

I. Meeting Packet



State of Florida
Public Service Commission
INTERNAL AFFAIRS AGENDA
Wednesday – September 8, 2021
Immediately Following Agenda Conference
Room 148 – Betty Easley Conference Center

1. Draft 2021 Regulatory Plan (Attachment 1)
2. General Counsel's Report
3. Executive Director's Report
4. Other Matters

BB/aml

OUTSIDE PERSONS WISHING TO ADDRESS THE COMMISSION ON
ANY OF THE AGENDAED ITEMS SHOULD CONTACT THE
OFFICE OF THE EXECUTIVE DIRECTOR AT (850) 413-6463.

State of Florida



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-

DATE: August 31, 2021
TO: Braulio L. Baez, Executive Director
FROM: Kathryn G.W. Cowdery, Senior Attorney, Office of the General Counsel
RE: Florida Public Service Commission 2021 Regulatory Plan

CRITICAL INFORMATION: Please place on the September 8, 2021 Internal Affairs.

Commission approval is sought

Pursuant to Section 120.74(1), Florida Statutes (F.S.), the Commission must prepare a regulatory plan by October 1 of each year. The plan must include a listing of each law enacted or amended during the previous 12 months that creates or modifies the duties or authority of the agency. The Commission must also include a listing of each statute which the Commission expects to implement by rulemaking before July 1, 2022, and must include any update to the 2020 Regulatory Plan. The plan must also include a certification verifying that the persons executing the certification have reviewed the plan and that the agency regularly reviews its rules to determine consistency with the agency's rulemaking authority and the laws implemented.

Section 120.74(2), F.S., requires that by October 1 of each year, the regulatory plan must be published on the Commission's website and electronically delivered to the Joint Administrative Procedures Committee (JAPC). Also by October 1, the Commission must publish a notice in the Florida Administrative Register that gives the date the Regulatory Plan was published on the Commission's website.

In order to comply with the statutory October 1, 2021 deadline, staff is seeking Commission approval of the 2021 Regulatory Plan at the September 8, 2021 Internal Affairs. The transmittal letter to JAPC contains the certification required by Section 120.74(1)(d), F.S. The list of laws that create or modify the Commission's duties or authority is attached to the certification letter as Attachment A. Attachment B to the certification letter is the Commission's list of laws that it expects to implement through rule adoption, amendment, or repeal before July 1, 2022. The Commission's report that it has no laws or updates to the 2020 Regulatory Plan is Attachment C to the certification letter.

Cc: Keith Hetrick, General Counsel
Apryl Lynn, Deputy Executive Director, Administrative
Mark Futrell, Deputy Executive Director, Technical

STATE OF FLORIDA

GARY F. CLARK
CHAIRMAN



Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
(850) 413-6038

Public Service Commission

September __, 2021

DELIVERED VIA E-MAIL

DRAFT

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

Re: Florida Public Service Commission's 2021 Regulatory Plan

Dear Mr. Plante:

The Florida Public Service Commission (Commission) hereby files its 2021 Regulatory Plan pursuant to Section 120.74, Florida Statutes (F.S.).

Section 120.74(1)(a), F.S., requires a listing of each law enacted or amended during the previous 12 months which creates or modifies the duties or authority of the agency. For each law listed under paragraph (a), the plan must state whether rule adoption is required to implement the law, and if so, whether a notice of rule development has been published and the date by which the agency expects to publish the notice of proposed rule. The Commission's report of laws pursuant to Section 120.74(1)(a), F.S., is attached hereto as Attachment A.

Section 120.74(1)(b), F.S., states that the regulatory plan must also include a listing of each law not listed pursuant to Section 120.74(1)(a), F.S., that the agency expects to implement by rulemaking before the following July 1. For each law listed under paragraph (b), the plan must state whether the rulemaking is intended to simplify, clarify, increase efficiency, improve coordination with other agencies, reduce costs, or delete obsolete, unnecessary, or redundant rules. The Commission's report of laws pursuant to Section 120.74(1)(b), F.S., is attached hereto as Attachment B.

