



BEN ALBRITTON
President of the Senate

STATE OF FLORIDA
OFFICE OF PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
SUITE 812
TALLAHASSEE, FLORIDA 32399-1400
850-488-9330

EMAIL: OPC_WEBSITE@LEG.STATE.FL.US
WWW.FLORIDAOPC.GOV



DANIEL PEREZ
Speaker of the House of Representatives

May 12, 2026

Ms. Susan Sapoznikoff, Senior Attorney
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: 20260040-OT Proposed Amendment Of Rules 25-6.003, F.A.C., Definitions; 25-30.255, F.A.C., Measurement Of Service For Water Utilities; And 25-30.434, F.A.C., Application For Allowance For Funds Prudently Invested (AFPI) Charges; And Proposed Repeal Of Rules 25-9.020, F.A.C., Front Cover, 25- 9.060, F.A.C., Front Cover; 25-9.071, F.A.C., Back Cover; And 25-30.010, F.A.C., Rules For General Application

Dear Ms. Sapoznikoff:

On March 24, 2026, the Florida Public Service Commission (“PSC” or “Commission”) issued its Notice of Development of Rulemaking regarding Amendment of Rules 25-6.003, F.A.C., Definitions; 25-30.255, F.A.C., Measurement Of Service For Water Utilities; And 25-30.434, F.A.C., Application For Allowance For Funds Prudently Invested (AFPI) Charges; And Proposed Repeal Of Rules 25-9.020, F.A.C., Front Cover, 25- 9.060, F.A.C., Front Cover; 25-9.071, F.A.C., Back Cover; And 25-30.010, F.A.C., Rules For General Application. By letter dated April 8, 2026, the Office of Public Counsel (“OPC”) requested a workshop on the proposed changes to the current Rule 25-30.434, Application For Allowance For Funds Prudently Invested (AFPI) Charges. By email dated April 23, 2026, the OPC forwarded the Commission Staff its proposed “type and strike” changes to Rule 25-30.117, F.A.C. in Docket No. 20260036-OT and Rule 25-30.434, F.A.C. in Docket No. 20260040-OT. The purpose of this letter is to memorialize additional comments related to Rule 25-30.434, F.A.C., in the docket file for Docket No. 20260040-OT.

Staff proposed the following “type and strike” changes to subsection (3)(d) are as follows: “The charge must shall be calculated for one equivalent residential connection (ERC) on a monthly basis up to the time the utility reaches the designed capacity of the plant for which the charge applies. The charges shall cease when the plant has reached its designed capacity or if the plant is abandoned or retired.” The OPC agrees with these proposed changes. However, if and when the above amendment to this subsection becomes effective, the OPC would note that there is at least one utility that currently has an AFPI charge in effect that should cease.

On page 3 of Order No. PSC-17-0209-PAA-WU (Bocilla Order), issued May 30, 2017, the Commission recognized that “[o]n October 23, 2014, the Utility provided affirmation to the DEP that it removed its water treatment facility from service and became a consecutive user.” However, on page 31 of the Bocilla Order, the Commission approved the existing AFPI charge at that time despite the fact the associated water treatment facility was retired from service. Thus, consistent with the amendments to subsection (3)(d) of Rule 25-30.434, F.A.C., as well as if and when this proposed rule becomes effective, the Commission should take appropriate measures to order, on a prospective basis, the cessation of the currently authorized AFPI charges for Bocilla Utilities, Inc.

Respectfully submitted,

/s/ *Bart Fletcher*

Bart Fletcher
Legislative Analyst