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STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
KEITH C. HETRICK
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

October 6, 2020

Mr. Ernest Reddick
Florida Department of State
Administrative Code and Register Section
Room 701, the Capitol
Tallahassee, FL 32399-0250
AdministrativeCode@dos.myflorida.com

VIA EMAIL AND US MAIL

Re: Rule Certification Packet for Rules 25-6.047, Constant Current Standards; 25-6.054, Laboratory Standards; 25-6.074, Applicability; 25-6.081, Construction Practices; 25-6.082, Records and Reports; and 25-6.104, Unauthorized Use of Energy.

Dear Mr. Reddick:

Enclosed for filing is a complete rule certification packet for Rules 25-6.047, 25-6.054, 25-6.074, 25-6.081, 25-6.082, 25-6.104, F.A.C., consisting of:

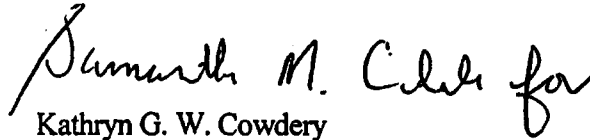
- (1) One copy of the coded text of the rules in Word version sent as an email attachment;
- (2) There are no materials incorporated by reference in these rules;
- (3) One copy of the signed rule certification form;
- (4) One copy of the signed designation of minor violation rule certification form required by Rule 1-1.010, F.A.C.;
- (5) One copy of the coded text of the rules, including the legal citations and history notes;
- (6) One copy of the summary of the rules;
- (7) One copy of the detailed written statement of the facts and circumstances justifying the rules and
- (8) One copy of the summary of the hearings held on the rules.

RECEIVED-FPSC
2020 OCT -6 PM 12:00
COMMISSION
CLERK

Page 2
Ernest Reddick
October 6, 2020

Please let me know if you have any questions. The contact name and information for this rule are Kathryn G. W. Cowdery, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6216, kcowdery@psc.state.fl.us.

Sincerely,



Kathryn G. W. Cowdery
Senior Attorney

Enclosures

cc: Commission Clerk (Docket No. 20200186-EU)

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached is each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-6.047

25-6.054

25-6.074

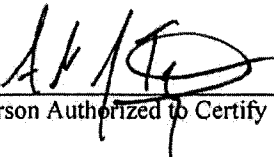
25-6.081

25-6.082

25-6.104

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective Date: _____



Person Authorized to Certify Rules
Commission Clerk

Title
6

Number of Pages Certified

**DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION
CERTIFICATION**

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rule Nos.

25-6.054

25-6.074

25-6.104

Rules covered by this certification:

Rule Nos.

25-6.047

25-6.054

25-6.074

25-6.081

25-6.082

25-6.104



Signature of Agency Head

Chairman, Florida Public Service Commission
Title

25-6.047 Constant Current Standards.

~~(1) Equipment supplying constant current street lighting circuits shall be so adjusted as to furnish as nearly as is practicable the rated current of the circuit supplied and, under normal operating conditions, the current shall not vary more than 4% above or below the rated current of the circuit.~~

~~(2) At least once a year the current output of the equipment supplying constant current circuits shall be checked and the equipment adjusted if necessary.~~

Rulemaking Authority 366.05(1) FS. Law Implemented 366.03, 366.04(2)(c), (5) FS. History—New 7-29-69, Formerly 25-6.47, Repealed.

25-6.047 Constant Current Standards.

Rulemaking Authority 366.05(1) FS. Law Implemented 366.03, 366.04(2)(c), (5) FS. History—New 7-29-69, Formerly 25-6.47, Repealed.

25-6.054 Laboratory Standards.

(1) Each utility shall have available one or more watthour meters to be used as basic reference standards. The watthour meters must have an adequate capacity and voltage range to test all portable standards used by the utility and must meet the requirements described in subsection 25-6.055(1), F.A.C.

(a) Watthour meters used as basic reference standards shall not be in error by more than plus or minus 0.05 percent at 1.00 power factor or by more than 0.10 percent at 0.50 power factor. Watthour meters shall not be used to check or calibrate portable standard watthour meters unless the basic reference standard watthour meter has been checked and adjusted, if necessary, to the prescribed accuracy within the preceding twelve months.

(b) The percent registration of each basic reference standard watthour meter shall be compared with the percent registration of all other basic reference standard watthour meters used by the utility.

(2) Each utility shall establish traceability of its watthour standard to the national standards at least annually using one of the following methods:

(a) Through the Measurement Assurance Program (MAP) in which the National Institute of Standards and Technology (NIST) has provided a transport standard; or

(b) Through a transport standard which is of the same nominal value and of quality equal to the basic reference standards that are sent to NIST or to an independent laboratory approved by the Commission.

