

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 980569-PU

IN RE: Proposed amendments to Rules 25-4.002, F.A.C., Application and Scope; 25-4.141, F.A.C., Minimum Filing Requirements for Rate of Return Regulated Local Exchange Companies; Commission Designee; 25-4.202, F.A.C., Construction and Waivers; 25-24.455, F.A.C., Scope and Waiver; 25-6.002, F.A.C., Application and Scope; 25-6.043, F.A.C., Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee; 25-6.0438, F.A.C., Non-Firm Electric Service - Terms and Conditions; 25-17.087, F.A.C., Interconnection and Standards; 25-30.010, F.A.C., Rules for General Application; 25-30.011, F.A.C., Application and Scope; 25-30.436, F.A.C., General Information and Instructions Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase; 25-30.450, F.A.C., Burden of Proof and Audit Provisions; 25-30.455, F.A.C., Staff Assistance in Rate Cases; 25-30.456, F.A.C., Staff Assistance in Alternative Rate Setting; 25-30.570, F.A.C., Imputation of Contributions-in-Aid-of-Construction; and 25-30.580, F.A.C., Guidelines for Designing Service Availability Policy.

AMENDED NOTICE OF PROPOSED RULE DEVELOPMENT

TO

ALL INTERESTED PERSONS

ISSUED: May 8, 1998

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated the development of Rules 25-4.002, Application and Scope; 25-4.141, Minimum Filing Requirements for Rate of Return Regulated Local Exchange Companies; Commission Designee; 25-4.202, Construction and Waivers; 25-24.455, Scope and Waiver; 25-6.002, Application and Scope; 25-6.043, Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee; 25-6.0438, Non-Firm Electric Service - Terms and Conditions; 25-17.087, Interconnection and Standards; 25-30.010, Rules for General Application; 25-30.011, Application and Scope; 25-30.436, General Information and Instructions Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase; 25-30.450, Burden of Proof and Audit Provisions; 25-30.455, Staff Assistance in Rate Cases; 25-30.456, Staff Assistance in Alternative Rate Setting; 25-30.570, Imputation of Contributions-in-Aid-of-Construction; and 25-30.580, Guidelines for Designing Service Availability Policy, Florida Administrative Code, to repeal the provisions relating to waiver and variance of rules.

The Florida Administrative Weekly notices attached to the

DOCUMENT NUMBER-DATE

05209 MAY-88

FPSC-RECORDS/REPORTING

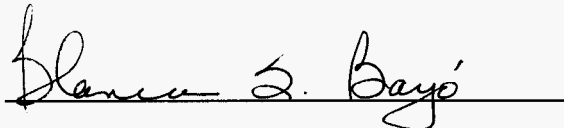
notice issued May 1, 1998, in this docket will not be published in the Florida Administrative Weekly. In addition, the workshop scheduled for Thursday, June 11, 1998, at 1:00 p.m. has been canceled. Instead, the attached revised Notices of Proposed Rule Development will appear in the May 22, 1998, edition of the Florida Administrative Weekly. If timely requested and not deemed unnecessary by the Commission, a rule development workshop has been rescheduled and will be held at the following time and place:

Florida Public Service Commission
1:00 p.m., Tuesday, June 23, 1998
Betty Easley Conference Center
Room 152, 4075 Esplanade Way
Tallahassee, Florida 32399-0850

The request must be submitted in writing and received by the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than June 12, 1998.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least five calendar days prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

By Direction of the Florida Public Service Commission, this 8th day of May, 1998.



BLANCA S. BAYÓ, Director
Division of Records & Reporting

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RULE TITLE:	RULE NO.:
Application and Scope	25-4.002
Minimum Filing Requirements for Rate-of- Return Regulated Local Exchange Companies; Commission Designee	25-4.141
Construction and Waivers	25-4.202

PURPOSE AND EFFECT: The purpose of these rule amendments is to repeal the waiver and variance provisions for which the Commission no longer has rule authority under the more restrictive rulemaking standard in Section 120.536, Florida Statutes. Moreover, since 1996, all requests for rule variances and waivers must comply with Section 120.542, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The repeal of waiver and variance rule provisions no longer authorized by statute.

SPECIFIC AUTHORITY: 350.127, 350.127(2), FS.

LAW IMPLEMENTED: 364.01, 364.05(4), 364.052, 364.337, FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 PM, Tuesday, June 23, 1998

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0850

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF RECORDS AND REPORTING, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary Anne Helton, Division of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least five calendar days prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.002 Application and Scope.

