

ORIGINAL

State of Florida



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: October 6, 2003
TO: Division of the Commission Clerk and Administrative Services
FROM: Office of the General Counsel (Cibula) *S.M.C.*
RE: Docket No. 030575-PU - Proposed amendment to Rule 25-22.032, F.A.C., Customer Complaints

Please put the attached letter into the above-referenced docket file. The document is comments to the Commission's rule proposal from the Joint Administrative Procedures Committee (JAPC).

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC 1 _____
OTH _____

DOCUMENT NUMBER-DATE

09668 OCT-6 03

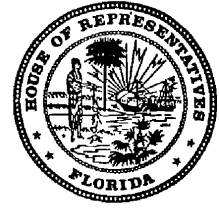
FPSC-COMMISSION CLERK

JAMES E. "JIM" KING, JR.
President

JOHNNIE BYRD
Speaker



THE FLORIDA LEGISLATURE
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE



Senator Michael S. "Mike" Bennett, Chair
Representative Juan-Carlos "J.C." Planas, Vice-Chair
Senator Nancy Argenziano
Senator Gwen Margolis
Representative Bill Galvano
Representative Yolly Roberson

F. SCOTT BOYD
ACTING EXECUTIVE DIRECTOR
AND GENERAL COUNSEL
Room 120, Holland Building
Tallahassee, Florida 32399-1300
Telephone (850) 488-9110

October 2, 2003

Ms. Samantha Cibula
Public Service Commission
Office of the General Counsel
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: **Public Service Commission Rule 25-22.032**

Dear Ms. Cibula:

I have completed a review of rule 25-22.032 and prepared the following comments for your consideration and response.

25-22.032

(6)(b): What are the criteria pursuant to which the Commission staff will request that a company not make direct contact with a customer?

(8)(a): In order to comply with section 120.55(1)(a)4., F.S., the rule should state that the form is incorporated by reference and include an effective date.

(8)(c): The rule provides that staff "may" permit a participant to submit additional items; however, no standards or criteria are disclosed to apprise the reader of whether or not permission will be granted under any circumstances. This renders the rule objectionable pursuant to section 120.52(8)(d), F.S. The rule should be amended accordingly.

(11)(a): What are the criteria pursuant to which a request for additional time will be granted? Likewise, what are the criteria pursuant to which the time of such extension will be set?

DOCUMENT NUMBER-DATE

09668 OCT -6 3

FPSC-COMMISSION CLERK

RECEIVED
OCT -3 PM 3:33
OFFICE OF THE
GENERAL COUNSEL
PUBLIC SERVICE COMMISSION

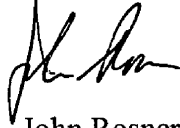
Ms. Samantha Cibula
October 2, 2003
Page 2

Form PSC/CAFIO

The form provides that failure to provide the information “may” result in denial of the request for a conference. The use of the term “may” in this manner renders the form objectionable for the reasons described above.

I am available at your convenience to discuss the foregoing comments.

Sincerely,



John Rosner
Chief Attorney