

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-**

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**DATE:** January 24, 2017  
**TO:** Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk  
**FROM:** Kathryn Gale Winter Cowdery, Senior Attorney, Office of the General Counsel *re*  
**RE:** Closed Docket No. 130148

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Please file the attached rule material in the closed docket file listed above.  
Thank you.

COMMISSION  
CLERK

2017 JAN 24 PM 3:50

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## Kathryn Cowdery

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**From:** Burnett, John <John.Burnett@pgnmail.com>  
**Sent:** Thursday, June 14, 2012 9:55 AM  
**To:** Marshall Willis  
**Cc:** Butler, John; 'White, Jordan'; Lewis Jr, Paul; 'Jim Beasley'; 'Jeff Wahlen'; 'Russell Badders'; 'Beth Keating'; 'Rehwinkel, Charles'; Vicki Kaufman; Burnett, John  
**Subject:** Proposed Limited Proceeding Rule (6-13-12)  
**Attachments:** Proposed Limited Proceeding Rule (6-13-12).docx

*Marshall:*

*Attached for your consideration and review is a proposed limited proceeding rule that has been approved by FPL, PEF, TECO, GULF, FPUC, OPC, and FIPUG. These parties have also agreed that the final Commission order approving this rule would have to contain the following language: "Any and all prior drafts of this rule shall have no import in the interpretation, construction, or intent of this rule."*

*One caveat. OPC and FIPUG have reserved the right to withdraw support for this rule and to offer modifications if needed depending on the result of issues in another docket involving discovery. They will advise us once those issues have been ruled upon.*

*We appreciate this opportunity to work collectively with Staff in reaching a final proposal and look forward to further interaction on this topic.*

**John T. Burnett**  
**Associate General Counsel**  
**Progress Energy Service Company, LLC**  
**P.O. Box 14042, PEF 151**  
**St. Petersburg, FL 33733**  
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25-6.0431 Petition for a Limited Proceeding

(1) This rule shall apply to petitions for a limited proceeding filed pursuant to section 366.076(1), Florida Statutes.

(2) A petition for a limited proceeding shall contain information, including a list of all issues the petitioner believes should be decided, sufficient to apprise those parties who may be affected by Commission action on the petition of the specific action(s) requested and the reasons supporting the petition. An original and twenty copies of the petition shall be filed with the Office of the Commission Clerk. All filings made electronically or on diskette shall be provided in Microsoft Word format, and all schedules and calculations that are in Excel format with all formulas intact and unlocked.

(3) The Commission shall publish notice of the filing of a petition for a limited proceeding in the Florida Administrative Weekly and provide electronic notice to persons who inform the Commission Clerk of their desire to be notified of the filing of such petitions.

(4) Within twenty-one (21) days of the publication of the notice required by (2) above, any affected party may submit a motion to dismiss a petition for a limited proceeding and/or a response to the petition. Within the response, an affected party may request the Commission to expand the scope of the proceeding on the petition.

(5) Twenty-eight (28) days after a petition for a limited proceeding is filed or within fourteen (14) days of a ruling on a motion to dismiss if one is filed, the party filing the petition shall confer with the parties who have intervened or that have petitioned to intervene in the docket assigned to the petition for limited proceeding and shall discuss the following:

(a) whether the subject of the petition is appropriate for a limited proceeding and whether the scope of any proceeding ultimately held should be expanded to consider other matters;

(b) whether the petition for limited proceeding should proceed as a proposed agency action, a hearing based on undisputed facts, or a hearing based on disputed facts;

(c) the issues proposed for resolution in the proceeding; and

(d) what additional information, if any, should be filed to accompany the petition in the proceeding.

(6) Within fourteen (14) days after the conference called for in subsection (5) above, the party who filed the petition shall file a report on behalf of itself and the parties to the docket detailing the results of the conference called for in subsection (5), including each party's preliminary position on the issues listed in subsections (5)(a) through (5)(d) and any other matters or issues raised by any party who has intervened or petitioned to intervene.

(6) Once the report in subsection (6) above has been filed, the Chairman or the Pre-Hearing Officer assigned by the Chairman to the docket shall set a status conference for the parties, the Pre-

Hearing Officer, and Commission Staff to discuss the report and any other issues regarding how the docket should proceed. Subsequent to such status conference, the Chairman or Pre-Hearing Officer may take any action within his/her proper discretion to determine the matters in subsections (5)(a) through (5)(d), and any other matters regarding how the docket should proceed, including sending any such issues to the full Commission for resolution, provided that any motions to dismiss and/ or requests to expand the scope of the proceeding shall be submitted to the full Commission for resolution. In its discretion, the Commission may deny the petition, conduct a proceeding on the petition, or modify its scope. This rule creates no presumption either in favor of or against the Commission ultimately granting a petition for a limited proceeding.

## Kathryn Cowdery

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**From:** Butler, John <John.Butler@fpl.com>  
**Sent:** Wednesday, July 28, 2010 4:16 PM  
**To:** Kathryn Cowdery  
**Cc:** Charles Rehwinkel; 'Vicki Gordon Kaufman'; 'RAB@beggslane.com'; 'jbeasley@ausley.com'; 'Triplett, Dianne'; Beth Keating; Connie Kummer  
**Subject:** Limited Scope Proceedings - FPL Post-Workshop comments  
**Attachments:** 7.28.10 transmittal letter to K. Cowdery.pdf; 7.28.10.Attachment A (redline).pdf; 7.28.10.Attachment B (redline with annotated comments).pdf; Attachment B Rule 25-6 043 annotated.doc; Attachment B Rule 25-22 0406 annotated.doc

Kathryn, attached are FPL's post-workshop comments, which include Rules 25-6.043 and 25-22.0406 red-lined to show FPL's proposed changes to the Staff proposals that were discussed at the workshop. I have also included Word files of the redlined rule changes, so that the proposed changes can be readily incorporated into subsequent drafts of the rules where Staff agrees with FPL.

