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STATE OF FLORIDA



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

# Public Service Commission

April 6, 2023

Kenneth J. Plante, Coordinator  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 West Madison Street  
Tallahassee, FL 32399-1400  
japc@leg.state.fl.us

VIA EMAIL

**Re: Docket No. 20230025-WS; Proposed amendment of Rules 25-30.455, 25-30.456, and 25-30.457, F.A.C., related to staff assisted ratemaking for water and wastewater utilities**

Dear Mr. Plante:

Enclosed are the following materials concerning the above referenced proposed rule(s):

1. A copy of the proposed rules.
2. A copy of all materials incorporated by reference in the proposed rules.

Rule 25-30.455

- Form PSC/AFD 2-W (11/86) (Rev. 06/14)

Rule 25-30.456

- Form PSC/AFD 25 (11/93) (Rev. 06/14)

Rule 25-30.457

- Form PSC 1025 (03/20)

3. A copy of the F.A.R. notice.
4. A statement of facts and circumstances justifying the proposed rules.
5. A federal standards statement.

Mr. Kenneth J. Plante  
April 6, 2023  
Page 2

6. Statement of Estimated Regulatory Costs for the rules.

Please contact me at [Susan.Sapoznikoff@psc.state.fl.us](mailto:Susan.Sapoznikoff@psc.state.fl.us) or 850-413-6630 if you have any questions regarding these rules.

Sincerely,

*/s/ Susan Sapoznikoff*

Susan Sapoznikoff  
Senior Attorney

Enclosures: as noted

cc: Office of Commission Clerk

1 **25-30.455 Staff Assistance in Rate Cases.**

2 (1) Water and wastewater utilities whose total gross annual operating revenues are \$335,000  
3 ~~\$300,000~~ or less for water service or \$335,000 ~~\$300,000~~ or less for wastewater service, or  
4 \$670,000 ~~\$600,000~~ or less on a combined basis, may file with the Office of Commission Clerk  
5 an application for staff assistance in rate applications by submitting a completed staff assisted  
6 rate case application. Reasonable and prudent rate case expense is eligible for recovery  
7 through the rates developed by staff. Recovery of attorney fees and outside consultant fees  
8 related to the rate case is determined based on the requirements set forth in Section  
9 367.0814(3), F.S. To be eligible for staff assistance under this rule:

10 (a) The applicant or utility owner must have at least one year of experience operating the  
11 utility for which the rate increase is being requested;

12 (b) The utility must be in compliance with its annual report filing in accordance with  
13 subsection 25-30.110(3), F.A.C.; and

14 (c) The utility must have paid all required regulatory assessment fees or must be current on  
15 any approved regulatory assessment fee payment plan.

16 (2) The appropriate application form, Commission Form PSC/AFD 2-W (11/86) (Rev. 06/14),  
17 entitled "Application for a Staff Assisted Rate Case," is incorporated into this rule by  
18 reference and is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-04415>.

19 The form is also available on the Commission's website, [www.floridapsc.com](http://www.floridapsc.com).

20 (3) Upon completion of the form, the applicant shall file it with the Office of Commission  
21 Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee,  
22 Florida 32399-0870.

23 (4)(a) Within 30 days of receipt of the completed application, the Commission will evaluate  
24 the application and determine the applicant's eligibility for staff assistance.

25 (b) If the Commission has received four or more applications in the previous 30 days; or, if the

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1 Commission has 20 or more docketed staff assisted rate cases in active status on the date the  
2 application is received, the Commission will deny initial evaluation of an application for staff  
3 assistance and close the docket. When an application is denied under the provisions of this  
4 paragraph, the Commission staff will notify the applicant of the date on which the application  
5 may be resubmitted.

6 (c) Initially, determinations of eligibility will be conditional, pending an examination of the  
7 condition of the applicant's books and records.

8 (5) Upon making its final determination of eligibility, the Commission staff will notify the  
9 applicant in writing as to whether the application is officially accepted or denied. If the  
10 application is accepted, a staff assisted rate case will be initiated. If the application is denied,  
11 the notification of application denial will state the deficiencies in the application.

12 (6) The date of Commission staff's written notification to the utility that the utility is eligible  
13 for staff assistance under this rule will be considered the date of official acceptance of the  
14 application by the Commission. The official date of filing is 30 days after the official  
15 acceptance of the application by the Commission staff.

16 (7) The application is deemed denied if the utility does not remit the filing fee, as provided by  
17 paragraph 25-30.020(2)(f), F.A.C., within 30 days after official acceptance.

18 (8) An applicant may request reconsideration of the application denial within 15 days of  
19 receipt of notification that the application is denied. The request will be decided by the full  
20 Commission.

21 (9) A substantially affected person may file a petition to protest the Commission's proposed  
22 agency action in a staff assisted rate case within 21 days of issuance of the Notice of Proposed  
23 Agency Action Order, as set forth in Rule 28-106.111, F.A.C.

24 (10) A petition to protest the Commission's proposed agency action must conform to Rule 28-  
25 106.201, F.A.C.

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from existing law.

1 (11) In the event of a protest of the Commission’s Notice of Proposed Agency Action Order in  
2 a staff assisted rate case, the utility must:

3 (a) Provide prefiled direct testimony in accordance with the Order Establishing Procedure  
4 issued in the case. At a minimum, that testimony must adopt the Commission’s Proposed  
5 Agency Action Order;

6 (b) Sponsor a witness to support source documentation provided to the Commission staff in its  
7 preparation of the staff audit, the staff engineering and accounting report and the staff  
8 proposed agency action recommendation in the case;

9 (c) Include in its testimony the necessary factual information to support its position on any  
10 issue that it chooses to take a position different than that contained in the Commission’s  
11 Proposed Agency Action Order; and,

12 (d) Meet all other requirements of the Order Establishing Procedure.

13 (12) Failure to comply with the dates established in the Order Establishing Procedure, or to  
14 timely file a request for extension of time for good cause shown, may result in dismissal of the  
15 staff assisted rate case and closure of the docket.

