

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

SELECT A TYPE: Amendment and Repeal

RULE NO: RULE TITLE:

25-22.017: Rulemaking Proceeding – Adoption

25-22.039: Intervention

25-22.060: Motion for Reconsideration of Final Orders

PURPOSE AND EFFECT: To repeal Rule 25-22.017, F.A.C., as obsolete and unnecessary to the implementation of Section 120.54, FS; to repeal Rule 25-22.039, F.A.C., Intervention, and replace it with Rule 28-106.205, F.A.C., the Uniform Rule of Procedure on Intervention; and to amend Rule 25-22.060, F.A.C., to delete obsolete language referencing repealed Uniform Rules of Procedure chapters 28-103 and 28-107, FS, and to clarify that motions for reconsideration are not appropriate in rulemaking proceedings.

Docket No. 20170163-OT

SUMMARY: Rule 25-22.017, F.A.C., is repealed as obsolete and unnecessary to implementation of Section 120.54 FS. Rule 25-22.039, F.A.C., is repealed and replaced with Uniform Rule of Procedure 28-106.205, F.A.C. Rule 25-22.060, F.A.C., is amended to delete obsolete reference to repealed Uniform Rule of Procedure chapters 28-103 and 28-107, F.A.C., and to clarify that motions for reconsideration are not appropriate in rulemaking proceedings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency. The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment and repeals will not have an adverse impact on economic growth, business competitiveness, or small business.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.01(7), 350.127(2) FS

LAW IMPLEMENTED: 120.525, 120.54(3), 120.569, 120.57 FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216, kcowdery@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS: [TYPE AND STRIKE VERSION]

25-22.017 Rulemaking Proceeding - Adoption.

Rulemaking Authority 350.127(2) FS. Law Implemented 120.525, 120.54(3) FS. History–New 12-21-82, Amended 10-25-83, Formerly 25-22.17, Amended 5-3-99. Repealed.

25-22.039 Intervention.

Rulemaking Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS. History–Formerly 25-2.34, Amended 12-21-81, Formerly 25-22.39, Repealed.

25-22.060 Motion for Reconsideration of Final Orders.

(1) Scope and General Provisions.

(a) Any party to a proceeding who is adversely affected by an order of the Commission may file a motion for reconsideration of that order. The Commission will not entertain any motion for reconsideration of any order that disposes of a motion for reconsideration. Petitions for reconsideration are not authorized in the rulemaking process, and the Commission will not entertain any motion for reconsideration on the adoption, repeal, or amendment of a rule.

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(b) through (d) No change.

~~(e) A motion for reconsideration of an order adopting, repealing, or amending a rule shall be treated by the Commission as a petition to adopt, repeal, or amend a rule under Section 120.54(7), F.S. and Rule 28-103.006, F.A.C.~~

(2) through (3) No change.

Rulemaking Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS. History--New 12-21-81, Amended 10-4-84, Formerly 25-22.60, Amended 7-11-96, 1-1-07, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 43, Number 125, June 28, 2017.

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Florida Department of State

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Notices Submitted to ACR

| ID | Rule No./ Organization | Rule Title | Section | Issue | Date |
|--------------------------|------------------------|--|----------|-----------------------|-----------|
| 19490227 | 25-22.017,... | Rulemaking Proceeding - Adoption, Intervention, Motion for Reconsideration of Final Orders | Proposed | 10/4/2017 Vol. 43/192 | 10/3/2017 |
| 19489839 | 25-40.001 | Exceptions to the Uniform Rules of Procedure | Proposed | 10/4/2017 Vol. 43/192 | 10/3/2017 |

Notices Confirmed by ACR

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

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