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DIVISION OF APPEALS  
DAVID E. SMITH  
DIRECTOR  
(850) 413-6245

# Public Service Commission

December 24, 1998

Mr. Carroll Webb  
Joint Administrative Procedures  
Committee  
120 Holland Building  
Tallahassee, Florida 32399

RE: DOCKET NO. 980569-PU - PROPOSED AMENDMENTS TO RULE 25-4.002, F.A.C., 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; 25-24.555, 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.

Dear Mr. Webb:

Enclosed are an original and two copies of the following materials concerning the above referenced proposed rule:

1. A copy of the rules.
2. A copy of the F.A.W. notice.
3. A statement of facts and circumstances justifying the proposed rules.

CK \_\_\_\_\_  
 FA \_\_\_\_\_  
 PP \_\_\_\_\_  
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4. A federal standards statement.
5. No statement of estimated regulatory costs was prepared.

If there are any questions with respect to these rules, please do not hesitate to call on me.

Sincerely,



Christiana T. Moore  
Associate General Counsel

ADM4002.CTM

Enclosures

cc: Division of Records & Reporting

1 25-4.141 Minimum Filing Requirements for Rate-of-Return  
2 Regulated Local Exchange Companies; Commission Designee.

3 (1) General Filing Instructions.

4 (a) Each petition under Section 364.05 or 364.055, Florida  
5 Statutes, for adjustment of rates must include or be accompanied  
6 by:

- 7 1. The information required by Commission Form PSC/CMU 20  
8 (3/96), which is incorporated into this rule by  
9 reference. Form PSC/CMU 20, entitled "Minimum Filing  
10 Requirements," may be obtained from the Commission's  
11 Division of Communications;
- 12 2. The exact name of the applicant and the address of the  
13 applicant's principal place of business;
- 14 3. Copies of prepared direct testimony and exhibits for  
15 each witness testifying on behalf of the company; and
- 16 4. Proposed tariff sheets.

17 (b) In compiling the required schedules, a company shall  
18 follow the policies, procedures, and guidelines prescribed by the  
19 Commission in relevant rules and in the company's last rate case  
20 or in a more recent rate case involving a comparable utility. A  
21 company may also provide separate, comparable information on a  
22 different basis of its own choice, such as, year-end versus  
23 average rate base, as long as it reconciles for each schedule the  
24 differences in the required basis and the company basis. Such  
25 added filing shall be made on the same date as the required

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1 filing. These additional schedules shall be identified  
2 appropriately; for example, Schedule B-1 would be designated  
3 Company Schedule B-1 - company basis.

4 (c) Each schedule shall be cross-referenced to identify  
5 related schedules as either supporting schedules or recap  
6 schedules.

7 (d) Each page of the filing shall be numbered and on 8 ½ x  
8 11 inch paper. Each witness' prefiled testimony shall be double-  
9 spaced with 25 numbered lines on numbered pages. ~~and Exhibits~~  
10 shall be on numbered pages and all exhibits shall be attached to  
11 the proponent's testimony ~~and shall also comply with Rule 25-~~  
12 ~~22.048, Evidence.~~ Each set of the filing, consisting of the  
13 petition and its supporting attachments, testimony, and exhibits,  
14 shall be bound in order of appearance in this rule in standard  
15 three ring binders, with each schedule indexed and tabbed.

16 (e) Except for handwritten official company records, all  
17 data in the petition, testimony, exhibits, and minimum filing  
18 requirements shall be typed.

19 (f) Each schedule shall indicate the name of the witness  
20 responsible for its presentation.

21 (g) All schedules involving investment data shall be  
22 completed on an average investment basis. Unless a specific  
23 schedule requests otherwise, average is defined as the average of  
24 12 monthly average balances.

25 (h) Whenever the company proposes any corrections, updates

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1 or other changes to the originally filed data, 20 copies shall be  
2 filed with the Director of Records and Reporting with copies also  
3 served on all parties at the same time.

4 (i) The company shall file 20 copies of the entire filing  
5 with the Division of Records and Reporting.

6 (2) Projected Test Year. When a partially or fully  
7 projected test year is used, the company shall provide on Form  
8 PSC/CMU 20, in addition to the other requirements of this rule:

9 (a) The most currently available historical data (for a  
10 time period equal to the period requested in the schedule)  
11 immediately preceding the test year, in addition to test year  
12 data. The historical data schedules shall be indexed and tabbed  
13 separately from the test year schedules.

14 (b) A full description of supporting forecast information  
15 and methodology including detailed input data requirements,  
16 sources of input, and equations employed.

17 (3) Commission Designee. The Director of the Division of  
18 Communications shall be the designee of the Commission for  
19 purposes of determining whether the company has met the minimum  
20 filing requirements imposed by this rule.

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

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

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

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

4 \_\_\_\_\_.

5 **25-4.202 Construction ~~and Waivers~~**

6 (1) The intent of this Part is to minimize the regulation  
7 of small LECs with respect to audits, investigations, service  
8 standards, cost studies, periodic reports, evaluations, and  
9 discovery. Where the rules contained in this Part conflict with  
10 other provisions in Chapter 25, Florida Administrative Code, the  
11 conflicting rules shall be construed so that the less burdensome  
12 requirement will apply.

13 (2) When determining whether regulatory requirements should  
14 be imposed on small local exchange companies, the Commission and  
15 its staff shall weigh the requirement's benefits against the cost  
16 of compliance by considering factors such as the amount of data  
17 and resources available, the relative amount of precision needed,  
18 and whether the use of outside consultants is necessary.

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

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

2 Law Implemented: 364.052, F.S.

3 History: New 3/10/96, Amended.

4 25-6.002 Application and Scope.

5 (1) These rules and regulations shall apply to all electric  
6 public utilities operating under the jurisdiction of the Florida  
7 Public Service Commission. They are intended to define and  
8 promote good utility practices and procedures, adequate and  
9 efficient services to the public at reasonable costs, and to  
10 establish the rights and responsibilities of both the utility and  
11 the customer.

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

19 (2)(3) No deviation from these rules shall be permitted  
20 unless authorized in writing by the Commission.

21 ~~(4) The adoption of these rules shall in no way preclude~~  
22 ~~the Commission, upon complaint, upon its own motion, or upon the~~  
23 ~~application of any utility from altering or amending them, in~~  
24 ~~whole or in part, or from requiring any other or additional~~  
25 ~~service, equipment, facility or standard, or from making such~~

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1 ~~modification with respect to their application as may be found~~  
2 ~~necessary to meet exceptional conditions.~~

3 ~~(3)(5)~~ The adoption of these rules shall not in any way  
4 relieve any utility from any of its duties under the Laws of the  
5 State.

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

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

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

9 25-6.043 Investor-Owned Electric Utility Minimum Filing  
10 Requirements; Commission Designee.

