

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: September 7, 2022
TO: Adam J. Teitzman, Commission Clerk, Office of Commission Clerk
FROM: Adria Harper, Senior Attorney, Office of the General Counsel *AEH*
RE: Docket No. 20220127

Please file the attached rule certification packet materials for Rule(s) 25-22.002, Agenda of Meeting; 25-22.100, Authority; 25-22.101, Purpose; 25-22.1035, Official Reporter for Final Orders; 25-22.104, Numbering of Orders; 25-22.105, Electronic Database of Orders and Other Records; 25-22.107, Plan for Making Orders Available to the Public; and 25-22.033, Communications Between Commission Employees and Parties, F.A.C., in the docket file listed above.

Thank you.

Attachment

Melissa Daniel

From: RuleAdoptions <RuleAdoptions@Dos.myflorida.com>
Sent: Wednesday, September 7, 2022 11:31 AM
To: Melissa Daniel; JAPC@leg.state.fl.us
Cc: Carolyn Craig; Adria Harper; Samantha Cibula
Subject: Adoption Packet for 25-22.002, .100, .101, .1035, .104, .105, .107, .033
Attachments: 25-22.002, .100, .101, .1035, .104, .105, .107, .033.pdf

Good afternoon,

The attached rule adoption packet for 25-22.002, .100, .101, .1035, .104, .105, .107, .033, 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

From: Melissa Daniel <MDaniel@psc.state.fl.us>
Sent: Wednesday, September 7, 2022 11:04 AM
To: RuleAdoptions <RuleAdoptions@Dos.myflorida.com>
Cc: Carolyn Craig <CCraig@PSC.STATE.FL.US>; Adria Harper <aharper@psc.state.fl.us>; Samantha Cibula <SCibula@PSC.STATE.FL.US>
Subject: Certification Packet - Repeal of Rule 25-22.002, F.A.C.; Repeal of Rules 25-22.100, 25-22.101, 25-22.1035, 25-22.104, 25-22.105, and 25-22.107, F.A.C.; and Repeal of Rule 25-22.033, F.A.C.

EMAIL RECEIVED FROM EXTERNAL SOURCE

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

The rule certification packet for Rules 25-22.002; 25-22.100; 25-22.101; 25-22.1035; 25-22.104; 25-22.105; and 25-22.107; 25-22.033, F.A.C. with the pdf attachment of the entire packet, along with the Word version of the coded text of the rules, are attached.

We await your confirmation email.

Thank you!

Melissa Daniel
Senior Legal Assistant

Office of the General Counsel
Florida Public Service Commission
(850) 413-6234
mdaniel@psc.state.fl.us



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 7, 2022

Adria Harper
Senior Attorney
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, FL 32399

Dear Adria Harper:

Your adoption package for Rules 25-22.002, .100, .101, .1035, .104, .105, .107, and .033, F.A.C. was received, electronically, by the Florida Department of State, Administrative Code and Register at 11:04 a.m. on September 7, 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 September 27, 2022.

Sincerely,

Anya C. Owens
Program Administrator
Florida Administrative Code and Register
Florida Department of State
R.A. Gray Building
Tallahassee, FL 32399

ACO/mas

Swain, Margaret A.

From: Melissa Daniel <MDaniel@psc.state.fl.us>
Sent: Wednesday, September 7, 2022 11:04 AM
To: RuleAdoptions
Cc: Carolyn Craig; Adria Harper; Samantha Cibula
Subject: Certification Packet - Repeal of Rule 25-22.002, F.A.C.; Repeal of Rules 25-22.100, 25-22.101, 25-22.1035, 25-22.104, 25-22.105, and 25-22.107, F.A.C.; and Repeal of Rule 25-22.033, F.A.C.
Attachments: 25-22 Cert Pkt to DOS.pdf; 25-22.002 10 pt..docx; 25-22.033 10 pt..docx; 25-22.100 10 pt..docx; 25-22.101 10 pt..docx; 25-22.104 10 pt..docx; 25-22.105 10 pt..docx; 25-22.107 10 pt..docx; 25-22.1035 10 pt..docx

EMAIL RECEIVED FROM EXTERNAL SOURCE

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The rule certification packet for Rules 25-22.002; 25-22.100; 25-22.101; 25-22.1035; 25-22.104; 25-22.105; and 25-22.107; 25-22.033, F.A.C. with the pdf attachment of the entire packet, along with the Word version of the coded text of the rules, are attached.

