

BEFORE THE PUBLIC SERVICE COMMISSION

DOCKET NO: 040246-WS

IN RE: PROPOSED ADOPTION OF RULE 25-30.457, F.A.C., LIMITED ALTERNATIVE RATE INCREASE, AND RULE 25-30.458, F.A.C., NOTICE OF AND PUBLIC INFORMATION FOR APPLICATION FOR LIMITED ALTERNATIVE RATE INCREASE

NOTICE OF CHANGE

TO

ALL INTERESTED PERSONS

ISSUED: January 21, 2005

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission has approved a change to proposed Rule 25-30.457, Florida Administrative Code.

The attached Notice of Change will appear in the January 28, 2005, edition of the Florida Administrative Weekly.

By ORDER of the Florida Public Service Commission this 21st day of January, 2005.

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

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

(SEAL)

CTM

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FPSC-COMMISSION CLERK

FLORIDA PUBLIC SERVICE COMMISSION  
OFFICE OF THE GENERAL COUNSEL

DOCKET NO. 040246-WS

RULE NO:           RULE TITLE:  
25-30.457           Limited Alternative Rate Increase

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Volume 30, No. 32, August 6, 2004, issue of the Florida Administrative Weekly:

25-30.457 Limited Alternative Rate Increase.

(1) As an alternative to a staff assisted rate case as described in Rules 25-30.455 and 25-30.456, F.A.C., water ~~and wastewater~~ utilities whose total gross annual operating revenues are \$150,000 or less for water service and wastewater utilities whose total gross annual operating revenues are ~~or~~ \$150,000 or less for wastewater service, ~~or \$300,000 or less on a combined basis,~~ may petition the Commission for a limited alternative rate increase of up to 20 percent applied to metered or flat recurring rates of all classes of service by submitting a completed application that includes the information required by sections (8) and (9) ~~and (10)~~. In accordance with section 367.0814(6), F.S., a utility that requests staff assistance waives its right to protest by agreeing to accept the final rates and charges approved by the Commission unless the final rates and charges would produce less revenue than the existing rates and charges. The original and ~~two~~ five copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(2) – (6) No change.

~~(7) Any increase in operating revenues approved pursuant to this rule shall be limited to a maximum of 20 percent applied to metered or flat recurring rates of all classes of service.~~

~~(8)~~ The Commission shall deny the application if a petitioner does not remit the fee, as provided by section 367.145, F.S., and Rule 25-30.020(2)(f), F.A.C., within 30 days after official acceptance of the application.

~~(8)~~~~(9)~~ No change.

~~(9)~~~~(10)~~ The petitioner shall provide a schedule showing:

(a) – (b) No change.

(11) through (13) renumbered as (10) through (12) No change.

~~(13)~~~~(14)~~ In consideration of subsections (11) and (12) and (13), the utility agrees to hold any revenue increase granted under the provisions of this rule subject to refund with interest in accordance with Rule 25-30.360, F.A.C., for a period of 15 months after the filing of the utility's annual report required by section 367.121, F.S., for the year the adjustment in rates was implemented.

~~(14)~~~~(15)~~ No change.

~~(15)~~~~(16)~~ If, within 15 months after the filing of a utility's annual report required by section 367.121, F.S., the Commission finds that the utility exceeded the range of its last authorized rate of return on equity after an adjustment in rates, as authorized by this rule, was implemented within the year for which the report was filed, such overearnings the Commission may order the utility to refund, up to the amount held subject to refund, with interest, shall be disposed of for the benefit of the customers as provided in Section 367.081(4)(d), Florida Statutes ~~the difference to the ratepayers and adjust rates accordingly.~~

~~(16)~~~~(17)~~ No change.

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~~(17)~~(18) In the event of a protest, the limit on the maximum increase provided in ~~(1)~~(7) above shall no longer apply.

~~(18)~~(19) No change.

Specific Authority: 350.127(2), 367.0814, 367.121(1)(a), F.S.

Law Implemented: 350.123, 367.0814, 367.121, 367.145(2), F.S.

History: New XX/XX/XX.