

COMMISSIONERS:
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STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
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GENERAL COUNSEL
(850) 413-6199
10 OCT 22 PM 2:17

Public Service Commission

October 22, 2010

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

RE: Docket No. 100380-WS – Proposed Repeal of Rule 25-10.026, F.A.C., Location and Preservation of Records; and Rule 25-10.111, F.A.C., Customer Billing

Dear Mr. Boyd:

Enclosed are the following materials concerning the above referenced proposed rules:

1. A copy of the rules.
2. A copy of the F.A.W. notice.
3. A statement of facts and circumstances justifying the proposed rules.
4. A federal standards statement.
5. A statement of estimated regulatory costs.

If there are any questions with respect to these rules, please do not hesitate to contact me at (850)413-6197.

Sincerely,

A handwritten signature in cursive script that reads "Lorena A. Holley".

Lorena A. Holley
Associate General Counsel

Enclosures

cc: Office of Commission Clerk
100380 JAPC.1dh.doc

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PSC-COMMISSION CLERK

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Internet E-mail: contact@psc.state.fl.us

1 **25-10.026 Location and Preservation of Records.**

2 (1) ~~All records that a utility is required to keep, by reason of these or other rules~~
3 ~~prescribed by the Commission, shall be kept at the office or offices of the utility within this~~
4 ~~State, unless otherwise authorized by the Commission. Such records shall be open for~~
5 ~~inspection by authorized representatives of the Commission at any and all reasonable hours.~~

6 (2) ~~All records shall be preserved in accordance with the NARUC "Regulations to~~
7 ~~Govern the Preservation of Records of Electric, Gas and Water Utilities."~~
8 Specific Authority 367.121 FS. Law Implemented 367.121(9) FS. History—Amended 9-12-74,
9 Formerly 25-10.26, Repealed.

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11 **25-10.111 Customer Billing.**

12 (1) ~~Bills shall be rendered at regular intervals and shall show at least the billing period~~
13 ~~covered; identification of the applicable rate schedule; the amount of the bill and, as~~
14 ~~applicable, gross and/or net billing, and/or discount or penalty, and final discount or penalty~~
15 ~~date. When there is good reason for doing so, estimated bills may be submitted. If bill is~~
16 ~~estimated, it shall be so marked.~~

17 (2) ~~Whenever for any reason the period of service for which a bill is rendered is less~~
18 ~~than fifty percent (50%) of the normal billing period, the charges applicable to such service,~~
19 ~~including minimum charges, shall be pro-rated in the proportion that the actual number of~~
20 ~~service days bears to a thirty (30) day month, except that:~~

21 (a) ~~Opening bills need not be rendered but may be carried over to and included in the~~
22 ~~next regular monthly billing.~~

23 (b) ~~For service taken under flat rate schedules, fifty percent (50%) of the normal~~
24 ~~charges may be applied.~~

25 (c) ~~The practices employed by the utility in this regard shall have uniform application~~

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

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~~to all customers.~~

~~(3) Bills shall not be considered delinquent prior to the expiration of twenty (20) days from the date of mailing or delivery by the utility.~~

Specific Authority 367.121(1) FS. Law Implemented 367.111(1), 367.121 FS. History—
Amended 9-14-74, 5-21-79, Repealed_____.

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

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

Rule No.: RULE TITLE

25-10.026: Location and Preservation of Records

25-10.111: Customer Billing

PURPOSE AND EFFECT: The purpose of both rule repeals is to eliminate redundant provisions which are no longer in use. These rules have been superseded by new sections in Chapter 25-30. Docket No. 100380-WS

SUMMARY: Rule 25-10.026, F.A.C. requires water and wastewater utilities to maintain records in accordance with the NARUC system of accounts and to maintain those records in an office within the State of Florida. All provisions of this rule have been included within the newer Rules 25-30.115, F.A.C., Uniform System of Accounts for Water and Wastewater Utilities and 25-30.110, F.A.C., Records and Reports; Annual Reports. Rule 25-10.111, F.A.C., requires water and wastewater utilities to bill customers at regular intervals; contains various provisions for pro-rating less than full bill amounts; and requires a minimum of 20 days before a bill is considered delinquent. All of the provisions of this rule have been subsumed by Rule 25-30.335, F.A.C., Customer Billing. Repeal of Rules 25-10.026 and 25-10.111 will prevent confusion or conflict with the more detailed rules in Chapter 25-30, and will eliminate redundant provisions which are no longer in use.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule repeals will benefit the Commission and customers by decreasing the number of rules and eliminate any confusion over redundant rules. Small businesses and water and wastewater utilities will benefit by the elimination of confusion over redundant rules and from the reduction of costs due to complying with redundant rules and reviewing obsolete rules.

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: 367.121, FS

LAW IMPLEMENTED: 367.121(9), 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 32399-0850, (850) 413-6770 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Lorena A. Holley, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6197 or lholley@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-10.026 Location and Preservation of Records.

