

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF STAFF RULE DEVELOPMENT WORKSHOP

TO

ALL INTERESTED PERSONS

DOCKET NO. 160223-WS

IN RE: RULES 25-30.455, F.A.C., STAFF ASSISTANCE IN RATE CASES AND  
25-30.425, F.A.C., PASS THROUGH RATE ADJUSTMENT

ISSUED: October 28, 2016

NOTICE is hereby given that a staff rule development workshop will be held at the following time and place:

Friday, November 4, 2016, at 9:30 a.m.  
Room 105, Gunter Building  
2540 Shumard Oaks Boulevard  
Tallahassee, FL 32399-0850

The draft rules and the agenda for the workshop are attached.

One or more Commissioners may be in attendance and participate in the workshop. The person to be contacted regarding this rule development is Adria Harper, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850) 413-6082, [aharper@psc.state.fl.us](mailto:aharper@psc.state.fl.us).

If you wish to comment but cannot attend the workshop, please submit your written comments by November 4, 2016, to: Adria Harper, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6082.

In accordance with the Americans with Disabilities Act, persons requiring a special accommodation to participate at this workshop should contact the Office of Commission Clerk no later than five days prior to the workshop at 2540 Shumard Oak Boulevard., Tallahassee, Florida 32399-0850, via 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD), Florida Relay Service.

NOTICE OF STAFF RULE DEVELOPMENT WORKSHOP  
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By DIRECTION of the Florida Public Service Commission this 28th day of October,  
2016.

  
CARLOTTA S. STAUFFER  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://www.floridapsc.com)

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

AEH

FLORIDA PUBLIC SERVICE COMMISSION

AGENDA

STAFF RULE DEVELOPMENT WORKSHOP

IN RE: RULES 25-30.455, F.A.C., STAFF ASSISTANCE IN RATE CASES AND  
25-30.425, F.A.C., PASS THROUGH RATE ADJUSTMENT

DOCKET NO. 160223-WS

Friday, November 4, 2016, at 9:30 A.M.  
Florida Public Service Commission  
Room 105, Gunter Building  
2540 Shumard Oaks Boulevard  
Tallahassee, FL 32399-0850

1. Staff overview of draft rules
2. Comments and alternative suggestions from interested persons
3. Discussion of suggested changes and timeframes for next steps
4. Adjournment

1 25-30.425 Pass Through Rate Adjustment.

2 ~~The verified notice to the Commission of an adjustment of rates under the provisions of~~  
3 ~~Section 367.081(4)(b), F.S., shall be made in the following manner:~~

4 (1) This rule applies ~~Prior to any regulated water or wastewater utility that adjusts its an~~  
5 ~~adjustment in rates pursuant to Section 367.081(4)(b), F.S., to reflect because of an increase or~~  
6 ~~decrease in the rates, fees, or costs for the following specified expenses~~ purchased utility  
7 service, the utility shall file:

8 (a) ~~A certified copy of the order, ordinance or other evidence whereby the rates for~~  
9 Utility service purchased from a ~~are increased or decreased by the governmental authority~~  
10 ~~agency or other by a water or wastewater utility regulated by the Commission; along with~~  
11 ~~evidence of the utility service rates of that governmental agency or water or wastewater utility~~  
12 ~~in effect on January 1 of each of the three preceding years.~~

13 (b) Purchased electric power; ~~A statement setting out by month the charges for utility~~  
14 ~~services purchased from the governmental agency or regulated utility for the most recent 12-~~  
15 ~~month period.~~

16 (c) Ad valorem taxes; ~~1. A statement setting out by month the gallons of water or~~  
17 ~~wastewater treatment purchased from the governmental agency or regulated utility for the~~  
18 ~~most recent 12-month period. If wastewater treatment service is not based on a metered flow,~~  
19 ~~the number of units by which the service is measured shall be stated.~~

20 ~~2. A statement setting out by month gallons of water and units of wastewater service sold~~  
21 ~~by the utility for the most recent 12-month period.~~

22 (d) National Pollutant Discharge Elimination System (NPDES) Permit Program fees  
23 charged by the Florida Department of Environmental Protection; ~~A statement setting out by~~  
24 ~~month the gallons of water or wastewater treatment purchased from any other government~~  
25 ~~entity or utility company.~~

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1       (e) Regulatory Assessment Fees imposed ~~A statement setting out by the Commission;~~  
2 ~~month the gallons of water pumped or wastewater treated by the utility filing the verified~~  
3 ~~notice.~~

