

STATE OF FLORIDA

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JULIE I. BROWN



OFFICE OF THE GENERAL COUNSEL
S. CURTIS KISER
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

October 10, 2012

Kenneth J. Plante, Coordinator
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

RECEIVED-FPSC
12 OCT -9 AM 9:15
COMMISSION
CLERK

RE: Docket No. 120230-PU; Rules 25-4.043, 25-6.004, 25-6.042, and 25-7.038, Florida Administrative Code.

Dear Mr. Plante: *Ken!*

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

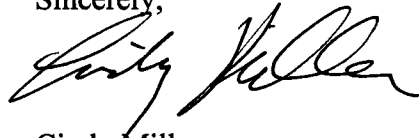
1. A copy of the proposed rules.
2. A copy of the F.A.W. notices.
3. A statement of facts and circumstances justifying the proposed rules.
4. A federal standards statement.
5. Statement of Estimated Regulatory Costs for the rules.

DOCUMENT NUMBER - DATE
6-100 89890
FPSC-COMMISSION CLERK

Mr. Kenneth J. Plante
DATE
Page 2

If there are any questions with respect to these rules, please do not hesitate to call me at 413-6082.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy Miller". The signature is fluid and cursive, with the first name "Cindy" written in a larger, more prominent script than the last name "Miller".

Cindy Miller
Senior Attorney

Enclosures

cc: Office of Commission Clerk

1 25-4.043 Response to Commission Staff Inquiries.
2 ~~The necessary replies to inquiries propounded by the Commission's staff concerning service~~
3 ~~or other complaints received by the Commission shall be furnished in writing within fifteen~~
4 ~~(15) days from the date of the Commission inquiry.~~

5 *Rulemaking Authority 350.127(2) FS. Law Implemented 364.183 FS. History—New 12-1-68,*
6 *Formerly 25-4.43, Repealed_____.*

7 25-6.004 Reference to Commission.

8 ~~In the event of any dispute involving the interpretation of any of these rules and regulations,~~
9 ~~any party in interest may refer the matter to the Commission for adjudication.~~

10 *Specific Authority 366.05(1) FS. Law Implemented 366.05(1) FS. History—Amended 7-29-69,*
11 *Formerly 25-6.04, Repealed_____.*

12 25-6.042 Response to Commission Staff Inquiries.

13 ~~The necessary replies to inquiries propounded by the Commission's staff concerning service~~
14 ~~or other complaints received by the Commission shall be furnished in writing within fifteen~~
15 ~~(15) working days from the date of a Commission inquiry where practicable.~~

16 *Specific Authority 366.05(1) FS. Law Implemented 366.04(2)(f), 366.05(1) FS. History—New*
17 *4-13-80, Formerly 25-6.42, Repealed_____.*

18 25-7.038 Response to Commission Staff Inquiries.

19 ~~The necessary replies to inquiries propounded by the Commission's staff shall be furnished in~~
20 ~~writing within fifteen (15) days from the date of the Commission inquiry.~~

21 *Specific Authority 366.05(1) FS. Law Implemented 366.05(1), 366.05(3) FS. History—*
22 *Amended 10-20-73, Repromulgated 1-8-75, 5-4-75, Formerly 25-7.38, Repealed_____.*

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

DOCUMENT NUMBER - DATE

06868 OCT-92

FPSC-COMMISSION CLERK

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-4.043: Response to Commission Staff Inquiries

PURPOSE AND EFFECT: Repeal of the rule because it is duplicative of other rules.

Docket No. 120230-PU

SUMMARY: The rule requires telecommunication companies to respond to commission inquiries within 15 days. The rule would be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

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.

RULEMAKING AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.183 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082, cmiller@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.043 Response to Commission Staff Inquiries.

~~The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.~~

Rulemaking Authority 350.127(2) FS. Law Implemented 364.183 FS. History—New 12-1-68, Formerly 25-4.43,

Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura King

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 38, Number
28, July 13, 2012.

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-6.004: Reference to Commission

25-6.042: Response to Commission Staff Inquiries

PURPOSE AND EFFECT: Repeal of the rules because they are unnecessary.

