

STATE OF FLORIDA

COMMISSIONERS:  
ANDREW GILES FAY, CHAIRMAN  
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OFFICE OF THE GENERAL COUNSEL  
KEITH C. HETRICK  
GENERAL COUNSEL  
(850) 413-6199

# Public Service Commission

April 26, 2022

Ms. Anya C. Owens  
Florida Department of State  
Administrative Code and Register Section  
Room 701, the Capitol  
Tallahassee, FL 32399-0250  
[RuleAdoptions@DOS.MyFlorida.com](mailto:RuleAdoptions@DOS.MyFlorida.com)

**SENT  
VIA E-MAIL**

**Re: Rule Certification Packet for Rule 25-30.445, F.A.C.**

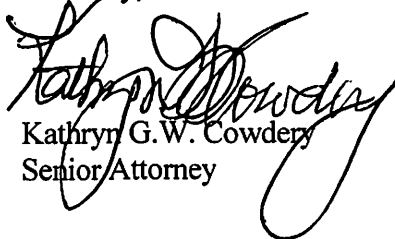
Dear Ms. Owens:

Enclosed for filing is a complete rule certification packet for Rule 25-30.445, F.A.C., consisting of:

- (1) One copy of the coded text of the rule in Word version;
- (2) There are no materials incorporated by reference into this rule.
- (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 rule, including the legal citations and history notes;
- (6) One copy of the summary of the rule;
- (7) One copy of the detailed written statement of the facts and circumstances justifying the rule; and
- (8) One copy of the summary of the hearings held on the rule.

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](mailto:kcowdery@psc.state.fl.us).

Sincerely,



Kathryn G.W. Cowdery  
Senior Attorney

Enclosures

cc: Office of the Commission Clerk (Docket No. 20210122-WS)

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 ombudsman in the Executive Office of the Governor.

The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

25-30.445	
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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: \_\_\_\_\_

(month) (day) (year)



\_\_\_\_\_  
Signature, Person Authorized to Certify Rules

\_\_\_\_\_  
Commission Clerk

Title

5  
\_\_\_\_\_  
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 No(s).

25-30.445

Rules covered by this certification:

Rule No(s).

25-30.445



\_\_\_\_\_  
Signature of Agency Head

Chairman, Florida Public Service Commission  
Title

## SUMMARY OF THE RULE

Rule 25-30.445, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding, updates and clarifies rule language and reduces the number of paper copies of applications filed at the Florida Public Service Commission (Commission). The rule provides that a limited proceeding will not be allowed if the utility's filing includes more than six separate projects for which recovery is sought; the requested rate increase exceeds 30 percent; the utility has not had a rate case within seven years of the date the petition for limited proceeding is filed; or the limited proceeding is filed as the result of the complete elimination of either the water or wastewater treatment process.

## WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The amendments to this rule update and clarify rule language for better comprehension of rule requirements and clarity in the application process. Administrative efficiency and reduction in regulatory costs are achieved through reduction in the number of paper copies required to be filed by the utility and by allowing utilities to include up to six separate projects in a limited proceeding, subject to other specified rule limitations.

## SUMMARY OF ANY HEARINGS HELD ON THE RULE

Rule 25-30.445, F.A.C., was proposed for adoption by publication in the October 14, 2021 issue of the Florida Administrative Register (F.A.R.), Vol 47, No. 200. On November 3, 2021, the Office of Public Counsel (OPC) timely filed a petition for public hearing and requested changes to paragraph (6)(a) of the proposed rule. Pursuant to notice published in the December 15, 2021 issue of the F.A.R., Vol 47, No. 241, a Section 120.54(3)(c)1., F.S., rule hearing was held before the Commission on January 20, 2022, for the purpose of giving affected persons an opportunity to present evidence and argument on all issues under consideration.

Pursuant to notice published in the March 1, 2022 issue of the F.A.R., Vol. 48, No. 41, a Section 120.54(3)(c)1., F.S., rule hearing was held before the Commission on April 5, 2022. Following discussion, the Florida Public Service Commission voted to not make changes to proposed Rule 25-30.445, F.A.C.