(1) No change.

~~(2) In any case where compliance with any of these rules introduces unusual hardship, or if unreasonable difficulty is involved in immediate compliance with any particular rule, written application may be made to the Commission for modification of the rule or for temporary exemption from its requirements.~~

(3) through (4) renumbered (2) through (3) No change.

Specific Authority: 350.127, F.S.

Law Implemented: 364.01, 364.337, F.S.

History: Revised 12-1-68, formerly 25-4.02, Amended 2-23-87,
1-8-95, _____.

25-4.141 Minimum Filing Requirements for Rate-of-Return Regulated
Local Exchange Companies; Commission Designee.

(1) through (3) No change.

~~(4) Waiver of MFR Requirements. The Commission may grant a
waiver with respect to specific data or the number of copies
required by this rule upon a showing that production of the data
would be impractical or impose an excessive economic burden upon
the company.~~

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.05(4), F.S.

History: New 5-4-81, Amended 7-29-85, 6-11-86, 2-3-88, 3-10-96,
_____.

25-4.202 Construction and Waivers

(1) through (2) No change.

~~(3) When compliance with a Commission imposed requirement
would result in unreasonable hardship on a small local exchange
company, would not be cost effective, or would not be in the public
interest, the small local exchange company may apply for a
temporary rule waiver pursuant to Rule 25 4.002(2), petition the
Commission to amend or repeal its rule pursuant to Rule 25 22.012,
or seek similar relief as appropriate.~~

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Specific Authority: 350.127(2), F.S.

Law Implemented: 364.052, F.S.

History: New 3-10-96, Amended_____.

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DOCKET NO: 980569-PU

RULE TITLE: RULE NO.:

Scope and Waiver 25-24.455

PURPOSE AND EFFECT: The purpose of this rule amendment is to repeal the waiver and variance provisions for which the Commission no longer has rule authority under the more restrictive rulemaking standard in Section 120.536, Florida Statutes. Moreover, since 1996, all requests for rule variances and waivers must comply with Section 120.542, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The repeal of waiver and variance rule provisions no longer authorized by statute.

SPECIFIC AUTHORITY: 350.127(2), FS.

LAW IMPLEMENTED: 364.01, 364.337, FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 PM, Tuesday, June 23, 1998

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0850

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF RECORDS AND REPORTING, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary Anne Helton, Division of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least five calendar days prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:
25-24.455 ~~Scope and Waiver.~~

(1) through (3) No change.

~~(4) An interexchange company may petition for a waiver of any provision of this Part. The Commission may grant a waiver to the extent that it determines that it is consistent with the public interest to do so. The Commission may grant the petition in whole or part, may limit the waiver to certain geographic areas and/or may impose reasonable alternative regulatory requirements on the petitioning company. In disposing of a petition, the Commission may consider:~~

~~— (a) The factors enumerated in Section 364.337 (2), Fla. Statutes;~~

~~— (b) The extent to which competitive forces may serve the same~~

~~function as, or obviate the necessity for, the provision sought to be waived; and~~

~~—— (c) Alternative regulatory requirements for the company which may serve the purposes of this Part.~~

(5) renumbered (4) No change.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.01, 364.337, F.S.

History: New 2-23-87, Amended.

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RULE TITLE:	RULE NO.:
Application and Scope	25-6.002
Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee	25-6.043
Non-Firm Electric Service - Terms and Conditions	25-6.0438

PURPOSE AND EFFECT: The purpose of these rule amendments is to repeal the waiver and variance provisions for which the Commission no longer has rule authority under the more restrictive rulemaking standard in Section 120.536, Florida Statutes. Moreover, since 1996, all requests for rule variances and waivers must comply with Section 120.542, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The repeal of waiver and variance rule provisions no longer authorized by statute.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1), (2), 366.06(3), FS.

LAW IMPLEMENTED: 366.03, 366.04, 366.041, 366.05, 366.05(1), 366.06(1), (2), (3), (4), 366.04(2)(f), 366.071, FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 P.M., Tuesday, June 23, 1998

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade

Way, Tallahassee, FL 32399-0850

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF RECORDS AND REPORTING, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary Anne Helton, Division of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least five calendar days prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.002 Application and Scope.

(1) No change.

~~(2) In any case where compliance with any of these rules introduces unusual hardship, or if unreasonable difficulty is involved in immediate compliance with any particular rule, application may be made to the Commission for modification of the rule or for temporary exemption from its requirements, provided that the utility shall submit with such application a full and complete statement of reason thereafter.~~

(3) renumbered (2) No change.