4       (f) ~~If the total~~ Wwater or wastewater quality testing required by the Department of  
5 Environmental Protection (DEP); available for sale is in excess of 110% of the water sold, a  
6 ~~statement explaining the unaccounted for water.~~

7       (g) Wastewater biosolids disposal fees;

8       (h) Tank inspection required by the DEP or a local governmental authority;

9       (i) Treatment plant operator and water distribution system operator license fees required  
10 by the DEP or a local governmental authority;

11       (j) Water or wastewater operating permit fees charged by the DEP or a local governmental  
12 authority; or

13       (k) Consumptive or water use permit fees charged by a water management district.

14       (2) ~~Prior to an adjustment in rates pursuant to Section 367.081(4)(b), F.S., because of an~~  
15 ~~increase or decrease in the charge for electric power~~ the utility shall file its verified notice and  
16 supporting documents with the Commission's Division of Accounting and Finance at least 45  
17 days prior to the effective date of its pass through rate adjustment, or at least 60 days prior to  
18 the effective date of its combined or simultaneously filed price index and pass through rate  
19 adjustments if the utility requests an exception to the 45 day effective date, as referenced in  
20 subsection (2)(h), to allow the price index and pass through rate adjustments to be  
21 implemented as one rate adjustment pursuant to Section 367.081(4)(e), F.S. Each verified  
22 notice of a pass through rate adjustment shall include the following supporting documents. If  
23 the same information or supporting document is required for both the price index and pass  
24 through rate adjustments, such as revised tariff sheets, annualized revenue calculations, return  
25

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1 on equity affirmations, and customer notices, the applicant may file a combined supporting  
2 document to be used for both applications:

3 (a) Revised tariff sheets reflecting the increased or decreased rates; A certified copy of the  
4 order, ordinance or other evidence which establishes that the rates for electric power have  
5 been increased or decreased by the supplier, along with evidence of the electric power rates of  
6 the supplier in effect on January 1 of each of the three preceding years.

7 (b) A schedule showing, ~~by month,~~ the calculation of charges for electric power and  
8 consumption for the proposed rates, including most recent 12-month period, the following  
9 information. If the pass through rate adjustment is combined with a price index rate  
10 adjustment, a combined schedule that shows the calculation of both the price index and pass  
11 through rate adjustments may be provided: charges that would have resulted had the new  
12 electric rates been applied, and the difference between the charges under the old rates and the  
13 charges under the new rates.

14 1. The calculation of the recurring annual or amortized annual amount of the new expense  
15 or incremental change calculated as referenced in subsection (3);

16 2. The utility's actual annual revenue or calculation of the annualized revenue for the most  
17 recent 12-month period, or 12-month test year if combined or simultaneously filed with a price  
18 index application. If there were any Commission-approved changes to the utility's rates  
19 during the 12-month period or test year, the revenue should be annualized to reflect the  
20 revenue that would have resulted if the rate change had been in effect the entire 12 months.

21 The annualized revenue calculation should reflect the annual number of bills broken down by  
22 customer class and meter size, and the annual gallons of water or wastewater service sold  
23 broken down by customer class. Annualized revenues should be calculated separately if the  
24 utility provides both water and wastewater service;  
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1        3. If the pass through of an increase or decrease in purchased utility service, purchased  
2 power, or wastewater biosolids disposal is applied only to the gallonage charge in the rate  
3 adjustment calculation, provide a schedule showing the gallons of water or wastewater service  
4 sold during each month of the most recent 12-month period or test year, broken down by  
5 customer class and meter size, if not shown in the revenue calculation previously provided in  
6 subsection (2)(b)2. above; and

7        4. The calculation of the proposed rates that shows the current rates, dollar amount of the  
8 pass through increase or decrease, and proposed adjusted rates. The percentage increase or  
9 decrease resulting from the pass through adjustment for any specified expense may be applied  
10 to all rates equally or allocated between the base facility charge and gallonage charge based on  
11 the following guidelines:

12        i. The percentage increase or decrease in purchased utility service, purchased power, or  
13 wastewater biosolids disposal may be applied solely to the gallonage charge;

14        ii. The percentage increase or decrease in ad valorem taxes may be applied solely to the  
15 base facility charge;

