

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-

DATE: March 7, 2022
TO: Adam J. Teitzman, Commission Clerk, Office of Commission Clerk
FROM: Douglas Sunshine, Office of the General Counsel *DS*
RE: Docket No. 20220000-OT

Please file the attached document in the Undocketed Docket, 20220000-OT.

Thank you.

Attachment

RECEIVED-FPSC
2022 MAR -7 PM 1:30
COMMISSION
CLERK

COMMISSIONERS:
ANDREW GILES FAY, CHAIRMAN
ART GRAHAM
GARY F. CLARK
MIKE LA ROSA
GABRIELLA PASSIDOMO

STATE OF FLORIDA



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

Public Service Commission

March 7, 2022

Jamie L. Jackson
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400
japc@leg.state.fl.us

VIA E-MAIL

Re: Existing Rule Review, Public Service Commission
Rules 25-30.415, .431, .434, and .458

Dear Ms. Jackson:

This letter responds to your letter of December 9, 2021, concerning the above-referenced rules.

Your comments and our response for each of the rules are as follows:

25-30.415(1): Please review and advise as to the necessity of this rule subsection as it appears to restate what is contained in section 367.081(4)(f), F.S.

Response: Commission staff has reviewed this rule and determined that this rule may be repealed as unnecessary. Staff anticipates that rulemaking will be initiated in the next few months to repeal the rule.

25-30.415(2): This subsection sets forth that the Commission “may consider generally accepted financial models.” It is unclear how the Commission defines generally accepted financial models. *See* § 120.52(8)(d), Fla. Stat. (2021). Please review and advise.

Response: Commission staff has reviewed this rule and determined that this rule may be repealed as unnecessary. Staff anticipates that rulemaking will be initiated in the next few months to repeal the rule.

25-30.431(1), (2)(a)¹: The references to the 1999 version of the Florida Statutes should be removed.

¹ Your letter references 25-30.424; it appears that the rule you are commenting on is 25-30.431.

Ms. Jamie Jackson
March 7, 2022
Page Two

Response: A request for technical change will be submitted within the next few weeks.

25-30.434(3)(o): It appears that the directions in this paragraph may need updating. Please advise whether the form referenced reflects the current version of this form utilized by the Commission. If it does not, please revise to include the correct version.

Response: Commission staff has reviewed this rule and determined that the rule needs to be updated. Staff anticipates that rulemaking will be initiated in the next few months to amend the rule.

25-30.458: Law Implemented
Please review whether section 350.123, F.S., is appropriately cited as a law implemented by the content of this rule.

Response: Commission staff has reviewed this rule and determined that the citation is incorrect. A request for technical change will be submitted within the next few weeks to correct the statutory citation.

Please contact me at (850) 413-6224 or dsunshin@psc.state.fl.us if you have any questions or concerns. Thank you.

Sincerely,

/s/ Douglas D. Sunshine
Douglas D. Sunshine, B.C.S.
Senior Attorney

cc: Commission Clerk