

THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF DEVELOPMENT OF RULEMAKING

TO

ALL INTERESTED PERSONS

UNDOCKETED

IN RE: REVISION TO RULE 25-22.0406, F.A.C., NOTICE AND PUBLIC INFORMATION ON GENERAL RATE INCREASE REQUESTS AND PETITIONS FOR LIMITED PROCEEDINGS BY ELECTRIC AND GAS UTILITIES, ADOPTION OF RULE 25-6.0431, F.A.C., PETITION FOR LIMITED PROCEEDING AND ADOPTION OF RULE 25-7.0391, F.A.C., PETITION FOR A LIMITED PROCEEDING.

ISSUED: March 7, 2013

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated rulemaking to amend Rule 25-22.0406, F.A.C., to clarify general rate increase noticing and publication, and to adopt Rules 25-6.0431 and 25-7.0391, F.A.C., to update current language and add requirements for limited proceedings.

The attached Notice of Development of Rulemaking appeared in the March 7, 2013, edition of the Florida Administrative Register. If requested in writing and not deemed unnecessary by the agency head, a rule development workshop will be scheduled and noticed in the next available Florida Administrative Register. Written requests for a rule development workshop must be submitted to Pamela H. Page, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6214, phpage@psc.state.fl.us, by March 25, 2013. A copy of the preliminary draft rules is attached.

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FPSC-COMMISSION CLERK

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By DIRECTION of the Florida Public Service Commission this 7th day of March, 2013.



ANN COLE
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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1 **25-6.0431 Petition for a Limited Proceeding**

2 A petition for a limited proceeding shall include, but not be limited to:

3 (1) a list of all issues the petitioner believes should be decided;

4 (2) a detailed statement of the reason(s) why the limited proceeding has been requested and
5 why a limited proceeding is the appropriate type of proceeding for consideration of the
6 requested relief;

7 (3) a schedule showing the specific rate base components for which the utility seeks recovery,
8 on both a system and jurisdictional basis, if the utility is requesting recovery of rate base
9 components;

10 (4) a detailed description of the expense(s) requested on both a system and jurisdictional basis,
11 if the utility is requesting recovery of operating expenses; and

12 (5) a schedule showing how the utility proposes to allocate any change in revenues to rate
13 classes, and the proposed rates, if the petition requests a change in retail rates.

14 Rulemaking Authority: 350.127(2), 366.05, 366.06(1), FS. Law Implemented: 366.05(1),
15 366.06(1), 366.076(1), FS. History – New _____.

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1 **Rule 25-7.0391 Petition For A Limited Proceeding**

2 A petition for a limited proceeding shall include, but not be limited to:

3 (1) a list of all issues the petitioner believes should be decided;

4 (2) a detailed statement of the reason(s) why the limited proceeding has been requested and
5 why a limited proceeding is the appropriate type of proceeding for consideration of the
6 requested relief;

7 (3) a schedule showing the specific rate base components for which the utility seeks recovery,
8 on both a system and jurisdictional basis, if the utility is requesting recovery of rate base
9 components;

10 (4) a detailed description of the expense(s) requested on both a system and jurisdictional basis,
11 if the utility is requesting recovery of operating expenses; and

12 (5) a schedule showing how the utility proposes to allocate any change in revenues to rate
13 classes, and the proposed rates, if the petition requests a change in retail rates.

14 Rulemaking Authority: 350.127(2), 366.05, 366.06(1), FS. Law Implemented: 366.05(1),
15 366.06(1), 366.076(1), FS. History – New

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1 **25-22.0406 Notice and Public Information on General Rate Increase Requests and**
2 **Petitions for Limited Proceedings by Electric, and Gas and Telephone Companies**
3 **Utilities.**

4 (1) The provisions of this rule shall be applicable to all requests for general rate
5 increases and to all limited proceedings filed by electric and gas utilities pursuant to Rules 25-
6 6.0431 and 25-7.0391. ~~by electric, gas and telephone companies subject to the Commission's~~
7 ~~jurisdiction.~~

8 (2) The following noticing procedures shall apply to requests for a general rate
9 increase:

10 (a) ~~Upon filing a petition for a general rate increase, t~~ The utility shall mail a copy of
11 the petition to the chief executive officer of the governing body of each municipality and
12 county within the service area affected.

13 (b) The utility shall establish a clearly identifiable link on the utility's website to the
14 address on the Commission's website that provides electronic access to all documents filed in
15 the rate case.

16 (c) Location of Minimum Filing Requirements

17 1.~~(3)~~(a) Within 15 days after it has been notified by the Commission that the Minimum
18 Filing Requirements (MFRs) have been met, the utility shall place a copy of the MFRs at its
19 official headquarters and at a location approved by the Commission staff ~~its business office~~ in
20 each municipality in which service hearings were held in the last general rate case of the
21 utility.

22 2. Within 15 days after the time schedule has been posted on the Commission's
23 website ~~mailed to the utility~~, copies of the MFRs shall be placed in a location approved by
24 Commission staff ~~the utility business office~~ in each additional city in which service hearings
25 are to be held in the current rate case. ~~Upon customer request a copy of the MFRs shall be~~

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1 ~~placed in a utility business office not located in a city where a service hearing is to be held.~~
2 ~~The copies of the MFRs shall be available for public inspection during the utility's regular~~
3 ~~business hours.~~

4 3.(b) In addition to the locations listed above, if the Commission staff determines that
5 the locations listed above will not provide adequate access, the Commission staff will require
6 that copies of the MFRs be placed at other specified locations.

7 4. Copies of the MFRs shall be available for public inspection during the regular
8 business hours of the location hosting the MFRs, and through a link on the utility's website.