16 (13) In the event of a protest of the Commission’s Proposed Agency Action Order in a staff  
17 assisted rate case, the Commission staff will:

18 (a) File prefiled direct testimony to explain its analysis in the staff proposed agency action  
19 recommendation. In the event the staff wishes to alter its position on any issue, it will provide  
20 factual testimony to support its changed position;

21 (b) Meet all other requirements of the Order Establishing Procedure; and,

22 (c) Provide to the utility materials to assist the utility in the preparation of its testimony and  
23 exhibits. This material will consist of an example of testimony filed by a utility in another  
24 case, an example of testimony that would support the Proposed Agency Action Order in this  
25 case, an example of an exhibit filed in another case, and examples of prehearing statements

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1 and briefs filed in other cases.  
2 *Rulemaking Authority 350.127(2), 367.0814, 367.121 FS. Law Implemented 367.0814 FS.*  
3 *History—New 12-8-80, Formerly 25-10.180, Amended 11-10-86, 8-26-91, 11-30-93, 1-31-00,*  
4 *12-16-08, 8-10-14, 2-19-17, 7-1-18, 12-8-21, \_\_\_\_\_.*

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1 **25-30.456 Staff Assistance in Alternative Rate Setting.**

2 (1) As an alternative to a staff assisted rate case as described in Rule 25-30.455, F.A.C., water  
3 and wastewater utilities whose total gross annual operating revenues are ~~\$335,000~~ ~~\$300,000~~ or  
4 less for water service or ~~\$335,000~~ ~~\$300,000~~ or less for wastewater service, or ~~\$670,000~~  
5 ~~\$600,000~~ or less on a combined basis, may file with the Office of Commission Clerk an  
6 application for staff assistance in alternative rate setting by submitting a completed staff  
7 assisted application for alternative rate setting. To be eligible for staff assistance under this  
8 rule:

9 (a) The applicant or utility owner must have at least one year of experience operating the  
10 utility for which the rate increase is being requested;

11 (b) The utility must be in compliance with its annual report filing in accordance with  
12 subsection 25-30.110(3), F.A.C.; and

13 (c) The utility must have paid all required regulatory assessment fees or must be current on  
14 any approved regulatory assessment fee payment plan.

15 (2) The application form, Commission Form PSC/AFD 25 (11/93) (Rev. 06/14), entitled  
16 “Application for Staff Assistance for Alternative Rate Setting,” is incorporated into this rule  
17 by reference and is available at: [http://www.flrules.org/Gateway/reference.asp?No=Ref-](http://www.flrules.org/Gateway/reference.asp?No=Ref-04414)  
18 [04414](http://www.flrules.org/Gateway/reference.asp?No=Ref-04414). The form is also available on the Commission’s website, [www.floridapsc.com](http://www.floridapsc.com).

19 (3) Upon completion of the form, the applicant must file it with the Office of Commission  
20 Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee,  
21 Florida 32399-0870.

22 (4)(a) Within 30 days of receipt of the completed application, the Commission will evaluate  
23 the application and determine the applicant’s eligibility for staff assistance.

24 (b) If the Commission has received four or more alternative rate setting applications in the  
25 previous 30 days; or, if the Commission has 20 or more docketed staff assisted rate cases in

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1 active status on the date the application is received, the Commission will deny initial  
2 evaluation of an application for staff assistance and close the docket. When an application is  
3 denied under the provisions of this paragraph, the Commission staff will notify the applicant  
4 of the date on which the application may be resubmitted.

5 (c) Determinations of eligibility will be conditional, pending an examination of the condition  
6 of the applicant's books and records.

7 (5) Upon making its final determination of eligibility, the Commission staff will notify the  
8 applicant in writing as to whether the application is officially accepted or denied. If the  
9 application is accepted, staff assistance in alternative rate setting will be initiated. If the  
10 application is denied, the notification of application denial will state the deficiencies in the  
11 application.

12 (6) The date of Commission staff's written notification to the utility that the utility is eligible  
13 for staff assistance under this rule will be considered the date of official acceptance of the  
14 application by the Commission. The official date of filing is 30 days after the date of official  
15 acceptance of the application.

16 (7) The application is deemed denied if the utility does not remit the filing fee, as provided by  
17 paragraph 25-30.020(2)(f), F.A.C., within 30 days after official acceptance.

18 (8) An applicant may request reconsideration of the application denial within 15 days of  
19 receipt of notification that the application is denied. The request will be decided by the full  
20 Commission.

21 (9) The Commission will, for the purposes of determining the amount of rate increase, if any,  
22 compare the operation and maintenance expenses (O & M) of the utility to test year operating  
23 revenues. The Commission will consider an allowance for return on working capital using the  
24 one-eighth of O & M formula approach.

25 (10) The Commission will limit the maximum increase in operating revenues to 50 percent of

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1 test year operating revenues.

2 (11) The Commission will vote on a proposed agency action recommendation establishing  
3 rates no later than 90 days from the official filing date as established in subsection (6) of this  
4 rule.

5 (12) A substantially affected person may file a petition to protest the Commission's Proposed  
6 Agency Action Order regarding a staff assisted alternative rate setting application within 21  
7 days of issuance of the Notice of Proposed Agency Action Order as set forth in Rule 28-  
8 106.111, F.A.C.

9 (13) A petition to protest the Commission's proposed agency action must conform to Rule 28-  
10 106.201, F.A.C.

11 (14) In the event of protest of the Proposed Agency Action Order by a substantially affected  
12 person, the rates established in the Proposed Agency Action Order may be implemented on a  
13 temporary basis, subject to refund with interest in accordance with Rule 25-30.360, F.A.C. At  
14 that time, the utility may elect to pursue rates set pursuant to the rate base determination  
15 provisions of Rule 25-30.455, F.A.C.

16 (15) In the event of a protest, the maximum increase established in subsection (10) of this rule  
17 no longer applies.

