

NOTICE OF PROPOSED RULEMAKING
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 980569-PU

RULE TITLE:

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

Construction and Waivers

RULE NO.:

25-4.141

25-4.202

PURPOSE AND EFFECT: To repeal provisions authorizing rule waivers that have been superseded by section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code, which provide specific standards and procedures to be followed in granting rule waivers and variances.

SUMMARY: Repeals rule waiver provisions.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), FS.

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

DEC 21 PM 2:47
STATE OF FLORIDA
TALLAHASSEE, FLORIDA

- ACK _____
- AFA _____ WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULES MAY BE
- APP _____ SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN
- CAF _____
- CMU _____ 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF
- CTR _____ THE PROCEEDING.
- EAG _____
- LEG _____ IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING
- LIN _____ WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
- OPC _____
- RCH _____
- SEC 1 _____
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE
14457 DEC 22 88
FPSC-RECORDS/REPORTING

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULES IS:

Director of Appeals, Florida Public Service Commission, 2540
Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-
6245.

THE FULL TEXT OF THESE PROPOSED RULES IS:

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

(1) General Filing Instructions.

(a) - (c) No change.

(d) Each page of the filing shall be numbered and on 8 ½ x
11 inch paper. Each witness' prefiled testimony shall be double-
spaced with 25 numbered lines on numbered pages. ~~and Exhibits~~
shall be on numbered pages and all exhibits shall be attached to
the proponent's testimony ~~and shall also comply with Rule 25-
22.048, Evidence.~~ Each set of the filing, consisting of the
petition and its supporting attachments, testimony, and exhibits,
shall be bound in order of appearance in this rule in standard
three ring binders, with each schedule indexed and tabbed.

(e) - (I) No change.

(2) - (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), FS.

Law Implemented 364.05(4), FS.

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) - (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), FS.

Law Implemented 364.052, FS.

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

NAME OF PERSON ORIGINATING PROPOSED RULES: Mary Anne Helton

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULES:

Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: December 15, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

Volume 24, Number 21, May 22, 1998

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must

ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours 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).

NOTICE OF PROPOSED RULEMAKING
FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO. 980569-PU

RECEIVED
99 FEB 21 PM 2:47
STATE OF FLORIDA
FUEL ADMIN. DIV., FLORIDA

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: To repeal provisions authorizing rule waivers that have been superseded by section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code, which provide specific standards and procedures to be followed in granting rule waivers and variances.

SUMMARY: Repeals rule waiver provisions.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

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

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULES MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING

WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULES IS:

Director of Appeals, Florida Public Service Commission, 2540
Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THESE PROPOSED RULES 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.~~

~~(2)(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.~~

~~(3)(5)~~ No change.

Specific Authority 366.05(1), FS.

Law Implemented 366.05(1), FS.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

Volume 24, Number 21, May 22, 1998

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours 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).

NOTICE OF PROPOSED RULEMAKING
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 980569-PU

RULE TITLE:

Interconnection and Standards

98 DEC 21 PM 2:47
OFFICE OF THE CLERK OF STATE
TALLAHASSEE, FLORIDA
RULE NO.:

25-17.087

PURPOSE AND EFFECT: To repeal provisions authorizing rule waivers that have been superseded by section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code, which provide specific standards and procedures to be followed in granting rule waivers and variances.

SUMMARY: Repeals rule waiver provisions.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

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

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Director of Appeals, Florida Public Service Commission, 2540

Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THE PROPOSED RULE 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.~~

~~(2)(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 (3) through (10). No change.

Specific Authority 366.051, 350.127(2), FS.

Law Implemented 366.04(2)(c)&(5), 366.051, FS.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Anne Helton

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:

Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: December 15, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

Volume 24, Number 21, May 22, 1998

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours 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).

NOTICE OF PROPOSED RULEMAKING
FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO. 980569-PU

RECEIVED
30 DEC 21 PM 2:47
OFFICE OF STATE
ATTORNEY GENERAL FLORIDA

RULE TITLE:

RULE NO.:

Scope and Waiver

25-24.555

PURPOSE AND EFFECT: To repeal provisions authorizing rule waivers that have been superseded by section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code, which provide specific standards and procedures to be followed in granting rule waivers and variances.

SUMMARY: Repeals rule waiver provisions.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), FS.

