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Public Service Commission

COMMISSION  
CLERK

HAND DELIVER

April 12, 2004

Mr. Scott Boyd, Executive Director  
Joint Administrative Procedures  
Committee  
Room 120 Holland Building  
Tallahassee, Florida 32399-1300

Re: Docket No. 030970-EI – Commission Rule 25-6.015, F.A.C.

Dear Mr. Boyd:

Enclosed is the notice of change, which will be published in the Florida Administrative Weekly on April 23, 2004, and the statement of changes for proposed Rule 25-6.015, F.A.C..

We plan to file the rule for adoption on May 14, 2004.

Sincerely,

Samantha Cibula  
Associate General Counsel

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH \_\_\_\_\_

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Enclosure

cc: Division of the Commission Clerk  
and Administrative Services

DOCUMENT NO.  
04449-04  
4.12.04

FLORIDA PUBLIC SERVICE COMMISSION

OFFICE OF THE GENERAL COUNSEL

DOCKET NO. 030970-EI

RULE NO:               RULE TITLE:

25-6.015               Location and Preservation of Records

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Volume 29, No. 51, December 19, 2003, issue of the Florida Administrative Weekly. The change has been made to the proposed rule to address comments made by the staff of the Joint Administrative Procedures Committee.

Paragraph (3)(b) of Rule 25-6.015 is changed as follows:

(b) 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 will ~~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.

## STATEMENT OF CHANGES

The Commission published its Notice of Proposed Rulemaking in the December 19, 2003, Florida Administrative Weekly. By letters dated January 20 and February 2, 2004, the staff of the Joint Administrative Procedures Committee (JAPC) provided comments on proposed Rule 25-6.015, F.A.C. Specifically, JAPC staff commented on the third sentence of Rule 25-6.015(3)(b), which states that the Commission may waive the requirement that documents be retained in their original form. JAPC staff indicated that this sentence of the Rule 25-6.015(3)(b) fails to set forth adequate standards as to whether a waiver will be granted. At its April 6, 2004, agenda conference, the Commission voted to change the word "may" to "will" in this sentence to address JAPC staff's comments.