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STATE OF FLORIDA



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DIVISION OF ACCOUNTING AND FINANCE  
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Public Service Commission

November 21, 2012

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COMMISSION  
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To: Investor-Owned Electric Utilities

Re: Industry survey for legislative review of agency rules in effect on or before November 16, 2010  
Docket No. 110303-OT

To whom this may concern:

Please see attached staff's survey questions. Your timely response to these survey questions regarding Rule 25-6.043, Florida Administrative Code (F.A.C.) will be important to complete the Commission's Compliance Economic Review required by Subsection 120.745(5), Florida Statutes. All responses should be filed in Docket No. 110303-OT by 5:00 p.m., December 20, 2012, and addressed to:

John Slemkewicz  
c/o Ann Cole  
Commission Clerk  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

If you have any questions, please contact John Slemkewicz at (850) 413-6420 or [jslemkew@psc.state.fl.us](mailto:jslemkew@psc.state.fl.us). Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Maurey".

Andrew L. Maurey  
Bureau Chief, Surveillance and Rate Filings  
Division of Accounting & Finance

DOCUMENT NUMBER-DATE  
07807 NOV 21 2012  
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**Rule 25-6.043, F.A.C. - Survey Questions**

The following survey questions apply to **Rule 25-6.043, F.A.C. – Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee**. The Company's response data to these survey questions should be provided for the entire rule, unless the response data is available by rule section, in which case we request the response data be provided by rule section. Please present data in annualized format, if possible, and all cost or benefit dollar estimates should be stated in nominal terms. Please indicate whether the data is actual or projected. Relevant definitions are attached.

1. What are the Company's estimated transactional costs (as defined in Subparagraph 120.541(2)(d), F.S.) resulting from the Company's compliance with Rule 25-6.043, F.A.C., for the five-year period beginning July 1, 2011? Include, for example, the following items separated between internal costs and external costs:
  - a. The costs of preparing the minimum filing requirements.
  - b. Witness preparation and appearance before the Commission.
  - c. Petition and testimony filings.
  - d. Legal costs.
  - e. Consultant costs.
  - f. Other costs associated with the required filings – please identify each.
2. Of the costs provided in response to question 1 above, which, if any, would be incurred by the Company if Rule 25-6.043, F.A.C., were not in effect?
3. What is the Company's estimate of the likely impact, stated in terms of costs and/or benefits on small businesses (as defined by Section 288.703, F.S.) located in the Company's service territory, resulting from the implementation of Rule 25-6.043, F.A.C., for the five-year period beginning July 1, 2011?
4. What is the Company's estimate of the likely impact, stated in terms of costs and/or benefits, on small counties and small cities (as defined in Section 120.52, F.S.) located in the Company's service territory, resulting from the implementation of 25-6.043, F.A.C., for the five-year period beginning July 1, 2011?
5. What is the Company's estimate of the likely impact, stated in terms of costs and/or benefits on entities located in the Company's service territory other than those specifically identified in questions 3 and 4, resulting from the implementation of Rule 25-6.043, F.A.C., for the five-year period beginning July 1, 2011?

6. What does the Company believe is the expected impact of Rule 25-6.043, F.A.C., on economic growth, private sector job creation or employment, and private sector investment for the five-year period beginning July 1, 2011?
7. What does the Company believe is the expected impact of Rule 25-6.043, F.A.C., on business competitiveness, productivity, and innovation, including the ability of persons doing business in the Company's service territory to compete with persons doing business in states other than Florida or other domestic markets for the five-year period beginning July 1, 2011?
8. What does the Company believe are the benefits associated with Rule 25-6.043, F.A.C.?

**25-6.043 Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee.**

(1) General Filing Instructions.

(a) The petition under Sections 366.06 and 366.071, F.S., for adjustment of rates must include or be accompanied by:

1. The information required by Commission Form PSC/ECR/011-E (2/04), entitled "Minimum Filing Requirements for Investor-Owned Electric Utilities" which is incorporated into this rule by reference. The form may be obtained from the Commission's Division of Economic Regulation.

2. The exact name of the applicant and the address of the applicant's principal place of business.

3. Copies of prepared direct testimony and exhibits for each witness testifying on behalf of the Company.

(b) In compiling the required schedules, a company shall follow the policies, procedures and guidelines prescribed by the Commission in relevant rules and in the company's last rate case or in a more recent rate case involving a comparable utility. These schedules shall be identified appropriately (e.g., Schedule B-1 would be designated Company Schedule B-1 – Company basis).

(c) Each schedule shall be cross-referenced to identify related schedules as either supporting schedules or recap schedules.

(d) Each page of the filing shall be numbered on 8 1/2 × 11-inch paper. Each witness' prefiled testimony and exhibits shall be on numbered pages and all exhibits shall be attached to the proponent's testimony.

(e) Except for handwritten official company records, all data in the petition, testimony, exhibits and minimum filing requirements shall be typed.

(f) Each schedule shall indicate the name of the witness responsible for its presentation.

(g) All schedules involving investment data shall be completed on an average investment basis. Unless a specific schedule requests otherwise, average is defined as the average of 13 monthly balances.

(h) Twenty-one copies of the filing, consisting of the petition and its supporting attachments, testimony, and exhibits, shall be filed with the Office of Commission Clerk.

(i) Whenever the company proposes any corrections, updates or other changes to the originally filed data, 21 copies shall be filed with the Office of Commission Clerk with copies also served on all parties at the same time.

(2) Commission Designee: The Director of the Division of Economic Regulation shall be the designee of the Commission for purposes of determining whether the utility has met the minimum filing requirements imposed by this rule. In making this determination, the Director shall consider whether information that would have been provided in a particular schedule required by this rule has been provided to the same degree of detail in another required schedule that the utility incorporates by reference.

*Specific Authority 366.05(1), (2), 366.06(3) FS. Law Implemented 366.04(2)(f), 366.06(1), (2), (3), (4), 366.071 FS. History—New 5-27-81, Formerly 25-6.43, Amended 7-5-90, 1-31-00, 2-12-04.*

**Excerpts from Florida Statutes**

**120.541 Statement of estimated regulatory costs.—**

...

(2)(d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, “transactional costs” are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

**288.703 Definitions. —** As used in ss. 288.702-288.706, the term:

...

(6) “Small business” means an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

**120.52 Definitions. —** As used in this act:

...

(18) “Small city” means any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census.

(19) “Small county” means any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.