~~(4) The adoption of these rules shall in no way preclude the Commission, upon complaint, upon its own motion, or upon the application of any utility from altering or amending them, in whole or in part, or from requiring any other or additional service, equipment, facility or standard, or from making such modification with respect to their application as may be found necessary to meet exceptional conditions.~~

(5) renumbered (3) No change.

Specific Authority: 366.05(1), F.S.

Law Implemented: 366.05(1), F.S.

History: New 7-29-69, formerly 25-6.02, Amended _____.

25-6.043 Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee.

(1) through (2) No change.

~~(3) Waiver of Minimum Filing Requirements. The Commission may grant a waiver with respect to specific data required by this rule upon a showing that production of the data would be impractical or impose an excessive economic burden upon the company.~~

Specific Authority: 366.05(1), (2), 366.06(3), F.S.

Law Implemented: 366.06(1), (2), (3), (4), 366.04(2)(f), 366.071, F.S.

History: New 5-27-81, formerly 25-6.43, Amended 7-5-90, _____.

25-6.0438 Non-Firm Electric Service - Terms and Conditions.

(1) through (8) No change.

~~(9) The Commission may waive any provision of this rule if it determines that such waiver is consistent with the purpose and intent of this rule after notice to all affected customers.~~

Specific Authority: 350.127(2), 366.05(1), F.S.

Law Implemented: 366.03, 366.04, 366.041, 366.05, F.S.

History: New 8-21-86, Amended 9-4-91, .

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RULE TITLE:

RULE NO.:

Interconnection and Standards

25-17.087

PURPOSE AND EFFECT: The purpose of this rule amendment is to repeal the waiver and variance provisions for which the Commission no longer has rule authority under the more restrictive rulemaking standard in Section 120.536, Florida Statutes. Moreover, since 1996, all requests for rule variances and waivers must comply with Section 120.542, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The repeal of waiver and variance rule provisions no longer authorized by statute.

SPECIFIC AUTHORITY: 366.051, 350.127(2), FS.

LAW IMPLEMENTED: 366.04(2)(c)&(5), 366.051, FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary Anne Helton, Division of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-17.087 Interconnection and Standards.

(1) No change.

~~(2) Nothing in this rule shall be construed to preclude a utility from evaluating each request for interconnection on its own merits and modifying the general standards specified in this rule to reflect the result of such an evaluation.~~

~~—— (3) Where a utility refuses to interconnect with a qualifying facility or attempts to impose unreasonable standards pursuant to subsection (2) of this rule, the qualifying facility may petition the Commission for relief. The utility shall have the burden of demonstrating to the Commission why interconnection with the qualifying facility should not be required or that the standards the utility seeks to impose on the qualifying facility pursuant to~~

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~~subsection (2) are reasonable.~~

(4) through (11) renumbered (2) through (9) No change.

Specific Authority: 366.051, 350.127(2), F.S.

Law Implemented: 366.04(2)(c)&(5), 366.051, F.S.

History: New 9-4-83, formerly 25-17.87, Amended 10-25-90, 5-6-93,

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FLORIDA PUBLIC SERVICE COMMISSION

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RULE TITLE:	RULE NO.:
Rules for General Application	25-30.010
Application and Scope	25-30.011
General Information and Instructions Required of Class A and B Water and Wastewater Utilities in An Application for Rate Increase	25-30.436
Burden of Proof and Audit Provisions	25-30.450
Staff Assistance in Rate Cases	25-30.455
Staff Assistance in Alternative Rate Setting	25-30.456
Imputation of Contributions-in-Aid-of- Construction	25-30.570
Guidelines for Designing Service Availability Policy	25-30.580

PURPOSE AND EFFECT: The purpose of these rule amendments is to repeal the waiver and variance provisions for which the Commission no longer has rule authority under the more restrictive rulemaking standard in Section 120.536, Florida Statutes. Moreover, since 1996, all requests for rule variances and waivers must comply with Section 120.542, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The repeal of waiver and variance rule provisions no longer authorized by statute.

SPECIFIC AUTHORITY: 367.101, 367.0814, 367.121, 350.127(2), 367.121(1), FS.

