

ORIGINAL

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 980569-PU

RULE TITLE:

Application and Scope

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

Construction and Waivers

RULE NO

25-4.002

25-4.141

25-4.202

RECEIVED
93 MAY 13 AM 11:06
DEPARTMENT OF STATE
TALLAHASSEE FLORIDA

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

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE

05309 MAY 13 88

FPSC-RECORDS/REPORTING

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.~~

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

Law Implemented: 364.052, F.S.

History: New 3-10-96, Amended _____.

FLORIDA PUBLIC SERVICE COMMISSION

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

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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.

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 980569-PU

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

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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, .

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 980569-PU

RULE TITLE:

Interconnection and Standards

RULE NO.:

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

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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 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,

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 980569-PU

RULE TITLE:

Rules for General Application

Application and Scope

General Information and Instructions Required
of Class A and B Water and Wastewater
Utilities in An Application for Rate Increase

Burden of Proof and Audit Provisions

Staff Assistance in Rate Cases

Staff Assistance in Alternative Rate Setting

Imputation of Contributions-in-Aid-of-
Construction

Guidelines for Designing Service Availability
Policy

RULE NO.:

25-30.410

25-30.415

25-30.450

25-30.450

25-30.455

25-30.456

25-30.570

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.

RECEIVED
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TALLAHASSEE, FLORIDA

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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.