



# Public Service Commission

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## -M-E-M-O-R-A-N-D-U-M-

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00 APR - 8 AM 10:31  
RECORDS AND REPORTING

**DATE:** APRIL 6, 2000

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAY)

**FROM:** DIVISION OF APPEALS (HELTON) *not DES*  
 DIVISION OF AUDITING AND FINANCIAL ANALYSIS (HEWITT) *OBH*  
 DIVISION OF LEGAL SERVICES (VAN LEUVEN) *not*  
 DIVISION OF WATER AND WASTEWATER (WILLIAMS) *not*

**RE:** DOCKET NO. 000393-WS - PROPOSED REPEAL OF RULE 25-30.111, F.A.C., EXEMPTION FOR RESALE OF UTILITY SERVICE, ANNUAL REPORT

**AGENDA:** 4/18/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**RULE STATUS:** PROPOSAL MAY BE DEFERRED

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\APP\WP\000393PR.RCM

### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission repeal Rule 25-30.111, Florida Administrative Code, Exemption for Resale of Utility Service, Annual Report?

**RECOMMENDATION:** Yes, the Commission should repeal Rule 25-30.111, Florida Administrative Code.

**STAFF ANALYSIS:** Rule 25-30.111, Florida Administrative Code, requires water and wastewater resellers who have been granted an exemption from regulation to file an annual report. During the 1999 legislative session, the Legislature repealed Section 367.0822(8), Florida Statutes, which is the law implemented by Rule 25-30.111. The Commission had proposed the repeal of this law since the Commission did not have a mechanism for finding out who

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FPSC-RECORDS/REPORTING

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should be filing the annual report. Because the law implemented has been repealed, staff recommends repealing Rule 25-30.111.

**Statement of Estimated Regulatory Costs:** No Statement of Estimated Regulatory Costs was prepared because the cost of reporting would be eliminated by the repeal of Rule 25-30.111.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes, if no requests for hearing or comments are filed, the rule repeal as proposed should be filed for adoption with the Secretary of State and the docket be closed.

**STAFF ANALYSIS:** Unless comments or requests for hearing are filed, the rule repeal as proposed may be filed with the Secretary of State without further Commission action. The docket may then be closed.

1           25-30.111   Exemption for Resale of Utility Service, Annual  
2 Report.

3           ~~Any person who has been granted an exemption from regulation~~  
4 ~~as a reseller of water or wastewater service provided for in~~  
5 ~~subsection 367.022(8), F.S., shall file a report by March 31 of~~  
6 ~~each year following the year for which the exemption is claimed.~~

7 The report shall contain the following:

8           ~~(1) A schedule, listing by month, the rates charged for and~~  
9 ~~total revenue received from the water or wastewater service sold.~~

10          ~~(2) A schedule, listing by month, the rates charged and total~~  
11 ~~expense incurred for the purchase of the water or wastewater~~  
12 ~~service.~~

13          ~~(3) A statement listing the source from which the water or~~  
14 ~~wastewater service was purchased.~~

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

16 Law Implemented: 367.022(8), F.S.

17 History:    New 3/26/81, Formerly 25-10.09, 25-10.009, Amended  
18 11/9/86, 11/30/93, Repealed \_\_\_\_\_.

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CODING: Words underlined are additions; words in ~~struck~~  
~~through~~ type are deletions from existing law.

MEMORANDUM

March 30, 2000

TO: DIVISION OF APPEALS (HELTON)

FROM: DIVISION OF AUDITING AND FINANCIAL ANALYSIS (HEWITT) CBH <sup>DM</sup>

SUBJECT: STATEMENT OF ESTIMATED REGULATORY COSTS FOR PROPOSED REPEAL OF RULE 25-30.111, F.A.C., EXEMPTION FOR RESALE OF UTILITY SERVICE, ANNUAL REPORT <sup>YMB</sup> <sup>JAS</sup>

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Rule 25-30.111, F.A.C., Exemption for Resale of Utility Service, Annual Report was intended to inform the Commission that a reseller of water or wastewater service, qualifying for an exemption from regulation, continues to qualify for that exemption each year. However, many resellers were not reporting and there was no mechanism to identify them. The legislature removed the enabling statute for the annual report requirement last year, so the rule must be repealed.

The Administrative Procedures Act encourages an agency to prepare a Statement of Estimated Regulatory Costs (SERC). However, the cost of reporting would be eliminated and no additional costs or impacts would be imposed on resellers, small businesses, small cities, or small counties. Therefore, a SERC will not be prepared for the proposed rule at this time. Please keep my name on the CASR.

cc: Mary Andrews Bane  
Hurd Reeves  
John Williams  
reslmem.cbh

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DIVISION OF APPEALS