We await your confirmation email.

Thank you!

Melissa Daniel

Senior Legal Assistant
Office of the General Counsel
Florida Public Service Commission
(850) 413-6234
mdaniel@psc.state.fl.us



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



KENNETH J. PLANTE
COORDINATOR
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400
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www.japc.state.fl.us
japc@leg.state.fl.us

THE FLORIDA LEGISLATURE
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE

CERTIFICATION

Department: Public Service Commission
Agency:
Rule No(s): 25-22.002, .100, .101, .1035, .104, .105, .107, .033
File Control No: 187469

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: 9/7/2022

This certification expires after: 9/14/2022

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.

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

STATE OF FLORIDA



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

Public Service Commission

September 7, 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

Via E-Mail

Re: Rule Certification Packet for Rules 25-22.002, Agenda of Meeting; 25-22.100, Authority; 25-22.101, Purpose; 25-22.1035, Official Reporter for Final Orders; 25-22.104, Numbering of Orders; 25-22.105, Electronic Database of Orders and Other Records; 25-22.107, Plan for Making Orders Available to the Public; and 25-22.033, Communications Between Commission Employees and Parties, F.A.C.

Dear Ms. Owens:

Enclosed for filing is a complete rule certification packet for Rules 25-22.002, 25-22.100, 25-22.101, 25-22.1035, 25-22.104, 25-22.105, 25-22.107, and 25-22.033, F.A.C., consisting of:

- (1) One copy of the coded text of the rules in Word version;
- (2) There are no materials incorporated by reference into 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.

Please let me know if you have any questions. The contact name and information for these rules are Adria Harper, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6082, aharper@psc.state.fl.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adria Harper", with a long horizontal flourish extending to the right.

Adria Harper
Senior Attorney

Enclosures

cc: Office of the Commission Clerk (Docket No. 20220127-PU)

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).

(List in Columns)	
25-22.002	
25-22.100	
25-22.101	
25-22.1035	
25-22.104	
25-22.105	
25-22.107	
25-22.033	

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

10

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).

25-22.002

25-22.100

25-22.101

25.22.1035

25-22.104

25-22.105

25-22.107

25-22.033

Rules covered by this certification:

Rule No(s).

25-22.002

25-22.100

25-22.101

25.22.1035

25-22.104

25-22.105

25-22.107

25-22.033

A handwritten signature in blue ink, appearing to read "Alvin K. ...", written over a horizontal line.

Signature of Agency Head

Chairman, Florida Public Service Commission
Title

SUMMARY OF THE RULE

Rules 25-22.002, 25-22.100, 25-22.101, 25-22.1035, 25-22.104, 25-22.105, 25-22.107, F.A.C., are Commission rules that address the Commission Clerk's organization and maintenance of Commission orders. Rule 25-22.033, F.A.C., addresses staff communications.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The rules are outdated, there is no law implemented for these rules, and the Commission does not have rulemaking authority for these rules. Thus, the rules are being repealed.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

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

25-22.002 Agenda of Meetings.

~~A majority vote of a quorum of the Commission is required to modify the presiding officer's decision to make a specific change in the agenda.~~

Rulemaking Authority 350.127(2) FS. Law Implemented 120.525 FS. History—New 12-21-81, Formerly 25-22.02, Amended 4-18-94, 5-3-99, Repealed_____.

25-22.002 Agenda of Meetings.

Rulemaking Authority 350.127(2) FS. Law Implemented 120.525 FS. History—New 12-21-81, Formerly 25-22.02, Amended 4-18-94, 5-3-99, Repealed_____.

25-22.100 Authority.

~~These rules regarding the indexing, management, and availability of Commission orders are issued pursuant to Section 120.533, F.S., and Chapter 1S-6, F.A.C., and have been approved by the Department of State pursuant to Section 120.53(2)(c), F.S.~~

Rulemaking Authority 120.533 FS. Law Implemented 120.53(2)-(4) FS. History—New 9-24-92, Amended 12-27-94, Repealed _____.

25-22.100 Authority.

Rulemaking Authority 120.533 FS. Law Implemented 120.53(2)-(4) FS. History—New 9-24-92, Amended 12-27-94, Repealed _____.

