

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-30.455: Staff Assistance in Rate Cases

25-30.456: Staff Assistance in Alternative Rate Setting

25-30.457: Limited Alternative Rate Increase

PURPOSE AND EFFECT: To update the price index and gross annual threshold level used in staff assisted rate cases for water and wastewater utilities pursuant to Section 367.0814(1), F.S., which requires the index updates every five years.

Docket No. 20180041-WU

SUMMARY: The proposed amendments to Rules 25-30.455, 25-30.456, and 25-30.457 F.A.C., will increase the upper gross annual revenue threshold that determines eligibility for water and wastewater utilities to receive staff assistance from \$275,000 to \$300,000 per system. Additionally, the proposed amendments to Rules 25-30.455, and 25-30.456, F.A.C., will increase the total gross annual operating revenue threshold from \$550,000 to \$600,000 or less on a combined basis.

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 amendments 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 on 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: 350.127(2), 367.0814, 367.121 F.S.

LAW IMPLEMENTED: 367.0814 F.S.

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: Adria Harper, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082, aharper@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-30.455 Staff Assistance in Rate Cases.

(1) Water and wastewater utilities whose total gross annual operating revenues are ~~\$300,000~~ ~~\$275,000~~ or less for water service or ~~\$300,000~~ ~~\$275,000~~ or less for wastewater service, or ~~\$550,000~~ \$600,000 or less on a combined basis, may petition the Commission for staff assistance in rate applications by submitting a completed staff assisted rate case application. Reasonable and prudent rate case expense shall be eligible for recovery through the rates developed by staff. Recovery of attorney fees and outside consultant fees related to the rate case shall be determined based on the requirements set forth in Section 367.0814(3), F.S. A utility

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that chooses not to exercise the option of staff assistance may file for a rate increase under the provisions of Rule 25-30.443, F.A.C.

(2) through (3), No change.

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

(a) through (b) No change.

(5) through (14) No change.

Rulemaking Authority 350.127(2), 367.0814, 367.121 FS. Law Implemented 367.0814 FS. History—New 12-8-80, Formerly 25-10.180, Amended 11-10-86, 8-26-91, 11-30-93, 1-31-00, 12-16-08, 8-10-14, 2-19-17, _____.

25-30.456 Staff Assistance in Alternative Rate Setting.

(1) As an alternative to a staff assisted rate case as described in Rule 25-30.455, F.A.C., water and wastewater utilities whose total gross annual operating revenues are \$300,000 ~~\$275,000~~ or less for water service or \$300,000 ~~\$275,000~~ or less for wastewater service, or \$600,000 ~~\$550,000~~ or less on a combined basis, may petition the Commission for staff assistance in alternative rate setting by submitting a completed staff assisted application for alternative rate setting.

(2) through (19) No change.

Rulemaking Authority 350.127(2), 367.0814, 367.121 FS. Law Implemented 367.0814 FS. History—New 11-30-93, Amended 1-31-00, 12-16-08, 8-10-14, _____.

25-30.457 Limited Alternative Rate Increase.

(1) As an alternative to a staff assisted rate case as described in Rule 25-30.455, F.A.C., or to staff assistance in alternative rate setting as described in Rule 25-30.456, F.A.C., water utilities whose total gross annual operating revenues are \$300,000 ~~\$275,000~~ or less for water service and wastewater utilities whose total gross annual operating revenues are \$300,000 ~~\$275,000~~ or less for wastewater service may petition the Commission for a limited alternative rate increase of up to 20 percent applied to metered or flat recurring rates of all classes of service by filing with the Office of Commission Clerk the information required by subsections (7), (8) and (9) of this rule.

(2) through (17) No change.

Rulemaking Authority 350.127(2), 367.0814, 367.121 FS. Law Implemented 367.0814 FS. History—New 3-15-05, Amended 12-16-08, 8-10-14, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Todd Brown

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 44, Number 22, February 1, 2018.

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Notices Submitted to ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
✓20329471	25-30.455,...	Staff Assistance in Rate Cases, Staff Assistance in Alternative Rate Setting, Limited Alternative Rate Increase	Proposed	4/24/2018 Vol. 44/80	4/23/2018
20328016	4/23/2018	Florida Public Service Commission	Meeting	4/24/2018 Vol. 44/80	4/23/2018

Notices Confirmed by ACR

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

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