18 (16) In the event of a protest of the Commission's Proposed Agency Action Order in a staff  
19 assisted alternative rate setting application, the utility must:

20 (a) Provide prefiled direct testimony in accordance with the Order Establishing Procedure  
21 issued in the case. At a minimum, that testimony must adopt the Commission's Proposed  
22 Agency Action Order;

23 (b) Sponsor a witness to support source documentation provided to the Commission staff in its  
24 preparation of the staff engineering and accounting analysis and the staff proposed agency  
25 action recommendation in the case;

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- 1 (c) Include in its testimony the necessary factual information to support its position on any  
2 issue that it chooses to take a position different than that contained in the Commission's  
3 Proposed Agency Action Order; and,
- 4 (d) Meet all other requirements of the Order Establishing Procedure.
- 5 (17) Failure to comply with the dates established in the Order Establishing Procedure, or to  
6 timely file a request for extension of time for good cause shown, may result in dismissal of the  
7 staff assisted alternative rate setting application and closure of the docket.
- 8 (18) In the event of protest of the Commission's Proposed Agency Action Order in a staff  
9 assisted alternative rate setting application, the Commission staff will:
- 10 (a) File prefiled direct testimony to explain its analysis in the proposed agency action  
11 recommendation. In the event the staff wishes to alter its position on any issue, it will provide  
12 factual testimony to support its changed position;
- 13 (b) Meet all other requirements of the Order Establishing Procedure; and,
- 14 (c) Provide to the utility materials to assist the utility in the preparation of its testimony and  
15 exhibits. This material will consist of an example of testimony filed by a utility in another  
16 case, a sample of testimony that would support the Proposed Agency Action Order in this  
17 case, an example of an exhibit filed in another case, and examples of prehearing statements  
18 and briefs filed in other cases.

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

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1 **25-30.457 Limited Alternative Rate Increase.**

2 (1) As an alternative to a staff assisted rate case as described in Rule 25-30.455, F.A.C., or to  
3 staff assistance in alternative rate setting as described in Rule 25-30.456, F.A.C., water  
4 utilities whose total gross annual operating revenues are \$335,000 ~~\$300,000~~ or less for water  
5 service and wastewater utilities whose total gross annual operating revenues are \$335,000  
6 ~~\$300,000~~ or less for wastewater service may file with the Office of Commission Clerk an  
7 application for a limited alternative rate increase of up to 20 percent applied to metered or flat  
8 recurring rates of all classes of service.

9 (2) The application for limited alternative rate increase must contain the following  
10 information:

- 11 (a) The name of the utility as it appears on the utility's certificate and the address of the  
12 utility's principal place of business;
- 13 (b) The type of business organization under which the utility's operations are conducted;
- 14 (c) If the utility is a corporation, the date of incorporation and the names and addresses of all  
15 persons who own five percent or more of the utility's stock;
- 16 (d) If the utility is not a corporation, the names and addresses of the owners of the business;
- 17 (e) A schedule showing the annualized revenues by customer class and meter size for the most  
18 recent 12-month period using the rates in effect at the time the utility files its application;
- 19 (f) A schedule showing the current and proposed rates for all classes of customers;
- 20 (g) A statement providing the specific basis or bases for the requested rate increase;
- 21 (h) If the requested rate increase is based upon the utility's underearning or the utility's  
22 expectation to underearn, a statement explaining why the utility is, or is expected to, underearn  
23 its authorized rate of return;
- 24 (i) A statement that the figures and calculations upon which the change in rates is based are  
25 accurate and that the change will not cause the utility to exceed its last authorized rate of

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- 1 return on equity;
- 2 (j) A statement that the utility is currently in compliance with its annual report filing in  
3 accordance with subsection 25-30.110(3), F.A.C.;
- 4 (k) A statement that the utility has paid all required regulatory assessment fees or is current on  
5 any approved regulatory assessment fee payment plan;
- 6 (l) A statement that an order in a rate proceeding that established the utility's rate base, capital  
7 structure, annual operating expenses and revenues has been issued for the utility within the 7-  
8 year period prior to the official date of filing of the application; and
- 9 (m) Any additional relevant information in support of the application and reasons why the  
10 information should be considered.
- 11 (3) Within 30 days of the application's filing date, Commission staff will notify the utility in  
12 writing that the application requirements of subsection (2) of this rule have been met or that  
13 the requirements of subsection (2) have not been met with an explanation of the application's  
14 deficiencies.
- 15 (4) The date of Commission staff's written notification to the utility that the requirements of  
16 subsection (2) of this rule have been met will be considered the date of official acceptance by  
17 the Commission of the application. The official date of filing is established as 30 days after the  
18 official acceptance by the Commission of the application. The application is deemed denied if  
19 the utility does not remit the filing fee as required by paragraph 25-30.020(2)(f), F.A.C.,  
20 within 30 days after the official acceptance of the application.
- 21 (5) A financial or engineering audit of the utility's financial or engineering books and records  
22 will not be required in determining whether to approve or deny the application.
- 23 (6) Based upon the criteria contained in subsection (2), the Commission will approve, deny, or  
24 approve the application with modifications that may include a reduction or an increase in the  
25 requested rate increase, within 90 days from the official filing date as established in subsection

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1 (4) of this rule.

2 (7) Any revenue increase granted under the provisions of this rule shall be held subject to  
3 refund with interest in accordance with subsection 25-30.360(4), F.A.C. Subsection 25-  
4 30.360(6), F.A.C., does not apply to any money collected subject to refund under this  
5 subsection.

6 (8) The Commission staff will conduct an earnings review of the twelve-month period  
7 following the implementation of the revenue increase.

8 (a) At the end of the twelve-month period, the utility has 90 days to complete and file Form  
9 PSC 1025 (03/20), entitled “Limited Alternative Rate Increase Earnings Review,” which is  
10 incorporated into this rule by reference and is available at  
11 <http://www.flrules.org/Gateway/reference.asp?No=Ref-11955>.

12 (b) In the event the utility needs additional time to complete the form, the utility may request  
13 an extension of time supported by a statement of good cause that must be filed with  
14 Commission staff within seven days prior to the 90-day deadline. “Good cause” means a  
15 showing of financial hardship, unforeseen events, or other events outside the control of the  
16 utility, but does not include reasons such as management oversight.

17 (c) If the Commission staff’s earnings review demonstrates that the utility exceeded the range  
18 of its last authorized rate of return on equity, such overearnings, up to the amount held subject  
19 to refund, with interest, shall be disposed of for the benefit of the customers. If the  
20 Commission staff determines that the utility did not exceed the range of its last authorized  
21 return on equity, the revenue increase will no longer be held subject to refund.

