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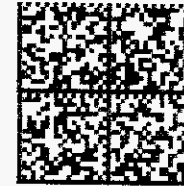
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100062-07

State of Florida

Public Service Commission

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Tallahassee, Florida 32399-0850



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Initiation of rulemaking
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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of rulemaking to amend Rule
25-22.061, F.A.C., Stay Pending Judicial
Review.

DOCKET NO. 100062-OT
ORDER NO. PSC-10-0195-NOR-OT
ISSUED: March 30, 2010

The following Commissioners participated in the disposition of this matter:

NANCY ARGENZIANO, Chairman
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-22.061, Florida Administrative Code, Stay Pending Judicial Review.

The attached Notice of Rulemaking will appear in the April 2, 2010, 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 rule must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than April 23, 2010.

By ORDER of the Florida Public Service Commission this 30th day of March, 2010.



ANN COLE
Commission Clerk

(SEAL)

KC

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-22.061: Stay Pending Judicial Review

PURPOSE AND EFFECT: Rule 25-22.061, Stay Pending Judicial Review, is amended for consistency with Florida Rule Appellate Procedure 9.310 , and to clarify who shall hear motions for stay and what factors are considered by the Florida Public Service Commission in granting a stay and in setting an interest rate when a stay is conditioned upon the posting of a bond or corporate undertaking. Docket No. 100062-OT.

SUMMARY: Rule 25-22.061, Stay Pending Judicial Review, is amended to delete provisions concerning automatic stays pending judicial review granted to public entities filing a notice of appeal in administrative actions under Chapter 120, F.S. The amendments state the factors which the Commission may consider in determining whether to grant a stay and under what conditions the Commission may condition a stay, list the factors that the Commission may consider in setting an interest rate when granting a stay conditioned upon the posting of a bond or corporate undertaking, and clarify that motions for stay shall be heard by those Commissioners who were on the deciding panel for the order being appealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments would benefit the Commission by updating, clarifying and streamlining rule language; utilities would benefit from the rule becoming more accurate and specific concerning the granting of stays of orders pending judicial review; the changes would not result in any transactional costs to utilities, customers, small businesses, the Commission, or local governments.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), FS

LAW IMPLEMENTED: 120.68(3), FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL (850) 413-6770. If you are hearing or speech impaired, please