Best regards,

John T. Butler  
Managing Attorney  
Florida Power & Light Company  
(561) 304-5639  
(561) 691-7135 Fax  
[John.Butler@fpl.com](mailto:John.Butler@fpl.com)



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July 28, 2010

Kathryn G.W. Cowdery, Senior Attorney  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

**Re: FPL Post-Workshop Comments on Draft Amendments Concerning  
Rules 25-6.0431, F.A.C., Relating to Application for Limited Proceedings,  
and 25-22.0406, F.A.C., Concerning Notice and Public Information  
Requirements**

Dear Ms. Cowdery:

Florida Power & Light Company ("FPL" or the "Company") has reviewed both draft rules distributed by Florida Public Service Commission ("PSC" or "Commission") staff and appreciates the opportunity to submit post-workshop comments relative to the rules and items discussed at the June 23, 2010 staff workshop.

### **Introduction**

FPL appreciates that the Commission may feel motivated to provide guidelines with respect to limited proceedings. In consideration of that, FPL suggests that it would be helpful and consistent with the legislative intent for limited proceedings to have provisions that include a timetable and procedural guidelines for how the Commission will reach a conclusion on whether a limited proceeding is appropriate, for how the Commission will define the scope of the proceeding, and for how the Commission will reach a final decision in the proceeding. This could provide Company and other parties useful insight into how the Commission will exercise its limited proceeding authority and the scope of the proceeding, yet provide the requisite flexibility for the Commission to make its determinations on a case-by-case basis under the relevant facts and circumstances as contemplated by the enabling statute, Section 366.076(1), *Florida Statutes*.

FPL notes that the statutes already provide prescriptive measures for seeking and obtaining interim rate relief pursuant to Section 366.071, *Florida Statutes*, and the statutes and Commission rules already provide significant detail on what is required in order to request and obtain general rate relief in a full revenue requirements proceeding. Section 366.076(1) is a separate statute added after the interim rates statute was already in effect<sup>1</sup>, so the legislature clearly intended that it would be used for a different purpose. By its language, the limited proceeding statute is intended as a less prescriptive means of allowing the Commission to adjust rates outside of a general rate case. The Commission should be careful not to import into the limited proceeding mechanism the prescriptive measures that already apply when setting interim rates or permanent rates in a general base rate proceeding, so that the limited proceeding mechanism remains a separate and distinct vehicle for the Commission to act as intended by the legislature.

FPL has no objection to extending the customer notice rule to limited proceedings in order to provide customers prompt notice of the issues to be considered and requested outcome. However, FPL has several comments on the draft rule to recognize some of the practical constraints associated with the draft as it stands.

Attachment A to this letter contains versions of staff's draft rules with FPL's suggested revisions to staff's drafts in redline. Attachment B to this letter contains a version of Attachment A that is annotated with comments indicating the specific reasons for FPL's suggested revisions. FPL understands that Progress Energy Florida ("PEF") and Gulf Power Company ("Gulf") concur with FPL's redlines with the exception of the deadline for beginning to send notice to customers in Rule 25-22.0406. FPL understands that Tampa Electric Company's ("TECO's") redlines are substantially similar to FPL's except for subsections (4) and (5) of 25-6.0431, which TECO did not include, as well as the deadline for beginning to send customer notice in Rule 25-22.0406. FPL's more general comments on each of the draft rules are provided below.

#### **Rule 25-6.0431 – Petition for a Limited Proceeding**

Concerning the draft rule on limited proceedings, subsection (2) of the draft rule appears to contemplate certain filing requirements that must be met depending on the nature of the proceeding. Recognizing that limited proceedings could address a variety of issues and circumstances, FPL appreciates that it may be helpful to lay out certain filing requirements that would apply depending on the nature of the limited proceeding being requested. However, subsection (2)(g), which references the statute on interim rates (s. 366.071) and other provisions of the rule, seem to provide or at least strongly suggest that historical data must be used to determine eligibility for as well as calculate the limited scope request, even though (2)(b) appears to contemplate a limited proceeding could address a projected plant addition.

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<sup>1</sup> Section 366.071, *Florida Statutes*, addressing interim rates was first added in 1980, s. 8, ch. 80-35, while the limited proceeding provision was not added until 1983, s. 13, ch. 83-222.

Though it is not the only purpose of the statute, one of the types of cases that may be appropriate for a limited proceeding is a large capital addition that occurs between rate cases. Requiring an earnings test based on historical data, as apparently called for by subsection (2)(g) of the draft rule, is not contemplated by Section 366.076(1), and could prevent the Commission from using a limited proceeding for this purpose. If the Commission is trying to measure historical results, even using a year end rate base, practical realities would foreclose the ability to seek recovery for 3-6 months after the plant goes in service. That's because, in order to provide the data requested in the rule, the utility must have the final booked actual figures from the plant and then spend time preparing the filing. Absent a rule requiring the use of historical data, the statute on limited proceedings would not foreclose this opportunity because the Company could use forecasted data to demonstrate the need for limited scope relief. FPL believes that the statute was intended to allow for this.

FPL also wishes to address subsection (4) -- which carves out certain instances when a limited proceeding is deemed "inappropriate." Section 366.076(1), is a unique statutorily-authorized mechanism for the Commission to "consider and act upon any matter within its jurisdiction, including any matter the resolution of which requires a public utility to adjust its rates." This statute contemplates a case-by-case determination by the Commission of the matters to be considered and acted upon in a limited proceeding and the issues and scope of the proceeding. Nothing in the statute authorizes or contemplates that the Commission will impose substantive restrictions on types of proceedings that are eligible for determination in a limited proceeding, or apply constraints on receiving a limited scope adjustment that apply in all instances.

FPL's additional specific comments and suggestions on this rule are reflected in the redline versions of the rules attached to this letter.

#### **Application of the File and Suspend Statute**

During the staff workshop on June 23, it was suggested that under the "file and suspend" provisions of Section 366.06(3), *Florida Statutes*, as well as Florida Supreme Court case law, the Commission could not permit a rate increase to take effect on an interim basis without first holding a formal evidentiary hearing. FPL believes this is an incorrect interpretation of the statute and cases.