Section 120.74(1)(c), F.S., requires an identification and listing of laws that were previously identified in a prior year's regulatory plan as requiring rulemaking to implement, but for which a notice of proposed rule has not been published. The Commission has no laws or

Mr. Kenneth J. Plante

September __, 2021

Page 2

updates to report pursuant to Section 120.74 (1)(c), F.S. The Commission's report that it has no laws or updates to the 2020 Regulatory Plan is attached hereto as Attachment C.

Section 120.74(1)(d), F.S., requires the plan to include a certification. Pursuant to Section 120.74(1)(d), F.S., we hereby verify that we have reviewed the attached regulatory plan. We further verify that the Commission regularly reviews all of its rules and that the Commission's rules were most recently reviewed for the period July 2, 2017, through August 1, 2020, to determine if the rules remain consistent with the Commission's rulemaking authority and the laws implemented.

GARY F. CLARK
Chairman
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770

KEITH HETRICK
General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770

Enclosures

KGWC

LAWS CREATING OR MODIFYING DUTIES OR AUTHORITY
SECTION 120.74(1)(a), F.S.

Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
Section 119.07(9), F.S., provides that after receiving a request to inspect or copy a record, an agency may not respond by filing a declaratory relief action against the requester to determine whether the record is a public record, confidential or exempt. (S0400; Ch. 2021-173, Laws of Florida)	No	N/A	N/A	Applies to all agencies. The statute is specific as to the public record exemption and is self executing.
Section 119.071(1)(f), F.S., amends the general exemption from inspection or copying of public records concerning certain data processing software. (S7028; Ch. 2021-105, Laws of Florida)	No	N/A	N/A	Applies to all agencies. The statute is specific as to the public record exemption and is self executing.
Section 119.071(4)(d)2.u., F.S., General exemption from inspection or copying of public records; exempts personal information of certain staff of certified domestic violence centers. (S0068; Ch. 2021-48, Laws of Florida)	No	N/A	N/A	Applies to all agencies. The statute is specific as to the public record exemption and is self executing.
Section 119.071(5)(k), F.S., exemption from inspection or copying of public records for information held by an agency if service member submits specified request and statement to the agency, expired pursuant to its own terms, eff. Oct. 2, 2020. (S0310; Ch. 2021-52, Laws of Florida)	No	N/A	N/A	Applies to all agencies. The Commission has no rules concerning this exemption and therefore its expiration requires no rulemaking.

FLORIDA PUBLIC SERVICE COMMISSION
ATTACHMENT A
2021 REGULATORY PLAN

LAWS CREATING OR MODIFYING DUTIES OR AUTHORITY
SECTION 120.74(1)(a), F.S.

Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
Section 119.0715, F.S., is created to exempt trade secrets held by agencies from public record requirements; provides that an agency employee is not liable for the release of certain records. (H1055; Ch. 2021-223, Laws of Florida)	No	N/A	N/A	Applies to all agencies. The statute is specific as to all requirements and is self executing
Section 120.80(13)(g), F.S., exempts from legislative ratification requirements those rules adopted by the Commission to implement Sections 366.04(8) and (9) and 366.97, F.S., concerning pole attachments. (S1944; Ch. 2021-191, Laws of Florida)	No	N/A	N/A	The statute is specific as to all requirements and is self executing.
Section 282.319, F.S., creates the Florida Cybersecurity Advisory Council under DMS and requires a PSC representative to serve as a member of the council. (H1297; Ch. 2021-234, Laws of Florida)	No	N/A	N/A	The statute is specific as to all requirements and is self executing.
Section 286.101, F.S., An act relating to foreign influence; requires state agencies to disclose certain gifts or grants received from any foreign source. (H7017; Ch. 2021-76, Laws of Florida)	No	N/A	N/A	Applies to all agencies. The statute is specific as to all requirements and is self executing.