22 (9) In the event the proposed agency action order is protested pursuant to Rule 28-106.111,  
23 F.A.C., by a substantially affected person other than the utility, the utility must file a staff  
24 assisted rate case application pursuant to Rule 25-30.455, F.A.C., within 21 days from the date  
25 the protest is filed or the utility’s application for a limited alternative rate increase will be

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1 deemed withdrawn.  
2 (10) Upon the utility filing a staff assisted rate case application pursuant to subsection (9) of  
3 this rule:  
4 (a) The utility may implement the rates established in the proposed agency action order on a  
5 temporary basis subject to refund with interest in accordance with Rule 25-30.360, F.A.C.:  
6 (b) The limit on the maximum increase provided in subsection (1) of this rule will no longer  
7 apply; and  
8 (c) The application will be processed under Rule 25-30.455, F.A.C.  
9 *Rulemaking Authority 350.127(2), 367.0814, 367.121 FS. Law Implemented 367.0814 FS.*  
10 *History—New 3-15-05, Amended 12-16-08, 8-10-14, 7-1-18, 6-2-20, \_\_\_\_\_.*

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FLORIDA PUBLIC SERVICE COMMISSION

APPLICATION FOR A  
STAFF ASSISTED RATE CASE

I. GENERAL DATA

A. Name of Utility:

B. Address:

1. Telephone Nos.: ( )

2. County:

Nearest City:

3. General Area Served:

C. Authority:

1. Water Certificate No.

Date Received:

2. Wastewater Certificate No.

Date Received:

3. Date Utility Started Operations: Water:

Wastewater:

D. How System Was Acquired:

If utility was purchased, give date

Amount Paid \$

1. Name of Seller:

2. Was seller affiliated with present owners?  Yes  No

3. Did you purchase:  Stock  or assets only

E. Type of Legal Entity:

Corporation

Partnership

Sole Proprietorship

F. Ownership & Officers:

	Name	Title	Percent Ownership
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

G. List of Associated Companies and Addresses:

H. If you have retained an attorney and/or a consultant to represent the utility for this application, furnish the name(s) and address(es):

Name:

Address:

**II. ACCOUNTING DATA**

A. Outside Accountant

- 1. Name:
- 2. Firm:
- 3. Address:
- 4. Telephone: (    )

B. Individual To Contact On Accounting Matters:

- 1. Name:
- 2. Telephone: (    )

C. Location of Books and Records:

D. Have you filed an Annual Report with the Commission?  Yes  No

Date Last Filed:

E. Has your latest Regulatory Assessment Fee Payment been made?

(January 30 or July 30 whichever is applicable)  Jan 30  July 30

F. Basic Rate Base Data: (Most recent two years)

1. Water:

	<b>20</b>	<b>20</b>
Cost of Plant In Service	\$ _____	\$ _____
Less Accumulated Depreciation	_____	_____
Less Contributed Plant	_____	_____
Net Owner's Investment	\$ _____	\$ _____



2. Wastewater:

	20	20
Cost of Plant In Service	\$ _____	\$ _____
Less Accumulated Depreciation	_____	_____
Less Contributed Plant	_____	_____
Net Owner's Investment	\$ _____	\$ _____

G. Basic Income Statement: *(Most recent two years)*

1. Water:

Revenues (By Class)

	20	20
a.	\$ _____	\$ _____
b.	_____	_____
c.	_____	_____
Total Operating Revenues:	\$ _____	\$ _____

Less Expenses:

a. Salaries & Wages - Employees	_____	_____
b. Salaries & Wages - Officers, Directors, & Majority Stockholders	_____	_____
c. Employee Pensions & Benefits	_____	_____
d. Purchased Water	_____	_____
e. Purchased Power	_____	_____
f. Fuel for Power Production	_____	_____
g. Chemicals	_____	_____
h. Materials & Supplies	_____	_____
i. Contractual Services	_____	_____
j. Rents	_____	_____
k. Transportation Expenses	_____	_____
l. Insurance Expense	_____	_____
m. Regulatory Commission Expense	_____	_____
n. Bad Debt Expense	_____	_____
o. Miscellaneous Expense	_____	_____
p. Depreciation Expense	_____	_____
q. Property Taxes	_____	_____
r. Other Taxes	_____	_____
s. Income Taxes	_____	_____
Operating Income (Loss)	\$ _____	\$ _____

2. Wastewater

	<b>20</b>	<b>20</b>
Revenues (By Class):	\$ _____	\$ _____
a.	_____	_____
b.	_____	_____
c.	_____	_____
Total Operating Revenues:	\$ <u>_____</u>	\$ <u>_____</u>
Less Expenses:		
a. Salaries & Wages - Employees	_____	_____
b. Salaries & Wages - Officers, Directors, & Majority Stockholders	_____	_____
c. Employee Pensions & Benefits	_____	_____
d. Purchased Wastewater Treatment	_____	_____
e. Sludge Removal Expense	_____	_____
f. Purchased Power	_____	_____
g. Fuel for Power Production	_____	_____
h. Chemicals	_____	_____
i. Materials & Supplies	_____	_____
j. Contractual Services	_____	_____
k. Rents	_____	_____
l. Transportation Expenses	_____	_____
m. Insurance Expense	_____	_____
n. Regulatory Commission Expense	_____	_____
o. Bad Debt Expense	_____	_____
p. Miscellaneous Expense	_____	_____
q. Depreciation Expense	_____	_____
r. Property Taxes	_____	_____
s. Other Taxes	_____	_____
t. Income Taxes	_____	_____
Operating Income (Loss)	\$ <u>_____</u>	\$ <u>_____</u>

H. Outstanding Debt:

	Date Borrowed	Balance Due	Interest Rate	Expiration Date
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

I. Indicate Type of Tax Return Filed:

- Form 1120 -Corporation
- Form 1120S -Subchapter S Corporation
- Form 1065 - Partnership
- Form 1040 - Schedule C - Individual (Proprietorship)

**III. ENGINEERING DATA**

A. Outside Engineering Consultant:

- 1. Name:
- 2. Firm:
- 3. Address:
- 4. Telephone: (    )

B. Individual to contact on engineering matters:

- 1. Name:
- 2. Telephone: (    )

C. Is the utility under citation by the Department of Environmental Protection (DEP) or County Health Department?  
If yes, explain:

D. List any known service deficiencies and steps taken to remedy problems:

E. Name of plant operator(s) and DEP operator certificate number(s) held:

F. Is the utility serving customers outside of its certificated area?  
If yes, explain:

G. Wastewater:

- 1. Gallons per day capacity of treatment facilities:
  - a. Existing:
  - b. Under Construction:
  - c. Proposed:

2. Type and make of present treatment facilities:

3. Approximate average daily flow of treatment plant effluent:

4. Approximate length of wastewater mains:

Size (diameter):					
Linear feet:					

5. Number of manholes:

6. Number of lift stations:

7. How do you measure treatment plant effluent?

8. Is the treatment plant effluent chlorinated?     Yes     No

If yes, what is the normal dosage rate?