**25-30.445 General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding.**

(1) Each applicant for a limited proceeding must ~~shall~~ provide the following general information to the Commission:

(a) The name of the applicant as it appears on the applicant's certificate and the address of the applicant's principal place of business.

(b) The type of business organization under which the applicant's operations are conducted; if the applicant is a corporation, the date of incorporation; the names and addresses of all persons who own 5 percent or more of the applicant's stock; or the names and addresses of the owners of the business.

(c) The number(s) of the Commission order(s), if any, in which the Commission most recently considered the applicant's rates for the system(s) involved.

(d) The address within the service area where the application is available for customer inspection during the time the rate application is pending.

(e) A statement signed by an officer of the utility that the utility will comply with the noticing requirements in Rule 25-30.446, F.A.C.

(2) In a limited proceeding application:

(a) Each schedule must ~~shall~~ be cross-referenced to identify related schedules.

(b) Except for handwritten official company records, all data in the petition and application must ~~shall~~ be typed.

(c) The original and ~~three seven~~ three copies must ~~shall~~ be filed with the Office of Commission Clerk. The copies must be clearly labeled "COPY." If the application is e-filed, the utility must provide the required number of paper copies, clearly labeled "COPY," to the Office of Commission Clerk within seven calendar days after electronic filing.

(3) A filing fee as required in Rule 25-30.020, F.A.C., must ~~shall~~ be submitted at the time of application.

(4) The following minimum filing requirements must ~~shall~~ be filed with the utility's application for limited proceeding for a Class A or B water or wastewater utility:

(a) A detailed statement of the reason(s) why the limited proceeding has been requested.

(b) If the limited proceeding is being requested to recover costs required by a governmental or regulatory agency, provide the following:

1. A copy of any rule, regulation, order or other regulatory directive that has required or will require the applicant to make the improvement or the investment for which the applicant seeks recovery.

2. An estimate by a professional engineer, or other person, knowledgeable in design and construction of water and wastewater plants, to establish the projected cost of the applicant's investment and the period of time required for completion of construction.

(c) A schedule that provides the specific rate base components for which the utility seeks recovery. Supporting detail must shall be provided for each item requested, including:

1. The actual or projected cost(s),
2. The date the item will be or is projected to be placed in service,
3. Any corresponding adjustments that are required as a result of adding or removing the requested component(s) from rate base, which may include retirement entries; and,
4. Any other relevant supporting information.

(d) If the utility's application includes a request for recovery of plant in service, accumulated depreciation and depreciation expense, supporting detail must shall be provided by primary account as defined by the NARUC Uniform System of Accounts, in accordance with Rule 25-30.110, F.A.C.

(e) A calculation of the weighted average cost of capital must shall be provided for the most recent 12-month period, using the mid-point of the range of the last authorized rate of return on equity, the current embedded cost of fixed-rate capital, the actual cost of short-term debt, the actual cost of variable-cost debt, and the actual cost of other sources of capital which were used in the last individual rate proceeding of the utility. If the utility does not have an authorized rate of return on equity, the utility must shall use the current leverage formula pursuant to Section 367.081(4)(f), F.S.

(f) If the utility is requesting recovery of operating expenses, the following information must shall be provided:

1. A detailed description of the expense(s) requested,
2. The total cost by primary account pursuant to the NARUC Uniform System of Accounts,
3. Supporting documentation or calculations; and,
4. Any allocations that are made between systems, affiliates or related parties. If allocations are made, submit full detail that shows the total amount allocated, a description of the basis of the allocation methodology, the allocation percentage applied to each allocated cost, and the workpapers supporting the calculation of the allocation



percentages.

(g) Calculations for all items that will create cost savings or revenue impacts from the implementation of the requested cost recovery items.

(h) If the utility includes any other items where calculations are required, supporting documentation must shall be filed that reflects the calculations or assumptions made.

(i) A calculation of the revenue increase including regulatory assessment fees and income taxes, if appropriate.