(3) If error exceeding that referenced in paragraph 25-6.054(1)(a), F.A.C., in the percent registration of a watthour meter used as a basic reference standard is observed in the comparisons in paragraph 25-6.054(2)(b), F.A.C., the utility shall investigate the source of the error. If the cause of the error cannot be corrected, use of the watthour meter as a basic reference standard shall be discontinued.

(4) Each utility shall maintain the following historical performance records for each watthour meter used as a basic reference standard until the meter is no longer in use ~~for the following types of comparisons:~~

(a) Comparisons of basic reference standards with national standards; and

(b) Intercomparisons made with other basic reference standards.

Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1),(3) FS. History—New 7-29-69, Amended 4-13-80, 5-13-85, Formerly 25-6.54, Amended 5-19-97, _____.

25-6.074 Applicability.

~~(1)~~ Extensions of electric distribution lines ~~applied for after the effective date of these rules,~~ and necessary to furnish permanent electric service to all structures within a new residential subdivision, or to new multiple-occupancy buildings, shall be made underground when requested by an applicant or required by governmental authority.

~~(2) Such extensions of service shall be made by the utility in accordance with the provisions in these rules.~~

Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.03 FS. History—New 4-10-71, Formerly 25-6.74, Amended _____.

25-6.081 Construction Practices.

(1) The provisions in these rules are based on the premise that each applicant and utility will provide a cooperative effort to keep the cost of construction and installation of underground systems as low as possible.

(2) Each utility shall undertake to further improve underground construction proficiency toward the end that the downward trends in underground construction costs may be continued.

(3) To the extent practicable, joint use of trenches by all utilities shall be undertaken where economies can be realized without impairment to safety or service, care being taken to conform to any applicable Code and utility specification.

(4) To the extent practicable, where existing aerial facilities are being retired and removed from service, replacement will be made with underground construction whenever economically feasible.

Rulemaking Authority 366.05(1) FS. Law Implemented 366.03 FS. History—New 4-10-71, Formerly 25-6.81.

Repealed.

25-6.081 Construction Practices.

Rulemaking Authority 366.05(1) FS. Law Implemented 366.03 FS. History—New 4-10-71, Formerly 25-6.81.

Repealed.

25-6.082 Records and Reports.

~~(1) To insure the development and availability of appropriate data necessary to satisfy the reporting requirements of Rule 25-6.078, F.A.C., herein, each utility shall maintain separate records or sub-accounts for underground distribution construction, operation and maintenance costs.~~

~~(2) Records shall also be maintained of experienced results obtained in the use of joint trenching, in such manner and detail as will afford an opportunity to evaluate the economies available using this practice.~~

~~*Rulemaking Authority 366.04(2)(f), 366.05(1) FS. Law Implemented 350.115, 366.03, 366.04(2)(a), (f) FS. History—
New 4-10-71, Formerly 25-6-82, Amended 10-29-97, Repealed*~~

25-6.082 Records and Reports.

~~*Rulemaking Authority 366.04(2)(f), 366.05(1) FS. Law Implemented 350.115, 366.03, 366.04(2)(a), (f) FS. History—
New 4-10-71, Formerly 25-6-82, Amended 10-29-97, Repealed*~~

25-6.104 Unauthorized Use of Energy.

In the event of unauthorized or fraudulent use, or meter tampering, the utility may bill the customer for the time period at issue using an on-a-reasonable estimate of the energy used, which may include factors such as historical usage, meter data, meter test data, approximate size of the residence or building, the types of appliances and equipment using electricity, use of air conditioning and electric heating, and the number of occupants.

Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.03, 366.05(1) FS. History—New 7-29-69, Amended 4-13-80, 5-3-82, 11-21-82, _____.

SUMMARY OF THE RULE

Rule 25-6.047, F.A.C., which addresses certain requirements electric utilities must follow concerning equipment supplying constant current street lighting circuits, is repealed as obsolete.

Rule 25-6.054(4), F.A.C., is amended to state that historical performance records for certain wathour meters that electric utilities are required to be maintained must be kept until the wathour meter to which they relate is no longer in use.

Rule 25-6.074, F.A.C., is amended to delete obsolete and unnecessary language concerning requirements for residential electric underground extensions.

Rule 25-6.081, F.A.C., adopted in 1971, is repealed as unnecessary. It gave aspirational goals concerning construction and installation of underground systems, encouraging utilities to keep cost as low as possible through cooperative efforts, construction proficiency, and use of Joint trenches.

