

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: September 19, 2013
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Pamela H. Page, Office of the General Counsel
RE: Docket No. 130148-PU

Please file the attached letter to Mr. John Rosner, Joint Administrative Procedures Committee, regarding Rule 25-22.0406, F.A.C., in the docket file listed above.

Thank you.

Attachment

RECEIVED-FPSC
13 SEP 19 AM 8:25
COMMISSION
CLERK

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

STATE OF FLORIDA



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

Public Service Commission

September 19, 2013

John Rosner, Chief Attorney
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

Re: Rule 25-22.0406, F.A.C.

Dear Mr. Rosner:

Enclosed for your reference is a copy of the Florida Public Service Commission's September 18, 2013, filing with the Department of State on Rule 25-22.0406, F.A.C. The statement on the technical change to the title of the rule is found in the section entitled "Summary of the Rule."

If there are any questions with respect to this rule, please do not hesitate to call me at 413-6214.

Sincerely,

A handwritten signature in cursive script that reads "Pamela H. Page".

Pamela H. Page
Senior Attorney

Enclosure

COMMISSIONERS:
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STATE OF FLORIDA



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

Public Service Commission

September 18, 2013

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

VIA HAND DELIVERY

Re: Rule Certification Packet for Rule 25-22.0406, F.A.C.

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rule 25-22.0406, F.A.C., consisting of:

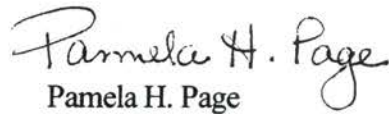
- (1) One compact disc containing the coded text of the rule;
- (2) There are no materials incorporated by reference into this rule.
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rule, including the legal citations and history notes;
- (5) One original and two copies of the summary of the rule;
- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rule; and
- (7) One original and two copies of the summary of the hearings held on the rule.

FILED
2013 SEP 18 AM 10:14
TALLAHASSEE, FLORIDA

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Please let me know if you have any questions. The contact name and information for this rule are Pamela H. Page, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6214, phpage@psc.state.fl.us.

Sincerely,

A handwritten signature in cursive script that reads "Pamela H. Page".

Pamela H. Page
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 No.

25-22.0406

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 _____
4
Number of Pages Certified _____

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

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

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

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

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

(c) Location of Minimum Filing Requirements.

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

2. Within 15 days after the time schedule has been posted on the Commission's website ~~mailed to the utility~~, copies of the MFRs shall be placed in a location approved by Commission staff ~~the utility business office~~ in each additional city in which service hearings are to be held in the current rate case. ~~Upon customer request a copy of the MFRs shall be placed in a utility business office not located in a city where a service hearing is to be held. The copies of the MFRs shall be available for public inspection during the utility's regular business hours.~~

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

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

(d) Rate Case Synopsis.

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

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

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

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

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

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

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

~~(e)(5)~~ Within ~~15~~ 30 days after the rate case time schedule has been posted on the Commission's website, mailed to the utility, the utility shall prepare and submit a customer notice to Commission staff for approval. The customer notice shall include: ~~begin sending a notice approved by the Commission or its staff to its customers containing:~~

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

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

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

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

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

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

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

(f) The utility shall begin sending the notice to customers within 30 days after it has been approved by Commission Staff.

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

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

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

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

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

3. A comparison of the current and proposed rates;

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

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

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

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

(c) The utility shall begin sending the notice to customers within 30 days after it has been approved by staff.

(4) All customer notices prepared pursuant to this rule shall be sent to the customer's address of record at the time the notice is issued, in the manner in which the customer typically receives the monthly bill, whether electronically or via U.S. mail.

(5) All customer notices regarding the locations and time of any service hearings or customer meetings shall be sent to the customer no less than 10 days, or more than 45 days, prior to the first service hearing or customer meeting.

(6) At least 7 days and not more than 20 days prior to any each service hearing or customer meeting, the utility shall

have published in a newspaper of general circulation in the area in which the hearing or customer meeting is to be held a display advertisement stating the date, time, location and purpose of the hearing or customer meeting. The advertisement shall be approved by the Commission ~~or its~~ staff prior to publication.

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

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

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

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

SUMMARY OF THE RULE

Rule 25-22.0406, F.A.C., is amended to apply to limited proceedings for electric and gas utilities, improves access by the public to these proceedings, and updates the rule to reflect current technology. Also, technical changes are being made to the title of the rule and the law implemented to remove the reference to telephone companies.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-22.0406, F.A.C., is amended to update general rate case noticing requirements for electric and gas utilities and establishes noticing requirements for gas and electric utility limited proceedings. The rule no longer applies to telephone companies, so the reference to telephone companies in the title is deleted and the references to sections 364.01(4), 364.035(1), 364.04(3), (4), 364.05(1), (2), and 364.19, F.S., are removed.

Adoption of Rule 25-22.0406, F.A.C., will provide uniform general rate case noticing procedures for electric and gas utilities and standardize noticing requirements for limited proceedings by gas and electric utilities. There will likely be transactional cost savings to the individual and entities, including government entities, required to comply with the rule.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

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