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Public Service Commission

September 30, 2002

Kenneth A. Hoffman, Esquire
Rutledge, Ecenia, Purnell & Hoffman
Post Office Box 551
Tallahassee, Florida 32302-0551

Re: Docket No. 011351-EI, Service Reliability Rules

Dear Mr. Hoffman:

As I am the attorney assigned to the above rulemaking docket, our clerk's office has provided me with a copy of your letter dated September 20, 2002, written on behalf of the five investor-owned public utilities (IOUs), that you asked to be filed in this docket.

Section 120.54(3)(c)1, Florida Statutes, provides in relevant part that "[a]ny material pertinent to the issues under consideration submitted to the agency within 21 days after the date of publication of the notice or submitted at a public hearing shall be considered by the agency and made a part of the record of the rulemaking proceeding." In accordance with this statute, when comments are received, the standard practice is for staff to recommend to the Commissioners whether it should make changes to the rules based on the comments, and for the Commission to consider the comments and recommendation at an agenda conference. In this instance, however, you state that the IOUs accept and support the proposed changes to Rules 25-6.044 and 25-6.0455, Florida Administrative Code. In addition, you advise that if the service reliability data required to be reported by the rules were in the future to be used to reward or penalize the companies, that significant improvements to their systems and processes would be required in order to produce more accurate data.

Because you do not request that any changes be made to the proposed rules, I would appreciate it if you would clarify your intent in filing the comments. If you intend that the com-

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ments be “considered by the agency” pursuant to the statute, then I will schedule the rule for another agenda conference.

Sincerely,

A handwritten signature in cursive script that reads "Christiana T. Moore".

Christiana T. Moore
Associate General Counsel

c: Jim Breman
Docket file