(j) Annualized revenues for the most recent 12-month period using the rates in effect at the time the utility files its application for limited proceeding and a schedule reflecting this calculation by customer class and meter size.

(k) A schedule of current and proposed rates for all classes of customers.

(l) Schedules for the most recent 12-month period showing that, without any increased rates, the utility will earn below its authorized rate of return in accordance with Section 367.082, F.S. The schedules must shall consist of a rate base, net operating income and cost of capital schedule with adjustments to reflect those consistent with the utility's last rate proceeding.

(m) If the limited proceeding is being requested to change the current rate structure, provide a copy of all workpapers and calculations used to calculate requested rates and allocations between each customer class. The test year must shall be the most recent 12-month period. In addition, the following schedules, ~~which are incorporated herein by reference~~, from Form PSC 1028 (12/20) ~~PSC/AFD 19-W (11/93)~~, entitled "Class A Water and/or Wastewater Utilities Financial, Rate and Engineering Minimum Filing Requirements," which is incorporated by reference in Rule 25-30.437, F.A.C., must shall be provided; ~~The schedules can be obtained from the Commission's Division of Accounting and Finance.~~

1. Schedule E-2, entitled "Revenue Schedule at Present and Proposed Rates," ~~is available at~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-08251>.

2. Schedule E-14, entitled "Billing Analysis Schedules," ~~is available at~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-08252>. Only an original and one copy is two copies are required.

(n) Revised tariff sheets should not be filed with the application.

(o) A water utility's application for limited proceeding must shall also include:

1. A copy of all customer complaints that the utility has received regarding DEP secondary water quality

standards during the past five years; and,

2. A copy of the utility's most recent secondary water quality standards test results.

(5) In addition to the requirements stated in subsections (1) through (3), the following minimum filing requirements must shall be filed with the utility's application for limited proceeding for a Class C water or wastewater utility:

(a) A detailed statement of the reason(s) why the limited proceeding has been requested.

(b) If the limited proceeding is being requested to recover costs required by a governmental or regulatory agency, provide a copy of any rule, regulation, order or other regulatory directive that has required or will require the applicant to make the improvement or the investment for which the applicant seeks recovery.

(c) A schedule that provides the specific rate base components for which the utility seeks recovery, if known.

Supporting detail must shall be provided for each item requested, including:

1. The actual or projected cost(s),

2. The date the item will be or is projected to be placed in service,

3. Any corresponding adjustments, if known, that are required as a result of adding or removing the requested component(s) from rate base, which may include retirement entries; and,

4. Any other relevant supporting information, if known.

(d) If the utility is requesting recovery of operating expenses, provide an itemized description of the expense(s), including the cost and any available supporting documentation or calculations.

(e) Provide a description of any known items that will create cost savings or revenue impacts from the implementation of the requested cost recovery items.

(f) A calculation of the revenue increase including regulatory assessment fees and income taxes, if applicable.

(g) Annualized revenues for the most recent 12-month period using the rates in effect at the time the utility files its application for limited proceeding and a schedule reflecting this calculation by customer class and meter size.

(h) A Class C water utility's application for limited proceeding must shall also include:

1. A copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years; and,

2. A copy of the utility's most recent secondary water quality standards test results.

(6) A limited proceeding will not be allowed if: ~~In evaluating whether the utility's request is improper for a~~

limited proceeding, the Commission will consider factors such as:

(a) ~~Whether T~~ the utility's filing includes more than ~~six~~ 4 separate projects for which recovery is sought ~~and the requested rate increase exceeds 30 percent~~. Corresponding adjustments for a given project are not subject to the above limitation;

(b) The requested rate increase exceeds 30 percent;

(c)(b) Whether T the utility has not had a rate case within in more than seven years of the date the petition for limited proceeding is filed with the Commission; ~~and the requested rate increase exceeds 30 percent,~~ or

(d)(e) Whether T the limited proceeding is filed as the result of the complete elimination of either the water or wastewater treatment process ~~and the requested rate increase exceeds 30 percent~~.