11 (1) General Filing Instructions

12 (a) The petition under Section 366.06 and Section 366.071,  
13 Florida Statutes, for adjustment of rates must include or be  
14 accompanied by:

15 1. The information required by Commission Form PSC/EAG/11  
16 (3/90), entitled "Minimum Filing Requirements for  
17 Investor-Owned Electric Utilities" which is  
18 incorporated into this rule by reference. The form may  
19 be obtained from the Commission's Division of Electric  
20 and Gas.

21 2. The exact name of the applicant and the address of the  
22 applicant's principal place of business.

23 3. Copies of prepared direct testimony and exhibits for  
24 each witness testifying on behalf of the Company.

25 (b) In compiling the required schedules, a company shall

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1 follow the policies, procedures and guidelines prescribed by the  
2 Commission in relevant rules and in the company's last rate case  
3 or in a more recent rate case involving a comparable utility.

4 These schedules shall be identified appropriately (e.g., Schedule  
5 B-1 would be designated Company Schedule B-1 - Company basis).

6 (c) Each schedule shall be cross-referenced to identify  
7 related schedules as either supporting schedules and/or recap  
8 schedules.

9 (d) Each page of the filing shall be numbered on 8 ½ x 11 inch  
10 paper. Each witness' prefiled testimony and exhibits shall be on  
11 numbered pages and all exhibits shall be attached to the  
12 proponent's testimony.

13 (e) Except for handwritten official company records, all data  
14 in the petition, testimony, exhibits and minimum filing  
15 requirements shall be typed.

16 (f) Each schedule shall indicate the name of the witness  
17 responsible for its presentation.

18 (g) All schedules involving investment data shall be completed  
19 on an average investment basis. Unless a specific schedule  
20 requests otherwise, average is defined as the average of thirteen  
21 (13) monthly balances.

22 (h) Twenty-one (21) copies of the filing, consisting of the  
23 petition and its supporting attachments, testimony, and exhibits,  
24 shall be filed with the Division of Records and Reporting.

25 (i) Whenever the company proposes any corrections, updates or

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1 other changes to the originally filed data, twenty-one (21)  
2 copies shall be filed with the Division of Records and Reporting  
3 with copies also served on all parties at the same time.

4 (2) Commission Designee: The Director of the Division of  
5 Electric and Gas shall be the designee of the Commission for  
6 purposes of determining whether the utility has met the minimum  
7 filing requirements imposed by this rule.

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

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

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

16 History: New 5/27/81, formerly 25-6.43, Amended 7/5/90,  
17 \_\_\_\_\_.

18 25-6.0438 Non-Firm Electric Service - Terms and Conditions.

19 (1) Applicability. This rule shall apply to all  
20 investor-owned electric utilities.

21 (2) Purpose. The purposes of this rule are: to define the  
22 character of non-firm electric service and various types thereof;  
23 to require a procedure for determining a utility's maximum level  
24 of non-firm load; and to establish other minimum terms and  
25 conditions for the provision of non-firm electric service.

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1 (3) Definitions.

2 (a) "Non-firm electric service" means electric service that,  
3 in accordance with terms and conditions specified in the  
4 applicable tariff, can be limited or interrupted. Non-firm  
5 service includes interruptible, curtailable, load management, and  
6 other types of non-firm electric service offered by the utilities  
7 pursuant to tariffs approved by the Florida Public Service  
8 Commission.

9 (b) "Interruptible electric service" means electric service  
10 that can be limited or interrupted, either automatically or  
11 manually, solely at the option of the utility.

12 (c) "Cost effective" in the context of non-firm service shall  
13 be based on avoided costs. It shall be defined as the net  
14 economic deferral or avoidance of additional production plant  
15 construction by the utility or in other measurable economic  
16 benefits in excess of all relevant costs accruing to the  
17 utility's general body of ratepayers.

18 (d) "Curtailable electric service" means electric service  
19 that can be reduced or interrupted upon request of a utility but  
20 solely at the discretion of the customer.

21 (e) "Load management service" means electric service provided  
22 under an applicable firm rate schedule whereby electric service  
23 to specified components of the customer's electric load may be  
24 interrupted at the discretion of the utility in accordance with  
25 conditions specified in the utility's tariffs.

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1 (4) Availability of Service.

2 (a) A utility may offer non-firm electric service to any  
3 customer or class of customers pursuant to tariffs or contracts  
4 approved by the Commission. Each utility that currently offers  
5 or proposes to offer non-firm electric service shall demonstrate,  
6 no later than its next rate case, that providing such service is  
7 cost effective.

8 (b) Each utility shall state in its tariff the terms and  
9 conditions under which non-firm electric service will be offered.  
10 If a utility believes that providing interruptible service or  
11 another type of non-firm service to a specific customer who  
12 otherwise qualifies for such service under the utility's tariff  
13 will not result in benefits accruing to its general body of  
14 ratepayers, that utility shall apply to the Commission for  
15 authorization to refuse non-firm service to that customer. The  
16 provision of non-firm service for standby and supplemental  
17 purposes shall be consistent with the Federal Energy Regulatory  
18 Commission rule, 18 C.F.R. Sec. 292.305.

19 (c) When a utility proposes to make a change in any of its  
20 non-firm electric service offerings, it must provide written  
21 notice to each customer who may be affected by the proposal.

22 (5) Methods of for Determining Maximum Levels of Non-Firm  
23 Load. Each utility offering non-firm electric service shall have  
24 on file with the Commission a methodology approved by the  
25 Commission for determining the cost effectiveness of non-firm

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1 load over its generation planning horizon, pursuant to the  
2 definition of "cost effective" in Paragraph (3)(c). Specific  
3 consideration must be given to each type of non-firm electric  
4 service offered. A utility may petition the Commission to revise  
5 their methodology at any time.

6 (6) Maximum Levels of Non-Firm Load. Each utility shall  
7 attempt to maintain its subscribed non-firm loads at or below  
8 their maximum cost-effective levels, as determined by the  
9 utility's approved methodology utilizing its most current system  
10 expansion plans and approved rates. If, during a revenue or rate  
11 review, the Commission finds that a utility's efforts to maintain  
12 its subscribed non-firm loads at or below the maximum cost-  
13 effective level have not been prudent, the Commission may impute  
14 revenues at otherwise applicable rates for the amount of non-firm  
15 load in excess of cost effective levels.

16 (7) Reporting Requirements. Each utility offering non-firm  
17 electric service shall submit to the Commission on January 1 and  
18 July 1 of each year a report detailing the type of non-firm  
19 service offered and showing the amount of non-firm load on the  
20 utility's system as of the month ending one month prior to the  
21 reporting date. In addition, the report shall state the cost-  
22 effective levels of non-firm load determined by the utility's  
23 approved methodology.

24 (8) Minimum Notice to Transfer from Non-Firm to Firm Service.  
25 Each utility that offers non-firm service shall include a

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1 specific provision in its tariff that requires a customer to  
2 provide the utility with at least five years advance written  
3 notice in order for the customer to be eligible to transfer from  
4 interruptible to firm service. A utility may apply to the  
5 Commission for approval of a different minimum notice requirement  
6 if it can demonstrate that a different notice requirement is  
7 necessary or appropriate, either for all or any individual  
8 non-firm service offerings.

