

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-

RECEIVED FPSC
12 NOV -8 PM 1:17
COMMISSION
CLERK

DATE: November 9, 2012
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Cindy Miller, Office of the General Counsel *CM*
RE: Docket No. 120230-PU

Please file the attached rule certification packets for Rules, 25-4.043, F.A.C., 25-6.004, F.A.C., 25-6.042, F.A.C., and 25-7.038, F.A.C., in the docket file listed above.

Thank you.

Attachment

DOCUMENT NUMBER - DATE
07544 NOV-8 09
FPSC-COMMISSION CLERK

COMMISSIONERS:
RONALD A. BRISÉ, CHAIRMAN
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



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

Public Service Commission

November 8, 2012

Ms. Liz Cloud
Florida Department of State
Administrative Code and Weekly Section
Room 701, the Capitol
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

Re: Rule Certification Packet for Rule 25-4.043, F.A.C., Responses to Commission Staff Inquiries.

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rule 25-4.043, F.A.C. consisting of:

- (1) One compact disc containing the coded text of the rule;
- (2) One original and two copies of the signed rule certification form;
- (3) One original and two copies of the coded text of the rule, including the legal citations and history notes;
- (4) One original and two copies of the summary of the rule;
- (5) One original and two copies of the detailed written statement of the facts and circumstances justifying the rule; and
- (6) One original and two copies of the summary of the hearings held on the rule.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2012 NOV - 8 AM 11:52
FILED

Page 2

Please let me know if you have any questions. The contact name and information for this rule are Cindy Miller, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6082, cmiller@psc.state.fl.us.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Miller".

Cindy Miller
Senior Attorney

Enclosures

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-4.043

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



ANN COLE

Commission Clerk

Title

1

Number of Pages Certified

25-4.043 Response to Commission Staff Inquiries.

~~The necessary replies to inquiries propounded by 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.~~

Specific Authority 350.127(2) FS. Law Implemented 364.183 FS. History – New 12-1-68, Formerly 25-

4.43. Repealed xx-xx-xx.

SUMMARY OF THE RULE

Rule 25-4.043, F.A.C., requires telecommunications company responses to Commission Staff concerning service or other complaints be received by the Commission within 15 days from the date of the inquiry.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The rule repeal is appropriate because other rules have a similar requirement. Rule 25-22.032, F.A.C., addressing the procedure for resolving customer complaints, requires in subsection (6)(c) that responses to Commission Staff inquiries be provided within 15 days. Also, response time to discovery requests are governed by Rule 28-106.202, F.A.C. Thus, these rules alleviate the need for Rule 25-4.043, F.A.C.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.

COMMISSIONERS:
RONALD A. BRISÉ, CHAIRMAN
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



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

Public Service Commission

November 8, 2012

Ms. Liz Cloud
Florida Department of State
Administrative Code and Weekly Section
Room 701, the Capitol
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

Re: Rule Certification Packet for Rules 25-6.004, F.A.C., Reference to Commission, and 25-6.042, F.A.C., Response to Commission Inquiries.

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rules 25-6.004, F.A.C., and 25-6.042, F.A.C., consisting of:

- (1) One compact disc containing the coded text of the rules;
- (2) One original and two copies of the signed rule certification form;
- (3) One original and two copies of the coded text of the rules, including the legal citations and history notes;
- (4) One original and two copies of the summary of the rules;
- (5) One original and two copies of the detailed written statement of the facts and circumstances justifying the rules; and
- (6) One original and two copies of the summary of the hearings held on the rules.

2012 NOV - 8 AM 11:55
FILED
DEPT. OF STATE
TALLAHASSEE, FLORIDA

Page 2

Please let me know if you have any questions. The contact name and information for this rule are Cindy Miller, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6082, cmiller@psc.state.fl.us.

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

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-6.004

25-6.042

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



ANN COLE

Commission Clerk _____

Title _____

Number of Pages Certified _____

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.~~

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

25-6.04., Repealed xx-xx-xx.

25-6.042 Response to Commission Staff Inquiries.

~~The necessary replies to inquiries propounded by 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 wherever practical.~~

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 xx-xx-xx.

SUMMARY OF THE RULE

Rule 25-6.004, F.A.C., authorizes the referral of interpretations of rules and regulations to the Commission for determination. Rule 25-6.042, F.A.C., requires electric utility responses to Commission staff concerning service or other complaints be received by the Commission written 15 days from the date of inquiry.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-6.004, F.A.C., appears unnecessary because requests for declaratory statements, pursuant to Section 120.565, F.S., cover the referral to the Commission of interpretation of rules and regulations. Thus, Rule 25-6.004, F.A.C., is redundant of section 120.565, F.S., and may be repealed. The repeal of Rule 25-6.042, F.A.C., is appropriate because other rules have a similar requirement. Rule 25-22.032, F.A.C., addressing the procedure for resolving customer complaints, requires in subsection (6)(c) that responses to Commission Staff inquiries be provided within 15 days. Also, response time to discovery requests are governed by Rule 28-106.202, F.A.C. Thus, these rules alleviate the need for Rule 25-6.042, F.A.C.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.

COMMISSIONERS:
RONALD A. BRISÉ, CHAIRMAN
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



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

Public Service Commission

November 8, 2012

Ms. Liz Cloud
Florida Department of State
Administrative Code and Weekly Section
Room 701, the Capitol
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

Re: Rule Certification Packet for Rule 25-7.038, F.A.C., Responses to Commission Staff Inquiries.

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rule-25-7.038, F.A.C., consisting of:

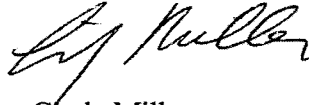
- (1) One compact disc containing the coded text of the rule;
- (2) One original and two copies of the signed rule certification form;
- (3) One original and two copies of the coded text of the rule, including the legal citations and history notes;
- (4) One original and two copies of the summary of the rule;
- (5) One original and two copies of the detailed written statement of the facts and circumstances justifying the rule; and
- (6) One original and two copies of the summary of the hearings held on the rule.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2012 NOV -
AM 11:59
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Page 2

Please let me know if you have any questions. The contact name and information for this rule are Cindy Miller, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6082, cmiller@psc.state.fl.us.

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

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

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(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-7.038

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



ANN COLE

Commission Clerk
Title

Number of Pages Certified

25-7.038 Response to Commission Staff Inquiries.

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

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 xx-xx-xx.

SUMMARY OF THE RULE

Rule 25-7.038, F.A.C., requires gas company responses to Commission Staff concerning service or other complaints be received by the Commission within 15 days from the date of the inquiry.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The rule repeal is appropriate because other rules have a similar requirement. Rule 25-22.032, F.A.C., addressing the procedure for resolving customer complaints, requires in subsection (6)(c) that responses to Commission Staff inquiries be provided within 15 days. Also, response time to discovery requests are governed by Rule 28-106.202, F.A.C. Thus, these rules alleviate the need for Rule 25-7.038, F.A.C.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.