

Notice of Proposed Rule

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PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

- 25-24.565: Certificate of Public Convenience and Necessity Required
- 25-24.567: Application for Certificate
- 25-24.568: Improper Use of a Certificate
- 25-24.569: Application for Approval of Sale, Assignment or Transfer of Certificate
- 25-24.572: Cancellation of a Certificate
- 25-24.705: Scope and Waiver
- 25-24.710: Terms and Definitions
- 25-24.715: Certificate of Public Convenience and Necessity Required
- 25-24.720: Application for Certificate
- 25-24.725: Certificates Not Transferable
- 25-24.730: Application for Approval of Sale, Assignment, or Transfer of Certificate
- 25-24.735: Cancellation of a Certificate
- 25-24.745: Records and Reports; Rules Incorporated
- 25-24.800: Scope
- 25-24.805: Certificate of Public Convenience and Necessity Required
- 25-24.810: Application for Certificate
- 25-24.815: Application for Approval of Sale, Assignment or Transfer of Certificate
- 25-24.820: Revocation of a Certificate

PURPOSE AND EFFECT: These rules are repealed consistent with amendments made to chapter 364, FS, by the Regulatory Reform Act of 2011.

Docket No. 120241-TP

SUMMARY: The rules repealed relate to the application, transfer and cancellation or revocation of certificates of public convenience and necessity for shared tenant service, alternative access vendor service, and competitive local exchange service. As a result of changes made to chapter 364, FS, by the Regulatory Reform Act of 2011, the existing three separate sets of rules concerning certificates which regulate these three types of companies are obsolete, and are replaced by one set of rules in chapter 25-4, F.A.C.

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: 350.113, 350.127(1), 364.01, 364.016, 364.02, 364.17, 364.18, 364.183, 364.185, 364.32, 364.33, 364.335, 364.337, 364.339, 364.345, FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED FOR THE FOLLOWING DATE

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FPSC-COMMISSION CLERK

AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.565 Certificate of Public Convenience and Necessity Required.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.339 FS. History—New 1-28-91, Amended 7-29-97, Repealed

25-24.567 Application for Certificate.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.339, 364.345 FS. History—New 1-28-91, Amended 5-8-91, 11-20-91, 7-29-97, 1-5-06, 5-29-08, Repealed

25-24.568 Improper Use of a Certificate.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.339, 364.345 FS. History—New 1-28-91, Amended 7-29-97, Repealed

25-24.569 Application for Approval of Sale, Assignment or Transfer of Certificate.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.339, 364.345 FS. History—New 1-28-91, Amended 11-20-91, 7-29-97, 1-5-06, 5-29-08, Repealed

25-24.572 Cancellation of a Certificate.

Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.285, 364.339, 364.345 FS. History—New 1-28-91, Amended 7-29-97, Repealed

25-24.705 Scope and Waiver.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.337(1), (2), (6) FS. History—New 1-8-95, Repealed

25-24.710 Terms and Definitions.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.337 FS. History—New 1-8-95, Repealed

25-24.715 Certificate of Public Convenience and Necessity Required.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.337 FS. History—New 1-8-95, Repealed

25-24.720 Application for Certificate.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.337, 364.345 FS. History—New 1-8-95, Amended 1-5-06, 5-29-08, Repealed

25-24.725 Certificate Not Transferrable.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.337, 364.345 FS. History—New 1-8-95, Repealed

25-24.730 Application for Approval of Sale, Assignment or Transfer of Certificate.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS. History—New 1-8-95, Amended 1-5-06, 5-29-08, Repealed

25-24.735 Cancellation of a Certificate.

Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.285, 364.337, 364.345 FS. History—New 1-8-95, Repealed

25-24.745 Records and Reports: Rules Incorporated.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.016, 364.17, 364.18, 364.183, 364.185, 364.337 FS. History—New 1-8-95, Amended 11-13-95, Repealed

25-24.800 Scope.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.337 FS. History—New 12-27-95, Amended 2-1-99, Repealed

25-24.805 Certificate of Public Convenience and Necessity Required.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.01, 364.337 FS. History—New 12-27-95, Repealed

25-24.810 Application for Certificate.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.335 FS. History—New 12-27-95, Amended 1-5-06, 5-29-08, Repealed

25-24.815 Application for Approval of Sale, Assignment or Transfer of Certificate.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.335, 364.345(2) FS. History—New 12-27-95, Amended 1-5-06, 5-29-08, Repealed

25-24.820 Revocation of a Certificate.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.345 FS. History—New 12-27-95, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Catherine Beard

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 38, Number 38, July 13, 2012, and, Volume 38, Number 23, June 8, 2012.

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Notices Submitted to/Confirmed by Administrative Code & Register Staff

Notices Confirmed by ACR

Notices Submitted to ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
12187388	25-7.059,...	Use of Meters, Measuring Customer Service	Notice	10/23/2012 Vol. 38/56	10/22/2012
12187000	25-6.019,...	Notification of Accidents, Safety Standards for Construction of New Transmission and Distribution Facilities, Quarterly Reports of Work Orders and Safety Compliance, Meter Test - Referee	Proposed	10/23/2012 Vol. 38/56	10/22/2012
✓ 12186418	25-24.565,...	Certificate of Public Convenience and Necessity Required, Application for Certificate, Improper Use of a Certificate, Application for Approval of Sale, Assignment or Transfer of Certificate, Cancellation of a Certificate, Scope and Waiver, Terms and Definitions, Certificate of Public Convenience and Necessity Required, Application for Certificate, Certificates Not Transferable, Application for Approval of Sale, Assignment, or Transfer of Certificate, Cancellation of a Certificate, Records and Reports; Rules Incorporated, Scope, Certificate of Public Convenience and Necessity Required, Application for Certificate, Application for Approval of Sale, Assignment or Transfer of Certificate, Revocation of a Certificate	Proposed	10/23/2012 Vol. 38/56	10/22/2012
12185836	25-4.004,...	Certificates of Public Convenience and Necessity, Transfer of Certificate of Public Convenience and Necessity As to All or Portion of Service Area	Proposed	10/23/2012 Vol. 38/56	10/22/2012
12185933	10/22/2012	Florida Public Service Commission	Meeting	10/23/2012 Vol. 38/56	10/22/2012

Notices Confirmed by ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
		None			

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