statement describing the facilities owned or operated by the applicant. Because this information is not

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necessary for staff to process a securities application, this subsection can be repealed. If the information is needed for some reason, it can be requested from the applicant.

**Rule 25-8.003(1) (a):** This paragraph requires the applicant to file its articles of incorporation as Exhibit A to its application. Because this information is not necessary for staff to process a securities application, this paragraph can be repealed. If it is determined the information is necessary, it can be obtained from either the applicant or the Secretary of State's Division of Corporations.

**Rule 25-8.003(1) (d):** This paragraph requires the applicant to file a map as Exhibit D. Because this information is not essential for staff to process a securities application, this paragraph can be repealed. Moreover, electric and gas utilities are already required to file maps of territories served under Rules 25-9.023(1), 25-6.016(1), and 25-7.016(1).

**Rule 25-8.008:** This rule states that the Commission will consider the application and dispose of it within 30 days of the filing date. This time is changed to 45 days to more accurately reflect the actual time necessary to dispose of an application.