

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of
Rules 25-6.014, F.A.C., Records
and Reports in General; 25-
6.015, F.A.C., Location and
Preservation of Records; 25-
6.135, F.A.C., Annual Reports;
and 25-6.1351, F.A.C., Cost
Allocation and Affiliate
Transactions.

DOCKET NO. 030970-EI
ORDER NO. PSC-03-1394-HCR-WS
ISSUED: December 11, 2003

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service
Commission, pursuant to Section 120.54, Florida Statutes, has
proposed amendments to Rules 25-6.014, 25-6.015, 25-6.135, and 25-
6.1351, Florida Administrative Code, relating to record
preservation and reporting requirements for investor-owned electric
utilities.

The attached Notice of Rulemaking will appear in the December
19, 2003, edition of the Florida Administrative Weekly. If timely
requested, a hearing will be held at a time and place to be
announced in a future notice.

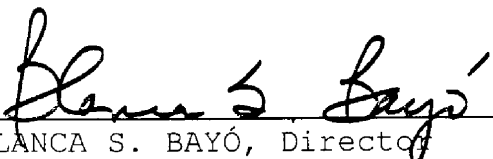
Written requests for hearing and written comments or
suggestions on the rules must be received by the Director, Division
of the Commission Clerk and Administrative Services, Florida Public

2003
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Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than January 9, 2004.

By ORDER of the Florida Public Service Commission, this 11th day of December, 2003.



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

(S E A L)

SMC

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NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 030970-EI

RULE TITLE:	RULE NO.:
Records and Reports in General	25-6.014
Location and Preservation of Records	25-6.015
Annual Reports	25-6.135
Cost Allocation and Affiliate	25-6.1351

Transactions

PURPOSE AND EFFECT: To amend the rules to reflect the most recent versions of the Code of Federal Regulations, Title 18, Subchapter C, Part 101, Uniform System of Accounts for Public Utilities and Licensees for Major Utilities and the Federal Energy Regulatory Commission's regulations, Title 18, Subchapter C, Part 125, Code of Federal Regulations, Preservation of Records of Public Utilities and Licensees; to set forth six exceptions to the retention periods set forth in Part 125 of the Code of Federal Regulations; to include a definition for "good cause" for extensions of time in Rule 25-6.135; and revise Commission Form PSC/ECR 101 to include revised 2002 FERC Form No. 1.

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SUMMARY: Rule 25-6.014 would be amended to refer to the 2002 version of the Code of Federal Regulations, Title 18, Subchapter C, Part 101, Uniform System of Accounts for Public Utilities; Rule 25-6.015 would be amended to refer to the 2002 version of the Federal Energy Regulatory Commission's regulations, Title 18, Subchapter C, Part 125, Code of Federal Regulations, Preservation of Records of Public Utilities and Licensees and to set forth six exceptions to the retention periods set forth in Part 125; Rule 25-6.135 would be amended to update the reference to Commission Form PSC/ECR 101, entitled Annual Report of Major Electric Utilities to include revised 2002 FERC Form No. 1 as well as three schedules that were eliminated from the revised 2002 FERC Form 1; Rule 25-6.135 would be amended include a definition of "good cause" for extensions of time; Rule 25-6.1351 would be amended to reflect the revised effective date of Form PSC/ECR 101.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost 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.

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SPECIFIC AUTHORITY: 366.05(1), 350.127(2), F.S.

LAW IMPLEMENTED: 350.115, 366.02(2), 366.04(2)(a), 366.04(2)(f),
366.041(1), 366.05(1), 366.05(2), 366.05(9), 366.05(11), 366.06(1),
366.08, 366.093(1), F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE
SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND
ADMINISTRATIVE SERVICES, 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 THESE PROPOSED RULES IS:
Samantha Cibula, Florida Public Service Commission, 2540 Shumard
Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6202.

THE FULL TEXT OF THESE PROPOSED RULES IS:

25-6.014 Records and Reports in General.

(1) Each investor-owned electric utility shall maintain its
accounts and records in conformity with the Uniform System of
Accounts (USOA) for Public Utilities and Licensees as found in the
Code of Federal Regulations, Title 18, Subchapter C, Part 101, for
Major Utilities as revised April 1, 2002 ~~1995~~, which is hereby
incorporated by reference into this rule, and as modified below.

All inquiries relating to interpretation of the USOA shall be submitted to the Commission's Division of Economic Regulation in writing.

(2) - (5) No Change.

(6) The Commission prescribes the Uniform System of Accounts for Public Utilities and Licensees, as found in the Code of Federal Regulations, Title 18, Subchapter C, Part 101, for Major Utilities as revised April 1, 2002 ~~2000~~, to be used by Rural Electric Cooperative and Municipal Electric Utilities operating within the State. All inquiries relating to interpretations of the Uniform System of Accounts shall be submitted to the Commission's Division of Economic Regulation in writing.

Specific Authority 366.05(1), 350.127(2) FS

Law Implemented 350.115, 366.02(2), 366.04(2)(a), 366.04(2)(f), 366.05(1), 366.08 FS

History Amended 7-29-69, 2-4-76, 8-21-79, 1-2-80, 11-18-82, formerly 25-6.14, Amended 10-1-86, 11-02-87, 7-20-89, 12-27-94, 4-22-96, XX/XX/XX.