(7) The utility ~~must shall~~ provide a statement in its filing to the Commission ~~that which~~ addresses whether the utility's rate base has declined or whether any expense recovery sought by the utility is offset by customer growth since its most recent rate proceeding or will be offset by future customer growth expected to occur within one year of the date new rates are implemented.

*Rulemaking Authority 350.127(2), 367.121(1)(a) FS. Law Implemented 367.081, 367.0812, 367.0822, 367.121(1)(a), 367.145(2) FS. History—New 3-1-04, Amended 5-30-17, \_\_\_\_\_.*



Senator Ben Albritton, Chair
Representative Rick Roth, Vice Chair
Senator Lorraine Ausley
Senator Jason Brodeur
Senator Danny Burgess
Senator Shevvin D. "Shev" Jones
Representative Wyman Duggan
Representative Yvonne Hayes Hinson
Representative Thomas Patterson "Patt" Maney
Representative Angela "Angie" Nixon
Representative Anthony Sabatini



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THE FLORIDA LEGISLATURE
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE

CERTIFICATION

Department: Public Service Commission
Agency:
Rule No(s): 25-30.445
File Control No: 185162

As required by subparagraph 120.54(3)(e)4 F.S., the Joint Administrative Procedures Committee hereby certifies 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: 4/26/2022

This certification expires after: 5/3/2022

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.



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

April 26, 2022

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 Katherine Cowdery:

Your adoption package for Rule 25-30.445, F.A.C. was received, electronically, by the Florida Department of State, Administrative Code and Register at 9:33 a.m. on April 26, 2022. 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 May 16, 2022.

Sincerely,

Anya C. Owens  
Program Administrator

ACO/mas

## Swain, Margaret A.

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**From:** Julie Phillips <JPhillip@PSC.STATE.FL.US>  
**Sent:** Tuesday, April 26, 2022 9:30 AM  
**To:** RuleAdoptions  
**Cc:** Swain, Margaret A.; Kathryn Cowdery; Julie Phillips  
**Subject:** Rule Certification for 25-30.445, F.A.C.  
**Attachments:** 25-30.445 cert packet FOR DOS.pdf; 25-30.445 10 pt. adoption with indent formatting.docx

### EMAIL RECEIVED FROM EXTERNAL SOURCE

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

Please find attached the entire certification packet for Rule 25-30.445, F.A.C., in PDF form, as well and the Word version of the coded text of the rule.

Please verify receipt by "Reply to All".

Thank you.

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

**From:** [Swain, Margaret A.](#)  
**To:** [Julie Phillips](#); [Joint Administrative Procedures Committee](#)  
**Cc:** [Kathryn Cowdery](#)  
**Subject:** Adoption Packet for 25-30.445  
**Date:** Tuesday, April 26, 2022 3:43:07 PM  
**Attachments:** [25-30.445.pdf](#)

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Good afternoon,

The attached rule adoption packet for 25-30.445, F.A.C. was filed in our office today.

Please feel free to contact me via email or phone if you have any further questions.

Respectfully,

Margaret Swain  
Government Operations Consultant III  
Florida Administrative Code and Register  
Room 701 The Capitol | Tallahassee, Florida  
(850)245-6208

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**From:** Julie Phillips <JPhillip@PSC.STATE.FL.US>  
**Sent:** Tuesday, April 26, 2022 9:30 AM  
**To:** RuleAdoptions <RuleAdoptions@Dos.myflorida.com>  
**Cc:** Swain, Margaret A. <Margaret.Swain@dos.myflorida.com>; Kathryn Cowdery <kcowdery@psc.state.fl.us>; Julie Phillips <JPhillip@PSC.STATE.FL.US>  
**Subject:** Rule Certification for 25-30.445, F.A.C.

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Please find attached the entire certification packet for Rule 25-30.445, F.A.C., in PDF form, as well and the Word version of the coded text of the rule.

Please verify receipt by "Reply to All".

Thank you.

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