16        iii. The percentage increase or decrease in any specified expense that was adjusted using a  
17 specific allocation methodology in the utility's last rate proceeding or in a prior pass through  
18 adjustment may be applied using that same methodology; and

19        iv. The percentage increase or decrease in any specified expense that reflects a single  
20 assessment to the water and wastewater systems combined may be allocated between the  
21 water and wastewater rates based on the equivalent residential connection ratio of water and  
22 wastewater customers;

23        (c) A copy of ~~statement outlining~~ the current invoice, proof of payment, or other  
24 documentation that demonstrates that ~~measures taken by~~ the specified expense has been  
25 adjusted or is a new requirement; ~~utility to conserve electricity.~~

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1     (d) A copy of the invoice(s) or other documentation that supports the utility's calculation  
2 of the recurring annual or amortized annual increase or decrease in the specified expense  
3 referenced in subsection (2)(b)1., as follows:

4         1. For a frequently recurring specified expense, such as purchased power, provide a copy  
5 of all invoices received for the most recent 12-month period or test year;

6         2. For a specified expense that occurs on an annual basis, such as ad valorem taxes,  
7 provide a copy of the invoice received for the prior year;

8         3. For a specified expense that occurs less than annually, such as NPDES permit program  
9 fees, provide a copy of the invoice received the last time the expense occurred; or

10         4. For the pass through of an incremental increase or decrease in regulatory assessment  
11 fees that were previously included in the utility's rates by another governmental entity prior to  
12 the Commission's regulation of the utility, provide documentation that shows the percentage  
13 or amount of regulatory assessment fees that were previously included in the utility's rates,  
14 such as a copy of an order, ordinance, rate calculation, or other available information that can  
15 be used to determine and verify the percentage of regulatory assessment fees that were  
16 previously included in the utility's rates.

17     (e) The utility's DEP Public Water System identification number and Wastewater  
18 Treatment Plant Operating Permit number;

19     (f) The affirmation required by Section 367.081(4)(c), F.S., including the rate of return on  
20 equity that the utility is affirming it will not exceed with this rate adjustment;

21     (g) A copy of the notice to customers required by subsection (6); and,

22     (h) If applicable, a statement that the utility requests an exception to the 45 day effective  
23 date provided by Section 367.081(4)(b), F.S., to allow combined or simultaneously filed price  
24 index and pass through rate adjustments to be implemented together as one rate adjustment  
25 pursuant to Section 367.081(4)(e), F.S., with an effective date 60 days after the official filing

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1 date of the utility's notice of intention to increase rates through a price index rate adjustment  
2 filed pursuant to Section 367.081(4)(a) and Rule 25-30.420(2), F.A.C.

3 (3) The recurring annual or amortized annual amount ~~Prior to an adjustment in rates~~  
4 ~~because of an increase or decrease in ad valorem taxes the new expense or incremental change~~  
5 ~~utility shall be calculated as follows file with the Commission:~~

6 (a) The change in aA frequently recurring specified expense, such as purchased power,  
7 ~~copy of the ad valorem tax bills which increased or decreased shall be calculated as an annual~~  
8 ~~copies of the previous three years' bills; if copies have been submitted previously, a schedule~~  
9 ~~showing the tax total, broken down by month for the most recent 12-month period or for the~~  
10 12-month test year if combined or simultaneously filed with a price index rate adjustment. The  
11 calculation shall reflect the following information: only is acceptable; and

12 1. All charges or fees included in the total specified expense, such as the purchased water  
13 or wastewater base facility charge, gallonage charge, any applicable billing or service fees,  
14 and taxes, even if some of the rates or fees did not change;

15 2. The actual or annualized charges for the specified expense. If the rates or charges for the  
16 specified expense changed during the 12-month period or test year, the actual charges should  
17 be annualized to reflect the charges that would have resulted if the prior rates or charges had  
18 been in effect the entire 12 months;

19 3. The annualized charges that would have resulted if the new rates had been in effect the  
20 entire 12 months;

21 4. The difference between the charges at the prior and new rates; and

22 5. If the utility's most recent rate proceeding included adjustments for excessive  
23 unaccounted for water (EUW) or excessive inflow and infiltration (I&I), the calculation of an  
24 increase or decrease in purchased utility service or purchased electric power shall also include  
25 the same percentage EUW or I&I adjustments. If the utility has taken steps to reduce EUW or

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1 I&I since its most recent rate proceeding, the utility may, but is not required to, provide  
2 additional information to demonstrate that the EUW or I&I percentages have been reduced.  
3 Any proposed revision to the EUW or I&I percentages should be calculated as referenced in  
4 subsection (4);

5 (b) The change in aA specified expense calculation of the amount of the ad valorem taxes  
6 related to that occurs on an annual basis, such as ad valorem taxes, shall be calculated as an  
7 annual total based on a comparison of the prior expense and new expense. If applicable, the  
8 calculation of the increase or decrease portion of the water and wastewater plant not used and  
9 useful in ad valorem taxes only shall include the following additional adjustments: in  
10 providing utility service.

