

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF DEVELOPMENT OF RULEMAKING

ALL INTERESTED PERSONS

UNDOCKETED

IN RE: RULES 25-30.444, 25-30.4445 FLORIDA ADMINISTRATIVE CODE

ISSUED: December 5, 2016

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated rulemaking to create Rule 25-30.444, for Utility Reserve Fund, and Rule 25-30.4445, Notice of Application for Utility Reserve Fund, Florida Administrative Code, pursuant to 2016 legislation.

The attached Notices of Development of Rulemaking appeared in the September 26, 2016, and the December 2, 2016, editions of the Florida Administrative Register.

A staff rule development workshop will be held at the following time and place:

December 16, 2016, at 9:30 a.m.
Florida Public Service Commission
Betty Easley Conference Center, Room 105
4075 Esplanade Way
Tallahassee, FL 32399-0850

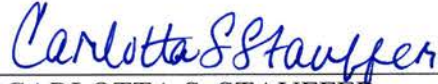
The draft rules and the agenda for the workshop are attached. One or more Commissioners may be in attendance and participate in the workshop. The person to be contacted regarding the rule development is Adria E. Harper, aharper@psc.state.fl.us, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 at (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.

If a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at 850-413-6199.

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By DIRECTION of the Florida Public Service Commission this 5th day of December,
2016.



CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
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.

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Notice of Development of Rulemaking

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-30.444 General Information and Instructions Required of Water and Wastewater Utilities to Create a Utility Reserve Fund

PURPOSE AND EFFECT: To create Rule 25-30.444, F.A.C., for a reserve fund for water and wastewater utilities pursuant to amendments to Section 367.081, F.S., from the 2016 Legislative Session.

Undocketed.

SUBJECT AREA TO BE ADDRESSED: Water and wastewater utility ratemaking.

RULEMAKING AUTHORITY: 367.081, FS.

LAW IMPLEMENTED: 367.081 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adria Harper, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, aharper@psc.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

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Notice of Development of Rulemaking

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-30.4445 Notice of Application for Utility Reserve Fund

PURPOSE AND EFFECT: To implement a notice of application rule for requests for water/wastewater utility reserve funds pursuant to Section 367.081, F.S.

Undocketed

SUBJECT AREA TO BE ADDRESSED: Notice of a utility request for water /wastewater utility reserve fund.

RULEMAKING AUTHORITY: 367.081, FS.

LAW IMPLEMENTED: 367.081, FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: For Rules 25-30.444 and 25-30.4445, F.A.C.

Friday, December 16, 2016, at 9:30 a.m.

PLACE: Room 105, Gunter Building, 2540 Shumard Oaks Boulevard, Tallahassee, FL 32399-0850

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The Office of Commission Clerk at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adria Harper, (850)413-6082, aharper@psc.state.fl.us. One or more Commissioners may be in attendance and participate in the workshop. A copy of the agenda and materials for the workshop will be posted on the Commission's website: www.floridapsc.com by December 7, 2016.

EMERGENCY CANCELLATION OF PROCEEDINGS

If a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

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Notice of Meeting/Workshop Hearing

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:
25-30.444 Utility Reserve Fund

The Florida Public Service Commission announces a workshop to which all persons are invited.

DATE AND TIME: Friday, December 16, 2016, 9:30 a.m.

PLACE: Room 105, Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water and wastewater utility reserve funds.
Undocketed.

One or more Commissioners may be in attendance and participate in the workshop.

A copy of the agenda and materials for the workshop will be posted on the Commission's website, www.floridapsc.com, by December 7, 2016.

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For more information, you may contact: Adria Harper, (850)413-6082, aharper@psc.state.fl.us.

EMERGENCY CANCELLATION OF PROCEEDINGS

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1 25-30.444 Utility Reserve Fund

2 (1) PROJECT ELIGIBILITY: The following considerations shall be applied in

3 determining whether a future infrastructure repair or replacement project is eligible for

4 advance funding through a utility reserve fund and whether a utility reserve fund is the most

5 appropriate methodology to address the requested project:

6 (a) The following projects shall be eligible for a utility reserve fund:

7 1. Projects to repair or replace existing utility facilities recorded in the National

8 Association of Regulatory Utility Commissioners' Uniform System of Accounts (NARUC

9 USOA) water utility plant account numbers 304, 305, 306, 307, 308, 309, 310, 311, 320, 330,

10 331, 333, 334, 335, 336, and 339, and wastewater utility plant account numbers 354, 355, 360,