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

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

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

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

15 **25-17.087 Interconnection and Standards.**

16 (1) Each utility shall interconnect with any qualifying  
17 facility which:

- 18 (a) is in its service area;
- 19 (b) requests interconnection;
- 20 (c) agrees to meet system standards specified in this rule;
- 21 (d) agrees to pay the cost of interconnection; and
- 22 (e) signs an interconnection agreement.

23 ~~(2) Nothing in this rule shall be construed to preclude a~~  
24 ~~utility from evaluating each request for interconnection on its~~  
25 ~~own merits and modifying the general standards specified in this~~

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1 ~~rule to reflect the result of such an evaluation.~~

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

10 (3)~~(4)~~ Upon a showing of credit worthiness, the qualifying  
11 facility shall have the option of making monthly installment  
12 payments over a period no longer than 36 months toward the full  
13 cost of interconnection. However, where the qualifying facility  
14 exercises that option the utility shall charge interest on the  
15 amount owing. The utility shall charge such interest at the  
16 30-day commercial paper rate. In any event, no utility may bear  
17 the cost of interconnection.

18 (4)~~(5)~~ Application for Interconnection. A qualifying facility  
19 shall not operate electric generating equipment in parallel with  
20 the utility's electric system without the prior written consent  
21 of the utility. Formal application for interconnection shall be  
22 made by the qualifying facility prior to the installation of any  
23 generation related equipment. This application shall be  
24 accompanied by the following:

25 (a) Physical layout drawings, including dimensions;

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1 (b) All associated equipment specifications and  
2 characteristics including technical parameters, ratings, basic  
3 impulse levels, electrical main one-line diagrams, schematic  
4 diagrams, system protections, frequency, voltage, current and  
5 interconnection distance;

6 (c) Functional and logic diagrams, control and meter diagrams,  
7 conductor sizes and length, and any other relevant data which  
8 might be necessary to understand the proposed system and to be  
9 able to make a coordinated system;

10 (d) Power requirements in watts and vars;

11 (e) Expected radio-noise, harmonic generation and telephone  
12 interference factor;

13 (f) Synchronizing methods; and

14 (g) Operating/instruction manuals.

15 Any subsequent change in the system must also be submitted for  
16 review and written approval prior to actual modification. The  
17 above mentioned review, recommendations and approval by the  
18 utility do not relieve the qualifying facility from complete  
19 responsibility for the adequate engineering design, construction  
20 and operation of the qualifying facility equipment and for any  
21 liability for injuries to property or persons associated with any  
22 failure to perform in a proper and safe manner for any reason.

23 (5)~~(6)~~ Personnel Safety. Adequate protection and safe  
24 operational procedures must be developed and followed by the  
25 joint system. These operating procedures must be approved by

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1 both the utility and the qualifying facility. The qualifying  
2 facility shall be required to furnish, install, operate and  
3 maintain in good order and repair, and be solely responsible for,  
4 without cost to the utility, all facilities required for the safe  
5 operation of the generation system in parallel with the utility's  
6 system.

7 The qualifying facility shall permit the utility's employees  
8 to enter upon its property at any reasonable time for the purpose  
9 of inspection and/or testing the qualifying facility's equipment,  
10 facilities, or apparatus. Such inspections shall not relieve the  
11 qualifying facility from its obligation to maintain its equipment  
12 in safe and satisfactory operating condition.

13 The utility's approval of isolating devices used by the  
14 qualifying facility will be required to ensure that these will  
15 comply with the utility's switching and tagging procedure for  
16 safe working clearances.

17 (a) Disconnect Switch. A manual disconnect switch, of the  
18 visible load break type, to provide a separation point between  
19 the qualifying facility's generation system and the utility's  
20 system, shall be required. The utility will specify the location  
21 of the disconnect switch. The switch shall be mounted separate  
22 from the meter socket and shall be readily accessible to the  
23 utility and be capable of being locked in the open position with  
24 a utility padlock. The utility may reserve the right to open the  
25 switch (i.e. isolating the qualifying facility's generation

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1 system) without prior notice to the qualifying facility. To the  
2 extent practicable, however, prior notice shall be given.

3 Any of the following conditions shall be cause for  
4 disconnection:

5 1. Utility system emergencies and/or maintenance  
6 requirements;

7 2. Hazardous conditions existing on the qualifying facility's  
8 generating or protective equipment as determined by the utility;

9 3. Adverse effects of the qualifying facility's generation to  
10 the utility's other electric consumers and/or system as  
11 determined by the utility;

12 4. Failure of the qualifying facility to maintain any  
13 required insurance; or

14 5. Failure of the qualifying facility to comply with any  
15 existing or future regulations, rules, orders or decisions of any  
16 governmental or regulatory authority having jurisdiction over the  
17 qualifying facility's electric generating equipment or the  
18 operation of such equipment.

19 (b) Responsibility and Liability. The utility and the  
20 qualifying facility shall each be responsible for its own  
21 facilities. The utility and the qualifying facility shall each  
22 be responsible for ensuring adequate safeguards for other utility  
23 customers, utility and qualifying facility personnel and  
24 equipment, and for the protection of its own generating system.  
25 The utility and the qualifying facility shall each indemnify and

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1 save the other harmless from any and all claims, demands, costs,  
2 or expense for loss, damage, or injury to persons or property of  
3 the other caused by, arising out of, or resulting from:

4 1. Any act or omission by a party or that party's  
5 contractors, agents, servants and employees in connection with  
6 the installation or operation of that party's generation system  
7 or the operation thereof in connection with the other party's  
8 system;

9 2. Any defect in, failure of, or fault related to a party's  
10 generation system;

11 3. The negligence of a party or negligence of that party's  
12 contractors, agents, servants or employees; or

13 4. Any other event or act that is the result of, or  
14 proximately caused by, a party.

15 For the purposes of this paragraph, the term party shall mean  
16 either utility or qualifying facility, as the case may be.

17 (c) Insurance.

18 The qualifying facility shall deliver to the utility, at least  
19 fifteen days prior to the start of any interconnection work, a  
20 certificate of insurance certifying the qualifying facility's  
21 coverage under a liability insurance policy issued by a reputable  
22 insurance company authorized to do business in the State of  
23 Florida naming the qualifying facility as named insured, and the  
24 utility as an additional named insured, which policy shall  
25 contain a broad form contractual endorsement specifically

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1 covering the liabilities accepted under this agreement arising  
2 out of the interconnection to the qualifying facility, or caused  
3 by operation of any of the qualifying facility's equipment or by  
4 the qualifying facility's failure to maintain the qualifying  
5 facility's equipment in satisfactory and safe operating  
6 condition.

7 1. The policy providing such coverage for a standard offer  
8 contract shall provide public liability insurance, including  
9 property damage, in the amount of \$1,000,000 for each occurrence.