FLORIDA PUBLIC SERVICE COMMISSION
ATTACHMENT A
2021 REGULATORY PLAN

LAWS CREATING OR MODIFYING DUTIES OR AUTHORITY
SECTION 120.74(1)(a), F.S.

Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
Section 288.860, F.S., International cultural agreements, prohibits state agencies from participating in certain agreements or accepting certain grants from a foreign country of concern. (H7017; Ch. 2021-76, Laws of Florida)	No	N/A	N/A	Applies to all agencies. The statute is specific as to all requirements and is self executing.
Section 350.01, F.S., exempts from public records and public meetings requirements of 286.011 and 24(b), Art. I of the State Constitution, those portions of a hearing conducted by the Commission containing proprietary confidential business information that is confidential or exempt from Section 119.07(1) under Sections 364.183, 366.093, 367.156, or 368.108, F.S. (H1311; Ch. 2021-72, Laws of Florida)	No	N/A	N/A	The statute is specific as to all requirements and is self executing, and therefore rulemaking is not necessary to implement the statute.
Section 366.02, F.S., defines terms relevant to pole attachment provisions in Sections 366.04 and 366.97, F.S. (S1944; Ch. 2021-191, Laws of Florida)	No	N/A	N/A	The statute provides specific definitions and is self executing, and therefore rulemaking is not necessary to implement the statute.

FLORIDA PUBLIC SERVICE COMMISSION
ATTACHMENT A
2021 REGULATORY PLAN

LAWS CREATING OR MODIFYING DUTIES OR AUTHORITY
SECTION 120.74(1)(a), F.S.

Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
Section 366.04(8), F.S., concerning certain pole attachments, requires the Commission to regulate rates, charges, terms and conditions and to hear and resolve complaints. (S1944; Ch. 2021-191, Laws of Florida)	Yes. The Commission is required to adopt procedural rules.	08/17/21	No later than 01/01/22	N/A
Section 366.04(9), F.S., requires the Commission to regulate the safety, vegetation management, repair, replacement, maintenance, relocation, emergency response, and storm restoration for certain poles of communication services providers; addresses confidentiality. (S1944; Ch. 2021-191, Laws of Florida)	Yes. The Commission is required to adopt rules to implement this section.	No later than 11/01/21	No later than 04/01/22	N/A
Section 366.097, F.S., Redundant poles and transfer of ownership, provides that upon petition by a pole owner or an attaching entity, the PSC may issue orders enforcing this section which do not expressly relate to circuit court jurisdiction. (S1944; Ch. 2021-191, Laws of Florida)	No	N/A	N/A	The statute is specific as to the Commission's authority and is self executing, and therefore rulemaking is not necessary to implement the statute.

FLORIDA PUBLIC SERVICE COMMISSION
ATTACHMENT A
2021 REGULATORY PLAN

LAWS CREATING OR MODIFYING DUTIES OR AUTHORITY
SECTION 120.74(1)(a), F.S.

Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
Section 366.8255, F.S., establishes certain wastewater reuse system costs as an environmental compliance cost and eligible for electric utilities to seek approval to recover such costs through the environmental cost recovery clause. (H1051; Ch. 2021-222, Laws of Florida)	No	N/A	N/A	The statute is specific as to the Commission's authority and is self executing, and therefore rulemaking is not necessary to implement the statute.
Section 366.91, F.S., Renewable energy, is amended to authorize the Commission to approve cost recovery by a gas public utility for certain contracts for purchase of renewable natural gas. (S0896; Ch. 2021-178, Laws of Florida)	No	N/A	N/A	The statute is specific and contains all necessary requirements for cost recovery, and therefore rulemaking is not necessary to implement the statute.
Section 366.92(2)(b), F.S., amends the definition of "renewable energy" to include renewable natural gas as defined in Section 366.91, F.S. (2021). (S0896; Ch. 2021-178, Laws of Florida)	No	N/A	N/A	The statute provides a specific definition and therefore rulemaking is not necessary to implement the statute.