11 361, 362, 363, 364, 365, 366, 367, 370, 371, 374, 375, 380, 381, 382, and 389;

12 2. Future expenditures related to land or land rights recorded in NARUC USOA water

13 utility plant account number 303 or wastewater utility plant account number 353 if the

14 expenditure is necessary to the successful completion of an eligible repair or replacement

15 project:

16 3. Upgrades or enhancements of existing facilities if it can be demonstrated that the

17 upgrade or enhancement is necessary to comply with federal, state, or local regulatory

18 requirements, or provides a more cost-effective or more reliable alternative than an identical

19 replacement, and that the upgrade or enhancement is not designed solely to address future

20 customer growth;

21 4. Repair projects that may be expensed rather than capitalized, as prescribed by Rule 25-

22 30.140(g)(3), F.A.C., if it can be demonstrated that the repair expense is not already reflected

23 in the utility's current rates as an annual or amortized annual expense, or that the annual repair

24 and maintenance expense allowance reflected in the utility's current rates is insufficient to

25 cover the projected costs of the proposed repair project; or

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1 5. If a project includes both the repair or replacement of existing infrastructure and the
2 expansion or improvement of facilities to meet future customer growth, the portion of the
3 project that is related to the repair and replacement of existing infrastructure is eligible if those
4 costs can be identified and segregated from the portion of the project related to the expansion
5 or improvements designed to meet future customer growth.

6 (b) The following projects shall not be eligible for a utility reserve fund:

7 1. Projects to repair or replace general plant that is not directly associated with the physical
8 operation of the utility's water or wastewater systems that are recorded in NARUC USOA
9 water utility plant account numbers 340, 341,342, 343, 344, 345, 346, 347, and 348, and
10 wastewater utility plant account numbers 390, 391, 392, 393, 394, 395, 396, 397, and 398;

11 2. Expenditures related to NARUC USOA water utility plant accounts 301 and 302, and
12 wastewater utility plant accounts 351 and 352, which cover organization and franchise related
13 expenditures;

14 3. Expenditures related to land or land rights recorded in NARUC USOA water utility
15 plant account number 303 or wastewater utility plant account number 353 if the expenditure is
16 necessary solely to meet future customer growth; or

17 4. Capital improvement projects to expand existing facilities or construct new facilities
18 solely to meet future customer growth.

19 (c) When evaluating whether the utility's request to create a utility reserve fund is the most
20 appropriate methodology to address the utility's eligible future infrastructure repair and
21 replacement projects, the following additional factors should be considered:

22 1. Whether the anticipated completion date of the project allows sufficient time to
23 accumulate the funds necessary to fund the project;

24 2. Whether the anticipated completion date is within 24 months of the end of the historic
25 test year used in a jointly filed rate application, if applicable, thereby making the project

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1 eligible for consideration as a pro forma project in the rate proceeding pursuant to Section
2 367.081(2)(a)2., F.S.;

3 3. Whether the contributions-in-aid-of-construction that will result from the utility reserve
4 fund will cause the utility to exceed the service availability policy guidelines provided in
5 Section 25-30.580, F.A.C.;

6 4. Whether any of the eligible projects included in the utility reserve fund will result in the
7 complete elimination of either the water or wastewater treatment process;

8 5. Whether it has been more than seven years since the utility's last rate case, if the request
9 is filed as a stand-alone application or in conjunction with a limited proceeding; or

10 6. Whether the utility reserve fund surcharge will exceed the utility's annual revenues for
11 the most recent 12-month period or test year by more than 30 percent.

12 (2) UTILITY RESERVE FUND FILING REQUIREMENTS: Each applicant that requests
13 approval to create a utility reserve fund shall provide the following information to the
14 Commission. The request may be filed as a stand-alone application or in conjunction with an
15 application for rate increase filed pursuant to Sections 367.081(2)(a), 367.0814, or 367.0822,
16 F.S. If the request is filed in conjunction with an application for rate increase that also
17 requires the applicant's general information, paragraphs (2)(a), (b), and (c) may be omitted
18 from the utility reserve fund portion of the joint application. A utility that qualifies for staff
19 assistance as provided by Rule 25-30.455(1), F.A.C., may also request assistance with the
20 utility reserve fund process.

21 (a) The utility's name as it appears on the utility's certificate, address, telephone number,
22 and if available, email address and fax number.