10 2. The policy providing such coverage for a negotiated  
11 contract shall provide public liability insurance, including  
12 property damage, in an amount not less than \$1,000,000 for each  
13 occurrence. The parties may negotiate the amount of insurance  
14 over \$1,000,000.

15 3. The above required policy shall be endorsed with a  
16 provision requiring the insurance company to notify the utility  
17 thirty days prior to the effective date of cancellation or  
18 material change in the policy.

19 4. The qualifying facility shall pay all premiums and other  
20 charges due on said policy and keep said policy in force during  
21 the entire period of interconnection with the utility.

22 (6)-(7) Protection and Operation. It will be the  
23 responsibility of the qualifying facility to provide all devices  
24 necessary to protect the qualifying facility's equipment from  
25 damage by the abnormal conditions and operations which occur on

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1 the utility system that result in interruptions and restorations  
2 of service by the utility's equipment and personnel. The  
3 qualifying facility shall protect its generator and associated  
4 equipment from overvoltage, undervoltage, overload, short  
5 circuits (including ground fault condition), open circuits, phase  
6 unbalance and reversal, over or under frequency condition, and  
7 other injurious electrical conditions that may arise on the  
8 utility's system and any reclose attempt by the utility.

9 The utility may reserve the right to perform such tests as it  
10 deems necessary to ensure safe and efficient protection and  
11 operation of the qualifying facility's equipment.

12 (a) Loss of Source: The qualifying facility shall provide, or  
13 the utility will provide at the qualifying facility's expense,  
14 approved protective equipment necessary to immediately,  
15 completely, and automatically disconnect the qualifying  
16 facility's generation from the utility's system in the event of a  
17 fault on the qualifying facility's system, a fault of the  
18 utility's system, or loss of source on the utility's system.  
19 Disconnection must be completed within the time specified by the  
20 utility in its standard operating procedure for its electric  
21 system for loss of a source on the utility's system.

22 This automatic disconnecting device may be of the manual or  
23 automatic reclose type and shall not be capable of reclosing  
24 until after service is restored by the utility. The type and  
25 size of the device shall be approved by the utility depending

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1 upon the installation. Adequate test data or technical proof  
2 that the device meets the above criteria must be supplied by the  
3 qualifying facility to the utility. The utility shall approve a  
4 device that will perform the above functions at minimal capital  
5 and operating costs to the qualifying facility.

6 (b) Coordination and Synchronization. The qualifying facility  
7 shall be responsible for coordination and synchronization of the  
8 qualifying facility's equipment with the utility's electrical  
9 system, and assumes all responsibility for damage that may occur  
10 from improper coordination or synchronization of the generator  
11 with the utility's system.

12 (c) Electrical Characteristics. Single phase generator  
13 interconnections with the utility are permitted at power levels  
14 up to 20 KW. For power levels exceeding 20 KW, a three phase  
15 balanced interconnection will normally be required. For the  
16 purpose of calculating connected generation, 1 horsepower equals  
17 1 kilowatt. The qualifying facility shall interconnect with the  
18 utility at the voltage of the available distribution or the  
19 transmission line of the utility for the locality of the  
20 interconnection, and shall utilize one of the standard  
21 connections (single phase, three phase, wye, delta) as approved  
22 by the utility.

23 The utility may reserve the right to require a separate  
24 transformation and/or service for a qualifying facility's  
25 generation system, at the qualifying facility's expense. The

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1 | qualifying facility shall bond all neutrals of the qualifying  
2 | facility's system to the utility's neutral, and shall install a  
3 | separate driven ground with a resistance value which shall be  
4 | determined by the utility and bond this ground to the qualifying  
5 | facility's system neutral.

6 | (d) Exceptions. A qualifying facility's generator having a  
7 | capacity rating that can:

8 | 1. produce power in excess of 1/2 of the minimum utility  
9 | customer requirements of the interconnected distribution or  
10 | transmission circuit; or

11 | 2. produce power flows approaching or exceeding the thermal  
12 | capacity of the connected utility distribution or transmission  
13 | lines or transformers; or

14 | 3. adversely affect the operation of the utility or other  
15 | utility customer's voltage, frequency or overcurrent control and  
16 | protection devices; or

17 | 4. adversely affect the quality of service to other utility  
18 | customers; or

19 | 5. interconnect at voltage levels greater than distribution  
20 | voltages, will require more complex interconnection facilities as  
21 | deemed necessary by the utility.

22 | (7)~~(8)~~ Quality of Service. The qualifying facility's  
23 | generated electricity shall meet the following minimum  
24 | guidelines:

25 | (a) Frequency. The governor control on the prime mover shall

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1 | be capable of maintaining the generator output frequency within  
2 | limits for loads from no-load up to rated output. The limits for  
3 | frequency shall be 60 hertz (cycles per second), plus or minus an  
4 | instantaneous variation of less than 1%.

5 | (b) Voltage. The regulator control shall be capable of  
6 | maintaining the generator output voltage within limits for loads  
7 | from no-load up to rated output. The limits for voltage shall be  
8 | the nominal operating voltage level, plus or minus 5%.

9 | (c) Harmonics. The output sine wave distortion shall be  
10 | deemed acceptable when it does not have a higher content (root  
11 | mean square) of harmonics than the utility's normal harmonic  
12 | content at the interconnection point.

13 | (d) Power Factor. The qualifying facility's generation system  
14 | shall be designed, operated and controlled to provide reactive  
15 | power requirements from 0.85 lagging to 0.85 leading power  
16 | factor. Induction generators shall have static capacitors that  
17 | provide at least 85% of the magnetizing current requirements of  
18 | the induction generator field. (Capacitors shall not be so large  
19 | as to permit self-excitation of the qualifying facility's  
20 | generator field).

21 | (e) DC Generators. Direct current generators may be operated  
22 | in parallel with the utility's system through a synchronous  
23 | inverter. The inverter must meet all criteria in these rules.

24 | ~~(8)~~(9) Metering. The actual metering equipment required, its  
25 | voltage rating, number of phases, size, current transformers,

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1 potential transformers, number of inputs and associated memory is  
2 dependent on the type, size and location of the electric service  
3 provided. In situations where power may flow both in and out of  
4 the qualifying facility's system, power flowing into the  
5 qualifying facility's system will be measured separately from  
6 power flowing out of the qualifying facility's system.

7 The utility will provide, at no additional cost to the  
8 qualifying facility, the metering equipment necessary to measure  
9 capacity and energy deliveries to the qualifying facility. The  
10 utility will provide, at the qualifying facility's expense, the  
11 necessary additional metering equipment to measure energy  
12 deliveries by the qualifying facility to the utility.

13 (9)~~(10)~~ Cost Responsibility. The qualifying facility is  
14 required to bear all costs associated with the change-out,  
15 upgrading or addition of protective devices, transformers, lines,  
16 services, meters, switches, and associated equipment and devices  
17 beyond that which would be required to provide normal service to  
18 the qualifying facility if the qualifying facility were a  
19 non-generating customer. These costs shall be paid by the  
20 qualifying facility to the utility for all material and labor  
21 that is required. Prior to any work being done by the utility,  
22 the utility shall supply the qualifying facility with a written  
23 cost estimate of all its required materials and labor and an  
24 estimate of the date by which construction of the interconnection  
25 will be completed. This estimate shall be provided to the

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1 qualifying facility within 60 days after the qualifying facility  
2 supplies the utility with its final electrical plans. The  
3 utility shall also provide project timing and feasibility  
4 information to the qualifying facility.

