State of Florida

Public Service Commission

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

DATE: April 17, 2000

TO: Mary Andrews Bane, Deputy Executive Director/Technical

FROM: Mary Anne Helton, Senior Attorney, Division of Appeals

RE: Item #5 on 4/18/00 Agenda - Docket No. 000393-WS - Proposed Repeal of Rule 25-30.111, F.A.C., Exemption for Resale of Utility Service, Annual Report

A technical change needs to be made to the above-referenced recommendation to repeal Rule 25-30.111 because a statute was cited incorrectly in the staff analysis section. In the second sentence of the staff analysis section, Section 367.0822(8), Florida Statutes, should read Section 367.022(8), Florida Statutes. The corrected statute citation is redlined below as it should be shown in staff's recommendation:

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 During the 1999 legislative session, the Legislature repealed Section 367.022(8), Florida Statutes, which is the law implemented by Rule 25-30.111.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 should be filing the annual report. Because the law implemented has been repealed, staff recommends repealing Rule 25-30.111.

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