The cases specifically referenced were the "*Wilson*" series of cases in 1990, referring to *Citizens v. Wilson*, 568 So. 2d 904 (Fla. 1990) (involving an appeal relating to the rates of Southern Bell Telephone and Telegraph Company "Southern Bell") ("*Wilson I*") and *Citizens v. Wilson*, 571 So. 2d 1300 (Fla. 1990) (involving an appeal relating to the rates of TECO) ("*Wilson II*"). In *Wilson I*, the Florida Supreme Court ruled that the file-and-suspend law permitted a utility to change its rates on an interim basis, but could not enter a final order without giving interested parties the right to a hearing. In *Wilson II*, the Office of Public Counsel ("OPC") argued that the Commission should have afforded it an opportunity for a hearing or proceeded through the Proposed Agency Action ("PAA")



process before taking any final action on an increase in TECO's conservation clause factor. The Florida Supreme Court ruled that OPC was present and participated at the prehearing conference and agenda on the matter in question; therefore OPC waived its right to complain that the final order approving TECO's petition was entered without affording OPC the opportunity for a hearing.

Neither of these cases stands for the proposition that a rate increase cannot take effect on an interim basis without first holding an evidentiary hearing. Indeed, in *Wilson I*, OPC conceded that "the Commission had the right to allow the increased rates in Southern Bell's tariff to go into effect on an interim basis without the necessity of a hearing." *Wilson I*, 568 So. 2d at 906. Rather, these cases support the position reflected in FPL's redline of the draft limited proceeding rule, which is that any increase in rates may take effect on an interim basis subject to refund if the Commission fails to act in a timely manner or if a Commission (PAA) decision is protested. This protects the customers in the event the PAA decision is ultimately overturned, and protects the Company from regulatory lag.

#### **25-22.0406 – Notice and Public Information Requirements**

FPL supports the concept of extending the customer notice rule to apply to limited proceedings in order to supply information to customers and facilitate a prompt review of the costs involved in a limited proceeding that would result in a change in rates.

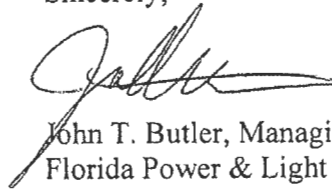
Recognizing that the Commission may want to have more prompt and thorough notification for limited scope proceedings so that they can proceed promptly, FPL has accepted many of the accelerated notice provisions in staff's draft rule without revision in expectation that the requirement of providing prompt customer notice is accompanied by a commitment by the Commission to reaching its decision in a limited proceeding on a prompt schedule. Codifying the procedures for ruling on a limited proceeding request, as addressed in FPL's suggested redline revisions, will demonstrate this commitment. Absent a commitment from the Commission to rule on a limited proceeding petition on an expedited basis, FPL believes that the accelerated time frames for providing customer notice would be inappropriate in that the additional costs may not be justified.

Recognizing certain practical and logistical constraints on the Company's ability to act, FPL has identified several items for consideration and clarification as the Commission moves forward in its development of the customer notice rule. These specific items and comments are reflected in FPL's redlines of this rule, which are attached to this letter.

**Conclusion**

Again, FPL appreciates the opportunity to provide input on staff's draft revisions to Rules 25-6.0431 and 25-22.0406, Florida Administrative Code. Should you or any other member of staff have any questions, please do not hesitate to contact me.

Sincerely,



John T. Butler, Managing Attorney  
Florida Power & Light Company  
(561) 304-5639

cc: Connie Kummer, Chief of Certification and Tariffs, FPSC  
Charles Rehwinkel, Office of Public Counsel  
Vicki Kaufman, Counsel for the Florida Industrial Power Users Group  
Russell Badders, Counsel for Gulf Power Company  
Jim Beasley, Counsel for Tampa Electric Company  
Dianne Triplett, Counsel for Progress Energy Florida  
Beth Keating, Counsel for Florida Public Utilities Company

ATTACHMENT A  
(Redline)

1 25-22.0406 Notice and Public Information on General Rate Increase Requests and Limited  
2 Proceedings by Electric and Gas Utilities.

3 (1) The provisions of this rule shall be applicable to all requests for general rate  
4 increases, and to all limited proceedings filed pursuant to Rules 25-6.0431 and 25-7.0391 that  
5 would result in a change to customer rates, by electric and gas utilities subject to the  
6 Commission's jurisdiction.

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

9 (a) The utility shall mail a copy of the petition to the chief executive officer of the  
10 governing body of each municipality and county within the service area affected.

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

14 (c) Location of MFRs

15 1. Within 15 days after it has been notified by the Commission that the Minimum  
16 Filing Requirements (MFRs) have been met, the utility shall place a copy of the MFRs at its  
17 official headquarters and at a location approved by Commission staff in each municipality in  
18 which service hearings were held in the last general rate case of the utility and through a link  
19 on the utility's website.

20 2. Within 15 days after the case time schedule has been posted to the Commission's  
21 website and electronic notice thereof has been sent to the utility, copies of the MFRs shall be  
22 placed in a location approved by Commission staff in each additional city in which service  
23 hearings are to be held. .

24 3. Copies of the MFRs shall be available for public inspection during the regular  
25 business hours of the location housing the MFRs, and through a link on the utility's website.

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from existing law.

1 (d) Rate Case Synopsis

2 1. Within 15 days after the time schedule for a general rate increase has been posted to  
3 the Commission's website and electronic notice thereof has been sent to the utility, the utility  
4 shall prepare and submit to the Commission staff for approval ~~distribute~~ a synopsis of the rate  
5 request. The synopsis ~~shall be approved by the Commission staff prior to distribution and shall~~  
6 include:

- 7 a. A summary of the section of the MFRs showing a comparison of the present and  
8 proposed rates for all rate classifications and service charges ;  
9 b. A statement of the anticipated major issues involved in the rate case;  
10 c. A copy of the executive summary filed with the MFRs;  
11 d. A description of the ratemaking process and the time schedule established for the  
12 rate case; and  
13 e. The locations at which complete MFRs are available.