LAW IMPLEMENTED: 367.081, 367.101, 367.0814, 367.083, 367.121, 367.121(1), FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

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Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least five calendar days prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-30.010 Rules for General Application. The rules hereinafter set

forth are for general application and are subject to such changes and modifications, permitted by law, as the Commission from time to time may determine advisable. ~~The rules are subject to such exceptions as the Commission may consider just and reasonable in individual cases.~~ The rules are supplementary to the Water and Wastewater System Regulatory Law, Chapter 367, Florida Statutes.

Specific Authority: 367.121, F.S.

Law Implemented: 367.121, F.S.

History: Amended 2-3-70, 9-12-74, formerly 25-10.01, Transferred from 25-10.001 11-9-86, Amended _____.

25-30.011 Application and Scope.

(1) through (3) No change.

~~(4) The adoption of these rules shall in no way preclude the Commission, upon complaint, upon its own motion or upon the application of any utility, from altering or amending them, in whole or in part, or from requiring any other or additional service, equipment, facility or standard, or from making such modification with respect to their application as may be found necessary to meet exceptional conditions.~~

(5) through (6) renumbered (4) through (5) No change.

Specific Authority: 367.121, F.S.

Law Implemented: 367.121(1), F.S.

History: Amended 9-12-74, formerly 25-10.14, Transferred from 25-10.014 and Amended 11-9-86, _____.

25-30.436 General Information and Instructions Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase.

(1) through (5) No change.

~~(6) Waiver of MFR Requirements. The Commission may grant a waiver with respect to specific data required by this rule upon a showing that the production of the data would be impractical or impose an excessive economic burden upon the applicant. All requests for waiver of specific portions of the minimum filing requirements shall be made as early as practicable.~~

(7) renumbered (6) No change.

Specific Authority: 350.127(2), 367.121, F.S.

Law Implemented: 367.081, 367.083, 367.121, F.S.

History: New 11-9-86, Amended 6-25-90, 11-30-93, _____.

25-30.450 Burden of Proof and Audit Provisions. In each instance, the utility must be able to support any schedule submitted, as well as any adjustments or allocations relied on by the utility. The work sheets, etc. supporting the schedules and data submitted must be organized in a systematic and rational manner so as to enable Commission personnel to verify the schedules in an expedient manner and minimum amount of time. The supporting work sheets, etc., shall list all reference sources necessary to enable Commission personnel to track to original source of entry into the financial and accounting system and, in addition, verify

amounts to the appropriate schedules.

~~Utilities may request a waiver of specific parts of the above rule from the Commission by submitting a written statement setting forth the reason, in detail, why the waiver should be granted.~~

Specific Authority: 367.121, F.S.

Law Implemented: 367.081, F.S.

History: New 6-10-75, Transferred from 25-10.177 11-9-86, Amended

_____.

25-30.455 Staff Assistance in Rate Cases.

(1) through (10) No change.

~~(11) A petitioner may request a waiver of any of the guidelines set out in subsection (8) of this rule.~~

(12) through (15) renumbered (11) through (14) No change.

Specific Authority: 367.0814, 367.121, F.S.

Law Implemented: 367.0814, F.S.

History: New 12-8-80, Transferred from 25-10.180 and Amended 11-9-86, 8-26-91, 11-30-93, _____.

25-30.456 Staff Assistance in Alternative Rate Setting.

(1) through (10) No change.

~~(11) An applicant may request a waiver of any of the guidelines set out in subsection (8) of this rule.~~

(12) through (20) renumbered (11) through (19) No change.

Specific Authority: 367.0814, 367.121, F.S.

Law Implemented: 367.0814, F.S.

History: New 11-30-93, Amended _____.

25-30.570 Imputation of Contributions-in-Aid-of-Construction.

(1) No change.

~~(2) In any case where the provisions of subsection (1) introduces unusual hardship or unreasonable difficulty, and the Commission, utility or interested party shows that it is not in the best interests of the customers of the utility, the Commission may waive the applicability of the rule to the utility.~~

Specific Authority: 367.121(1), 367.101, F.S.

Law Implemented: 367.101, F.S.

History: New 6-14-83, formerly 25-30.57, Amended _____.

25-30.580 Guidelines for Designing Service Availability Policy.

(1) No change.

~~(2) In any case where compliance with the guidelines of subsection (1) introduces unusual hardship or unreasonable difficulty, and the Commission, utility, or interested party shows that it is not in the best interests of the customers of the utility to require compliance, the Commission may exempt the utility from the guidelines.~~

Specific Authority: 367.121(1), 367.101, F.S.

Law Implemented: 367.101, F.S.

History: New 6-14-83, formerly 25-30.58, Amended _____.