11 1. If any ad valorem tax bills reflect a single assessment for combined water and  
12 wastewater property, the calculation shall also include the utility's calculation of the  
13 equivalent residential connection ratio of water and wastewater customers used to allocate the  
14 combined tax assessment between the utility's water and wastewater rates; and

15 2. If the utility's last rate proceeding included adjustments for non-used and useful plant,  
16 the calculation shall also include an adjustment to remove the portion of the ad valorem taxes  
17 related to the water or wastewater plant that is not used and useful in providing utility service;

18 (c) The change in a specified expense that occurs less than annually, such as NPDES  
19 permit program fees, shall be calculated as an annual amortized amount based on a  
20 comparison of the prior and new expense. The expense shall be amortized as a non-recurring  
21 expense in accordance with Rule 25-30.433(8), F.A.C., and the calculation shall include an  
22 explanation if the expense that is amortized for a period other than five years.

23 (4) ~~Prior to an adjustment in rates because of an increase or decrease in T~~ the pass through  
24 costs of changes water quality or wastewater quality testing required by the Department of  
25 Environmental Protection (DEP), or because of an increase or decrease in purchased utility  
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1 service or purchased electric power shall be adjusted for EUW or I&I consistent with  
2 adjustments approved by the fees charged by DEP in connection with the National Pollutant  
3 Discharge Elimination System Program, the utility shall file with the Commission in the  
4 utility's most recent rate proceeding, if applicable. If the utility has taken steps to reduce the  
5 EUW and I&I percentages since its most recent rate proceeding, the utility may, but is not  
6 required, to provide the following information to demonstrate that the EUW and I&I  
7 percentages have been reduced and that the previously approved EUW and I&I percentages  
8 should either be reduced or eliminated from the pass through rate adjustment calculation:

9 (a) A description ~~copy~~ of any steps taken by the utility to reduce the EUW or I&I since the  
10 utility's last rate proceeding ~~invoice for testing; and,~~

11 (b) A schedule showing the updated ~~c~~Calculation of EUW or I&I broken down by month  
12 for the most recent 12-month period or test year including: ~~amortized amount.~~

13 1. The gallons of water or wastewater treatment purchased from the governmental  
14 authority or regulated utility that has increased or decreased its rates. If wastewater treatment  
15 service is not based on a metered flow, include the number of units by which the service is  
16 measured;

17 2. The gallons of water or wastewater treatment purchased from any other governmental  
18 authority or regulated utility. If wastewater treatment service is not based on a metered flow,  
19 include the number of units by which the service is measured;

20 3. The gallons of water pumped or wastewater treated by the utility, if applicable;

21 4. The gallons of water or wastewater service sold by the utility;

22 5. The total unaccounted for water or inflow and infiltration; and

23 6. A statement explaining the EUW or I&I if the total water available for sale or total  
24 wastewater treatment purchased is still in excess of 110 percent of the water or wastewater  
25 service sold.

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1       (5) The amount authorized for a pass through rate adjustment ~~In addition to subsections~~  
2 ~~(1), (2), (3) and (4) above, the utility shall not exceed the actual cost incurred. Foregone pass~~  
3 ~~through decreases shall not be used to adjust a pass through increase below the actual cost~~  
4 ~~incurred. also file:~~

5       (a) ~~A schedule of proposed rates which will pass the increased or decreased costs on to the~~  
6 ~~customers in a fair and nondiscriminatory manner and on the basis of current customers, and a~~  
7 ~~calculation showing how the rates were determined;~~

8       (b) ~~A statement, by class of customer and meter size, setting out by month the gallons of~~  
9 ~~water and units of wastewater service sold by the utility for the most recent 12 month period.~~  
10 ~~This statement shall not be required in filings for the pass-through of increased regulatory~~  
11 ~~assessment fees or ad valorem taxes;~~