14  
15 2. Within 7 days following approval of the synopsis by the Commission staff, ~~c~~ Copies  
16 of the synopsis shall be distributed to the same locations as required for the MFRs, to the main  
17 county library within, or most convenient to, the service area, and to the chief executive  
18 officer of each county and municipality within the service area affected.

19 (e) Within 30 days after the time schedule has been posted to the Commission's  
20 website and electronic notice thereof has been sent to the utility-, the utility shall prepare and  
21 submit to the Commission staff for approval ~~begin sending a notice approved by the~~  
22 ~~Commission staff~~ to its customers containing:

- 23 1. A statement that the utility has applied for a rate increase and the general reasons  
24 for the request;  
25 2. The locations at which copies of the MFRs and synopsis are available, including a

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1 link on the utility's website to that information;

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

4 4. A comparison of current and proposed rates and service charges;

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

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

11 7. A statement that ~~comment~~ complaints regarding service may be made to the  
12 Commission's Division of Service, Safety & Consumer Assistance at this toll free number:  
13 (800) 342-3552.

14 The utility shall begin sending the notice to customers within 14 days after it has been  
15 approved by the Commission staff.

16 (3) The following noticing procedures shall apply to a limited proceeding filed  
17 pursuant to Rule 25-6.0431 or 25-7.0391, which would result in a change to customer rates;

18 (a) Within 30 days after the time schedule for the limited proceeding has been posted  
19 to the Commission's website and electronic notice thereof has been sent to the utility, the  
20 utility shall prepare and submit to the Commission staff for approval ~~begin sending a notice~~  
21 ~~approved by the Commission staff to its customers~~ and shall begin sending the notice to  
22 customers within 14 days after it has been approved.

23 (b) The notice shall contain:

24 1. A statement that the utility has requested a change in rates from the Commission and  
25 a statement of the amount requested and the general reasons for the change;

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1           2. A statement of where and when the application and supporting documentation is  
2 available for public inspection, including a clearly identified link on the utility's website to  
3 such information;

4           3. A comparison of current and proposed rates and charges;

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

6           5. The docket number assigned to the proceeding;

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

11           7. A statement that ~~comment~~<sup>plaints</sup> regarding service may be made to the  
12 Commission's Division of Service, Safety & Consumer Assistance at this toll free number:  
13 (800) 342-3552.

14           (c) The utility shall establish a clearly identifiable link on the utility's website to the  
15 address on the Commission's website that provides ~~which allows~~ electronic access to all  
16 documents filed in the limited proceeding docket.

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

20           (5) ~~If service hearing or commission-scheduled customer forums are scheduled, all~~  
21 customer notices regarding location and time of such service hearings or customer  
22 forums~~meetings~~ shall be sent to customers no less than 14 days and no more than 630 days  
23 prior to the first scheduled service hearing or commission-scheduled customer meeting~~forum~~.

24           (6) At least 7 days and not more than 20 days prior to each service hearing or  
25 commission-scheduled customer meeting~~forum~~, the utility shall have published in a

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1 newspaper of general circulation in the area in which the hearing is to be held a display  
2 advertisement stating the date, time, location and purpose of the hearing. The advertisement  
3 shall be approved by the Commission staff prior to publication.

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

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

12 Rulemaking Authority 350.127(2), 366.05, 366.06(1), 366.076(2) F.S. Law Implemented  
13 366.03, 366.041(1), 366.05(1), 366.06(1), 366.076 F.S. History--New 9-27-83, Formerly 25-  
14 22.406, Amended 5-27-93, 5-3-99, \_\_\_\_\_.

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16 Rule 25-22.0406 Clean (6-23-10).doc

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from existing law.



1 | 25-6.0431 PetiApplication for a Limited Proceeding

2 | (1) Each ~~peti~~application for a limited proceeding shall ~~contain~~provide the following  
3 | general information to the Commission:

4 | (a) ~~The name of the applicant and the address of the applicant's principal place of~~  
5 | ~~business;~~All matters required to be included in a petition under Rule 28-106.201, Florida  
6 | Administrative Code (Initiation of Proceedings);

7 | (b) ~~The number(s) of the Commission order(s), in which the Commission most~~  
8 | ~~recently considered the applicant's base rates;~~

9 | ~~\_\_\_\_\_ (c) The addresses within the service area where the application is available for~~  
10 | ~~customer inspection during the time the application is pending.~~

11 | ~~\_\_\_\_\_ (2) The following minimum information shall be filed with the utility's application for~~  
12 | ~~limited proceeding;~~

13 | ~~\_\_\_\_\_ (a) A detailed statement of the reason(s) why the limited proceeding has been~~  
14 | ~~requested and why a limited proceeding is the appropriate type of proceeding for consideration~~  
15 | ~~of the requested relief.~~

16 | ~~\_\_\_\_\_ (c) The number(s) of the Commission order(s), in which the Commission most recently~~  
17 | ~~considered the applicant's base rates, including consideration of a settlement agreement~~  
18 | ~~concerning base rates;~~

19 | ~~\_\_\_\_\_ (2) Each petition by an investor-owned electric utility for a limited proceeding shall~~  
20 | ~~provide the following information to the extent the requested information is applicable to the~~  
21 | ~~filing;~~

22 | (b) If the utility's application includes a request for recovery of a rate base component  
23 | e.g., plant in service, accumulated depreciation and depreciation expense, a schedule that  
24 | provides the specific rate base components for which the utility seeks recovery on both a  
25 | system and jurisdictional basis. Supporting detail shall be provided for each item requested,

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1 including:

2 1. The actual or projected costs(s);

3 2. The date the item was, or is projected to be, placed in service;

4 3. Any corresponding adjustments that are required as a result of adding or removing

5 the requested component(s) from rate base, which may include retirement entries; and

6 4. All supporting detail by primary account as defined by the Uniform System of

7 Accounts, in accordance with Rule 25-6.014, F.A.C.; ~~and~~

8 ~~5. Any other relevant supporting information.~~

9 (be) If recovery is being requested for any return on investment costs, a calculation of

10 the weighted average cost of capital shall be provided for the most recent twelve-month

11 period, using the mid-point of the range of the last authorized rate of return on equity, the

12 current embedded cost of fixed-rate capital, the actual cost of short-term debt, the actual cost

13 of variable-cost debt, and the actual cost of other sources of capital which were used in the last

14 individual rate proceeding of the utility;

15 (cd) If the utility is requesting recovery of operating expenses, the following

16 information shall be provided on both a system and jurisdictional basis;

17 1. A detailed description of the expense(s) requested;

18 2. The total cost by primary account pursuant to the Uniform System of Accounts;

19 3. Supporting documentation or calculations; and

20 4. Any allocations that are made between systems, affiliates or related parties. If

21 allocations are made, submit full detail that shows the total amount allocated, a description of

22 the basis of the allocation methodology, the allocation percentage applied to each allocated

23 cost, and the workpapers supporting the calculation of the allocation percentages.

