

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rule 25-30.455,
F.A.C., Staff Assistance in Rate Cases; Rule
25-30.456, F.A.C., Staff Assistance in
Alternate Rate Setting; and Rule 35-30.457,
F.A.C., Limited Alternative Rate Increase.

DOCKET NO. 20230025-WS
ORDER NO. PSC-2023-0120-NOR-WS
ISSUED: April 6, 2023

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 PROPOSED RULE

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has proposed the amendment of Rules 25-30.455, 25-30.456, and 25-30.457, Florida Administrative Code, relating to staff assistance in ratemaking for water and wastewater utilities.

The attached Notice of Proposed Rules appeared in the April 6, 2023, edition (Vol. 49, Number 67) of the Florida Administrative Register.

If timely requested, a hearing will be held at a time and place to be announced in a future notice.

Requests for hearing on the proposed rules, information regarding the statement of estimated regulatory costs, or proposals for a lower cost regulatory alternative must be provided in writing and received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than April 27, 2023.

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By ORDER of the Florida Public Service Commission this 6th day of April, 2023.



ADAM J. TETZMAN
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
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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Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

SELECT A TYPE: Amendment

RULE NO: RULE TITLE:

25-30.455: Staff Assistance in Rate Cases

25-30.456: Staff Assistance in Alternative Rate Setting

25-30.457: Limited Alternative Rate Increase

PURPOSE AND EFFECT: To update and clarify the rules, and to reflect the adjustment to the gross annual revenue level required by section 367.814(1), Florida Statutes.

Docket No. 20230025-WS

SUMMARY: The proposed amendments to Rules 25-30.455, 25-30.456, and 25-30.457 F.A.C., will increase the gross annual revenue limit that determines eligibility for water and wastewater utilities to receive staff assistance from \$300,000 or less, to \$335,000 or less, per system. Additionally, the proposed amendments to Rules 25-30.455, and 25-30.456, F.A.C., will increase the total gross annual operating revenue threshold from \$600,000 or less, to \$670,000 or less, on a combined basis.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency. The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendments will not have an adverse impact on economic growth, business competitiveness, or small business and that there would likely be transactional cost savings to the individual and entities, including government entities, required to comply with the rule.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs based upon the information contained in the SERC.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: [350.127\(2\)](#), [367.0814](#), [367.121 F.S.](#)

LAW IMPLEMENTED: [367.0814 F.S.](#)

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Sapoznikoff, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6630, Susan.Sapoznikoff@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES:

25-30.455 Staff Assistance in Rate Cases.

(1) Water and wastewater utilities whose total gross annual operating revenues are \$335,000 ~~\$300,000~~ or less for water service or \$335,000 ~~\$300,000~~ or less for wastewater service, or \$670,000 ~~\$600,000~~ or less on a combined basis, may file with the Office of Commission Clerk an application for staff assistance in rate applications by submitting a completed staff assisted rate case application. Reasonable and prudent rate case expense is eligible for recovery through the rates developed by staff. Recovery of attorney fees and outside consultant fees related to the rate case is determined based on the requirements set forth in Section 367.0814(3), F.S. To be eligible for staff assistance under this rule:

(a) through (c) No change.

(2) through (13) No change.

Rulemaking Authority 350.127(2), 367.0814, 367.121 FS. Law Implemented 367.0814 FS. History—New 12-8-80, Formerly 25-10.180, Amended 11-10-86, 8-26-91, 11-30-93, 1-31-00, 12-16-08, 8-10-14, 2-19-17, 7-1-18, 12-8-21, _____.

25-30.456 Staff Assistance in Alternative Rate Setting.

(1) As an alternative to a staff assisted rate case as described in Rule 25-30.455, F.A.C., water and wastewater

utilities whose total gross annual operating revenues are \$335,000 ~~\$300,000~~ or less for water service or \$335,000 ~~\$300,000~~ or less for wastewater service, or \$670,000 ~~\$600,000~~ or less on a combined basis, may file with the Office of Commission Clerk an application for staff assistance in alternative rate setting by submitting a completed staff assisted application for alternative rate setting. To be eligible for staff assistance under this rule:

(a) through (c) No change.

(2) through (18) No change.

Rulemaking Authority 350.127(2), 367.0814, 367.121 FS. Law Implemented 367.0814 FS. History—New 11-30-93, Amended 1-31-00, 12-16-08, 8-10-14, 7-1-18, 12-8-21, _____.

25-30.457 Limited Alternative Rate Increase.

(1) As an alternative to a staff assisted rate case as described in Rule 25-30.455, F.A.C., or to staff assistance in alternative rate setting as described in Rule 25-30.456, F.A.C., water utilities whose total gross annual operating revenues are \$335,000 ~~\$300,000~~ or less for water service and wastewater utilities whose total gross annual operating revenues are \$335,000 ~~\$300,000~~ or less for wastewater service may file with the Office of Commission Clerk an application for a limited alternative rate increase of up to 20 percent applied to metered or flat recurring rates of all classes of service.

(2) through (10) No change.

Rulemaking Authority 350.127(2), 367.0814, 367.121 FS. Law Implemented 367.0814 FS. History—New 3-15-05, Amended 12-16-08, 8-10-14, 7-1-18, 6-2-20, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Curt Mouring

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 49, Number 13;
January 20, 2023.