

Commissioners:
JOE GARCIA, CHAIRMAN
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DIVISION OF APPEALS
DAVID SMITH
DIRECTOR
(850) 413-6245

Public Service Commission

April 20, 2000

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

Re: Docket No. 000393-WS - Proposed Repeal of Rule 25-30.111, F.A.C., Exemption for Resale of Utility Service, Annual Report

Dear Mr. Webb:

Enclosed is an original copy of the following materials concerning the above referenced proposed rule:

1. A copy of the rule.
2. A copy of the F.A.W. notice.
3. A statement of facts and circumstances justifying the proposed rule.
4. A federal standards statement.
5. No statement of estimated regulatory costs was prepared.

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

Sincerely,

Mary Anne Helton
Associate General Counsel

AFA
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CH

ADM30111.MAH

Enclosures

cc: Division of Records & Reporting

DOCUMENT NUMBER-DATE

04973 APR 21 8

FPSC-RECORDS/REPORTING

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18 11/9/86, 11/30/93, Repealed _____.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.

NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 000393-WS

RULE TITLE:

RULE NO.:

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

PURPOSE AND EFFECT: To repeal Rule 25-30.111.

SUMMARY: Rule 25-30.111 requires exempt water and wastewater resellers to file an annual report with the Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None was prepared.

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: 367.121(1), FS

LAW IMPLEMENTED: 367.022(8), 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, (850) 413-6245.

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

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

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: John Williams,
Division of Water and Wastewater.

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: April 18, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

Volume 26, Number 9, March 3, 2000.

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).

**STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE**

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, the Commission is repealing Rule 25-30.111.

STATEMENT ON FEDERAL STANDARDS

There is no federal standard on the same subject.