Docket No. 120230-PU

SUMMARY: Rule 25-6.004, F.A.C. addresses referral of interpretation to the Commission of rules and regulations, and Rule 25-6.042, F.A.C. addresses replies to Commission staff inquiries within 15 days.

Both rules would be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

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.

RULEMAKING AUTHORITY: 366.05(1) FS.

LAW IMPLEMENTED: 366.05(1), 366.04(2)(f) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082, cmiller@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.004 Reference to Commission.

~~In the event of any dispute involving the interpretation of any of these rules and regulations, any party in interest may refer the matter to the Commission for adjudication.~~

Rulemaking Specific Authority 366.05(1) FS. Law Implemented 366.05(1) FS. History--Amended 7-29-69,

Formerly 25-6.04, Repealed.....

25-6.042 Response to Commission Staff Inquiries.

~~The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) working days from the date of a Commission inquiry where practicable.~~

Rulemaking Specific Authority 366.05(1) FS. Law Implemented 366.04(2)(f), 366.05(1) FS. History—New 4-13-80, Formerly 25-6.42, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura King

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 10/2/12

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:

Volume 38, Number 28, July 13, 2012.

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-7.038: Response to Commission Staff Inquiries

PURPOSE AND EFFECT: Repeal because it is duplicative of other rules.

Docket No. 120230-PU

SUMMARY: The rule requires gas utilities to respond to Commission staff inquiries within 15 days. The rule would be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

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.

RULEMAKING AUTHORITY: 366.05(1) FS

LAW IMPLEMENTED: 366.05(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082, cmiller@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-7.038 Response to Commission Staff Inquiries.

~~The necessary replies to inquiries propounded by the Commission's staff shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.~~

Rulemaking Specific Authority 366.05(1) FS. Law Implemented 366.05(1), 366.05(3) FS. History—Amended 10-20-73, Repromulgated 1-8-75, 5-4-75, Formerly 25-7.38, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura King

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Vol. 38, No. 28, July 13, 2012.

State of Florida



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: August 23, 2012
TO: Cindy B. Miller, Senior Attorney, Office of the General Counsel
FROM: Laura V. King, Economic Analyst, Division of Economics *LW EAD OSK*
RE: Statement of Estimated Regulatory Costs for Proposed Repeal of Rules 25-4.043, 25-6.042, 25-7.038, Florida Administrative Code (F.A.C.), Response to Commission Staff Inquiries; and 25-6.004, F.A.C., Reference to Commission.

Rules 25-4.043, 25-6.042, and 25-7.038, F.A.C., Response to Commission Staff Inquiries, require companies to respond in writing to staff inquiries within 15 days regarding service or other complaints. Rule 25-6.004, F.A.C., Reference to Commission, clarifies that disputes involving the interpretation of rules and regulations may be referred to the Commission for adjudication.

The Joint Administrative Procedures Committee sent two letters to the PSC's General Counsel which provided a series of questions regarding the rules which, upon review, revealed that the rules were no longer necessary and should be repealed. Repealing these rules would remove unnecessary and/or duplicative rule language which in turn benefits the affected utilities.¹ Moreover, repealing these rules will not:

- adversely impact business competitiveness, productivity, or innovation in excess of \$1 million in the aggregate within 5 years;
- increase regulatory costs, including any transactional costs, in excess of \$1 million within 5 years;
- impose any additional costs nor impact revenues of the FPSC or other state or local government entities;
- have an impact on small cities or small counties.

cc: Jim Dean
Connie Kummer
Elisabeth Draper
Marshall Willis
Beth Salak

¹ The affected utilities are the 5 electric IOUs, 7 gas IOUs, and 10 local exchange companies.

Rules 25-4.043, 25-6.004, 25-6.042,
and 25-7.038, Florida Administrative
Code.
Docket No. 120230-PU

STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE

Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries, Rule 25-6.004, F.A.C., Reference to Commission, Rule 25-6.042, F.A.C., Response to Commission Inquiries, and Rule 25-7.038, F.A.C., Response to Commission Staff Inquiries are being repealed because they are no longer necessary and are duplicative of other rules.

STATEMENT ON FEDERAL STANDARDS

There are no federal standards for these rules.