5 ~~(10)-(11)~~ Each utility shall submit to the Commission, a  
6 standard agreement for interconnection by qualifying facilities  
7 as part of their standard offer contract or contracts required by  
8 Rule 25-17.0832(3).

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

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

11 History: New 9/4/83, formerly 25-17.87, Amended 10/25/90,  
12 5/6/93, \_\_\_\_\_.

13 **25-24.555 Scope and Waiver.**

14 (1) This part applies to persons or companies who provide for  
15 sharing or resale of local telecommunications service as defined  
16 in 25-24.560(10), F.A.C.

17 (2) To the extent these rules are inconsistent with provisions  
18 of Chapter 364, Florida Statutes, regarding shared tenant  
19 service, companies subject to this Part are exempted from such  
20 provisions or are subject to different requirements than  
21 otherwise prescribed for telecommunications companies under the  
22 authority of section 364.339, Florida Statutes.

23 (3) A shared tenant service company may petition for exemption  
24 from applicable portions of Chapter 364, Florida Statutes, or for  
25 application of different requirements than otherwise prescribed

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1 for telecommunications companies by Chapter 364, Florida  
2 Statutes, under the authority of section 364.339, Florida  
3 Statutes.

4 ~~(4) A shared tenant service company may petition for a waiver~~  
5 ~~of any provision of this part. The Commission may grant a waiver~~  
6 ~~to the extent that it determines that it is in the public~~  
7 ~~interest to do so. The Commission may grant the petition in~~  
8 ~~whole or part and may impose reasonable alternative regulatory~~  
9 ~~requirements on the petitioning company. In disposing of a~~  
10 ~~petition, the Commission shall consider:~~

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

13 ~~— (b) The extent to which competitive forces may serve the same~~  
14 ~~function as, or prevent the necessity for, the provision sought~~  
15 ~~to be waived; and~~

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

18 ~~— (5) Any statutory exemptions granted or rule waivers granted~~  
19 ~~prior to the adoption of this rule are void, and to the extent~~  
20 ~~not covered in this rule, must be renewed.~~

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

22 Law Implemented: 364.01, 364.339 F.S.

23 History--New 1-28-91, Amended 7-29-97,\_\_\_\_\_.

24 25-30.010 Rules for General Application. The rules hereinafter  
25 set forth are for general application and are subject to such

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

7 Specific Authority: 367.121, F.S.

8 Law Implemented: 367.121, F.S.

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

11 25-30.011 Application and Scope.

12 (1) These rules and regulations shall, as appropriate, apply  
13 to all water systems and/or wastewater systems which are now, or  
14 may hereafter be, subject to the jurisdiction of the Florida  
15 Public Service Commission. They are intended to define and  
16 promote good utility practices, adequate and efficient service to  
17 the public at reasonable cost, and to establish the rights and  
18 responsibilities of both the utility and the customer.

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

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1     ~~(2)(3)~~ No deviation from these rules shall be permitted  
2 unless authorized in writing by the Commission.

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

10     ~~(3)(5)~~ It is not intended that any rule or regulation  
11 contained herein shall supersede or conflict with an applicable  
12 regulation of the Department of Health and Rehabilitative  
13 Services (DHRS) or the Department of Environmental Protection  
14 ~~Regulation~~ (DEPR). Compliance by a utility with the regulations  
15 of the DHRS or DEPR on a particular subject matter shall  
16 constitute compliance with such of these rules as relate to the  
17 same subject matter except as otherwise ordered by the  
18 Commission.

19     ~~(4)(6)~~ The adoption of these rules shall not in any way  
20 relieve any utility from any of its duties under the laws of this  
21 State.

22 Specific Authority: 367.121, F.S.

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

24 History: Amended 9/12/74, formerly 25-10.14, Transferred from  
25 25-10.014 and Amended 11/9/86, \_\_\_\_\_.

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1 25-30.436 General Information and Instructions Required of Class  
2 A and B Water and Wastewater Utilities in an Application for Rate  
3 Increase.

4 (1) Each applicant for a rate increase shall provide the  
5 following general information to the Commission:

6 (a) The name of the applicant as it appears on the applicant's  
7 certificate and the address of the applicant's principal place of  
8 business;

9 (b) The type of business organization under which the  
10 applicant's operations are conducted; if the applicant is a  
11 corporation, the date of incorporation; the names and addresses  
12 of all persons who own 5 percent or more of the applicant's stock  
13 or the names and addresses of the owners of the business.

14 (c) The number of the Commission order, if any, which  
15 previously considered the applicant's rates for the system(s)  
16 involved.

17 (d) The address within the service area where the application  
18 is available for customer inspection during the time the rate  
19 application is pending.

20 (e) Where the utility requests rates which generate less than  
21 a fair rate of return, it must provide a statement of assurance  
22 that its quality of service will not suffer.

23 (f) An affidavit signed by an officer of the utility that  
24 states that the utility will comply with Rule 25-22.0407, F.A.C.

25 (g) A statement whether the applicant requests to have the

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1 case processed using the proposed agency action procedure  
2 outlined in section 367.081(8), F.S.

3 (2) The applicant's petition for rate relief will not be  
4 deemed filed until the appropriate filing fee has been paid and  
5 all minimum filing requirements have been met, including filing  
6 of the applicant's prepared direct testimony unless the applicant  
7 has filed its petition pursuant to section 367.081(8), F.S. At a  
8 minimum, the direct testimony shall explain why the rate increase  
9 is necessary and address those areas anticipated at the time of  
10 filing to be at issue.

11 (3) The applicant shall state any known deviation from the  
12 policies, procedures and guidelines prescribed by the Commission  
13 in relevant rules or in the company's last rate case.

14 (4) In the rate case application:

15 (a) Each schedule shall be cross-referenced to identify  
16 related schedules as either supporting schedules or recap  
17 schedules.

18 (b) Each page of the filing shall be consecutively numbered on  
19 8 1/2 x 11-inch paper.

20 (c) Except for handwritten official company records, all data  
21 in the petition, exhibits and minimum filing requirements shall  
22 be typed.

23 (d) Sixteen copies shall to be filed with the Commission's  
24 Division of Records and Reporting, except as specifically  
25 identified in (4) (h) below or in Rule 25-30.437, 25-30.4385 or

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1 25-30.440, F.A.C.

2 (e) Whenever the applicant proposes any corrections, updates  
3 or other changes to the originally filed data, 20 copies shall be  
4 filed with the Division of Records and Reporting with copies also  
5 served on all parties of record at the same time.