24 (de) Calculations for all items or actions that will create base rate cost savings or base

25 revenue impacts from the implementation of the requested cost recovery items;

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- 1           (e~~f~~) A calculation of the proposed revenue change, if any;
- 2           (f~~g~~) Schedules for the most recent historical twelve-month period or a projected  
3 twelve-month period showing that, without any increased rates, the utility will earn below its  
4 authorized rate of return, in accordance with Section 366.071, F.S. The schedules shall  
5 incorporate the revenue change requested in the petition for limited proceeding and shall  
6 consist of a rate base, net operating income, and cost of capital schedule with adjustments to  
7 reflect those consistent with the utility's last rate proceeding;
- 8           (g~~h~~) Annualized revenues for the ~~most recent~~ twelve-month period used by the utility  
9 to provide the information required by subsection (2)(f) above, based on using the rates that  
10 would be in effect in that 12-month period without the revenue change requested in the  
11 petition for limited proceeding at the time the utility files its application for limited proceeding;
- 12           (h~~i~~) A schedule showing how the utility proposes to allocate any change in revenues to  
13 rate classes;
- 14           (i~~j~~) A schedule of current and proposed rates for all rate schedules, along with  
15 workpapers showing how those rates were derived;
- 16           (k~~j~~) If the limited proceeding is being requested solely to change the current class cost  
17 allocations or rate structures so as to be revenue neutral, the utility shall provide a copy of all  
18 workpapers and calculations used to calculate requested rates and allocations between  
19 customer classes, and a description of the customer migrations between rate schedules  
20 resulting from the restructuring. In addition, the following schedules, which are incorporated  
21 herein by reference, from Form PSC/ECR/011-E(2/04), entitled "Minimum Filing  
22 Requirements for Investor-Owned Electric Utilities," shall be provided. The schedules can be  
23 obtained from the Commission's Division of Economic Regulation.
- 24           ~~1. Schedule E-1, entitled "Cost of Service Study"~~  
25           ~~2. Schedule E-6, entitled "Cost of Service Study – Unit Costs, Present Rates"~~

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- 1           ~~3~~2. Schedule E-6b, entitled “Cost of Service Study – Unit Costs, Proposed Rates”
- 2           ~~3~~4. Schedule E-8, entitled “Company Proposed Allocation of the Rate Increase by Rate
- 3 Class”
- 4           ~~4~~5. Schedule E-13a, entitled “Revenue from Sale of Electricity by Rate Schedule”
- 5           ~~5~~6. Schedule E-13c, entitled “Revenue by Rate Schedule – Calculations”
- 6           ~~6~~7. Schedule E-13d, entitled “Revenue by Rate Schedule – Lighting Schedule
- 7 Calculations”
- 8           ~~7~~8. Schedule E-14, Proposed Tariff Sheets and Support for Changes”
- 9           (3) In a limited proceeding petition~~application~~:
- 10           (a) Each schedule shall be cross-referenced to identify related schedules. Supporting
- 11 documentation reflecting all calculations or assumptions made shall be filed.
- 12           (b) The original and twenty copies shall be filed with the Office of Commission Clerk.
- 13 To the extent possible, all filings made electronically or on diskette shall be provided in
- 14 Microsoft Word format and all schedules and calculations shall be provided in Excel format
- 15 with formulas intact and unlocked.
- 16           (4) The Commission shall schedule the petition for consideration at an agenda
- 17 conference to be held no more than 60 days after the petition has been filed, during which the
- 18 Commission shall make a determination as to whether to hold the limited proceeding and the
- 19 scope of issues to be decided in the proceeding. In determining whether to hold a A-limited
- 20 proceeding, the Commission may consider ~~is inappropriate in the following circumstances:~~
- 21           ~~—— (a) If the utility has the discretion to postpone or phase in any costs such that an~~
- 22 ~~immediate rate increase is not necessary; or~~
- 23           ~~—— (b) If the utility’s filing includes more than two separate proposals for which recovery~~
- 24 ~~is sought and the requested rate increase exceeds five percent of the utility’s most recent~~
- 25 ~~twelve-month annual jurisdictional base rate revenue. Corresponding adjustments for a given~~

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1 ~~proposal are not subject to the above limitation, whether the nature of the requested relief is~~  
2 ~~such that, based on the desire to conserve the resources of the parties and the Commission and~~  
3 ~~avoid the time and expense associated with a general base rate case, a limited proceeding is~~  
4 ~~the most efficient process.~~

5 (5) A determination of the limited proceeding request shall be processed using the  
6 Commission's proposed agency action procedure. The Commission shall enter its vote on the  
7 proposed agency action within 60 days after the agenda conference vote approving the use of a  
8 limited proceeding and determining the scope of the proceeding as described in subsection (4)  
9 above. If the Commission's proposed agency action is protested, the final decision must be  
10 rendered by the Commission within 5 months of the date the protest is filed. If the petition  
11 involves a requested rate increase, at the expiration of 60 days following the agenda  
12 conference addressing the scope of the proceeding described in subsection (4) above, if the  
13 Commission has not taken action or if the Commission's action is protested by a party other  
14 than the utility, the utility may place its requested rates into effect under bond, escrow, or  
15 corporate undertaking subject to refund upon notice to the Commission and upon filing the  
16 appropriate tariffs. The utility must keep accurate records of amounts received.

