



COMMISSIONERS:
LISA POLAK EDGAR
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW

OFFICE OF THE GENERAL COUNSEL
MICHAEL G. COOKE
GENERAL COUNSEL
(850) 413-6199
DEC 27 PM 2:55

COMMISSION
CLERK

Public Service Commission

December 27, 2006

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

RE: Docket No. 050108-OT – Proposed Revisions to rules in Chapter 25-22 and 25-40,
F.A.C.

Dear Mr. Boyd:

Enclosed are the following materials concerning proposed Rule 25-40.001, F.A.C.:

- 1. A copy of the rule.
- 2. A copy of the F.A.W. notice.
- 3. A statement of facts and circumstances justifying the proposed rule.
- 4. A federal standards statement.
- 5. No statement of estimated regulatory costs was prepared.

If there are any questions with respect to this rule, please do not hesitate to call me.

Sincerely,

Larry D. Harris
Associate General Counsel

CMP _____
 COM _____
 CTR _____
 ECR _____
 GCL _____
 OPC _____
 RCA _____
 SCR _____
 SGA _____
 SEC 1
 OTH _____

050108-40JAPC.lzh.doc

Enclosures

cc: ~~Division of the Commission Clerk
and Administrative Services~~

1 **25-40.001 Exceptions to the Uniform Rules of Procedure.**

2 The following provisions of the Commission's rules are exceptions to the uniform rules of
 3 procedure:

UNIFORM RULE	COMMISSION RULE THAT IS AN EXCEPTION
CHAPTER 28-102 AGENDA AND SCHEDULING OF MEETINGS AND WORKSHOPS	25-22.0021 Agenda Conference Participation.
<u>CHAPTER 28-102 - AGENDA AND SCHEDULING OF MEETINGS AND WORKSHOPS AND CHAPTER 28-106 - DECISIONS DETERMINING SUBSTANTIAL INTERESTS</u>	<u>25-22.0022</u> <u>Oral Argument Rule</u>
28-102.001 Notice of Public Meeting, Hearing, or Workshop.	25-22.001 Notice of Meeting or Workshop.
28-102.002(2) Agenda of Meetings, Hearings, and Workshops.	25-22.002 Agenda of Meetings.

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1		
2	CHAPTER 28-103	25-22.017
3	RULEMAKING	Rulemaking Proceeding -- Adoption
4		
5	CHAPTER 28-106	25-22.006
6	DECISIONS DETERMINING	Confidential information
7	SUBSTANTIAL INTERESTS	25-22.029
8		Point of Entry into Proposed Agency
9		Action Proceedings.
10		25-22.0376
11		Reconsideration of Non-Final Orders.
12		25-22.0406(7)-(8)
13		Notice and Public Information on General
14		Rate Increase Requests by Electric, Gas
15		and Telephone Companies
16		25-22.0407(8) and (10)
17		Notice of and Pubic Information for
18		General Rate Increase Requests by Water
19		and Wastewater Utilities.
20		25-22.058
21		Oral Argument
22		25-22.060
23		Motion for Reconsideration
24		
25		

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1	28-106.104	25-22.028
2	Filing	Filing, Number of Copies
3		
4	28-106.205	25-22.039
5	Intervention	Intervention.
6		
7	28-106.208	25-22.029
8	Notice of Hearing	Point of entry into PAA Proceeding.
9		25-22.0405
10		Notices of Hearing
11		
12	28-106.212	25-22.045
13	Subpoenas	Subpoenas
14		
15	CHAPTER 28-107 LICENSING	25-22.075 Transmission Line Permitting
16		Proceedings.
17		25-22.080 Electrical Power Plant
18		Permitting Proceedings.
19		
20		

21 Specific Authority 120.54(5)(a)3, FS
 22 Law Implemented 120.54(5)(a)3, FS
 23 History – New 4-28-99, Amended.

24
 25

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 050108-OT

RULE TITLE:

RULE NO.:

Exceptions to the Uniform Rules of Procedure

25-40.001

PURPOSE AND EFFECT: To revise the list of Commission rules that are exceptions from the Uniform Rules of Procedure.