23 (b) The name(s), address(es), and telephone number(s) of the person(s) that should be
24 contacted regarding this application.

25 (c) The address within the service area where the application is available for customer

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1 inspection during the time the rate application is pending.

2 (d) A statement of the reason(s) why the utility is requesting approval of a utility reserve
3 fund.

4 (e) A capital improvement plan that includes the following information for each
5 infrastructure repair or replacement project that the utility requests be included in the utility
6 reserve fund. An Asset Management Plan prepared by the Florida Rural Water Association
7 may be provided in lieu of a capital improvement plan:

8 1. A description of each plant asset that will be repaired or replaced, including the
9 NARUC USOA account number for each asset;

10 2. The date each asset was originally placed into service or an estimate of the age of the
11 plant asset(s) as reflected in the utility's depreciation records if the original service date is
12 unknown;

13 3. A detailed description of the reason(s) each repair or replacement project is necessary to
14 maintain or improve the quality or reliability of the water or wastewater service, including
15 whether any asset will be replaced prior to the end of its average service life as provided by
16 Rule 25-30.140, F.A.C.;

17 4. If the repair or replacement project is required by a governmental or regulatory agency,
18 include a copy of the rule, regulation, order, or other regulatory directive that requires the
19 repair or replacement;

20 5. The projected cost to repair or replace each asset, and documentation that supports the
21 utility's calculation of the projected cost. The utility shall make all reasonable efforts to obtain
22 at least three comparative cost estimates for each requested project. Acceptable forms of
23 projected cost documentation include but are not limited to: an estimate by a professional
24 engineer or other person knowledgeable in design and construction of water and wastewater
25 plants; a bid from a vendor or service provider that includes a description of all work to be

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1 completed and an itemized list of all costs associated with the project; or vendor information
2 regarding the purchase price of plant components that will be purchased directly by the utility
3 and labor estimates for work that will be performed on the project by a utility employee or
4 contractual service provider, along with a statement that confirms that the employee's or
5 contractual service provider's work on the project is not included in their normal duties. If the
6 utility is unable to obtain three cost estimates for each project, the utility shall provide a
7 statement explaining what steps the utility took to obtain the estimates, why the utility was
8 unable to obtain three estimates, and any responses received from any contractors solicited.

9 6. Detailed specifications for each asset that can be used to verify the projected repair or
10 replacement cost, such as type, size, quantity, or quality of the materials used to complete the
11 repair or replacement of the asset. If the type, size, quantity, or quality of the components used
12 to make the repair or replacement will be materially different than the plant asset(s) being
13 repaired or replaced, describe the specific differences and why the change is either necessary
14 or provides a better resolution for the repair or replacement;

15 7. If the repair or replacement will change the design of the system, include a statement
16 explaining how the design of the system will change and why the change is either necessary or
17 will provide a better resolution for the repair or replacement;

18 8. A description of any alternatives to the proposed infrastructure repair or replacement
19 project that the utility considered, such as new technologies or interconnection with another
20 utility system, and why the proposed project was determined to be the most cost-effective
21 option or will provide a better resolution for the repair or replacement;

22 9. If the infrastructure that is being replaced was subject to a non-used and useful
23 adjustment in the utility's last rate proceeding, include a statement explaining whether the
24 utility considered reducing the size of the replacement infrastructure to better match the
25 utility's capacity needs and the results of that analysis;

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1 10. A description of any expense increases or decreases that the utility anticipates will
2 occur following completion of the infrastructure repair or replacement project; and

3 11. The projected timeline and anticipated completion date for the repair or replacement
4 project, including a detailed description of any target dates and significant milestones if the
5 project will be completed in multiple phases. If the repair or replacement project is required by
6 a governmental or regulatory agency, include any specific deadlines that have been imposed
7 by that agency, and describe any penalties that will be incurred by the utility if the deadlines
8 are not met.

9 (f) A description of any external funding sources that may be used for the project,
10 including a breakdown of the estimated project costs that will be funded with the utility
11 reserve fund, utility investment, and each available external funding source, as applicable.

12 (g) A schedule showing the calculation of the annualized revenues for the most recent 12-
13 month period using the rates in effect at the time the utility files its application for approval to
14 create a utility reserve fund, broken down by customer class and meter size. This schedule
15 may be omitted from the utility reserve fund portion of the application if filed in conjunction
16 with an application for a rate proceeding that also requires an annualized revenue calculation.