9 (d) Rate Case Synopsis

10 1.(4)(a) Within 15 days after the time schedule for the case has been posted to the
11 Commission's website, mailed to the utility, the utility shall prepare and submit to the
12 Commission staff for approval and distribute a synopsis of the rate request. The synopsis shall
13 ~~be approved by the Commission or its staff prior to distribution and shall~~ include:

14 a.1 A summary of the section of the MFRs showing a comparison of the present and
15 proposed rates for major services;

16 b.2 A statement of the anticipated major issues involved in the rate case;

17 c.3 A copy of the executive summary filed with the MFRs;

18 d.4 A description of the ratemaking process and the time schedule established for the
19 rate case; and

20 e.5 The locations at which complete MFRs are available.

21 2. (b) Within 7 days following approval of the synopsis, ~~C~~opies of the synopsis shall
22 be distributed to the same locations as required for the MFRs, to the main county library
23 within or most convenient to the service area, and to the chief executive officer of each county
24 and municipality within the service area affected.

25 (e 5) Within ~~30~~ 15 days after the rate case time schedule has been posted on the

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1 Commission's website, ~~mailed to the utility~~, the utility shall prepare and submit a customer
2 notice to Commission staff for approval. The customer notice shall include: ~~begin sending a~~
3 ~~notice approved by the Commission or its staff to its customers containing:~~

4 1.(a) A statement that the utility has applied for a rate increase and the general reasons
5 for the request;

6 2.(b) The locations at which copies of the MFRs and synopsis are available, including
7 the link on the utility's website;

8 3.(c) The time schedule established for the case, and the dates, times and locations of
9 any hearings that have been scheduled; and

10 4.(d) A comparison of current rates and service charges and the proposed new rates
11 and service charges. Such notice shall be completed at least 10 days prior to the first
12 scheduled service hearing;-

13 5. The docket number assigned to the petition by the Commission's Office of
14 Commission Clerk;

15 6. A statement that written comments regarding the proposed changes in rates and
16 charges should be addressed to the Office of Commission Clerk, 2540 Shumard Oak
17 Boulevard, Tallahassee, Florida, 32399-0850, and that such correspondence should include the
18 docket number; and

19 7. A statement that complaints or concerns regarding service may be made to the
20 Commission's Office of Consumer Assistance and Outreach at this toll free number: (800)
21 342-3552.

22 (f) The utility shall begin sending the notice to customers within 15 days after it has
23 been approved by Commission Staff.

24 (3) The following noticing procedures shall apply to a petition for a limited proceeding
25 filed pursuant to Rules 25-6.0431 and 25-7.0391:

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1 (a) The utility shall establish a clearly identifiable link on the utility's website to the
2 address on the Commission's website that provides electronic access to all documents filed in
3 the limited proceeding.

4 (b) Within 15 days after the time schedule for the limited proceeding has been posted
5 to the Commission's website, the utility shall prepare and submit a customer notice to the
6 Commission staff for approval. The customer notice shall contain:

7 1. A statement that the utility has requested a change in rates, a statement of the
8 amount requested, and the general reason for the request;

9 2. A statement of where and when the petition and supporting documentation are
10 available for public inspection, including the link on the utility's website;

11 3. A comparison of the current and proposed rates;

12 4. The utility's address, telephone number, and website address;

13 5. The docket number assigned to the petition by the Commission's Office of
14 Commission Clerk;

15 6. A statement that written comments regarding the proposed changes in rates and
16 charges should be addressed to the Office of Commission Clerk, 2540 Shumard Oak
17 Boulevard, Tallahassee, Florida, 32399-0850, and that such correspondence should include the
18 docket number; and

19 7. A statement that complaints or concerns regarding service may be made to the
20 Commission's Office of Consumer Assistance and Outreach at this toll free number; (800)
21 342-3552.

22 (c) The utility shall begin sending the notice to customers within 15 days after it has
23 been approved by staff.

24 (4) All customer notices prepared pursuant to this rule shall be sent to the customer's
25 address of record at the time the notice is issued, in the manner in which the customer

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1 typically receives the monthly bill, whether electronically or via U.S. mail.

2 (5) All customer notices regarding the locations and time of Commission-scheduled
3 service hearings or customer meetings shall be sent to the customer no less than 15 days, or
4 more than 45 days, prior to the first Commission-scheduled service hearing or customer
5 meeting.

6 (6) At least 7 days and not more than 20 days prior to each Commission-scheduled
7 service hearing or customer meeting, the utility shall have published in a newspaper of general
8 circulation in the area in which the hearing or customer meeting is to be held, a display
9 advertisement stating the date, time, location and purpose of the hearing or customer meeting.
10 The advertisement shall be approved by the Commission ~~or its~~ staff prior to publication.

11 (7) When the Commission issues proposed agency action and a hearing is subsequently
12 held, the utility shall give written notice of the hearing to its customers at least 15 ~~14~~ days in
13 advance of the hearing. This notice shall be approved by the Commission ~~or its~~ staff prior to
14 distribution.

15 (8) After the Commission's issuance of an order granting or denying a rate change, the
16 utility shall give notice to its customers of the order and the revised rates. The notice shall be
17 approved in advance by the Commission or its staff and transmitted to the customers with the
18 first bill containing the new rates.

19 Rulemaking-Specific Authority: 350.127(2), 366.05, 366.06(1) FS. Law Implemented: ~~120.569,~~
20 ~~120.57, 364.01(4), 364.035(1), 364.04(3), (4), 364.05(1), (2), 364.19, 366.03, 366.041(1),~~
21 366.05(1), 366.06(1), 366.076(1) FS.

22 History—New 9-27-83, Formerly 25-22.406, Amended 5-27-93, 5-3-99, _____.

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