6 (f) If the capital structure contains zero or negative equity,  
7 a return on equity shall be requested, which shall be the maximum  
8 of the return of the current equity leverage formula established  
9 by order of this Commission pursuant to section 367.081(4), F.S.

10 (g) The provisions of Rule 25-30.433 shall be followed in  
11 preparing the utility's application.

12 (h) Any system that has costs allocated or charged to it from  
13 a parent, affiliate or related party, in addition to those costs  
14 reported on Schedule B-12 of Commission Form PSC/WAW 19 for a  
15 Class A utility, or PSC/WAW 20 for a Class B utility,  
16 (incorporated by reference in Rule 25-30.437) shall file three  
17 copies of additional schedules that show the following  
18 information:

19 1. The total costs being allocated or charged prior to any  
20 allocation or charging as well as the name of the entity from  
21 which the costs are being allocated or charged and its  
22 relationship to the utility.

23 2. For costs allocated or charged to the utility in excess of  
24 one percent of test year revenues:

25 a. a detailed description and itemization; and

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1 b. the amount of each itemized cost.

2 3. The allocation or direct charging method used and the  
3 bases for using that method.

4 4. The workpapers used to develop the allocation method,  
5 including but not limited to the numerator and denominator of  
6 each allocation factor.

7 5. The workpapers used to develop, where applicable, the  
8 basis for the direct charging method.

9 6. An organizational chart of the relationship between the  
10 utility and its parent and affiliated companies and the  
11 relationship of any related parties.

12 7. A copy of any contracts or agreements between the utility  
13 and its parent or affiliated companies for services rendered  
14 between or among them.

15 (i) For any land recorded on the utility's books since rate  
16 base was last established, the utility shall file copies of the  
17 documents that demonstrate that the utility owns the land upon  
18 which the utility treatment facilities are located, or that  
19 provides for the continued use of the land, such as a 99-year  
20 lease. The Commission may consider a written easement or other  
21 cost-effective alternative.

22 (5) Commission Designee. The Director of the Division of  
23 Water and Wastewater shall be the designee of the Commission for  
24 purposes of determining whether the applicant has met the minimum  
25 filing requirements imposed by this rule.

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

7 (6)-(7) Within 60 days after the issuance of a final order  
8 entered in response to an application for increased rates, or, if  
9 applicable, within 60 days after the issuance of an order entered  
10 in response to a motion for reconsideration of the final order,  
11 each utility shall submit a breakdown of actual rate case expense  
12 incurred, in total, in a manner consistent with Schedule No. B-10  
13 (PSC/WAW Form 19 or 20, whichever is applicable, as described in  
14 Rule 25-30.437). If the deadline prescribed above cannot be met,  
15 an extension shall be granted by the Director of the Division of  
16 Water and Wastewater for good cause shown.

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

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

19 History: New 11/9/86, Amended 6/25/90, 11/30/93, \_\_\_\_\_.

20 25-30.450 Burden of Proof and Audit Provisions. In each  
21 instance, the utility must be able to support any schedule  
22 submitted, as well as any adjustments or allocations relied on by  
23 the utility. The work sheets, etc. supporting the schedules and  
24 data submitted must be organized in a systematic and rational  
25 manner so as to enable Commission personnel to verify the

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1 schedules in an expedient manner and minimum amount of time. The  
2 supporting work sheets, etc., shall list all reference sources  
3 necessary to enable Commission personnel to track to original  
4 source of entry into the financial and accounting system and, in  
5 addition, verify amounts to the appropriate schedules. Utilities  
6 ~~may request a waiver of specific parts of the above rule from the~~  
7 ~~Commission by submitting a written statement setting forth the~~  
8 ~~reason, in detail, why the waiver should be granted.~~

9 Specific Authority: 367.121, F.S.

10 Law Implemented: 367.081, F.S.

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

12 Amended.

13 25-30.455 Staff Assistance in Rate Cases.

14 (1) Water and wastewater utilities whose total gross annual  
15 operating revenues are \$150,000 or less for water service or  
16 \$150,000 or less for wastewater service, or \$300,000 or less on a  
17 combined basis, may petition the Commission for staff assistance  
18 in rate applications by submitting a completed staff assisted  
19 rate case application. In accordance with section 367.0814(4),  
20 F.S., a utility that requests staff assistance waives its right  
21 to protest by agreeing to accept the final rates and charges  
22 approved by the Commission unless the final rates and charges  
23 would produce less revenue than the existing rates and charges.  
24 If a utility that chooses to utilize the staff assistance option  
25 employs outside experts to assist in developing information for

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1 staff or to assist in evaluating staff's schedules and  
2 conclusions, the reasonable and prudent expense will be  
3 recoverable through the rates developed by staff. A utility that  
4 chooses not to exercise the option of staff assistance may file  
5 for a rate increase under the provisions of Rule 25-30.443,  
6 F.A.C.

7 (2) Upon request, the Division of Water and Wastewater shall  
8 provide the potential applicant with the appropriate application  
9 form, Commission Form PSC/WAS 2 (Rev. 11/86), "Application for  
10 Staff Assisted Rate Case", which is incorporated by reference in  
11 this rule, and a copy of Rule 25-30.455, F.A.C., governing staff  
12 assisted rate cases. The form may be obtained from the  
13 Commission's Division of Water and Wastewater, 2540 Shumard Oak  
14 Boulevard, Tallahassee, Florida 32399-0850.

15 (3) Upon completion of the form, the petitioner may return it  
16 to the Director of Records and Reporting, Florida Public Service  
17 Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida  
18 32399-0870.

19 (4) Upon receipt of a completed application, the Director of  
20 Records and Reporting shall acknowledge its receipt, assign a  
21 docket number for identification, and shall forward the  
22 application to a committee comprised of one member each of the  
23 Commission's Divisions of Water and Wastewater, Auditing and  
24 Financial Analysis, and Legal Services.

25 (5) Within 30 days of receipt of the completed application,

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1 the committee shall evaluate the application and determine the  
2 petitioner's eligibility for staff assistance.

3 (a) If the Commission has received four or more applications  
4 in the previous 30 days; or, if the Commission has 20 or more  
5 docketed staff assisted rate cases in active status on the date  
6 the application is received, the Commission shall deny initial  
7 evaluation of an application for staff assistance and close the  
8 docket. When an application is denied under the provisions of  
9 this subsection, the applicant shall be notified of the date on  
10 which the application may be resubmitted.

11 (b) Initially, determinations of eligibility may be  
12 conditional, pending an actual examination of the condition of  
13 petitioner's books and records. After an initial determination  
14 of eligibility, the Division of Auditing and Financial Analysis  
15 committee shall examine the books and records of the utility  
16 before making a final determination of eligibility.

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

21 (6) Upon reaching a decision to officially accept or deny the  
22 application, the Director of the Division of Water and Wastewater  
23 shall notify the petitioner by letter and initiate staff  
24 assistance for the accepted applicant.

25 (7) The official date of filing will be 30 days after the date

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1 of the letter notifying the applicant of the official acceptance  
2 of the application by the Commission.