17 (h) A schedule showing the calculation of the proposed utility reserve fund surcharge
18 based on the number of bills by customer class and meter size for the most recent 12-month
19 period, or test year if filed in conjunction with an application for a rate proceeding.

20 (i) Revised tariff sheets incorporating the utility reserve fund surcharge into the tariff. The
21 utility shall show the utility reserve fund surcharge as a separate charge in its tariff and on its
22 customer bills.

23 (j) A statement indicating whether the applicant will secure the utility reserve fund through
24 an interest-bearing escrow account or an irrevocable letter of credit. If the utility's request to
25 create a utility reserve account is approved by the Commission, the utility will be required to

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1 provide documentation showing that the escrow account has been established or the
2 irrevocable letter of credit has been obtained prior to implementation of the utility reserve
3 fund surcharge.

4 (k) A description of the procedures that the utility will implement to segregate the monies
5 collected from the utility reserve fund surcharge on the utility's books and records. Separate
6 accounting records must be maintained to record all transactions associated with the
7 collection, deposit, and use of monies designated for the utility reserve fund. A separate bank
8 account may be used to segregate the utility reserve fund monies that are secured through an
9 irrevocable letter of credit but is not required.

10 (l) A statement signed by an officer of the utility that the utility will comply with the
11 noticing requirements in Rule 25-30.4445, F.A.C., if the request is filed as a stand-alone
12 application, Rule 25-22.0407, F.A.C., if the request is filed in conjunction with an application
13 for a rate increase filed pursuant to Sections 367.081(2)(a) or 367.0814, F.S., or Rule 25-
14 30.446, F.A.C., if the request is filed in conjunction with a limited proceeding filed pursuant to
15 Section 367.0822, F.S.

16 (3) REPORTING REQUIREMENTS: Any utility that receives approval from or is
17 required by the Commission to create a utility reserve fund must keep an accurate and detailed
18 account of all monies it receives from the utility reserve fund surcharge and must file periodic
19 reports as follows:

20 (a) The utility shall file a report with the Commission Clerk's office no later than the 20th
21 of every month indicating the monthly and total amount of money deposited into, and monthly
22 and total amount of disbursements made from the utility reserve fund as of the end of the
23 preceding month. If the utility bills its customers less frequently than once a month, this
24 reporting requirement may be modified to match the utility's normal billing frequency.

25 (b) At least once every quarter, the utility shall also report the status of all eligible projects

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1 included in the utility reserve fund for which work was performed during the quarter including
2 the actual start date, the estimated or actual completion date, the costs incurred during the
3 quarter, and the total cost for any projects completed during the quarter.

4 (c) The reports shall continue as long as the utility reserve fund is in effect and until all
5 funds have been disbursed either to pay for completed eligible projects or as refunds to
6 customers.

7 (d) A request for disbursement from the utility reserve fund escrow account or
8 authorization to use funds secured by an irrevocable letter of credit may be filed in
9 conjunction with the utility's monthly or quarterly reports.

10 (e) The utility shall also separately identify the utility reserve fund in its annual report filed
11 with the Commission each year pursuant to Rule 25-30.110, F.A.C.

12 (f) The utility shall file an updated capital improvement plan with the Commission at least
13 once every three years for as long as the utility reserve fund remains active.

14 (4) DISBURSEMENT OF FUNDS: A utility requesting disbursement of funds from an
15 escrow account or authorization to use funds secured by an irrevocable letter of credit shall
16 file the following information and supporting documentation:

17 (a) A description of the completed project, or completed phase of a project if a partial
18 disbursement of funds is necessary prior completion of the full project;

19 (b) The date the project or phase of the project was completed and the replacement asset(s)
20 was placed in service;

21 (c) Documentation showing the final cost of the project. Acceptable forms of
22 documentation include, but are not limited to, invoices, receipts, contractor application and
23 request for payment forms, loan documents, and documents showing proof of payment;

24 (d) Documentation showing that the completed work was inspected or approved by the
25 governmental or regulatory authority that required the repair or replacement project, if

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1 applicable; and

2 (e) Other documentation that demonstrates the project was completed, such photographs of
3 the completed work, may be submitted but are not required.

