

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed repeal of Chapter 25-25, F.A.C., concerning purchasing procedures; proposed repeal of Rule 25-22.002, F.A.C., Agenda of Meetings; proposed 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., concerning management of records; and proposed repeal of Rule 25-22.033, F.A.C., Communications Between Commission Employees and Parties.

DOCKET NO. 20220127-PU **FOF** **M 9/13/22**  
ORDER NO. PSC-2022-0318-~~NOR~~-PU  
ISSUED: September 8, 2022

The following Commissioners participated in the disposition of this matter:

ANDREW GILES FAY, Chairman  
ART GRAHAM  
GARY F. CLARK  
MIKE LA ROSA  
GABRIELLA PASSIDOMO

NOTICE OF REPEAL OF RULES

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has repealed Rules 25-22.002, 25-22.100, 25-22.101, 25-22.1035, 25-22.104, 25-22.105, 25-22.107, and 25-22.033, Florida Administrative Code.

The rule repeals were filed with the Department of State on September 7, 2022, and will be effective on September 27, 2022. A copy of the rules as filed with the Department is attached to this Notice.

This docket is closed upon issuance of this Notice.

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FOR  
at  
9/15/22

By ORDER of the Florida Public Service Commission this 8th day of September, 2022.



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ADAM J. TEITZMAN

Commission Clerk

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

(850) 413-6770

[www.floridapsc.com](http://www.floridapsc.com)

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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**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*Amended 4-18-94, 5-3-99, Repealed \_\_\_\_\_.*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*Amended 4-18-94, 5-3-99, Repealed \_\_\_\_\_.*

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**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*

**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*

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**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

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- 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 \_\_\_\_\_.*

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**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](http://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](mailto: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](http://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.*

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**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 \_\_\_\_\_.*

**25-22.1035 Official Reporter for Final Orders.**

~~The official reporter of the Florida Public Service Commission shall be its website [www.floridapsc.com/ClerkOffice/Docket](http://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.*