25-22.101 Purpose.

~~The purpose of this part is to provide public access to and availability of all Commission orders.~~

Rulemaking Authority 120.533 FS. Law Implemented 120.53(2)-(4) FS. History—New 9-24-92, Amended 12-27-

94, *Repealed* _____.

25-22.101 Purpose.

Rulemaking Authority 120.533 FS. Law Implemented 120.53(2)-(4) FS. History—New 9-24-92, Amended 12-27-

94, *Repealed* _____.

25-22.1035 Official Reporter for Final Orders.

~~The official reporter of the Florida Public Service Commission shall be its website www.floridapsc.com/ClerkOffice/Docket, effective January 1, 2010. The Florida Public Service Commission Reporter (FPSCR) published by FALR will remain the designated official reporter for final orders from January 1981 to December 31, 2009. The Florida Public Service Commission Reporter is found at some county law libraries and is available by subscription at the offices of FALR, Inc., P.O. Box 385, Gainesville, FL 32602. A copy of the Florida Public Service Commission Reporter is also available for public inspection at the Office of Commission Clerk.~~

Rulemaking Authority 120.532, 120.533 FS. Law Implemented 120.53(2)(a), (d), (4) FS.

25-22.1035 Official Reporter for Final Orders.

Rulemaking Authority 120.532, 120.533 FS. Law Implemented 120.53(2)(a), (d), (4) FS.

25-22.104 Numbering of Orders.

(1) All orders shall be sequentially numbered as rendered using a two-part number separated by a dash with the first part before the dash indicating the year and the second part indicating the numerical sequence of the order issued for that year beginning with the number 0001 each new calendar year. Amendatory orders will be assigned the same order number as the order being amended, with the addition of the letter "A" immediately following the order number. The assigned agency prefix which is "PSC" shall precede the two-part number.

(2) The applicable order category shall be added as a suffix succeeding the agency designation prefix and the two-part number. The order categories are as follows:

- DS – Declaratory Statement
- FOI – Final Order Informal Proceedings
- FOF – Final Order Formal Proceedings
- S – Stipulation
- AS – Agreed Settlement
- CO – Consummating Order
- PAA – Proposed Agency Action Order
- TRF – Tariff Order
- SC – Show Cause Order
- PCO – Procedural Order
- PHO – Prehearing Order
- CFO – Confidentiality Order
- NOR – Notice of Rulemaking

(3) After the order category, the applicable industry designation shall be inserted. The industry designations are as follows:

- EI – Electric Utility – Investor Owned
- EM – Electric Utility – Municipality
- EC – Electric Utility – Rural Electric Cooperative
- EU – Electric Utility – All

- ~~EG~~ – Energy Conservation
- ~~EQ~~ – Qualifying Cogeneration Facility
- ~~GU~~ – Gas Industry
- ~~GP~~ – Gas Pipeline
- ~~TA~~ – Telephone Utility – Alternate Access Vendor
- ~~TC~~ – Telephone Utility – Coin (Pay) Telephone Company
- ~~TI~~ – Telephone Utility – Interexchange Company
- ~~TL~~ – Telephone Utility – Local Exchange Company
- ~~TS~~ – Telephone Utility – Shared Tenant Company
- ~~TX~~ – Telephone Utility – Competitive Local Exchange
- ~~TP~~ – Telephone (Communications) Industry Generally
- ~~WU~~ – Water Utility
- ~~SU~~ – Wastewater (Sewer) Utility
- ~~WS~~ – Water and Wastewater Utility
- ~~PU~~ – Public Utilities Generally – Applies to matters which pertain to two or more industries.
- ~~OT~~ – Other Matters – Administrative Matters not related to a particular industry.

Rulemaking Authority 120.53(1) FS. Law Implemented 120.53(2)-(4) FS. History—New 9-24-92, Amended 12-27-94, 12-26-01, Repealed.

25-22.104 Numbering of Orders.

Rulemaking Authority 120.53(1) FS. Law Implemented 120.53(2)-(4) FS. History—New 9-24-92, Amended 12-27-94, 12-26-01, Repealed.

25-22.105 Electronic Database of Orders and Other Records.

