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STATE OF FLORIDA



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

# Public Service Commission

December 21, 2023

Ms. Anya Owens  
Florida Department of State  
Administrative Code and Register Section  
The Capitol, Room 701,  
Tallahassee, FL 32399-0250

VIA EMAIL  
AdministrativeCode@DOS.MyFlorida.com

**Re: Technical change to Rule 25-30.420 Establishment of Price Index, Adjustment of Rates; Requirement of Bond; Filings After Adjustment; Notice to Customers**

Dear Ms. Owens:

Please make the following technical change to Rule 25-30.420, as reflected in the attached version of the rule.

In paragraph (2)(d): ...by subsection (65);

The technical change is to correct a reference to the wrong paragraph.

Please contact me with any questions at (850) 413-6630 or Susan.Sapoznikoff@psc.state.fl.us.

Sincerely,

/s/ Susan Sapoznikoff  
Susan Sapoznikoff  
Senior Attorney

cc: Jamie L. Jackson, Chief Attorney, JAPC (via email)  
Commission Clerk

1       **25-30.420 Establishment of Price Index, Adjustment of Rates; Requirement of Bond; Filings After**  
2 **Adjustment; Notice to Customers.**

3       (1) On or before March 31 of each year, the Commission will establish a price increase or decrease index as  
4 required by Section 367.081(4)(a), F.S. The Commission's Division of Accounting and Finance will email each  
5 regulated water and wastewater utility a copy of the proposed agency action order establishing the index for the  
6 year and a copy of Form PSC 1022 (5/22), entitled "Price Index Application," which is incorporated into this rule  
7 by reference and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-15175> and the  
8 Commission's Division of Accounting and Finance. Utilities may request a hard copy of the index application  
9 from the Commission's Division of Accounting and Finance. Applications for the newly established price index  
10 will be accepted from April 1 of the year the index is established through March 31 of the following year.

11       (a) The index will be applied to all operation and maintenance expenses, except for amortization of rate case  
12 expense, costs subject to pass-through adjustments pursuant to Section 367.081(4)(b), F.S., and adjustments or  
13 disallowances made in a utility's most recent rate proceeding.

14       (b) In establishing the price index, the Commission will consider cost statistics compiled by government  
15 agencies or bodies, cost data supplied by utility companies or other interested parties, and applicable wage and  
16 price guidelines.

17       (2) Any utility seeking to increase or decrease its rates based upon the application of the index established  
18 pursuant to subsection (1) and as authorized by Section 367.081(4)(a), F.S., must file a notice of intention and the  
19 materials listed in paragraphs (a) through (i) below with the Commission's Division of Accounting and Finance  
20 either by mail at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399 or by email at  
21 [Applications@psc.state.fl.us](mailto:Applications@psc.state.fl.us) at least 60 days prior to the effective date of the increase or decrease. Form PSC  
22 1022 (5/22) is an example application that may be completed by the applicant to comply with this subsection.  
23 The adjustment in rates will take effect on the date specified in the notice of intention unless the Commission  
24 finds that the notice of intention or accompanying materials do not comply with Section 367.081(4), F.S. or this  
25 rule. The notice must be accompanied by:

CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions  
from existing law.

- 1 (a) Revised tariff sheets;
- 2 (b) A computation schedule showing the increase or decrease in annual revenue that will result when the  
3 index is applied;
- 4 (c) The affirmation required by Section 367.081(4)(c), F.S.;
- 5 (d) A copy of the notice to customers required by subsection (65);
- 6 (e) The rate of return on equity that the utility is affirming it will not exceed pursuant to Section  
7 367.081(4)(c), F.S.;
- 8 (f) An annualized revenue figure for the test year used in the index calculation reflecting the rate change,  
9 along with an explanation of the calculation, if there has been any change in the utility's rates during or  
10 subsequent to the test year;
- 11 (g) The utility's Department of Environmental Protection Public Water System identification number and  
12 Wastewater Treatment Plant Operating Permit number;
- 13 (h) A statement that the utility does not have any active written complaints, corrective orders, consent orders,  
14 or outstanding citations with the Department of Environmental Protection or the County Health Department(s) or  
15 that the utility does have active written complaints, corrective orders, consent orders, or outstanding citations  
16 with the Department of Environmental Protection or the County Health Department(s);
- 17 (i) A copy of any active written complaints, corrective orders, consent orders, or outstanding citations with  
18 the Department of Environmental Protection or the County Health Department(s).
- 19 (3) If the Commission, upon its own motion, implements an increase or decrease in the rates of a utility  
20 based upon the application of the index established pursuant to subsection (1) and as authorized by Section  
21 367.081(4)(a), F.S., the Commission will require a utility to file the information required in subsection (2).
- 22 (4) Upon a finding of good cause, the Commission will require that a rate increase pursuant to Section  
23 367.081(4)(a), F.S., be implemented under a bond or corporate undertaking in the same manner as interim rates.  
24 For purposes of this subsection, "good cause" will include:
- 25 (a) Inadequate service by the utility;

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1 (b) Inadequate record-keeping by the utility such that the Commission is unable to determine whether the  
2 utility is entitled to implement the rate increase or decrease under this rule.

3 (5) Prior to the time a customer begins consumption at the rates established by application of the index, the  
4 utility shall notify each customer of the increase or decrease authorized and explain the reasons therefore.

5 (6) A utility is prohibited from filing a notice of intention pursuant to this rule unless the utility has filed with  
6 the Commission an annual report as required by subsection 25-30.110(3), F.A.C., for the test year specified in the  
7 order establishing the index for the year.

8 (7) A utility is prohibited from implementing a rate increase pursuant to this rule within one year of the  
9 official date that it filed a rate proceeding, unless the rate proceeding has been completed or terminated.

10 *Rulemaking Authority 350.127(2), 367.081(4)(a), 367.121(1)(c), (f) FS. Law Implemented 367.081(4),*  
11 *367.121(1)(c), (g) FS. History—New 4-5-81, Amended 9-16-82, Formerly 25-10.185, Amended 11-10-86, 6-5-91,*  
12 *4-18-99, 12-11-03, 9-3-19, 2-15-23, \_\_\_\_*

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