LAW IMPLEMENTED: 364.01, 364.339, FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Director of Appeals, Florida Public Service Commission, 2540

Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.555 Scope and Waiver.

(1) through (3) No change.

~~(4) A shared tenant service 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 in the public interest to do so. The Commission may grant the petition in whole or part and may impose reasonable alternative regulatory requirements on the petitioning company. In disposing of a petition, the Commission shall consider:~~

~~— (a) The factors enumerated in section 364.339(4), Florida Statutes;~~

~~— (b) The extent to which competitive forces may serve the same function as, or prevent 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) Any statutory exemptions granted or rule waivers granted prior to the adoption of this rule are void, and to the extent not covered in this rule, must be renewed.~~

Specific Authority 350.127(2) FS.

Law Implemented 364.01, 364.339 FS.

History--New 1-28-91, Amended 7-29-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Anne Helton

NOTICE OF PROPOSED RULEMAKING
FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO. 980569-PU

RECEIVED
98 DEC 21 PM 2:47
FLORIDA PUBLIC SERVICE COMMISSION
TALLAHASSEE, FLORIDA

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	25-30.580

PURPOSE AND EFFECT: To repeal provisions authorizing rule waivers that have been superseded by section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code, which provide specific standards and procedures to be followed in granting rule waivers and variances.

SUMMARY: Repeals rule waiver provisions.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

LAW IMPLEMENTED: 367.121(1), 367.081, 367.083, 367.121, 367.0814,

367.101, FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULES IS:
Director of Appeals, Florida Public Service Commission, 2540
Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THESE PROPOSED RULES 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, FS.

Law Implemented 367.121, FS.

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) 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 therefor.~~

~~(2)(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.~~

~~(3)(5)~~ It is not intended that any rule or regulation contained herein shall supersede or conflict with an applicable regulation of the Department of Health and Rehabilitative Services (DHRS) or the Department of Environmental Protection Regulation (DEPR). Compliance by a utility with the regulations of the DHRS or DEPR on a particular subject matter shall constitute compliance with such of these rules as relate to the same subject matter except as otherwise ordered by the Commission.

~~(4)(6)~~ No change.

Specific Authority 367.121, FS.

Law Implemented 367.121(1), FS.

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.~~

~~(6)~~(7) No change.

Specific Authority 350.127(2), 367.121, FS.

Law Implemented 367.081, 367.083, 367.121, FS.

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, FS.

Law Implemented 367.081, FS.

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

25-30.455 Staff Assistance in Rate Cases.

(1) through (4) No change.

(5) Within 30 days of receipt of the completed application, the committee shall evaluate the application and determine the petitioner's eligibility for staff assistance.

(a) through (b) No change.

(c) All recommendations of ineligibility shall be in writing and shall state the deficiencies in the application with reference to guidelines set out in subsection (8) of this rule ~~or with reference to subsection (11) of this rule.~~

(6) 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, FS.

Law Implemented 367.0814, FS.

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 (4) No change.

(5) Within 30 days of receipt of the completed application, the Division of Water and Wastewater shall evaluate the application and determine the petitioner's eligibility for staff assistance.

(a) through (b) No change.

(c) All recommendations of ineligibility shall be in writing and shall state the deficiencies in the application with reference to guidelines set out in subsection (8) of this rule ~~or with reference to subsection (11) of this rule.~~

(6) 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 (14) renumbered (11) through (13) No change.

(14)~~(15)~~ A substantially affected person may file a petition to protest the Commission's PAA Order regarding a staff assisted alternative rate setting application within 21 days of issuance of the Notice of Proposed Agency Action as set forth in Rule 28-106.201 ~~25-22.036~~, F.A.C.

(16) through (20) renumbered (15) through (19) No change.

Specific Authority 367.0814, 367.121, FS.

Law Implemented 367.0814, FS.

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, FS.

Law Implemented 367.101, FS.

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

25-30.580 Guidelines for Designing Service Availability Policy.

~~(1) A utility's service availability policy shall be designed in accordance with the following guidelines:~~

~~(1)(a) No change.~~

~~(2)(b) 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, FS.

Law Implemented 367.101, FS.

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

NAME OF PERSON ORIGINATING PROPOSED RULES: Mary Anne Helton

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULES:

Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: December 15, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

Volume 24, Number 21, May 22, 1998

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

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