

ORIGINAL

FLORIDA PUBLIC SERVICE COMMISSION (PSC)

The PSC seeks amendments to existing exceptions to the Uniform Rules of Procedure and a new exception to the Uniform Rules of Procedure, as described below.

UNIFORM RULE FOR WHICH AMENDMENT OF EXCEPTION IS SOUGHT: 28-102, Agenda and Scheduling of Meetings and Workshops.

REASON FOR AMENDMENT OF EXCEPTION: The proposed amendments to Rule 25-22.0021 are needed for the most efficient operation of the agency. The proposed amendments explain the difference between informal public participation at agenda conferences and participation that requires the filing of a request for oral argument. The proposed amendments also explain when participation is at the PSC's discretion and when it is prohibited.

UNIFORM RULE FOR WHICH AMENDMENT OF EXCEPTION IS SOUGHT: 28-102, Agenda and Scheduling of Meetings and Workshops, and 28-106, Decisions Determining Substantial Interests.

REASON FOR EXCEPTION: This exception is for a proposed new rule, 25-22.0022, and is needed for the most efficient operation of the agency. It incorporates provisions on oral argument that are scattered throughout existing Rules 25-22.0367, Reconsideration of Non-Final Orders, 25-22.058, Oral Argument, and Rule 25-22.060, Motion for Reconsideration. It states when oral argument is allowed and when it is not allowed. It includes procedures for requesting oral

CMP _____

COM _____ argument at Agenda Conferences and before a prehearing officer. It explains who can participate

CTR _____ in oral arguments. It explains when the PSC can request oral argument.

ECR _____

GCL _____ UNIFORM RULE FOR WHICH AMENDMENT OF EXCEPTION IS SOUGHT: 28-106,

OPC _____ Decisions Determining Substantial Interests.

RCA _____

SCR _____

SGA _____

SEC 1

JTH _____

DOCUMENT NUMBER-DATE

11148 NOV 21 18

FPSC-COMMISSION CLERK

REASON FOR AMENDMENT TO EXCEPTION: This proposed amendments are to Rule 25-22.029, and are necessary to implement Section 120.80(13)(b), and for the most efficient operation of the agency. The proposed amendment to Rule 25-22.029(2) eliminates the provision that publication of notice of proposed agency action in a newspaper may be used in establishing the date of receiving the notice. The proposed amendment to Rule 25-22.029(3) would allow the filing of a cross-petition within 10 days of service of a protest of proposed agency action. The proposed addition of subsection (4) to the rule provides that the Commission will not entertain a motion for reconsideration of proposed agency action.

UNIFORM RULE FOR WHICH AMENDMENT OF EXCEPTION IS SOUGHT: 28-106, Decisions Determining Substantial Interests.

REASON FOR AMENDMENT TO EXCEPTION: The proposed amendments are to Rule 25-22.0376(5) and are needed for the most efficient operation of the agency. The first sentence of that provision, pertaining to oral argument on motions for reconsideration of non-final orders, is proposed to be incorporated into Rule 25-22.0022. The second sentence of Rule 25-22.0367(5), pertaining to failure of an opposing party to respond to a point raised in a motion for reconsideration of non-final orders, is proposed to be deleted. A new subsection 5 is proposed to be added, and it provides that the PSC will not entertain a motion for reconsideration of proposed agency action.

UNIFORM RULE FOR WHICH AMENDMENT OF EXCEPTION IS SOUGHT: 28-106, Decisions Determining Substantial Interests.

REASON FOR AMENDMENT TO EXCEPTION: This proposed amendment is to delete Rule 25-22.058, and is needed for the most efficient operation of the agency.

UNIFORM RULE FOR WHICH AMENDMENT OF EXCEPTION IS SOUGHT: 28-106,
Decisions Determining Substantial Interests.

REASON FOR AMENDMENT TO EXCEPTION: This proposed amendments are to Rule 25-22.060, and are needed for the most efficient operation of the agency. The title of this rule is proposed to be changed to "Motion for Reconsideration of Final Orders."

In Rule 25-22.060(1)(a), the language prohibiting reconsideration of proposed agency action is proposed to be moved to Rule 25-22.029. The first sentence of Rule 25-22.060(1)(f), stating that granting or denying a request for oral argument is at the sole discretion of the Commission, is proposed to be moved to Rule 25-22.0022(3). The last sentence of Rule 25-22.060(1)(f), stating that a party who fails to file a written response to a point on reconsideration is precluded from responding to that point during oral argument, is proposed to be deleted.

THE DATE THAT THE ADMINISTRATION COMMISSION IS EXPECTED TO HEAR THE PSC'S PETITION FOR EXCEPTIONS TO UNIFORM RULES HAS NOT BEEN DETERMINED AND WILL BE NOTICED AFTER IT HAS BEEN DETERMINED.

Submit FAW Notices

Step 5:

Acknowledgement of Submittal

The Administrative Code and Weekly Unit has received your notice for publication in the FAW.

A confirmation number has been provided below which may be used to reference this submittal in any communications with the Unit. Use the your browser 'Print' button or the 'Print this Acknowledgement' button at the bottom of this page to generate a receipt for your records. A record of this transmittal will be maintained for approximately 30 days and may be accessed from the 'Submittal Listing' item in the FAW Online menu on the left of this page.

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