3 (8) In arriving at a recommendation whether to grant or deny  
4 the petition, the following shall be considered:

5 (a) Whether the petitioner qualifies for staff assistance  
6 pursuant to subsection (1) of this rule;

7 (b) Whether the petitioner's books and records are organized  
8 consistent with Rule 25-30.110, F.A.C., so as to allow commission  
9 personnel to verify costs and other relevant factors within the  
10 30-day time frame set out in this rule;

11 (c) Whether the petitioner has filed annual reports;

12 (d) Whether the petitioner has paid applicable regulatory  
13 assessment fees;

14 (e) Whether the petitioner has at least 1 year's actual  
15 experience in utility operation;

16 (f) Whether the petitioner has filed additional relevant  
17 information in support of eligibility, together with reasons why  
18 the information should be considered;

19 (g) Whether the petitioner has complied in a timely manner  
20 with all Commission decisions and requests affecting water and  
21 wastewater utilities for 2-years prior to the filing of the  
22 application under review;

23 (h) Whether the utility has applied for a staff assisted rate  
24 case within the 2 year period prior to the receipt of the  
25 application under review.

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1 (9) The Commission will deny the application if a utility does  
2 not remit the fee as provided by section 367.145, Florida  
3 Statutes, and Rule 25-30.020(2)(f), F.A.C., within 30 days after  
4 official acceptance.

5 (10) An aggrieved petitioner may request reconsideration  
6 which shall be decided by the full Commission.

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

9 (11)~~(12)~~ A substantially affected person may file a  
10 petition to protest the Commission's proposed agency action in a  
11 staff assisted rate case within 21 days of issuance of the Notice  
12 of Proposed Agency Action as set forth in Rule 25-22.036, F.A.C.

13 (12)~~(13)~~ In the event of a protest of the Commission's  
14 Notice of Proposed Agency Action (PAA Order) in a staff assisted  
15 rate case, the utility shall:

16 (a) Provide prefiled direct testimony in accordance with the  
17 procedural order in the case. At a minimum, that testimony shall  
18 adopt the Commission's PAA Order in the case;

19 (b) Sponsor a witness to support source documentation provided  
20 to the Commission staff in its preparation of the staff audit,  
21 the staff engineering and accounting report and the staff PAA  
22 recommendation in the case;

23 (c) Include in its testimony the necessary factual information  
24 to support its position on any issue that it chooses to take a  
25 position different than that contained in the Commission's PAA

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1 Order;

2 (d) Meet all other requirements of the order establishing  
3 procedures.

4 ~~(13)-(14)~~ Failure to comply with the dates established in  
5 the procedural order, or to file timely a request for extension  
6 of time for good cause shown, may result in dismissal of the  
7 staff assisted rate case and closure of the docket.

8 ~~(14)-(15)~~ In the event of a protest of the Commission's PAA  
9 Order in a staff assisted rate case the Commission staff shall:

10 (a) File prefiled direct testimony to explain its analysis in  
11 the PAA recommendation. In the event the staff wishes to alter  
12 its PAA position on any issue, it shall provide factual testimony  
13 to support its changed position.

14 (b) Meet all other requirements of the order establishing  
15 procedures;

16 (c) Provide to the utility materials to assist the utility in  
17 the preparation of its testimony and exhibits. This material  
18 shall consist of an example of testimony filed by a utility in  
19 another case, an example of testimony that would support the PAA  
20 Order in this case, an example of an exhibit filed in another  
21 case, and examples of prehearing statements and briefs filed in  
22 other cases.

23 Specific Authority: 367.0814, 367.121, F.S.

24 Law Implemented: 367.0814, F.S.

25 History: New 12/8/80, Transferred from 25-10.180 and Amended

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1 11/9/86, 8/26/91, 11/30/93, \_\_\_\_\_.

2 25-30.456 Staff Assistance in Alternative Rate Setting.

3 (1) As an alternative to a staff assisted rate case as  
4 described in Rule 25-30.455, F.A.C., water and wastewater  
5 utilities whose total gross annual operating revenues are  
6 \$150,000 or less for water service or \$150,000 or less for  
7 wastewater service, or \$300,000 or less on a combined basis, may  
8 petition the Commission for staff assistance in alternative rate  
9 setting by submitting a completed staff assisted application for  
10 alternative rate setting.

11 (2) Upon request, the Division of Water and Wastewater shall  
12 provide the potential applicant with the application form,  
13 PSC/WAS 25 (11/93), titled "Application for Staff Assistance for  
14 Alternative Rate Setting" which is incorporated by reference in  
15 this rule, and a copy of the rules governing Staff Assistance in  
16 Alternative Rate Setting. The form may be obtained from the  
17 Commission's Division of Water and Wastewater, 2540 Shumard Oak  
18 Boulevard, Tallahassee, Florida 32399-0850.

19 (3) Upon completion of the form, the applicant may return it  
20 to the Director of Records and Reporting, Florida Public Service  
21 Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida  
22 32399-0870.

23 (4) Upon receipt of an application, the Director of Records  
24 and Reporting shall acknowledge its receipt, assign a docket  
25 number for identification, and shall forward the application to

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1 the Commission's Division of Water and Wastewater.

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

6 (a) If the Commission has received four or more alternative  
7 rate setting applications in the previous 30 days; or, if the  
8 Commission has 20 or more docketed staff assisted rate cases in  
9 active status on the date the application is received, the  
10 Commission shall deny initial evaluation of an application for  
11 staff assistance and close the docket. When an application is  
12 denied under the provisions of this subsection, the applicant  
13 shall be notified of the date on which the application may be  
14 resubmitted.

15 (b) Determinations of eligibility may be conditional, pending  
16 an actual examination of the condition of petitioner's books and  
17 records.

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

22 (6) Upon reaching a decision to officially accept or deny the  
23 application, the Director of the Division of Water and Wastewater  
24 shall notify the applicant by letter and initiate staff  
25 assistance for the accepted applicant.

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1 (7) The official date of filing will be 30 days after official  
2 acceptance of the application by the Commission.

3 (8) In deciding whether to grant or deny the application, the  
4 following shall be considered:

5 (a) Whether the applicant qualifies for staff assistance  
6 pursuant to subsection (1) of this rule;

7 (b) Whether the applicant has filed annual reports;

8 (c) Whether the applicant has paid applicable regulatory  
9 assessment fees;

10 (d) Whether the applicant has at least 1 year's actual  
11 experience in utility operation;

12 (e) Whether the applicant has filed additional relevant  
13 information in support of eligibility, together with reasons why  
14 the information should be considered;

15 (f) Whether the applicant has made a good faith effort in a  
16 timely manner to comply with all Commission decisions and  
17 requests affecting water and wastewater utilities for 2-years  
18 prior to the filing of the application under review;

19 (g) Whether the utility has been granted a staff assisted rate  
20 case or alternative rate setting within the 2-year period prior  
21 to the receipt of the application under review.