- 9. Tap in fees – Wastewater: \$
- 10. Service availability fees – Wastewater: \$
- 11. Note DEP Treatment Plant Certificate Number and date of expiration:  
Number Expiration Date:
- 12. Total gallons treated during most recent twelve months:
- 13. Wastewater treatment purchased during most recent twelve months:

H. Water:

- 1. Gallons per day capacity of treatment facilities:
  - a. Existing:
  - b. Under Construction :
  - c. Proposed:
- 2. Type of treatment:
- 3. Approximate average daily flow of treated water:
- 4. Source of water supply:
- 5. Types of chemicals used and their normal dosage rates:

- 6. Number of wells in service:  
Total capacity in gallons per minute (gpm):

Diameter/Depth:	_____ / _____	_____ / _____	_____ / _____
Motor horsepower:	_____	_____	_____
Pump capacity (gpm):	_____	_____	_____

- 7. Reservoirs and/or hydropneumatic tanks:

Description:	_____	_____	_____
Capacity:	_____	_____	_____

- 8. High service pumping:

Motor horsepower:	_____	_____	_____	_____
Pump capacity (gpm):	_____	_____	_____	_____

- 9. How do you measure treatment plant production?

- 10. Approximate feet of water mains:

Size (diameter):	_____	_____	_____	_____
Linear feet:	_____	_____	_____	_____

- 11. Note any fire flow requirements and imposing government agency:

- 12. Number of fire hydrants in service:

- 13. Do you have a meter change out program?  No  Yes
- 14. Meter installation or tap in fees - Water \$ \_\_\_\_\_
- 15. Service availability fees - Water \$ \_\_\_\_\_
- 16. Has the existing treatment facility been approved by DEP?  No  Yes
- 17. Total gallons pumped during most recent twelve months:
- 18. Total gallons sold during most recent twelve months:
- 19. Gallons unaccounted for during most recent twelve months:
- 20. Gallons purchased during most recent twelve months:

**IV. RATE DATA**

A. Individual to contact on tariff matters:

- 1. Name:
- 2. Telephone Number: ( )

B. Schedule of present rates: (Attach additional sheets if more space is needed)

1. Water:

- a. Residential Water \_\_\_\_\_
- b. General Service \_\_\_\_\_
- c. Special Contract \_\_\_\_\_
- d. Other - Specify \_\_\_\_\_

2. Wastewater:

- a. Residential Wastewater \_\_\_\_\_
- b. General Service \_\_\_\_\_
- c. Special Contract \_\_\_\_\_
- d. Other - Specify \_\_\_\_\_

C. Number of Customers: (*Most recent two years*)

1. Water Metered	<b>20</b>	<b>20</b>
a. Residential	_____	_____
b. General Service	_____	_____
c. Special Contract	_____	_____
d. Other - Specify	_____	_____
2. Water Unmetered	<b>20</b>	<b>20</b>
a. Residential	_____	_____
b. General Service	_____	_____
c. Special Contract	_____	_____
d. Other - Specify	_____	_____
3. Wastewater	<b>20</b>	<b>20</b>
a. Residential	_____	_____
b. General Service	_____	_____
c. Special Contract	_____	_____
d. Other - Specify	_____	_____

**V. AFFIRMATION**

I, \_\_\_\_\_ the undersigned owner, officer, or partner of the above named public utility, doing business in the State of Florida and subject to the control and jurisdiction of the Florida Public Service Commission, certify that the statements set forth herein are true and correct to the best of my information, knowledge, and belief.

Signed \_\_\_\_\_

Title \_\_\_\_\_

Notice: Section 837.06, Florida Statutes, provides that any person who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his duty shall be guilty of a misdemeanor of the second degree.

**APPLICATION FOR STAFF ASSISTANCE  
FOR ALTERNATIVE RATE SETTING**

I. General Data

A. Name of utility \_\_\_\_\_

B. Address \_\_\_\_\_  
\_\_\_\_\_

1. Telephone Nos.     (     )     \_\_\_\_\_

2. County \_\_\_\_\_ Nearest City \_\_\_\_\_

3. General area served \_\_\_\_\_  
\_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

II. Accounting Data

A. Outside Accountant

1. Name \_\_\_\_\_

2. Firm \_\_\_\_\_

3. Address \_\_\_\_\_

4. Telephone     (     )     \_\_\_\_\_

B. Individual to contact on accounting matters:

1. Name \_\_\_\_\_

2. Telephone     (     )     \_\_\_\_\_

C. Location of books and records \_\_\_\_\_

D. Have you filed an Annual Report with the Commission? \_\_\_\_\_

Date last filed \_\_\_\_\_

E. Has your latest regulatory assessment fee payment been made? \_\_\_\_\_

F. Basic Rate Base Data (Most recent two years)

1. Water	20__	20__
Cost of Plant In Service:	\$ _____	\$ _____
Less Accumulated Depreciation:	_____	_____
Less Contributed Plant:	_____	_____
Net Owner's Investment:	\$ <u>_____</u>	\$ <u>_____</u>
2. Wastewater	20__	20__
Cost of Plant In Service:	\$ _____	\$ _____
Less Accumulated Depreciation:	_____	_____
Less Contributed Plant:	_____	_____
Net Owner's Investment:	\$ <u>_____</u>	\$ <u>_____</u>

G. Basic Income Statement (Most recent two years):

1. Water	20__	20__
Revenues (By Class):		
a. _____	\$ _____	\$ _____
b. _____	_____	_____
c. _____	_____	_____
Total Operating Revenues:	\$ <u>_____</u>	\$ <u>_____</u>
Less Expenses:		
a. Salaries & Wages - Employees	\$ _____	\$ _____
b. Salaries & Wages - Officers, Directors, & Majority Stockholders	_____	_____
c. Employee Pensions & Benefits	_____	_____
d. Purchased Water	_____	_____
e. Purchased Power	_____	_____
f. Fuel for Power Production	_____	_____
g. Chemicals	_____	_____
h. Materials & Supplies	_____	_____
i. Contractual Services	_____	_____
j. Rents	_____	_____
k. Transportation Expenses	_____	_____
l. Insurance Expense	_____	_____
m. Regulatory Commission Expense	_____	_____
n. Bad Debt Expense	_____	_____
o. Miscellaneous Expense	_____	_____
p. Depreciation Expense	_____	_____
q. Property Taxes	_____	_____
r. Other Taxes	_____	_____
s. Income Taxes	_____	_____
Operating Income (Loss)	\$ <u>_____</u>	\$ <u>_____</u>