25-6.015 Location and Preservation of Records.

(1) - (2)(b)2. No change.

(3) All records shall be preserved in accordance with the Federal Energy Regulatory Commission's regulations, Title 18, Subchapter C, Part 125, Code of Federal Regulations, entitled "Preservation of Records of Public Utilities and Licensees" as revised, April 1, 2002 ~~1994~~, which is hereby incorporated by reference into this rule, with the exception of the records listed in section (3)(a) of this rule. ~~Item 64 (Records of predecessors and former associates) of the Schedule of records and periods of retention contained in Title 18, Subchapter C, Section 125.3, Code of Federal Regulations.~~ Instead, utilities shall retain records listed in section (3)(a) of this rule for the periods indicated. ~~of acquired companies until permission for disposal is petitioned for and approved by the Florida Public Service Commission.~~

(a) The Code of Federal Regulations items listed below are exceptions to the Schedule of Records and Periods of Retention contained in Title 18, Subchapter C, Section 125.3, Code of Federal Regulations:

1. Item 2(a), minute books of stockholders', directors', and directors' committee meetings, earlier of 20 years or termination of the corporation's existence;
2. Item 6(a)(1), general ledgers, 20 years;

3. Item 6(a)(2), ledgers: subsidiary or auxiliary, 20 years;

4. Item 7, journals: general and subsidiary, 20 years;

5. Item 8(a), journal vouchers and journal entries, 20 years;

and

6. Item 20(a), appraisals and valuations made by the company of its properties or investments or of the properties or investments of any associated companies (includes all records essential thereto), 10 years after appraisal.

(b)(a) However, all source documents retained as required by Title 18, Subchapter C, Part 125, Code of Federal Regulations shall be maintained in their original form for a minimum of three years, or for any lesser period of time specified for that type of record in Title 18, Subchapter C, Part 125, Code of Federal Regulations, after the date the document was created or received by the utility. This paragraph does not require the utility to create paper copies of documents where the utility would not otherwise do so in the ordinary course of its business. The Commission may waive the requirement that documents be retained in their original form upon a showing by a utility that it employs a storage and retrieval system that consistently produces clear, readable copies that are

substantially equivalent to the originals, and clearly reproduces handwritten notations on documents.

~~(c)(b)~~ The utility shall maintain written procedures governing the conversion of source documents to a storage and retrieval system, which procedures ensure the authenticity of documents and the completeness of records. Records maintained in the storage and retrieval system must be easy to search and easy to read.

Specific Authority 366.05(1), 350.127(2) FS

Law Implemented 366.05(1), (9), & (11), 366.08, 366.093(1) FS

History Amended 7-29-69, 7-19-72, 1-11-76, 9-28-81, 11-18-82,

Formerly 25-6.15, Amended 10-1-86, 11-02-87, 6-23-93, 11-13-95,

XX/XX/XX.

25-6.135 Annual Reports.

(1) Each investor-owned electric utility shall file annual reports with the Commission on Commission Form PSC/ECR/101 (/) ~~(12/00)~~ which is incorporated by reference into this rule. Form PSC/ECR/101, entitled "Annual Report of Major Electric Utilities", may be obtained from the Commission's Division of Economic Regulation. These reports shall be verified by a responsible accounting officer of the utility making the report and shall be due on or before April 30 for the preceding calendar year. A

utility may file a written request for an extension of time with the Division of Economic Regulation no later than April 30. One extension of 31 days will be granted upon request. A request for a longer extension must be accompanied by a statement of good cause and shall specify the date by which the report will be filed. "Good cause" means a demonstration that the company has worked diligently to prepare the report and that the additional time period requested to complete and submit the report is both reasonable and necessary given the company's particular circumstances.

(2) No change.

Specific Authority 366.05(1), 350.127(2) FS

Law Implemented 350.115, 366.04(2) (a) and (f), 366.05(1), ~~and~~
(2) ~~(a)~~ FS

History New 12-27-94, Amended 12-11-00, XX/XX/XX.

25-6.1351 Cost Allocation and Affiliate Transactions.

(1) - (4) No change.

(5) Reporting Requirements. Each utility shall file information concerning its affiliates, affiliate transactions, and nonregulated activities on Form PSC/ECR/101 (/) ~~(12/00)~~ which is incorporated by reference into this rule. Form PSC/ECR/101,

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entitled "Annual Report of Major Electric Utilities," may be obtained from the Commission's Division of Economic Regulation.

(6) No change.

Specific Authority 366.05(1), 350.127(2) FS

Law Implemented 350.115, 366.04(2)(a) and (f), 366.041(1), 366.05(1), (2), and (9), 366.06(1), 366.093(1) FS

History New 12-27-94, Amended 12-11-00, XX/XX/XX.

NAME OF PERSON ORIGINATING PROPOSED RULES: John Slemkewicz

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULES:

Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: December 2, 2003.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29,
No. 32, August 8, 2003.