17  
18 Rulemaking Authority: 350.127(2), 366.05, 366.06(1) 366.076(2) F.S. Law Implemented:  
19 366.05, 366.06, 366.076 F.S.

20 History - New: \_\_\_\_\_

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ATTACHMENT B  
(Redline with annotated comments)

1 25-22.0406 Notice and Public Information on General Rate Increase Requests and Limited  
2 Proceedings by Electric and Gas Utilities.

3 (1) The provisions of this rule shall be applicable to all requests for general rate  
4 increases, and to all limited proceedings filed pursuant to Rules 25-6.0431 and 25-7.0391 that  
5 would result in a change to customer rates, by electric and gas utilities subject to the  
6 Commission's jurisdiction.

**Comment [FPL1]:** To clarify that the rule applies only to limited proceedings that would result in a change to customer rates.

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

9 (a) The utility shall mail a copy of the petition to the chief executive officer of the  
10 governing body of each municipality and county within the service area affected.

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

**Comment [FPL2]:** Revised to link to the PSC website, which already provides electronic access to all documents filed in the docket.

14 (c) Location of MFRs

15 1. Within 15 days after it has been notified by the Commission that the Minimum  
16 Filing Requirements (MFRs) have been met, the utility shall place a copy of the MFRs at its  
17 official headquarters and at a location approved by Commission staff in each municipality in  
18 which service hearings were held in the last general rate case of the utility and through a link  
19 on the utility's website.

20 2. Within 15 days after the case time schedule has been posted to the Commission's  
21 website and electronic notice thereof has been sent to the utility, copies of the MFRs shall be  
22 placed in a location approved by Commission staff in each additional city in which service  
23 hearings are to be held. .

**Comment [FPL3]:** To ensure the utility has notice of the CASR having been posted and so there is a record of the date it is posted.

24 3. Copies of the MFRs shall be available for public inspection during the regular  
25 business hours of the location housing the MFRs, and through a link on the utility's website.

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1 (d) Rate Case Synopsis

2 1. Within 15 days after the time schedule for a general rate increase has been posted to  
3 the Commission's website and electronic notice thereof has been sent to the utility, the utility  
4 shall prepare and submit to the Commission staff for approval ~~approve~~ distribute a synopsis of the rate  
5 request. ~~The synopsis shall be approved by the Commission staff prior to distribution and shall~~  
6 include:

- 7 a. A summary of the section of the MFRs showing a comparison of the present and  
8 proposed rates for all rate classifications and service charges ;  
9 b. A statement of the anticipated major issues involved in the rate case;  
10 c. A copy of the executive summary filed with the MFRs;  
11 d. A description of the ratemaking process and the time schedule established for the  
12 rate case; and  
13 e. The locations at which complete MFRs are available.

14  
15 2. Within 7 days following approval of the synopsis by the Commission staff ~~staff~~ Copies  
16 of the synopsis shall be distributed to the same locations as required for the MFRs, to the main  
17 county library within, or most convenient to, the service area, and to the chief executive  
18 officer of each county and municipality within the service area affected.

19 (e) Within 30 days after the time schedule has been posted to the Commission's  
20 website and electronic notice thereof has been sent to the utility, the utility shall prepare and  
21 submit to the Commission staff for approval ~~begin sending a notice approved by the~~  
22 ~~Commission staff~~ to its customers containing:

- 23 1. A statement that the utility has applied for a rate increase and the general reasons  
24 for the request;  
25 2. The locations at which copies of the MFRs and synopsis are available, including a

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**Comment [FPL4]:** So the deadline applies to the utility submitting the synopsis to staff for approval since the utility cannot control when the synopsis gets approved.

**Comment [FPL5]:** To allow time for copies to be made and distributed after staff approval.



1 link on the utility's website to that information;

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

4 4. A comparison of current and proposed rates and service charges;

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

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

11 7. A statement that ~~comment/complaints~~ regarding service may be made to the  
12 Commission's Division of Service, Safety & Consumer Assistance at this toll free number:  
13 (800) 342-3552.

14 The utility shall begin sending the notice to customers within 14 days after it has been  
15 approved by the Commission staff.

16 (3) The following noticing procedures shall apply to a limited proceeding filed  
17 pursuant to Rule 25-6.0431 or 25-7.0391, which would result in a change to customer rates;

18 (a) Within 30 days after the time schedule for the limited proceeding has been posted  
19 to the Commission's website and electronic notice thereof has been sent to the utility, the  
20 utility shall prepare and submit to the Commission staff for approval ~~begin sending a notice~~  
21 ~~approved by the Commission staff to its customers and shall begin sending the notice to~~  
22 customers within 14 days after it has been approved.

23 (b) The notice shall contain:

24 1. A statement that the utility has requested a change in rates from the Commission and  
25 a statement of the amount requested and the general reasons for the change;

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**Comment [FPL6]:** Neutral wording  
and encompasses complaints as well as  
other comments.

1 2. A statement of where and when the application and supporting documentation is  
2 available for public inspection, including a clearly identified link on the utility's website to  
3 such information;

4 3. A comparison of current and proposed rates and charges;

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

6 5. The docket number assigned to the proceeding;

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

11 7. A statement that ~~comment~~complaints regarding service may be made to the  
12 Commission's Division of Service, Safety & Consumer Assistance at this toll free number:  
13 (800) 342-3552.

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

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

20 (5) ~~If service hearing or commission-scheduled customer forums are~~ scheduled, all  
21 customer notices regarding location and time of such service hearings or customer  
22 forums~~meetings~~ shall be sent to customers no less than 14 days and no more than 60 days  
23 prior to the first scheduled service hearing or commission-scheduled customer meeting forum.

24 (6) At least 7 days and not more than 20 days prior to each service hearing or  
25 commission-scheduled customer meeting forum, the utility shall have published in a

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**Comment [FPL7]:** Revised since a number of customers have registered to be billed via e-mail and may have a preference for electronic correspondence.

**Comment [FPL8]:** Revised for instances where the Commission, depending on the circumstances, elects not to hold service hearings or customer forums. The "commission-scheduled customer forum" language is added so it's clear the notice does not apply to private meetings with customers or other types of customer meetings.

