

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: October 7, 2014
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Pamela H. Page, Senior Attorney, Office of the General Counsel *PHP*
RE: Office of Public Counsel Comments on Docket No. 140124-PU, Amendment of Rules 25-6.014, 25-6.015, 25-7.014, and 25-7.015, F.A.C.

Please place the attached comments dated October 7, 2014, from the Office of Public Counsel in the file for Docket No. 140124-PU. Should you have any questions, please contact me at x36214. Thank you.

PHP
Attachment

RECEIVED-FPSC
14 OCT -7 PM 3:11
COMMISSION
CLERK

Pamela H. Page

From: Merchant, Tricia <MERCHANT.TRICIA@leg.state.fl.us>
Sent: Tuesday, October 07, 2014 11:35 AM
To: Pamela H. Page
Cc: Kelly, JR; Rehwinkel, Charles
Subject: Dkt 140124 - Amendment of Rules 25-6.014, 25-6.015, 25-7-.014, and 25-7.015, F.A.C.

Good afternoon Pam,

We wanted to get back with OPC's comments and questions regarding staff's recommended rule changes in Docket No. 140124.

1. First, based on our understanding and looking at the Code of Federal Regulations, FERC Part 101-the Uniform System of Accounts, was last revised April 1, 2014 and FERC Part 125—Preservation of Records of Public Utilities was last revised on August 7, 2000. Staff's current rule revision reflects a date of April 1, 2013, for each, which is either the date chosen for the USOA or the revision date to all of Chapter 18, which is very large (1,317 parts). OPC believes that since Rules 25-6.015(3)(a) and 25-7.015(3)(a) refer specifically to Part 125, it would be more appropriate to use the last revision date of August 7, 2000, which is listed in the CFR. Reflecting the more recent revision date of April 1, 2013 for Part 125 (similar to what is used for the USOA or Chapter 18) could be misleading especially when Part 125 was last revised in 2000.
2. Our second comment relates to staff's recommendation to remove the exceptions to record retention requirements in Rules 25-6.015(3)(a) and 25-7.015(3)(a), FAC. The FPSC revised Rule 25-7-.015 in 2003 and 25-6.015 in 2004 to add the exceptions into the rule after changes were made to FERC Part 125 in 2000. Since there were no parties listed or documents filed in either prior docket file, or comments addressed in the recommendation (other than JAPC), it does not appear that anyone took exception to the inclusion of the exceptions at that time. As a note, the staff recommendations do not detail why the exceptions were added, which were approved by the Commission.

Staff's recommendation in the current docket states that:

"Currently, Rule 25-6.015(3)(a), F.A.C., requires longer record retention periods than the USOA for items such as general ledgers, journals, and appraisals and valuations. In comments provided to staff, DEF suggests that Rule 25-6.015(3)(a), F.A.C., be amended because the Commission's longer record retention periods create an inconsistency between state and federal regulations so that utilities must maintain duplicate records. DEF states that this amendment is supported by Gulf. Staff agrees with the comments and recommends that Rule 25-6.015(3)(a), F.A.C., be amended to strike the Commission's longer record retention periods."

DEF in its email requesting that the exceptions be removed stated the following: "This change would promote administrative efficiency by eliminating the conflicting retention requirements as well as provide cost savings as far as storage is concerned." Duke's response does not state what incremental cost has been incurred since 2004 to maintain these four exceptions.

As addressed above, the FERC rules regarding the preservation of records have not changed since 2000. OPC would like to know if staff received any analysis from any parties or performed any analysis of its own in this docket to explain what circumstances or reasoning that have changed since the Commission staff added

exceptions in 2004. Since the language is identical in the gas Rule 25-7.015(3)(a), our question applies to that rule revision as well.

3. I did not add any comment regarding the hyperlink for the website address as I found that flrules.org has a new link to documents that are referenced in rules that I was unaware of.

Thank you so much in advance for your consideration of our comments. Please forward this email to the appropriate interested persons and the docket file.

Sincerely,

Tricia Merchant

Tricia Merchant
Office of Public Counsel
111 West Madison Street
Pepper Building, Room 812
Tallahassee, Florida 32399-1400
Phone: 850-717-0332
Email: merchant.tricia@leg.state.fl.us