12       (c) ~~The affirmation reflecting the authorized rate of return on equity required by Section~~  
13 ~~367.081(4)(c), F.S.;~~

14       (d) ~~A copy of the notice to customers required by subsection (7) of this rule;~~

15       (e) ~~Revised tariff sheets reflecting the increased rates;~~

16       (f) ~~The rate of return on equity that the utility is affirming it will not exceed pursuant to~~  
17 ~~Section 367.081(4)(c), F.S.; and~~

18       (g) ~~The utility's DEP Public Water System identification number and Wastewater~~  
19 ~~Treatment Plant Operating Permit number;~~

20       (6) The utility shall provide each customer with written notice of the authorized rate  
21 adjustment, including the effective date and an explanation of the reasons for the increase or  
22 decrease, prior to the time each customer will begin consumption at the adjusted rates. If the  
23 pass through rate adjustment is combined or simultaneously filed with a price index rate  
24 adjustment, the utility may provide the information for both rate adjustments in a combined  
25 customer notice ~~amount authorized for pass through rate adjustments shall not exceed the~~

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1 ~~actual cost incurred and shall not exceed the incremental increase or decrease for the 12-~~  
2 ~~month period. Foregone pass-through decreases shall not be used to adjust a pass through~~  
3 ~~increase below the actual cost incurred.~~

4 ~~(7) In order for the Commission to determine whether a utility which had adjusted its rates~~  
5 ~~pursuant to Section 367.081(4)(b), F.S., has thereby exceeded the range of its last authorized~~  
6 ~~rate of return, the Commission may require a utility to file the information required in Rule~~  
7 ~~25-30.437, F.A.C., for the test year specified.~~

8 ~~(8) Prior to the time a customer begins consumption at the adjusted rates, the utility shall~~  
9 ~~notify each customer of the increase authorized and explain the reasons for the increase.~~

10 ~~(9) The utility shall file an original and five copies of the verified notice and supporting~~  
11 ~~documents with the Commission Clerk. The rates shall become effective 45 days after the~~  
12 ~~official date of filing. The official date of filing for the verified notice to the Commission of~~  
13 ~~adjustment in rates shall be at least 45 days before the new rates are implemented.~~

14 *Rulemaking Authority 350.127(2), 367.121(1)(c), (f) FS. Law Implemented 367.081(4),*  
15 *367.121(1)(c), (g) FS. History—New 6-10-75, Amended 4-5-79, 4-5-81, 10-21-82, Formerly*  
16 *25-10.179, Amended 11-10-86, 6-5-91, 4-18-99, \_\_\_\_\_.*

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1 25-30.455 Staff Assistance in Rate Cases.

2 (1) Water and wastewater utilities whose total gross annual operating revenues are  
3 \$275,000 or less for water service or \$275,000 or less for wastewater service, or \$550,000 or  
4 less on a combined basis, may petition the Commission for staff assistance in rate applications  
5 by submitting a completed staff assisted rate case application. ~~If a utility that chooses to~~  
6 ~~utilize the staff assistance option employs outside experts to assist in developing information~~  
7 ~~for staff or to assist in evaluating staff's schedules and conclusions, the~~ Reasonable and  
8 prudent rate case expense that follows the guidelines set forth in Section 367.081(3), F.S.,  
9 shall ~~will~~ be eligible for recovery ~~recoverable~~ through the rates developed by staff. A utility  
10 that chooses not to exercise the option of staff assistance may file for a rate increase under the  
11 provisions of Rule 25-30.443, F.A.C.

12 (2) The appropriate application form, Commission Form PSC/AFD 2-W (11/86) (Rev.  
13 06/14), entitled "Application for a Staff Assisted Rate Case," is incorporated into this rule by  
14 reference and is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-04415>.  
15 The form may also be obtained from the Commission's Division of Accounting and Finance,  
16 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

17 (3) Upon completion of the form, the applicant shall file it with the Office of Commission  
18 Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee,  
19 Florida 32399-0870.

20 (4) Within 30 days of receipt of the completed application, the Committee will evaluate  
21 the application and determine the applicant's eligibility for staff assistance.

22 (a) If the Commission has received four or more applications in the previous 30 days; or, if  
23 the Commission has 20 or more docketed staff assisted rate cases in active status on the date  
24 the application is received, the Commission will deny initial evaluation of an application for  
25 staff assistance and close the docket. When an application is denied under the provisions of  
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1 | this paragraph, the Commission will notify the applicant of the date on which the application  
2 | may be resubmitted.