SUMMARY: Rule 25-40.001, Exceptions to the Uniform Rules of Procedure, is being amended to reflect the new exception for Rule 25-22.0022, Oral Argument, and to reflect the repeal of an existing exception, Rule 25-22.058, Oral Argument.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SERC 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.

SPECIFIC AUTHORITY: 120.54(5)(a)3, FS

LAW IMPLEMENTED: 120.54(5)(a)3, FS

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.

NO HEARING WILL BE HELD BECAUSE THIS RULE RELATES EXCLUSIVELY TO THE COMMISSION'S ORGANIZATION, PROCEDURE, OR PRACTICE.

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULES IS Larry Harris, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6076.

THE FULL TEXT OF THESE PROPOSED RULES ARE:

25-40.001 Exceptions to the Uniform Rules of Procedure.

The following provisions of the Commission's rules are exceptions to the uniform rules of procedure:

UNIFORM RULE	COMMISSION RULE THAT IS AN EXCEPTION
CHAPTER 28-102 AGENDA AND SCHEDULING OF MEETINGS AND WORKSHOPS	25-22.0021 Agenda Conference Participation.
<u>CHAPTER 28-102 - AGENDA AND SCHEDULING OF MEETINGS AND WORKSHOPS AND CHAPTER 28-106 - DECISIONS DETERMINING SUBSTANTIAL INTERESTS</u>	<u>25-22.0022</u> <u>Oral Argument Rule</u>
28-102.001 Notice of Public Meeting, Hearing, or Workshop.	25-22.001 Notice of Meeting or Workshop.

28-102.002(2) Agenda of Meetings, Hearings, and Workshops.	25-22.002 Agenda of Meetings.
CHAPTER 28-103 RULEMAKING	25-22.017 Rulemaking Proceeding -- Adoption
CHAPTER 28-106 DECISIONS DETERMINING SUBSTANTIAL INTERESTS	25-22.006 Confidential information 25-22.029 Point of Entry into Proposed Agency Action Proceedings. 25-22.0376 Reconsideration of Non-Final Orders. 25-22.0406(7)-(8) Notice and Public Information on General Rate Increase Requests by Electric, Gas and Telephone Companies 25-22.0407(8) and (10) Notice of and Pubic Information for General Rate Increase Requests by Water and Wastewater Utilities. 25-22.058

	<p>Oral Argument</p> <p>25-22.060</p> <p>Motion for Reconsideration</p>
<p>28-106.104</p> <p>Filing</p>	<p>25-22.028</p> <p>Filing, Number of Copies</p>
<p>28-106.205</p> <p>Intervention</p>	<p>25-22.039</p> <p>Intervention.</p>
<p>28-106.208</p> <p>Notice of Hearing</p>	<p>25-22.029</p> <p>Point of entry into PAA Proceeding.</p> <p>25-22.0405</p> <p>Notices of Hearing</p>
<p>28-106.212</p> <p>Subpoenas</p>	<p>25-22.045</p> <p>Subpoenas</p>
<p>CHAPTER 28-107 LICENSING</p>	<p>25-22.075 Transmission Line Permitting Proceedings.</p> <p>25-22.080 Electrical Power Plant Permitting Proceedings.</p>

Specific Authority 120.54(5)(a)3, FS

Law Implemented 120.54(5)(a)3, FS

History – New 4-28-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULES: Larry Harris

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULES:
Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: March 24, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 32,
Number 44, November 3, 2006

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE

The Commission has amended rules in Chapter 25-22, F.A.C., and adopted new Rule 25-22.0022, F.A.C. The amendments in the new rule are exceptions to the Uniform Rules of Procedure. Accordingly, Rule 25-40.001 must be amended to reflect the new exceptions in the amendments to existing exceptions.

STATEMENT ON FEDERAL STANDARDS

There is no federal standard on the same subject.