2. Wastewater 20\_\_ 20\_\_

Revenues (By Class):

a. _____	_____	_____
b. _____	_____	_____
c. _____	_____	_____
Total Operating Revenues:	\$ _____	\$ _____

Less Expenses:

a. Salaries & Wages - Employees	\$ _____	\$ _____
b. Salaries & Wages - Officers, Directors, & Majority Stockholders	_____	_____
c. Employee Pensions & Benefits	_____	_____
d. Purchased Wastewater Treatment	_____	_____
e. Sludge Removal Expense	_____	_____
f. Purchased Power	_____	_____
g. Fuel for Power Production	_____	_____
h. Chemicals	_____	_____
i. Materials & Supplies	_____	_____
j. Contractual Services	_____	_____
k. Rents	_____	_____
l. Transportation Expenses	_____	_____
m. Insurance Expense	_____	_____
n. Regulatory Commission Expense	_____	_____
o. Bad Debt Expense	_____	_____
p. Miscellaneous Expense	_____	_____
q. Depreciation Expense	_____	_____
r. Property Taxes	_____	_____
s. Other Taxes	_____	_____
t. Income Taxes	_____	_____
Operating Income (Loss)	\$ _____	\$ _____

H. Outstanding Debt:

	<u>Date</u> <u>Borrowed</u>	<u>Balance</u> <u>Due</u>	<u>Interest</u> <u>Rate</u>	<u>Expiration</u> <u>Date</u>
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____

I. Indicate Type of Tax Return Filed:

- \_\_\_\_\_ Form 1120 - Corporation
- \_\_\_\_\_ Form 1120S - Subchapter S Corporation
- \_\_\_\_\_ Form 1065 - Partnership
- \_\_\_\_\_ Form 1040 - Schedule C - Individual (Proprietorship)

III. Engineering Information

A. Operator Contracted/Inhouse Services:

1. Name \_\_\_\_\_
2. Firm \_\_\_\_\_
3. Address \_\_\_\_\_
4. Telephone ( ) \_\_\_\_\_

B. Individual to contact on operational matters:

1. Name \_\_\_\_\_
2. Telephone ( ) \_\_\_\_\_

C. Is the utility under citation by the Department of Environmental Protection (DEP) or county health department? If yes, explain.

\_\_\_\_\_  
\_\_\_\_\_

D. List any known service deficiencies and steps taken to remedy problems.

\_\_\_\_\_

E. Name of plant operator (s) and DEP operator certificate number (s) held:

W \_\_\_\_\_ WW \_\_\_\_\_

F. Is the utility serving customers outside of its certificated area? \_\_\_\_\_  
If yes, explain \_\_\_\_\_

\_\_\_\_\_

G. Wastewater:

1. How do you measure treatment plant effluent? \_\_\_\_\_
2. Note DEP Operating Permit Number, date of expiration:  
Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

H. Water

1. How do you measure treatment plant production? \_\_\_\_\_
2. Note any fire flow requirements and imposing government agency \_\_\_\_\_  
\_\_\_\_\_
3. Number of fire hydrants in service \_\_\_\_\_
4. DEP ID No. \_\_\_\_\_

IV. Rate Data

A. Individual to contact on tariff matters:

- 1. Name \_\_\_\_\_
- 2. Telephone Number (\_\_\_\_) \_\_\_\_\_

B. Schedule of present rates (Attach additional sheets if more space is needed):

1. Water:

- a. Residential Water \_\_\_\_\_
- b. General Service \_\_\_\_\_
- c. Special Contract \_\_\_\_\_
- d. Other \_\_\_\_\_

2. Wastewater:

- a. Residential Wastewater \_\_\_\_\_
- b. General Service \_\_\_\_\_
- c. Special Contract \_\_\_\_\_
- d. Other \_\_\_\_\_

C. Number of Customers (Most recent two years):

- |                            |       |       |
|----------------------------|-------|-------|
| 1. Water Metered           | 20__  | 20__  |
| a. Residential             | _____ | _____ |
| b. General Service         | _____ | _____ |
| c. Special Contract        | _____ | _____ |
| d. Other - Specify         | _____ | _____ |
| 2. Water Unmetered         | 20__  | 20__  |
| a. Residential             | _____ | _____ |
| b. General Service         | _____ | _____ |
| c. Special Contract        | _____ | _____ |
| d. Other - Specify         | _____ | _____ |
| 3. Wastewater              | 20__  | 20__  |
| a. Residential - Metered   | _____ | _____ |
| b. Residential - Unmetered | _____ | _____ |
| c. General Service         | _____ | _____ |
| d. Special Contract        | _____ | _____ |
| e. Other - Specify         | _____ | _____ |

V. Affirmation

I, \_\_\_\_\_ the undersigned owner, officer, or partner of the above named public utility, doing business in the State of Florida and subject to the control and jurisdiction of the Florida Public Service Commission, certify that the statements set forth herein are true and correct to the best of my information, knowledge and belief.

Signed \_\_\_\_\_

Title \_\_\_\_\_

Notice: Section 837.06, Florida Statutes, provides that any person who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his duty shall be guilty of a misdemeanor of the second degree.

FLORIDA PUBLIC SERVICE COMMISSION  
LIMITED ALTERNATIVE RATE INCREASE EARNINGS REVIEW

The 12-month period following the implementation of the revenue increase should be used for the purposes of completing this form.