4 (5) UTILITY RESERVE FUND MODIFICATIONS: A utility that must undertake a
5 project that was not anticipated when the utility reserve fund was created or that must make
6 significant modifications to a previously approved project may request a modification of the
7 utility reserve fund at any time following creation of the fund or in the utility's next rate
8 proceeding by filing the following information:

9 (a) A statement describing why the new project or modification of a previously approved
10 project is necessary, and whether the utility is requesting a change in the utility reserve fund
11 surcharge or only acknowledgement of the project modifications. If the new project or project
12 modification is required by a governmental or regulatory agency, include a copy of the rule,
13 regulation, order, or other regulatory directive that requires the new project or project
14 modification; and

15 (b) The information required in paragraphs (2)(e)(f), (g), (h), and (i) if the utility is
16 requesting a change in the utility reserve fund surcharge.

17 (6) FINAL DISPOSITION OF UTILITY RESERVE FUND: Final disposition of the
18 utility reserve fund and surcharge shall be based on the following:

19 (a) The utility reserve fund surcharge shall be discontinued after all approved eligible
20 projects(s) have been completed, sufficient funds have been collected in the utility reserve
21 fund to cover the cost of the approved eligible project(s), and the final disbursement has been
22 made from the utility reserve fund. During the utility's next rate proceeding, the utility's rate
23 base, capital structure, operating expenses, and rates shall be adjusted as needed to reflect the
24 completed projects. The amount of the new plant assets that are funded through a utility
25 reserve fund shall be offset with an equal addition to contributions-in-aid-of-construction.

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1 (b) Any monies that remain in the utility reserve fund following the last disbursement for
2 the completed eligible project(s) shall be refunded to the customers with interest in accordance
3 with Rule 25-30.360, F.A.C.

4 (c) All monies collected and held in the utility reserve fund should remain with the utility
5 regardless of any changes in utility ownership. If a utility's ownership changes through a
6 transfer or abandonment, the Commission shall determine whether the utility reserve fund
7 should be continued as follows:

8 1. In the event that the utility's ownership changes through a transfer as provided in Rule
9 25-30.037, F.A.C., the transfer agreement shall include a provision that states: that the utility
10 reserve fund shall remain with the utility following the close of the sale; that the seller shall
11 provide copies of all documents related to the utility reserve fund to the buyer, including, but
12 not limited to, the approved capital improvement plan, financial records, and status reports;
13 whether the buyer requests to continue the utility reserve fund following the transfer; and
14 whether the buyer will assume responsibility for the escrow account or obtain an irrevocable
15 letter of credit to secure the utility reserve fund. If the buyer does not request to continue the
16 utility reserve fund, or does not provide sufficient documentation to guarantee the continued
17 security of the utility reserve fund and compliance with the provisions set forth in this rule, all
18 monies held in the utility reserve fund shall be refunded to the customers with interest in
19 accordance with Rule 25-30.360, F.A.C., and the utility reserve fund surcharge and utility
20 reserve fund shall be discontinued. However, if the transfer of ownership is requested pursuant
21 to Rule 25-30.037(5), F.A.C., and will result in the transfer of ownership to an exempt entity
22 other than a governmental utility, the buyer shall not be required to obtain an escrow account
23 or an irrevocable letter of credit.

24 2. In the event that the utility is abandoned as provided in Rule 25-30.090, F.A.C., all
25 monies held in the utility reserve fund and all documents related to the utility reserve fund

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1 shall remain with the utility and be turned over to the court-appointed receiver.

2 (d) If the utility fails to follow through with the eligible project(s) covered by the utility
3 reserve fund, or comply with the security, fund maintenance, or reporting requirements set
4 forth in this rule, a review of the utility reserve fund and surcharge shall be initiated, and the
5 utility reserve fund may be discontinued and all monies refunded to the customers with
6 interest in accordance with Rule 25-30.360, F.A.C.

7 *Rulemaking Authority 350.127(2), 367.081(2)(c), 367.121 FS. Law Implemented*
8 *367.081(2)(c) FS. History–New*.

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1 **25-30.4445 Notice of Application for Utility Reserve Fund.**

2 (1) This rule applies to all requests to create a utility reserve fund made by a water or
3 wastewater utility that are filed as a stand-alone application. Requests that are filed in
4 conjunction with another rate proceeding filed pursuant to Sections 367.081(2)(a), 367.0814,
5 or 367.0822, F.S., shall comply with the noticing requirements set forth in Rules 25-22.0407
6 or 25-30.446, F.A.C., as applicable.

7 (2) Upon filing a request to create a utility reserve fund, the utility shall mail a copy of the
8 request to the chief executive officer of the governing body of each municipality and county
9 within the service areas included in the rate request. Each copy of the request shall be
10 accompanied by a statement that a copy of the utility reserve fund minimum filing
11 requirements (MFRs) set forth in Rule 25-30.444, F.A.C., when accepted by the Commission
12 can be obtained from the requester upon request.