22 (9) The Commission shall deny the application if a utility  
23 does not remit the fee, as provided by section 367.145, F.S., and  
24 Rule 25-30.020(2)(f), F.A.C., within 30 days after official  
25 acceptance.

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1 (10) An aggrieved applicant may request reconsideration  
2 which shall be decided by the full Commission.

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

5 (11)~~(12)~~ The Commission shall, for the purposes of  
6 determining the amount of rate increase, if any, compare the  
7 operation and maintenance expenses (O & M) of the utility to test  
8 year operating revenues. The Commission shall consider an  
9 allowance for return on working capital using the one-eighth of O  
10 & M formula approach.

11 (12)~~(13)~~ The Commission shall limit the maximum increase in  
12 operating revenues to 50 percent of test year operating revenues.

13 (13)~~(14)~~ The Commission shall vote on a proposed agency  
14 action (PAA) recommendation establishing rates no later than 90  
15 days from the official filing date as established in Rule 25-  
16 30.455(7), F.A.C.

17 (14)~~(15)~~ A substantially affected person may file a  
18 petition to protest the Commission's PAA Order regarding a staff  
19 assisted alternative rate setting application within 21 days of  
20 issuance of the Notice of Proposed Agency Action as set forth in  
21 Rules 25-22.036 and 28-106.201, F.A.C.

22 (15)~~(16)~~ In the event of protest of the PAA Order by a  
23 substantially affected party, the rates established in the PAA  
24 Order may be implemented on a temporary basis. At that time the  
25 utility may elect to pursue rates set pursuant to the rate base

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1 determination provisions of Rule 25-30.455, F.A.C.

2 ~~(16)~~~~(17)~~ In the event of a protest the maximum increase  
3 established in (13) above shall no longer apply.

4 ~~(17)~~~~(18)~~ In the event of a protest of the Commission's PAA  
5 Order in a staff assisted alternative rate setting application,  
6 the utility shall:

7 (a) Provide prefiled direct testimony in accordance with the  
8 procedural order in the case. At a minimum, that testimony shall  
9 adopt the Commission's PAA Order in the case;

10 (b) Sponsor a witness to support source documentation provided  
11 to the Commission staff in its preparation of the staff  
12 engineering and accounting analysis and the staff PAA  
13 recommendation in the case;

14 (c) Include in its testimony the necessary factual information  
15 to support its position on any issue that it chooses to take a  
16 position different than that contained in the Commission's PAA  
17 Order;

18 (d) Meet all other requirements of the order establishing  
19 procedures.

20 ~~(18)~~~~(19)~~ Failure to comply with the dates established in  
21 the procedural order, or to timely file a request for extension  
22 of time for good cause shown, may result in dismissal of the  
23 staff assisted alternative rate setting application and closure  
24 of the docket.

25 ~~(19)~~~~(20)~~ In the event of protest of the Commission's PAA

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1 Order in a staff assisted alternative rate setting application  
2 the Commission staff shall:

3 (a) File prefiled direct testimony to explain its analysis in  
4 the PAA recommendation. In the event the staff wishes to alter  
5 its PAA position on any issue it shall provide factual testimony  
6 to support its changed position.

7 (b) Meet all other requirements of the order establishing  
8 procedures;

9 (c) Provide to the utility materials to assist the utility in  
10 the preparation of its testimony and exhibits. This material  
11 shall consist of an example of testimony filed by a utility in  
12 another case, a sample of testimony that would support the PAA  
13 Order in this case, an example of an exhibit filed in another  
14 case, and examples of prehearing statements and briefs filed in  
15 other cases.

16 Specific Authority: 367.0814, 367.121, F.S.

17 Law Implemented: 367.0814, F.S.

18 History: New 11/30/93, Amended.

19 25-30.570 Imputation of Contributions-in-Aid-of-Construction.

20 ~~(1)~~ If the amount of CIAC has not been recorded on the  
21 utility's books and the utility does not submit competent  
22 substantial evidence as to the amount of CIAC, the amount of CIAC  
23 shall be imputed to be the amount of plant costs charged to the  
24 cost of land sales for tax purposes if available, or the  
25 proportion of the cost of the facilities and plant attributable

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1 to the water transmission and distribution system and the sewage  
2 collection system.

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

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

10 Law Implemented: 367.101, F.S.

11 History: New 6/14/83, formerly 25-30.57, Amended \_\_\_\_\_.

12 25-30.580 Guidelines for Designing Service Availability Policy.

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

15 (1) ~~(a)~~ The maximum amount of  
16 contributions-in-aid-of-construction, net of amortization, should  
17 not exceed 75% of the total original cost, net of accumulated  
18 depreciation, of the utility's facilities and plant when the  
19 facilities and plant are at their designed capacity; and

20 (2) ~~(b)~~ The minimum amount of  
21 contributions-in-aid-of-construction should not be less than the  
22 percentage of such facilities and plant that is represented by  
23 the water transmission and distribution and sewage collection  
24 systems.

25 ~~(2) In any case where compliance with the guidelines of~~

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

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

7 Law Implemented: 367.101, F.S.

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

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NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 980569-PU

RULE TITLE:

RULE NO.:

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: 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.

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, (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

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.

History--New 7-29-69, formerly 25-6.02, Amended \_\_\_\_\_.

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

(1) - (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), FS.

Law Implemented 366.06(1), (2), (3), (4), 366.04(2)(f), 366.071, FS.

History--New 5-27-81, formerly 25-6.43, Amended 7-5-90, \_\_\_\_\_.

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

(1) - (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), FS.

Law Implemented 366.03, 366.04, 366.041, 366.05, FS.

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

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

RULE TITLE:

RULE NO.:

Interconnection and Standards

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,

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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

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

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

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.

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).

Rules 25-4.002, 25-4.141,  
25-4.202, 25-24.455, 25-  
6.002, 25-6.043, 25-6.0438,  
25-17.087, 25-30.010, 25-  
30.011, 25-30.436, 25-  
30.450, 25-30.455, 25-  
30.456, 25-30.570, and 25-  
30.580  
Docket No. 980569-PU

**STATEMENT OF FACTS AND CIRCUMSTANCES  
JUSTIFYING RULE**

In 1996, the Legislature substantially amended Chapter 120, Florida Statutes, the "Administrative Procedure Act" (APA). Among the changes to the APA was the adoption of section 120.542, Florida Statutes, governing rule waivers and variances, and section 120.536, requiring agencies to report to the Joint Administrative Procedures Committee (JAPC) its rules that exceed its rulemaking authority, and repeal those for which authorizing legislation does not exist. On September 9, 1997, the Commission approved the list of rules for which it lacked specific statutory authority. On September 25, 1997, by letter from Chairman Johnson, the Commission submitted its list to the JAPC. The Commission did not seek legislation to authorize the identified rules that provide generally for waivers and variances from the rules, because, as stated in the letter, specific authority is now contained in section 120.542, Florida Statutes, and specific uniform rules to implement the statute had been adopted by the Administration Commission.

**STATEMENT ON FEDERAL STANDARDS**

There is no federal standard on the same subject.