

STATE OF FLORIDA

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

Public Service Commission

April 20, 2000

Mr. Charles Vaughn  
Chairman  
Industrial Relations Committee  
1461 Stafford St.  
Port Charlotte, FL 33952

Re: PSC Docket No. 980643-EI

Dear Mr. Vaughn:

I am writing to confirm our conversation on Tuesday afternoon concerning the Commission's decision at its April 18, 2000, Agenda Conference to propose amendments to Rules 25-6.135, 25-6.1351, and 25-6.0436, Florida Administrative Code. As I stated, your hearing request dated April 17, 2000, is untimely.

Pursuant to Section 120.54(3)(c), Florida Statutes, a hearing cannot be requested until the Commission publishes its notice in the Florida Administrative Weekly (FAW). This notice should be published on May 5, 2000, which means that you will have a window of opportunity from May 5 until May 26, 2000, to request a hearing or file comments. Because you are on the mailing list for this docket, you will receive a copy of the Commission's Proposed Notice of Rulemaking, which will have attached the Commission's notice that will be published in the FAW.

As I stated, if a hearing is requested, the hearing officer presiding over the Section 120.54 rulemaking hearing will be an attorney on the Commission staff. Pursuant to Section 120.54(3)(c), if the Commission decides to make any changes to its proposed rules, the changes must be based on the comments received after the rule is published in the FAW or the record of the rulemaking hearing. Only the hearing officer may participate in the Agenda Conference at which the Commission decides whether to make changes to the proposed rules.

I also want to let you know that you can hear the Commission's discussion concerning this item by accessing the Commission's web page at the address below. Follow these links: Audio Video Access; Audio Access to PSC Events; 4/18/00 9:30 Commission Conference Tallahassee Staff's recommendation to propose the amendments was item number three at this Agenda Conference.

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- MAS \_\_\_\_\_
- OPC \_\_\_\_\_
- RRR \_\_\_\_\_
- SEC \_\_\_\_\_
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

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Finally, I want to state again that it is staff's opinion that "Code of Conduct" rules are outside the scope of this rulemaking docket. The Commission staff is now gathering information so that it can decide whether to recommend to the Commission that it adopt Code of Conduct rules.

You may call me at (850) 413-6096 if you have any questions.

Sincerely,



Mary Anne Helton  
Associate General Counsel

MAH

cc: Tim Devlin  
Bob Elias  
Craig Hewitt  
Dale Mailhot  
Jay Revell  
Beth Salak  
docket file

vaughnle.mah