13 (3) Within 30 days after the official date of the filing established by the Commission, the
14 utility shall place a copy of the request and the MFRs at its official headquarters and at all
15 business offices it has in the service areas included in the request. Such copies shall be
16 available for public inspection during the utility's regular business hours. If the utility does not
17 have a business office in a service area included in its request, the utility shall place a copy of
18 the request and the MFRs at the main county library, the local community center or other
19 appropriate location which is within or most convenient to the service area and which is
20 willing to accept and provide public access to the copies. If the Commission determines that
21 these locations will not provide adequate access, the Commission will require that copies of
22 the request and MFRs be placed at other specified locations.

23 (4) Upon filing a request and MFRs for the creation of a utility reserve fund, the utility
24 shall publish a notice of application in a newspaper of general circulation in the service areas
25 included in the utility reserve fund request.

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1 (5)(a) Within 50 days after the official date of filing established by the Commission, the
2 utility shall provide, in writing, an initial customer notice to all customers within the service
3 areas included in the utility reserve fund request and to all persons in the same service areas
4 who have filed a written request for service or who have been provided a written estimate for
5 service within the 12 calendar months prior to the month the request is filed. If a utility that
6 qualifies for staff assistance as provided by Rule 25-30.455(1), F.A.C., requests assistance
7 with the utility reserve fund process, and a customer meeting will be scheduled for this
8 proceeding, the initial customer notice may be deferred and combined with the customer
9 meeting notice required in subsection (6) below.

10 (b) The initial customer notice must be approved by Commission staff prior to distribution
11 and shall include the following:

12 1. The date the notice is to be issued;

13 2. A statement that the utility has filed a utility reserve fund request with the Commission
14 and a statement of the general reasons for the request;

15 3. A statement of the locations where copies of the MFRs and utility reserve fund request
16 are available for public inspection and the hours and days when inspection may be made;

17 4. A comparison of current utility reserve fund surcharge, if applicable, and the proposed
18 new utility reserve fund surcharge;

19 5. The utility's address, telephone number, and business hours;

20 6. A statement that written comments regarding utility service or the proposed utility
21 reserve fund rates and charges should be addressed to the Office of Commission Clerk, 2540
22 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870, and that such comments should
23 identify the docket number assigned to the proceeding;

24 7. A statement that complaints regarding service may be made to the Commission's Office
25 of Consumer Assistance and Outreach at the following toll-free number: 1(800) 342-3552; and

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- 1 8. The docket number assigned by the Commission's Office of Commission Clerk.
2 (c) The initial customer notice shall be mailed to the out-of-town address of all customers
3 who have provided the utility with an out-of-town address.
4 (6) No less than 14 days and no more than 30 days prior to the date of a customer meeting
5 conducted by the Commission staff, the utility shall provide written notice of the date, time,
6 location, and purpose of the customer meeting to all customers within the service areas
7 designated by the Commission staff. The notice must be approved by Commission staff prior
8 to distribution. The notice shall be mailed to the out-of-town address of all customers who
9 have provided the utility with an out-of-town address.
10 (7) If a proposed agency action order issued in the case is protested and any hearings are
11 subsequently held, the utility shall give notice no less than 14 days and no more than 30 days
12 prior to the date of each hearing held in or near a utility service area included in the utility
13 reserve fund request. The utility shall also have published in a newspaper of general
14 circulation in the area in which such hearing is to be held a display advertisement stating the
15 date, time, location, and purpose of the hearing. The notice must be approved by Commission
16 staff prior to publication.
17 (8) After the Commission issues an order granting or denying a utility reserve fund
18 request, the utility shall notify its customers of the order and any revised rates. The customer
19 notification must first be approved by Commission staff and shall be distributed no later than
20 with the first bill containing any revised rates.

21 *Rulemaking Authority 367.081, FS. Law Implemented 367.081, 367.121(1)(a), FS. History–*
22 *New.*

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FLORIDA PUBLIC SERVICE COMMISSION

AGENDA

STAFF WORKSHOP

UNDOCKETED

IN RE: RULES 25-30.444, 25-30.4445 FLORIDA ADMINISTRATIVE CODE

December 16, 2016
Betty Easley Conference Center, Room 105
4075 Esplanade Way
Tallahassee, Florida 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