

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:** August 1, 2018  
**TO:** Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk  
**FROM:** Samantha Cibula, Office of the General Counsel *S.M.C.*  
**RE:** Docket No. 20050681-TP

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Please file the attached materials in the docket file listed above.

Thank you.

Attachment

RECEIVED-FPSC  
2018 AUG -1 AM 10:11  
COMMISSION  
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STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL  
RICHARD D. MELSON  
GENERAL COUNSEL  
(850) 413-6199

Public Service Commission

December 13, 2005

VIA FACSIMILE

Mr. John Rosner  
Joint Administrative Procedures Committee  
Room 120, Holland Building  
Tallahassee, FL

**Re: Rule Chapter 25-24, F.A.C.**

Dear Mr. Rosner:

This is in response to your letter of December 8, 2005, regarding the proposed amendments to various rules in Chapter 25-24, F.A.C.

25-24.512(4), 25-24.569(3), and 25-24.815(3) and (5) regarding the term "public interest":

I am not aware that the Commission has defined the term "public interest" anywhere in its rules, nor is the term defined in the statutes that these rules implement. Generally, whether an action is in the public interest is a determination that often can only be judged the Commission on a case-by-case basis on the specific facts presented. I am uncertain whether there are many times the Commission has actually applied the rules and determined that an action was or was not in the public interest. Nevertheless, we will search our orders and determine if there are sufficient times the Commission has actually addressed the issue of whether approval of an application is or is not in the public interest such that some criteria can be provided in the rules.

All forms:

We have corrected the typographical errors you noted, and will determine whether to change or entirely eliminate the reference to 620.169, F.S., which has been repealed effective January 1, 2006, in a subsequent rulemaking proceeding.

Mr. John Rosner  
Page 2  
December 13, 2005

The "minimum annual assessment fee" is the regulatory assessment fee required by Rule 25-4.0161 which is incorporated by reference in Rules 25-24.505, 25-24.585, 25-24.745, and 25-24.835. The statutory authority for the minimum fee is section 364.336, F.S. We will include a citation to the specific rule in each of the forms.

Sincerely,

A handwritten signature in cursive script that reads "Christiana T. Moore".

Christiana T. Moore  
Associate General Counsel

CTM

TOM LEE  
President

ALLAN G. BENSE  
Speaker



THE FLORIDA LEGISLATURE  
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SCOTT BOYD  
EXECUTIVE DIRECTOR  
AND GENERAL COUNSEL  
Room 120, Holland Building  
Tallahassee, Florida 32399-1300  
Telephone (850) 488-9110

December 8, 2005

Ms. Christiana T. Moore  
Public Service Commission  
Office of the General Counsel  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Public Service Commission Rule Chapter 25-24

Dear Ms. Moore:

I have completed a review of the proposed amendments to chapter 25-24 and prepared the following comments for your consideration and response.

**25-24.512(4), 25-24.569(3), and 25-24.815(3) and (5)**

These rules provide that applications for the sale, assignment or transfer of certificates will be granted if the Commission determines that approval is in the "public interest." Rule 25-24.815(5) requires a party protesting a sale, assignment or transfer to prove why it was not in the public interest. However, no definition of the term "public interest" is found in the rules under consideration. Has the Commission defined this term in another rule? If not, these rules should be amended to disclose the criteria pursuant to which the Commission determines a matter to be in the public interest.

**All forms**

The forms refer to "Chapter [sic] 620.169, F.S." This statute was repealed by Chapter 2005-267, Laws of Florida.

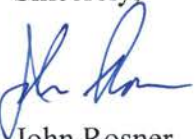
The forms refer to a "minimum annual assessment fee" as defined by the Commission. Please identify the rule which prescribes this definition. What is the statutory authority for the fee?



Ms. Christiana T. Moore  
December 8, 2005  
Page 2

Forms PSC/CMP-8 and PSC/CMP-37 contain a typographical error in the term "officer" in paragraphs 18 and 19 respectively.

I am available at your convenience to discuss the foregoing comments.

Sincerely,  
  
John Rosner  
Chief Attorney

#136563  
JR:SA WORD/JOHN/25-24.511.DOC