(1) The Commission's electronic database shall be available from the Commission's website located at www.floridapsc.com/ClerkOffice/Docket. The database shall include the ability to electronically search dockets by docket number, docket title, and document number. The ability to search by related key words (specific words, terms, and phrases) and common and colloquial words shall be available from the "advanced search" feature on the main search page of the Commission's website at <http://www.floridapsc.com/Home/Search>. Orders within this database may be searched using logical search terms that are in common usage, that are also contained within the text of the final orders, or by descriptive information about the order that may not be specifically contained in the order. From the Category drop-down selection on the "advanced search" feature for Orders, the search may optionally be further restricted. New subject headings will be added when necessary.

(2) Information shall be added to the Commission's website within 24 hours of the issuance of the document by the Office of Commission Clerk.

Rulemaking Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History—New 9-24-92, Amended 12-27-94, 2-2-10, Repealed_____.

25-22.105 Electronic Database of Orders and Other Records.

Rulemaking Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History—New 9-24-92, Amended 12-27-94, 2-2-10, Repealed_____.

25-22.107 Plan for Making Orders Available to the Public.

~~(1) The Commission shall make orders accessible and available to the public by sequentially numbering and maintaining all orders.~~

~~(2) The Office of Commission Clerk shall assist the public in obtaining information pertaining to Commission orders and may be contacted at (850)413-6770 or at Clerk@psc.state.fl.us. Questions may also be faxed to (850)717-0114.~~

~~(3) Copies of orders shall be maintained in the Office of Commission Clerk and electronically at the Commission's website, www.floridapsc.com/ClerkOffice/Docket.~~

Rulemaking Authority 120.53(2), (8) FS. Law Implemented 120.52(2) FS. History—New 9-24-92, Amended 12-27-94, 2-2-10, Repealed _____.

25-22.107 Plan for Making Orders Available to the Public.

Rulemaking Authority 120.53(2), (8) FS. Law Implemented 120.52(2) FS. History—New 9-24-92, Amended 12-27-94, 2-2-10, Repealed _____.

25-22.033 Communications Between Commission Employees and Parties.

The Commission recognizes that Commission employees must exchange information with parties who have an interest in Commission proceedings. However, the Commission also recognizes that all parties to adjudicatory proceedings need to be notified and given an opportunity to participate in certain communications. The intent of this rule is not to prevent or hinder in any way the exchange of information, but to provide all parties to adjudicatory proceedings notification of and the opportunity to participate in certain communications.

(1) This rule shall govern communications between Commission employees and parties to docketed proceedings before the Commission. This rule shall not apply in proceedings under Sections 120.54, 120.565, 367.0814, F.S., proposed agency action proceedings before the Commission has voted to issue a proposed agency action order, non-rate case tariffs, workshops or internal affairs meetings. Also exempted are docketed and undocketed audits, telephone service evaluations, and electric and gas safety inspections. Nothing in this rule is intended to modify or supersede the procedural requirements for formal discovery under the Commission's rules and applicable provisions of the Florida Rules of Civil Procedure, or affect communications regarding discovery requests, procedure, or other matters not concerned with the merits of a case.

(2) Written Communications – Notice of any written communication between Commission employees and parties shall be transmitted to all other parties at the same time as the written communication, whether by U.S. Mail or other means.

(3) Scheduled Meetings and Conference Calls – All parties to the proceeding shall be given reasonable notice of the time and place of any scheduled meeting or conference call between Commission employees and parties. For purposes of this subsection, a conference call is defined as a telephone call involving three or more persons.

(4) Response to Communications – Any party to a proceeding may prepare a written response to any communication between a Commission employee and another party. Notice of any such response shall be transmitted to all parties.

(5) Prohibited Communications – No Commission employee shall directly or indirectly relay to a Commissioner any communication from a party or an interested person which would otherwise be a prohibited ex parte communication under Section 350.042, F.S. Nothing in this subsection shall preclude non-testifying advisory staff members from discussing the merits of a pending case with a Commissioner, provided the communication is not otherwise prohibited by law. However, a staff member who testifies in a case shall not discuss the merits of that case

~~with any Commissioner during the pendency of that case.~~

*Rulemaking Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57, 350.042 FS. History—New
3-24-93, Repealed.*

25-22.033 Communications Between Commission Employees and Parties.

*Rulemaking Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57, 350.042 FS. History—New
3-24-93, Repealed.*