Rule 25-6.082, F.A.C., which addresses certain recordkeeping requirements for underground distribution construction , operation and maintenance costs, and the use of joint trenching, is repealed as obsolete.

Rule 25-6.104, F.A.C., is amended to specify what factors a utility may consider in determining an estimate of energy used during the time period when a customer had unauthorized or fraudulent use of energy or there was meter tampering.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-6.047, F.A.C., is repealed as obsolete because electric utilities no longer use equipment supplying constant current circuits.

Rule 25-6.054(4), F.A.C., does not identify the specific period of time that historical performance records must be maintained by electric utilities. The rule was amended to address this concern by requiring the records to be maintained until the wathour meter to which they relate is no longer in use.

Language in Rule 25-6.074(1), F.A.C., referring to extensions applied for after the 1971 effective date of the rule was removed because it is obsolete. Section (2) of the rule provided that extensions must be made in accordance with the Commission rules for residential electric underground extensions. This section was deleted as unnecessary because other rules by their terms apply to these extensions and include specific requirements to be followed.

The aspirational goals contained in Rule 25-6.081, F.A.C., are unnecessary to implement the Commission's authority concerning regulation of the construction and installation of underground extensions. Specific requirements are contained in other Commission rules. For these reasons, the rule is repealed.

Rule 25-6.082, F.A.C. is repealed as obsolete and superseded by Rule 25-6.078, F.A.C.

Rule 25-6.104, F.A.C., stated that in the event of unauthorized or fraudulent use or meter tampering, the utility may bill the customer on a reasonable estimate of the energy used. The rule is amended to identify factors which may be used in determining an estimate of the energy used.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

October 6, 2020

Kathryn G. W. Cowdery, Senior Attorney
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0250

Attention: Julie Phillips

Dear Ms. Cowdery:

Your adoption package for Rules 25-6.047, .054, .074, .081, .082, and .104, F.A.C. was received, electronically, by the Florida Department of State, Administrative Code and Register at 9:25 a.m. on October 6, 2020. After review, it appears that the package meets statutory requirements and those of Rule 1-1.010, F.A.C. and is deemed filed for adoption at the time received, as indicated above. The effective date is October 26, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/ag

Julie Phillips

From: Grosenbaugh, Anya C. <Anya.Grosenbaugh@dos.myflorida.com>
Sent: Tuesday, October 06, 2020 10:04 AM
To: Julie Phillips; Kathryn Cowdery
Cc: Reddick, Ernest L.; JAPC@leg.state.fl.us
Subject: RE: Rule Certification packet for Rules 25-6.047, 25-6.054, 25-6.074, 25-6.081, 25-6.082 and 25-6.104
Attachments: Rule Filing 25-6.pdf

Good morning,

I am attaching the filed rule packet for 25-6 for your records.

Best,

Anya Grosenbaugh

Government Operations Consultant III
Florida Administrative Code and Register
Room 701, The Capitol | Tallahassee, Florida
850.245.6271

From: Julie Phillips <JPhillip@PSC.STATE.FL.US>
Sent: Tuesday, October 6, 2020 9:25 AM
To: Administrative Code <AdministrativeCode@DOS.MyFlorida.com>
Cc: Kathryn Cowdery <kcowdery@psc.state.fl.us>; Julie Phillips <JPhillip@PSC.STATE.FL.US>
Subject: Rule Certification packet for Rules 25-6.047, 25-6.054, 25-6.074, 25-6.081, 25-6.082 and 25-6.104

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

The Rule Certification Packet for the aforementioned rules, with the PDF attachment of the entire packet, along with the Word versions of the coded text of the rules.

We await your confirmation email.

Thank you.

Julie Phillips
Office of the General Counsel
Florida Public Service Commission
850.413.6084

BILL GALVANO
President



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Representative Erin Grall, Vice Chair
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JOSE R. OLIVA
Speaker



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THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

CERTIFICATION

Department: Public Service Commission
Agency:
Rule No(s): 25-6.047, .054, .074, .081, .082, .104
File Control No: 182705

As required by subparagraph 120.54(3)(e)4 F.S., the Joint Administrative Procedures Committee hereby certify that:

- There were no material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rule; or
- The adopting agency has responded in writing to all material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rules; or
- The adopting agency has not responded in writing to all material and timely written comments or written inquiries made on behalf of the Committee regarding the above listed rules.

Certification Date: 10/6/2020

This certification expires after: 10/13/2020

Certifying Attorney: Jamie Jackson

NOTE:

- The above certified rules include materials incorporated by reference.*
- The above certified rules do not include materials incorporated by reference.*