<b>Utility Name</b> _____	<b>Schedule No. 1-A</b>
<b>Schedule of Water Rate Base</b>	
<b>12-Month Period Ended</b> _____	
<b>Description</b>	<b>Per Utility</b>
1 Plant in Service	_____
2 Land and Land Rights	_____
3 Non-used and Useful Components (1)	_____
4 Accumulated Depreciation	_____
5 Contribution in Aid of Construction (CIAC)	_____
6 Amortization of CIAC	_____
7 Net Debit Deferred Income Taxes	_____
8 Advances for Construction	_____
9 Working Capital Allowance	_____
10 Acquisition Adjustments (2)	_____
11 Accumulated Amortization of Acquisition Adjustments	_____
12 <b>Rate Base</b>	=====
Notes:	
(1) Estimate based on the methodology used in the last rate proceeding.	
(2) Include only those Acquisition Adjustments that have been approved by the Commission.	

Utility Name _____		Schedule No. 1-B
Schedule of Wastewater Rate Base		
12-Month Period Ended _____		
Description	Per	Utility
1 Plant in Service	_____	
2 Land and Land Rights	_____	
3 Non-used and Useful Components (1)	_____	
4 Accumulated Depreciation	_____	
5 Contribution in Aid of Construction (CIAC)	_____	
6 Amortization of CIAC	_____	
7 Net Debit Deferred Income Taxes	_____	
8 Advances for Construction	_____	
9 Working Capital Allowance	_____	
10 Acquisition Adjustments (2)	_____	
11 Accumulated Amortization of Acquisition Adjustments	_____	
12 <b>Rate Base</b>	=====	
Notes:		
(1) Estimate based on the methodology used in the last rate proceeding.		
(2) Include only those Acquisition Adjustments that have been approved by the Commission.		

Utility Name \_\_\_\_\_

Schedule No. 2

**Schedule of Current Cost of Capital**

12-Month Period Ended \_\_\_\_\_

Class of Capital (a)	Dollar Amount (b)	Percentage of Capital (c)	Actual Cost Rates (d)	Weighted Cost (e) = (c x d)
Common Equity	_____	_____	_____	_____
Preferred Stock	_____	_____	_____	_____
Long-Term Debt	_____	_____	_____	_____
Short-Term Debt	_____	_____	_____	_____
Customer Deposits	_____	_____	_____	_____
Tax Credits - Zero Cost	_____	_____	_____	_____
Tax Credits - Weighted Cost	_____	_____	_____	_____
Deferred Income Taxes	_____	_____	_____	_____
Other (Explain)	_____	_____	_____	_____
Total	=====	=====	=====	=====

Notes:

(1) Consistent with the methodology used in the last rate proceeding.

(2) Upper limit of the last authorized return on equity or current leverage if none has been established.

Utility Name _____		Schedule No. 3-A
Statement of Water Operations		
12-Month Period Ended _____		
Description	Per Utility	
1 <b>Operating Revenues :</b>	_____	
<b>Operating Expenses</b>		
2 Operation & Maintenance	_____	
3 Depreciation	_____	
4 Amortization	_____	
5 Taxes Other Than Income	_____	
6 Income Taxes	_____	
7 <b>Total Operating Expense</b>	_____	
8 <b>Operating Income</b>	=====	

Utility Name _____		Schedule No. 3-B
Statement of Wastewater Operations		
12-Month Period Ended _____		
Description	Per Utility	
1 <b>Operating Revenues :</b>	_____	
<b>Operating Expenses</b>		
2 Operation & Maintenance	_____	
3 Depreciation	_____	
4 Amortization	_____	
5 Taxes Other Than Income	_____	
6 Income Taxes	_____	
7 <b>Total Operating Expense</b>	_____	
8 <b>Operating Income</b>	=====	



Utility Name _____	Schedule No. 4-A
Analysis of Water Operation and Maintenance Expense	
12-Month Period Ended _____	
	Per Utility
(601) Salaries and Wages - Employees	_____
(603) Salaries and Wages - Officers	_____
(604) Employee Pensions and Benefits	_____
(610) Purchased Water	_____
(615) Purchased Power	_____
(616) Fuel for Power Production	_____
(618) Chemicals	_____
(620) Materials and Supplies	_____
(630) Contractual Services - Billing	_____
(631) Contractual Services - Professional	_____
(635) Contractual Services - Testing	_____
(636) Contractual Services - Other	_____
(640) Rents	_____
(650) Transportation Expense	_____
(655) Insurance Expense	_____
(665) Regulatory Commission Expense	_____
(670) Bad Debt Expense	_____
(675) Miscellaneous Expense	_____
Total	=====

Utility Name _____	Schedule No. 4-B
Analysis of Wastewater Operation and Maintenance Expense	
12-Month Period Ended _____	
	Per Utility
(701) Salaries and Wages - Employees	_____
(703) Salaries and Wages - Officers	_____
(704) Employee Pensions and Benefits	_____
(710) Purchased Sewage Treatment	_____
(711) Sludge Removal Expense	_____
(715) Purchased Power	_____
(716) Fuel for Power Production	_____
(718) Chemicals	_____
(720) Materials and Supplies	_____
(730) Contractual Services - Billing	_____
(731) Contractual Services - Professional	_____
(735) Contractual Services - Testing	_____
(736) Contractual Services - Other	_____
(740) Rents	_____
(750) Transportation Expense	_____
(755) Insurance Expense	_____
(765) Regulatory Commission Expense	_____
(770) Bad Debt Expense	_____
(775) Miscellaneous Expense	_____
Total	=====

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](mailto: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.

STATEMENT OF FACTS AND CIRCUMSTANCES  
JUSTIFYING RULE

Rule 25-30.455, Florida Administrative Code (F.A.C.) addresses the requirements and procedures for water and wastewater utilities to petition the Florida Public Service Commission (Commission) for staff assistance in rate cases. Rule 25-30.456, F.A.C., addresses the requirements and procedures for water and wastewater utilities to petition the Commission for staff assistance in alternative rate setting. Rule 25-30.457, F.A.C., addresses the requirements and procedures for water and wastewater utilities to obtain staff assistance for a limited alternative rate increase.

These three rules set forth the upper gross annual revenue limits for determining eligibility for water and wastewater utilities to receive staff assistance. Subsection 367.0814(1), Florida Statutes (F.S.), required the Commission to adjust the gross annual revenue limits effective July 1, 2013, and then do so every five years thereafter, using the most recent cumulative five years of the price index established by the Commission pursuant to subsection 367.081(4), F.S.

