

DOCKET NO. 010975-OT

CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

/x/ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

/x/ (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

/x/ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

/x/ (a) Are filed not more than 90 days after the notice; or

/ (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

/ (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

/ (d) Are filed more than 90 days after the notice, but

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FPSC-COMMISSION CLERK

not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

 / (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

 / (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

 / (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

 / (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

 / (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No.

25-22.104

Under the provision of subparagraph 120.54(3)(e)6., F.S.,
the rules take effect 20 days from the date filed with the
Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)

Kay Meyer for
BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

Number of Pages Certified

(S E A L)

SMC

1 25-22.104 Numbering of Orders.

2 (1) All orders shall be sequentially numbered as rendered
3 using a two-part number separated by a dash with the first part
4 before the dash indicating the year and the second part indicating
5 the numerical sequence of the order issued for that year beginning
6 with the number 0001 each new calendar year. Amendatory orders
7 will be assigned the same order number as the order being amended,
8 with the addition of the letter "A" immediately following the order
9 number. The assigned agency prefix which is "PSC" shall precede
10 the two-part number.

11 (2) The applicable order category shall be added as a suffix
12 succeeding the agency designation prefix and the two-part number.
13 ~~The order category suffix for proposed agency action orders will be~~
14 ~~either "FOF" or "FOI", depending on the type of proceeding in which~~
15 ~~the order was issued.~~ The order categories are as follows:

- 16 DS - Declaratory Statement
- 17 FOI - Final Order Informal Proceedings
- 18 FOF - Final Order Formal Proceedings
- 19 S - Stipulation
- 20 AS - Agreed Settlement
- 21 CO - Consummating Order ~~Consent Order~~
- 22 PAA - Proposed Agency Action Order
- 23 TRF - Tariff Order
- 24 SC - Show Cause Order
- 25 PCO - Procedural Order

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FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

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

1 PHO - Prehearing Order
2 CFO - Confidentiality Order
3 NOR - Notice of Rulemaking
4 (3) After the order category, the applicable industry
5 designation shall be inserted. The industry designations are as
6 follows:
7 EI - Electric Utility - Investor Owned
8 EM - Electric Utility - Municipality
9 EC - Electric Utility - Rural Electric Cooperative
10 EU - Electric Utility - All
11 EG - Energy Conservation
12 EQ - Qualifying Cogeneration Facility
13 GU - Gas Industry
14 GP - Gas Pipeline
15 TA - Telephone Utility - Alternate Access Vendor
16 TC - Telephone Utility - Coin (Pay) Telephone Company
17 TI - Telephone Utility - Interexchange Company
18 TL - Telephone Utility - Local Exchange Company
19 TS - Telephone Utility - Shared Tenant Company
20 TX - Telephone Utility - Alternative Local Exchange
21 TP - Telephone (Communications) Industry Generally
22 WU - Water Utility
23 SU - Wastewater (Sewer) Utility
24 WS - Water and Wastewater Utility
25 PU - Public Utilities Generally - Applies to matters

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~~through~~ type are deletions from existing law.

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which pertain to two or more industries.

OT - Other Matters - Administrative Matters not related
to a particular industry.

Specific Authority: 120.53(1)(f), F.S.

Law Implemented: 120.53(2) - (4), F.S.

History: New 09/24/92, Amended 12/27/94, _____.

RU220104.SMC

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

SUMMARY OF RULE

The rule change designates proposed agency action orders as "PAA," consummating orders as "CO," tariff orders as "TRF," and show cause orders as "SC." The rule change also reflects the Commission's regulation of alternative local exchange telecommunications companies and assigns the abbreviation "TX" to these entities.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested and none was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

As a result of the court's decision in United Water Florida, Inc. v. Florida Public Service Commission, 728 So. 2d 1250 (Fla. 1st DCA 1999), the Commission reinstated the practice of issuing consummating orders to finalize proposed agency action (PAA) orders. Under the current rule, PAA orders are designated as final agency action, either FOF or FOI. As PAA orders may no longer automatically become final agency action, the directive in subsection 2 of the rule that designates PAA orders as FOF or FOI must be deleted. Under the rule change, PAA orders have been given the order category suffix of "PAA," consummating orders have been given the category suffix of "CO," and tariff orders, which are similar in nature to PAA orders, have been given the

category suffix of "TRF."

The current rule classifies show cause orders as preliminary, procedural, or intermediate in nature, and they thus have the designation "PCO." Show cause orders, however, have the additional element of a time-certain response date which sets them apart from other procedural orders. The rule change differentiates show cause orders from other procedural orders by designating show cause orders with the category suffix "SC."

The current rule does not reflect that the Commission regulates alternative local exchange telecommunications companies. The rule change reflects the Commission's regulation of alternative local exchange telecommunications companies and assigns the abbreviation "TX" to these entities.