

Notice of Proposed Rule

**PUBLIC SERVICE COMMISSION**

RULE NO.: RULE TITLE:

25-22.061: Stay Pending Judicial Review

PURPOSE AND EFFECT: The rule is amended to delete obsolete language relating to telecommunication companies.

Docket No. 140141-TP

SUMMARY: Rule 25-22.061, F.A.C., describes the procedure followed when an appellant seeks a stay pending judicial review in state court pursuant to section 120.68, FS. This rule is amended to delete reference to a repealed rule concerning telecommunication companies.

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 SERC examined the factors required by Section 120.541(2)(c), FS, and concluded that the rule amendment will not have an adverse impact on economic growth, business competitiveness, or small business and that telecommunications companies licensed to operate in Florida would likely benefit from the recommended rule changes.

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), 366.05(1), 368.05(2)FS.

LAW IMPLEMENTED: 120.68(3), 350.01(5), 364.01(4), 366.04(1), 366.05(1), 366.06(1), 367.011(2), 367.081(2), 367.0814, 367.121(1)(g), 368.05(2), FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED 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](mailto:kcowdery@psc.state.fl.us).

THE FULL TEXT OF THE PROPOSED RULE IS:

**25-22.061 Stay Pending Judicial Review.**

(1) no change.

(2) (a) through (c) no change

(3) When a stay is conditioned upon the posting of a bond, corporate undertaking, or other appropriate form of surety, the Commission shall at the time it grants the stay set the rate of interest to be paid by the utility or company pursuant to ~~subsection 25-4.114(4), F.A.C., for telecommunication companies,~~ subsection 25-6.109(4), F.A.C., for electric public utilities, subsection 25-7.091(4), F.A.C., for gas public utilities, and subsection 25-30.360(4), F.A.C., for water and wastewater utilities in the event that the Court's decision requires a refund to customers.

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(4) no change.

*Rulemaking Authority 350.127(2), 366.05(1), 368.05(2) FS. Law Implemented 120.68(3), 350.01(5), ~~364.01(4), 366.04(1), 366.05(1), 366.06(1), 367.011(2), 367.081(2), 367.0814, 367.121(1)(g), 368.05(2) FS. History—New 2-1-82, Formerly 25-22.61, Amended 6-27-10, \_\_\_\_\_.~~*

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathryn G.W. Cowdery

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 40, Number 93, May 13, 2014.

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Florida Department of State

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**Notices Submitted to ACR**

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
14933264	25-24.505,...	Scope, Cancellation of a Certificate, Scope and Waiver, Terms and Definitions	Proposed	8/13/2014 Vol. 40/157	8/12/2014
✓ 14933070	25-22.061	Stay Pending Judicial Review	Proposed	8/13/2014 Vol. 40/157	8/12/2014
14932876	25-4.002,...	Application and Scope, Definitions	Proposed	8/13/2014 Vol. 40/157	8/12/2014

**Notices Confirmed by ACR**

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

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