3 | (b) Initially, determinations of eligibility will be conditional, pending an examination of  
4 | the condition of the applicant's books and records.

5 | (5) Upon making its final determination of eligibility, the Commission will notify the  
6 | applicant in writing as to whether the application is officially accepted or denied. If the  
7 | application is accepted, a staff assisted rate case will be initiated. If the application is denied,  
8 | the notification of application denial will state the deficiencies in the application with  
9 | reference to the criteria set out in subsection (7) of this rule.

10 | (6) The official date of filing will be 30 days after the date of the written notification to the  
11 | applicant of the Commission's official acceptance of the application.

12 | (7) In determining whether to grant or deny the application, the Commission will consider  
13 | the following criteria:

14 | (a) Whether the applicant qualifies for staff assistance pursuant to subsection (1) of this  
15 | rule;

16 | (b) Whether the applicant's books and records are organized consistent with Rule 25-  
17 | 30.110, F.A.C., so as to allow Commission personnel to verify costs and other relevant factors  
18 | within the 30-day time frame set out in this rule;

19 | (c) Whether the applicant has filed annual reports;

20 | (d) Whether the applicant has paid applicable regulatory assessment fees;

21 | (e) Whether the applicant has at least one year of experience in utility operation;

22 | (f) Whether the applicant has filed additional relevant information in support of eligibility,  
23 | together with reasons why the information should be considered; and

24 | (g) Whether the utility was granted a rate case increase within the 2-year period prior to  
25 | the receipt of the application under review.

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1 (8) The Commission will deny the application if the utility does not remit the filing fee, as  
2 provided by paragraph 25-30.020(2)(f), F.A.C., within 30 days after official acceptance.

3 (9) An aggrieved applicant may request reconsideration of the application denial, which  
4 will be decided by the full Commission.

5 (10) A substantially affected person may file a petition to protest the Commission's  
6 proposed agency action in a staff assisted rate case within 21 days of issuance of the Notice of  
7 Proposed Agency Action Order, as set forth in Rule 28-106.111, F.A.C.

8 (11) A petition to protest the Commission's proposed agency action shall conform to Rule  
9 28-106.201, F.A.C.

10 (12) In the event of a protest of the Commission's Notice of Proposed Agency Action  
11 Order in a staff assisted rate case, the utility shall:

12 (a) Provide prefiled direct testimony in accordance with the Order Establishing Procedure  
13 issued in the case. At a minimum, that testimony shall adopt the Commission's Proposed  
14 Agency Action Order;

15 (b) Sponsor a witness to support source documentation provided to the Commission staff  
16 in its preparation of the staff audit, the staff engineering and accounting report and the staff  
17 proposed agency action recommendation in the case;

18 (c) Include in its testimony the necessary factual information to support its position on any  
19 issue that it chooses to take a position different than that contained in the Commission's  
20 Proposed Agency Action Order; and

21 (d) Meet all other requirements of the Order Establishing Procedure.

22 (13) Failure to comply with the dates established in the Order Establishing Procedure, or to  
23 timely file a request for extension of time for good cause shown, may result in dismissal of the  
24 staff assisted rate case and closure of the docket.

25 (14) In the event of a protest of the Commission's Proposed Agency Action Order in a  
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1 staff assisted rate case, the Commission staff shall:

2 (a) File prefiled direct testimony to explain its analysis in the staff proposed agency action  
3 recommendation. In the event the staff wishes to alter its position on any issue, it shall provide  
4 factual testimony to support its changed position;

5 (b) Meet all other requirements of the Order Establishing Procedure; and

6 (c) Provide to the utility materials to assist the utility in the preparation of its testimony  
7 and exhibits. This material shall consist of an example of testimony filed by a utility in another  
8 case, an example of testimony that would support the Proposed Agency Action Order in this  
9 case, an example of an exhibit filed in another case, and examples of prehearing statements  
10 and briefs filed in other cases.

11 *Rulemaking Authority 350.127(2), 367.0814, 367.121 FS. Law Implemented 367.0814 FS.*

12 *History—New 12-8-80, Formerly 25-10.180, Amended 11-10-86, 8-26-91, 11-30-93, 1-31-00,*

13 *12-16-08, 8-10-14, \_\_\_\_\_.*

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