To comply with the statutory mandate set forth in subsection 367.0814(1), F.S., staff initiated this rulemaking to adjust the gross annual revenue thresholds for staff-assisted rate cases. The proposed adjustment is to increase the gross annual operating revenue eligibility from \$300,000 or less to \$335,000 or less, per system type, or from \$600,000 or less to \$670,000 or less, when a combined basis is allowed.

STATEMENT ON FEDERAL STANDARDS

There are no federal standards for these rules.



# 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-**

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**DATE:** February 24, 2023

**TO:** Susan Sapoznikoff, Senior Attorney, Office of the General Counsel

**FROM:** Sevini K. Guffey, Public Utility Analyst III, Division of Economics *SKG*

**RE:** Statement of Estimated Regulatory Costs for Proposed Amendment of Rules 25-30.455, 25-30.456, and 25-30.457, Florida Administrative Code (F.A.C.)

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Rules 25-30.455, 25-30.456, and 25-30.457, F.A.C., applicable to water and wastewater utilities, are being amended to increase the upper threshold for eligibility for staff assistance in rate case applications. Specifically, the recommended revisions update adjustments to the gross annual revenue level required by Section 367.0814(1), Florida Statutes (F.S.). The referenced statute requires that the gross annual revenue threshold level be adjusted on July 1, 2013, and every five years thereafter, based on the most recent cumulative five years of the price index established by the Commission pursuant to Section 367.081(4)(a), F.S.

Rule 25-30.455, F.A.C., Staff Assistance in Rate Cases, defines the eligibility requirements for a water or wastewater utility to qualify for a Staff Assisted Rate Case (SARC). The recommended rule revisions increase the upper threshold of total gross annual operating revenues from \$300,000 to \$335,000 or less for water or wastewater utilities, or from \$600,000 to \$670,000 or less on a combined basis.

Rule 25-30.456, F.A.C., Staff Assistance in Alternative Rate Setting, defines the eligibility requirements for a water or wastewater utility to qualify for staff assistance in alternative rate setting. The alternative rate setting process is less detailed than that conducted for a SARC and limits the maximum increase in operating revenues to 50 percent of test year operating revenues. The recommended rule revisions increase the upper threshold of total gross annual operating revenues from \$300,000 to \$335,000 or less for water or wastewater utilities, or from \$600,000 to \$670,000 or less on a combined basis.

Rule 25-30.457, F.A.C., Limited Alternative Rate Increase, allows for a limited alternative procedure to a SARC. This procedure is less detailed than that conducted for a SARC and may allow for a limited alternative rate increase of up to 20 percent applied to metered or flat recurring rates of all classes of service. The recommended rule revisions increase the upper threshold of total gross annual operating revenues from \$300,000 to \$335,000 or less for water or wastewater utilities, or from \$600,000 to \$670,000 or less on a combined basis.

The utilities affected by the recommended rule revisions potentially may achieve cost savings as a result of lower rate case expenses. No workshop was requested in conjunction with the

recommended rule revisions. No regulatory alternatives were submitted pursuant to Section 120.541(2)(g), F.S. None of the impact/cost criteria established in Sections 120.541(2)(a), (c), (d), and (e), F.S., will be exceeded as a result of the recommended revisions.

cc: SERC file

FLORIDA PUBLIC SERVICE COMMISSION  
STATEMENT OF ESTIMATED REGULATORY COSTS  
Rule 25-30.455, F.A.C., Staff Assistance in Rate Cases; Rule 25-30.456, F.A.C., Staff Assistance in Alternative Rate Setting; and Rule 25-30.457, F.A.C., Limited Alternative Rate Increase.

1. Will the proposed rule have an adverse impact on small business? [120.541(1)(b), F.S.] (See Section E., below, for definition of small business.)

Yes

No

If the answer to Question 1 is “yes”, see comments in Section E.

2. Is the proposed rule likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after implementation of the rule? [120.541(1)(b), F.S.]

Yes

No

If the answer to either question above is “yes”, a Statement of Estimated Regulatory Costs (SERC) must be prepared. The SERC shall include an economic analysis showing:

A. Whether the rule directly or indirectly:

(1) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)1, F.S.]

Economic growth Yes  No

Private-sector job creation or employment Yes  No

Private-sector investment Yes  No

(2) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)2, F.S.]

Business competitiveness (including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets) Yes  No

Productivity Yes  No

Innovation Yes  No



(3) Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule? [120.541(2)(a)3, F.S.]

Yes

No

Economic Analysis: Rules 25-30.455, 25-30.456, and 25-30.457, F.A.C., applicable to water and wastewater utilities, are being amended to increase the upper threshold for eligibility for staff assistance in rate case applications. The recommended revisions would benefit the qualifying utilities. There are no anticipated new costs to the utilities as a result of the recommended rule revisions.

B. A good faith estimate of: [120.541(2)(b), F.S.]

(1) The number of individuals and entities likely to be required to comply with the rule.

The amended rule will apply to approximately 83 water utilities and 58 wastewater utilities that qualify for staff assisted rate cases.

(2) A general description of the types of individuals likely to be affected by the rule.

The affected individuals would be the customers of the above stated utilities.

C. A good faith estimate of: [120.541(2)(c), F.S.]

(1) The cost to the Commission to implement and enforce the rule.

None. To be done with the current workload and existing staff.

Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

(2) The cost to any other state and local government entity to implement and enforce the rule.

None. The rule will only affect the Commission.

Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

(3) Any anticipated effect on state or local revenues.

- None.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

D. A good faith estimate of the transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rule. "Transactional costs" include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used, procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring or reporting, and any other costs necessary to comply with the rule. [120.541(2)(d), F.S.]

- None. The rule will only affect the Commission.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

E. An analysis of the impact on small businesses, and small counties and small cities: [120.541(2)(e), F.S.]

(1) "Small business" is defined by Section 288.703, F.S., as an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

- No adverse impact on small business.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(2) A "Small City" is defined by Section 120.52, F.S., as any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial

census. A “small county” is defined by Section 120.52, F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

- No impact on small cities or small counties.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

F. Any additional information that the Commission determines may be useful.  
[120.541(2)(f), F.S.]

- None.

Additional Information:

G. A description of any regulatory alternatives submitted and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule. [120.541(2)(g), F.S.]

- No regulatory alternatives were submitted.
- A regulatory alternative was received from
  - Adopted in its entirety.
  - Rejected. Describe what alternative was rejected and provide a statement of the reason for rejecting that alternative.