~~(1) All records that a utility is required to keep, by reason of these or other rules prescribed by the Commission, shall be kept at the office or offices of the utility within this State, unless otherwise authorized by the Commission. Such records shall be open for inspection by authorized representatives of the Commission at any and all reasonable hours.~~

~~(2) All records shall be preserved in accordance with the NARUC "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities." Specific Authority 367.121 FS. Law Implemented 367.121(9) FS. History—Amended 9-12-74, Formerly 25-10.26, Repealed _____.~~

25-10.111 Customer Billing.

~~(1) Bills shall be rendered at regular intervals and shall show at least the billing period covered; identification of the applicable rate schedule; the amount of the bill and, as applicable, gross and/or net billing, and/or discount or penalty, and final discount or penalty date. When there is good reason for doing so, estimated bills may be submitted. If bill is estimated, it shall be so marked.~~

~~(2) Whenever for any reason the period of service for which a bill is rendered is less than fifty percent (50%) of the normal billing period, the charges applicable to such service, including minimum charges, shall be pro-rated in the proportion that the actual number of service days bears to a thirty (30) day month, except that:~~

~~(a) Opening bills need not be rendered but may be carried over to and included in the next regular monthly billing.~~

~~(b) For service taken under flat rate schedules, fifty percent (50%) of the normal charges may be applied.~~

~~(c) The practices employed by the utility in this regard shall have uniform application to all customers.~~

~~(3) Bills shall not be considered delinquent prior to the expiration of twenty (20) days from the date of mailing or delivery by the utility.~~

Specific Authority 367.121(1) FS. Law Implemented 367.111(1), 367.121 FS. History—Amended 9-14-74, 5-21-79, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lorena A. Holley, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 35, Number 43, October 30, 2009

100380 Rule FAW.lah.doc

STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE

Rule 25-10.026, F.A.C. requires water and wastewater utilities to maintain records in accordance with the NARUC system of accounts and to maintain those records in an office within the State of Florida. All provisions of this rule have been included within the newer Rules 25-30.115, F.A.C., Uniform System of Accounts for Water and Wastewater Utilities and 25-30.110, F.A.C., Records and Reports; Annual Reports. Rule 25-10.111, F.A.C., requires water and wastewater utilities to bill customers at regular intervals; contains various provisions for pro-rating less than full bill amounts; and requires a minimum of 20 days before a bill is considered delinquent. All of the provisions of this rule have been subsumed by Rule 25-30.335, F.A.C., Customer Billing. Repeal of Rules 25-10.026 and 25-10.111 will prevent confusion or conflict with the more detailed rules in Chapter 25-30, and will eliminate redundant provisions which are no longer in use.

STATEMENT ON FEDERAL STANDARDS

There is no federal standard on the same subject.



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: September 23, 2010
TO: Office of General Counsel (Holley)
FROM: Division of Economic Regulation (Hewitt) *CBH* *CSA* *CRB* *Q*
RE: Proposed Repeal of Rule 25-10.026, F.A.C., Location and Preservation of Records;
and Rule 25-10.111, F.A.C., Customer Billing

DETAILED DESCRIPTION OF THE PROPOSED RULE REPEALS

1. Why are the rule repeals being proposed?

The rule repeals would eliminate redundant provisions. Both rules were overlooked in the last bi-annual agency rule review process as their subject area is covered more thoroughly in Chapter 25-30.

2. What do the rules do and how do they accomplish the goal?

Rule 25-10.026, F.A.C., Location and Preservation of Records, requires water and wastewater utilities to maintain records in accordance with the NARUC system of accounts and to maintain those records within the state of Florida.

Rule 25-10.111, F.A.C., Customer Billing, requires water and wastewater utilities to bill customers at regular intervals, with other various provisions.

IMPACT ON THE PSC

Incremental costs

There should be no incremental costs for the Commission because the rules being repealed are no longer used and are redundant.

Incremental benefits

There would be some benefit for eliminating redundant rules by decreasing the number of rules on the books and reduce confusion.

WHO BESIDES THE PSC WILL BE AFFECTED BY ADOPTION OF THE PROPOSED REPEALS

Utilities

Water and wastewater utilities subject to the rules would be affected.

Customers

Customers would be affected by eliminating any confusion over redundant rules.

Outside business and local governments

Small businesses, small cities or small counties would be affected from repeal of the above rules by eliminating any confusion over redundant rules.

HOW ARE THE PARTIES ABOVE AFFECTED BY THE ADOPTION OF THE PROPOSAL

Estimated transactional costs to individuals and entities

Utilities

Water and wastewater utilities or companies would have fewer costs in reviewing obsolete or redundant rules and would have clarity to which provisions continue to apply.

Customers

Customers could benefit from the elimination of redundant rules that their utility must comply with and the clarification of what provisions are in effect.

Outside businesses including specifically small businesses

Outside businesses could benefit from the elimination of redundant rules that their utility must comply with and the clarification of what provisions are in effect...

Local governments

Local governments should have no transactional costs from the rule repeals.

ANY OTHER PERTINENT COMMENTS REGARDING THE APPLICATION OF THE PROPOSED RULE

No other pertinent comments are germane to the proposed rule repeals.

CH:lr

cc: Tim Devlin
Chuck Hill

