

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Repeal of ) DOCKET NO. 961382-PU  
Subsections (4), (5) and (6) of ) ORDER NO. PSC-97-0176-FOF-PU  
Rule 25-8.002, F.A.C., Contents ) ISSUED: February 17, 1997  
of Application; Paragraphs )  
(1) (a) and (1) (d) of Rule 25- )  
8.003, F.A.C., Required )  
Exhibits; and Rule 25-8.008, )  
F.A.C., Commission Actions )  
\_\_\_\_\_ )  
)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF REPEAL OF RULES

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted the repeal of subsections (4) (5) and (6) of Rule 25-8.002, paragraphs (1) (a) and (1) (d) of Rule 25-8.003 and the amendments of Rule 25-8.008, Florida Administrative Code, relating to applications for approval to issue and sell securities without changes.

The rules were filed with the Department of State on February 12, 1997 and will be effective on March 4, 1997. A copy of the rules as filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

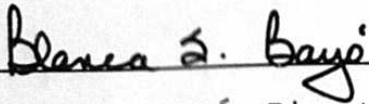
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FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 17th  
day of February, 1997.

A handwritten signature in cursive script, reading "Blanca S. Bayó", is written over a solid horizontal line.

BLANCA S. BAYÓ, Director  
Division of Records & Reporting

( S E A L )

CTM

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

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

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

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

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

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

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

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

(a) A brief description;

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

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

(d) The amount held as reacquired securities;

(e) The amount pledged by applicant;

(f) The amount owned by affiliated corporations;

(g) The amount held in any fund.

~~(5)(8)~~ A brief statement of each proposed transaction. Such statement shall show:

(a) The kind and nature of the securities;

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

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

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

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

(b) If one of the purposes is the reimbursement of the treasury of the applicant for expenditures against which securities



have not been issued, submit a statement giving in reasonable detail such expenditures, the amounts and accounts to which charged, the associated credits, if any, and the periods during which the expenditures were made.

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

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

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

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

(10)~~(13)~~ A statement of the measure of control or ownership exercised by or over the applicant as to any public utility: where there are any intercorporate relationships through holding

companies, ownership or securities or otherwise, a statement regarding the nature and extent of such relationship; if not a member of any holding company system, a statement to that effect.

Specific Authority 366.05 FS.

Law Implemented 366.04(1) FS.

History--Repromulgated 1-8-75, Amended 10-12-81, Formerly 25-8.02, Amended 7-27-86, 03/04/97.

25-8.003 Required Exhibits.

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

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

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

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

2. Summary of Utility Plant and Accumulated Provision for Depreciation, Amortization, and Depletion. A summary of utility

plant, amortization, and depletion prepared as provided by the Uniform System of Accounts showing the balance in each account at the close of the calendar year preceding the filing of the application, and also showing the balance in each account at the end of the latest 12-month period available prior to the filing of the application.

3. Income Statement. An income statement prepared as provided by the Uniform System of Accounts showing the balance in each account at the close of the calendar year preceding the filing of the application, and also showing the balance in each account at the end of the latest 12-month period available prior to the filing of the application.

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

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

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

(i) The financial statements and accompanying footnotes as they appear in the utility's Annual Report on Form 10-K, as filed

with the United States Securities and Exchange Commission, for the most recent fiscal year ended prior to the filing of the application;

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

(iii) Any amendments or changes to the financial information presented in the utility's most recent Form 10-K and Form 10-Q as filed with the Securities and Exchange Commission which the utility has filed prior to the filing of the application.

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

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



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

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

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

(3) A utility filing information required by this rule, Rule 25-8.002, or Rule 25-8.009 need not file information which duplicates that already provided pursuant to another requirement of this chapter, but shall make specific reference to where such information may be found in the filing.

Specific Authority 366.05 FS.

Law Implemented 366.04(1) FS.

History--Repromulgated 1-8-75, Amended 10-1-75, 12-20-75, 10-12-81, Formerly 25-8.03, Amended 7-27-86, 7-27-95, 03/04/97.

25-8.008 Commission Action. After preliminary study or investigation of an application by staff, the Commission will give full consideration to the application and dispose of it either upon an examination of the filing or after public notice and an opportunity for hearing on the application, whichever is

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appropriate in the premises. Such disposition will ordinarily be accomplished within 45 ~~thirty (30)~~ days after the date on which filing is completed.

Specific Authority 366.05 FS.

Law Implemented 366.04 (1) FS.

History--Repromulgated 1-8-75, Amended 10-12-81, Formerly 25-8.08,  
Amended 03/04/97.