**Comment [FPL9]:** 30 revised to 60 to allow time for customer notices to be sent in conjunction with the regular billing cycle.

1 newspaper of general circulation in the area in which the hearing is to be held a display  
2 advertisement stating the date, time, location and purpose of the hearing. The advertisement  
3 shall be approved by the Commission staff prior to publication.

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

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

12 Rulemaking Authority 350.127(2), 366.05, 366.06(1), 366.076(2) F.S. Law Implemented  
13 366.03, 366.041(1), 366.05(1), 366.06(1), 366.076 F.S. History—New 9-27-83, Formerly 25-  
14 22.406, Amended 5-27-93, 5-3-99, \_\_\_\_\_.

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from existing law.

1 25-6.0431 ~~Peti~~Application for a Limited Proceeding

2 (1) Each ~~peti~~application for a limited proceeding shall ~~contain~~provide the following  
3 general information to the Commission:

4 (a) ~~The name of the applicant and the address of the applicant's principal place of~~  
5 ~~business;~~All matters required to be included in a petition under Rule 28-106.201, Florida  
6 ~~Administrative Code (Initiation of Proceedings);~~

7 (b) ~~The number(s) of the Commission order(s), in which the Commission most~~  
8 ~~recently considered the applicant's base rates;~~

9 ~~\_\_\_\_\_ (c) The addresses within the service area where the application is available for~~  
10 ~~customer inspection during the time the application is pending.~~

11 ~~\_\_\_\_\_ (2) The following minimum information shall be filed with the utility's application for~~  
12 ~~limited proceeding:~~

13 ~~\_\_\_\_\_ (a) A detailed statement of the reason(s) why the limited proceeding has been~~  
14 ~~requested and why a limited proceeding is the appropriate type of proceeding for consideration~~  
15 ~~of the requested relief.~~

16 ~~\_\_\_\_\_ (c) The number(s) of the Commission order(s), in which the Commission most recently~~  
17 ~~considered the applicant's base rates, including consideration of a settlement agreement~~  
18 ~~concerning base rates:~~

19 ~~\_\_\_\_\_ (2) Each petition by an investor-owned electric utility for a limited proceeding shall~~  
20 ~~provide the following information to the extent the requested information is applicable to the~~  
21 ~~filing:~~

22 ~~(b) If the utility's application includes a request for recovery of a rate base component~~  
23 ~~e.g., plant in service, accumulated depreciation and depreciation expense, a schedule that~~  
24 ~~provides the specific rate base components for which the utility seeks recovery on both a~~  
25 ~~system and jurisdictional basis. Supporting detail shall be provided for each item requested,~~

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**Comment [FPL1]:** Revised to "petition" to track 366.076(1), F.S. and Rule 28-106.201 of the Uniform Rules.

**Comment [FPL2]:** Revised to track 28-106.201.

**Comment [FPL3]:** To acknowledge that the Uniform Rules apply, including the requirement that the petition include the name of the applicant and the address of the applicant's principal place of business.

**Comment [FPL4]:** Relocated and added clarifying language that order citation would include consideration of a settlement agreement concerning base rates. Deleted the requirement that the addresses where the application is available for inspection should be included in the petition since staff would not yet have approved the locations and since the Company would already be required to provide notice to customers on its website and elsewhere per the draft customer notice rule. Revised the language on minimum information to be provided since the requirements will differ depending on the nature of the request.

**Comment [FPL5]:** Revised to clarify that the request for recovery could relate to other components of rate base besides plant in service.

**Comment [FPL6]:** Depreciation expense is covered by item (c).

1 including:

2 1. The actual or projected costs(s);

3 2. The date the item was, or is projected to be, placed in service;

4 3. Any corresponding adjustments that are required as a result of adding or removing

5 the requested component(s) from rate base, which may include retirement entries; and

6 4. All supporting detail by primary account as defined by the Uniform System of

7 Accounts, in accordance with Rule 25-6.014, F.A.C.; ~~and~~

8 ~~5. Any other relevant supporting information.~~

9 (be) If recovery is being requested for any return on investment costs, a calculation of

10 the weighted average cost of capital shall be provided for the most recent twelve-month

11 period, using the mid-point of the range of the last authorized rate of return on equity, the

12 current embedded cost of fixed-rate capital, the actual cost of short-term debt, the actual cost

13 of variable-cost debt, and the actual cost of other sources of capital which were used in the last

14 individual rate proceeding of the utility;

15 (cd) If the utility is requesting recovery of operating expenses, the following

16 information shall be provided on both a system and jurisdictional basis;

17 1. A detailed description of the expense(s) requested;

18 2. The total cost by primary account pursuant to the Uniform System of Accounts;

19 3. Supporting documentation or calculations; and

20 4. Any allocations that are made between systems, affiliates or related parties. If

21 allocations are made, submit full detail that shows the total amount allocated, a description of

22 the basis of the allocation methodology, the allocation percentage applied to each allocated

23 cost, and the workpapers supporting the calculation of the allocation percentages.

24 (ed) Calculations for all items or actions that will create base rate cost savings or base

25 revenue impacts from the implementation of the requested cost recovery items; ~~\_\_\_\_\_~~

**Comment [FPL7]:** Deleted 5. because the language is overly broad and does not provide notice to the applicant of what needs to be included in order to meet the filing requirements.

**Comment [FPL8]:** Revised to clarify that (2)(b) applies to return on utility investment.

**Comment [FPL9]:** Revised to clarify that the rule applies to base rate cost savings and base revenue impacts.

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1 (ef) A calculation of the proposed revenue change, if any,

**Comment [FPL10]:** To clarify that the limited proceeding may not involve a change in revenues.

2 (fg) Schedules for the most recent historical twelve-month period or a projected  
3 twelve-month period, showing that, without any increased rates, the utility will earn below its  
4 authorized rate of return in accordance with Section 366.071, F.S. The schedules shall  
5 incorporate the revenue change requested in the petition for limited proceeding and shall  
6 consist of a rate base, net operating income, and cost of capital schedule with adjustments to  
7 reflect those consistent with the utility's last rate proceeding;

**Comment [FPL11]:** Revised to make it clear that limited proceedings may be used to seek rate adjustments on a projected basis.

**Comment [FPL12]:** Deleted the reference to the interim rates statute because the limited proceeding statute is a distinct mechanism without the same constraints.

8 (gh) Annualized revenues for the ~~most recent~~ twelve-month period used by the utility  
9 to provide the information required by subsection (2)(f) above, based on using the rates that  
10 would be in effect in that 12-month period without the revenue change requested in the  
11 petition for limited proceeding at the time the utility files its application for limited proceeding;

**Comment [FPL13]:** Revised since a projected period may be used and the requirement should be to show what the rates would be absent the requested change.

12 (hi) A schedule showing how the utility proposes to allocate any change in revenues to  
13 rate classes;

14 (ij) A schedule of current and proposed rates for all rate schedules, along with  
15 workpapers showing how those rates were derived;

16 (kj) If the limited proceeding is being requested solely to change the current class cost  
17 allocations or rate structures so as to be revenue neutral, the utility shall provide a copy of all  
18 workpapers and calculations used to calculate requested rates and allocations between  
19 customer classes, and a description of the customer migrations between rate schedules  
20 resulting from the restructuring. In addition, the following schedules, which are incorporated  
21 herein by reference, from Form PSC/ECR/011-E(2/04), entitled "Minimum Filing  
22 Requirements for Investor-Owned Electric Utilities," shall be provided. The schedules can be  
23 obtained from the Commission's Division of Economic Regulation.

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24 ~~1. Schedule E-1, entitled "Cost of Service Study"~~

25 ~~2. Schedule E-6, entitled "Cost of Service Study – Unit Costs, Present Rates"~~

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- 1        23. Schedule E-6b, entitled “Cost of Service Study – Unit Costs, Proposed Rates”  
2        34. Schedule E-8, entitled “Company Proposed Allocation of the Rate Increase by Rate  
3 Class”  
4        45. Schedule E-13a, entitled “Revenue from Sale of Electricity by Rate Schedule”  
5        56. Schedule E-13c, entitled “Revenue by Rate Schedule – Calculations”  
6        67. Schedule E-13d, entitled “Revenue by Rate Schedule – Lighting Schedule  
7 Calculations”

8        78. Schedule E-14, Proposed Tariff Sheets and Support for Changes”

9        (3) In a limited proceeding ~~petition~~ application:

10        (a) Each schedule shall be cross-referenced to identify related schedules. Supporting  
11 documentation reflecting all calculations or assumptions made shall be filed.

12        (b) The original and twenty copies shall be filed with the Office of Commission Clerk.

13 To the extent possible, all filings made electronically or on diskette shall be provided in  
14 Microsoft Word format and all schedules and calculations shall be provided in Excel format  
15 with formulas intact and unlocked.

16        (4) The Commission shall schedule the petition for consideration at an agenda  
17 conference to be held no more than 60 days after the petition has been filed, during which the  
18 Commission shall make a determination as to whether to hold the limited proceeding and the  
19 scope of issues to be decided in the ~~proceeding~~. In determining whether to hold a ~~A~~-limited

20 proceeding, the Commission may consider ~~is inappropriate in the following circumstances:~~

21 ~~\_\_\_\_\_ (a) If the utility has the discretion to postpone or phase in any costs such that an~~  
22 ~~immediate rate increase is not necessary; or~~

23 ~~\_\_\_\_\_ (b) If the utility’s filing includes more than two separate proposals for which recovery~~  
24 ~~is sought and the requested rate increase exceeds five percent of the utility’s most recent~~  
25 ~~twelve month annual jurisdictional base rate revenue. Corresponding adjustments for a given~~

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**Comment [FPL14]:** Intended as an opportunity for a decision on whether to grant the petition for limited proceeding.

**Comment [FPL15]:** Revised to clarify that this is not a limitation on matters that are appropriate for consideration in a limited proceeding.

1 ~~proposal are not subject to the above limitation, whether the nature of the requested relief is~~  
2 ~~such that, based on the desire to conserve the resources of the parties and the Commission and~~  
3 ~~avoid the time and expense associated with a general base rate case, a limited proceeding is~~  
4 ~~the most efficient process.~~

5 (5) A determination of the limited proceeding request shall be processed using the  
6 Commission's proposed agency action procedure. The Commission shall enter its vote on the  
7 proposed agency action within 60 days after the agenda conference vote approving the use of a  
8 limited proceeding and determining the scope of the proceeding as described in subsection (4)  
9 above. If the Commission's proposed agency action is protested, the final decision must be  
10 rendered by the Commission within 5 months of the date the protest is filed. If the petition  
11 involves a requested rate increase, at the expiration of 60 days following the agenda  
12 conference addressing the scope of the proceeding described in subsection (4) above, if the  
13 Commission has not taken action or if the Commission's action is protested by a party other  
14 than the utility, the utility may place its requested rates into effect under bond, escrow, or  
15 corporate undertaking subject to refund upon notice to the Commission and upon filing the  
16 appropriate tariffs. The utility must keep accurate records of amounts ~~received.~~

17  
18 Rulemaking Authority: 350.127(2), 366.05, 366.06(1) 366.076(2) F.S. Law Implemented:  
19 366.05, 366.06, 366.076 F.S.

20 History - New: \_\_\_\_\_

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**Comment [FPL16]:** The issue of base rate cost savings or revenue impacts is addressed in (2)(e). The concept of "phase in" creates a GAAP problem (FAS 92). In addition, the "two separate proposals" language is vague and the 10 percent revenue threshold is arbitrary and does not have a basis in 366.076(1), F.S.

**Comment [FPL17]:** This expedited time frame and processing the petition using the PAA procedure is consistent with the expedited notice procedures in staff's draft customer notice rule and the intent of 366.076(1), F.S. to have an independent mechanism for adjusting rates based on a limited scope of issues. The requirement of placing the rates into effect subject to refund is intended to ensure that all parties are held harmless in the event of a protest.

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