FLORIDA PUBLIC SERVICE COMMISSION
 ATTACHMENT A
 2021 REGULATORY PLAN

LAWS CREATING OR MODIFYING DUTIES OR AUTHORITY
 SECTION 120.74(1)(a), F.S.

Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
Section 381.00316, F.S., prohibits a governmental entity from requiring persons to provide any documentation certifying COVID-19 vaccination or post-infection recovery to gain access to, entry upon, or service from the governmental entity’s operations; provides for fines. (S2006; Ch. 2021-008, Laws of Florida)	No	N/A	N/A	The statute imposes specific requirements and does not give the Commission any rulemaking authority.

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY
SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 120.52, F.S.	To consider whether to repeal Rule 25-22.107, F.A.C., Plan for Making Orders Available to the Public, and move to the Commission's Statement of Agency Organization and Operations
Section 120.53, F.S.	<p>To consider whether to repeal Rule 25-22.100, F.A.C., Authority, and move to the Commission's Statement of Agency Organization and Operations</p> <p>To consider whether to repeal Rule 25-22.101, F.A.C., Purpose, and move to the Commission's Statement of Agency Organization and Operations</p> <p>To consider whether to repeal Rule 25-22.1035, F.A.C., Official Reporter for Final Orders, and move to the Commission's Statement of Agency Organization and Operations</p> <p>To consider whether to repeal Rule 25-22.104, F.A.C., Numbering of Orders, and move to the Commission's Statement of Agency Organization and Operations</p> <p>To consider whether to repeal Rule 25-22.105, F.A.C., Electronic Database of Orders and Other Records, and move to the Commission's Statement of Agency Organization and Operations</p>
Section 120.569, F.S.	To amend or repeal Rule 25-22.033, F.A.C., Communications Between Commission Employees and Parties, to eliminate language that duplicates language in the Commission's Administrative Procedures Manual, Uniform Rules of Procedure, and Section 120.66, F.S.
Section 120.57, F.S.	To amend or repeal Rule 25-22.033, F.A.C., Communications Between Commission Employees and Parties, to eliminate language that duplicates language in the Commission's Administrative Procedures Manual, Uniform Rules of Procedure, and Section 120.66, F.S.
Section 350.042, F.S.	To amend or repeal Rule 25-22.033, F.A.C., Communications Between Commission Employees and Parties, to eliminate language that duplicates language in the Commission's Administrative Procedures Manual, Uniform Rules of Procedure, and Section 120.66, F.S.
Section 350.115, F.S.	To amend Rule 25-6.0142, F.A.C., Uniform Retirement Units for Electric Utilities, to update the Code of Federal Regulations reference in subsection (1) and to include a link to the F.A.C. website for the List of Retirement Units that is incorporated by reference in subsection (3)

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY
SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 350.121, F.S.	To amend paragraph (4)(a) of Rule 25-22.006, F.A.C., Confidential Information, to change the number of copies required to be filed to be consistent with current filing requirements
Section 364.183, F.S.	To amend paragraph (4)(a) of Rule 25-22.006, F.A.C., Confidential Information, to change the number of copies required to be filed to be consistent with current filing requirements
Section 366.03, F.S.	To amend Rule 25-6.109, F.A.C., Refunds, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal
Section 366.04, F.S.	To amend Rule 25-14.012, F.A.C., Accounting for Postretirement Benefits Other Than Pensions, to remove references to obsolete accounting standards
Section 366.04(1), F.S.	To amend Rule 25-6.109, F.A.C., Refunds, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal
Section 366.04(2), F.S.	To amend Rule 25-6.0435, F.A.C., Interim Rate Relief, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal To amend Rule 25-6.109, F.A.C., Refunds, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal
Section 366.04(8), F.S.	To adopt procedural rules to implement Section 366.04(8), F.S. (2021), that requires the Commission to regulate and enforce rates, charges, terms, and conditions for pole attachments through the resolution of complaints between pole owners and attaching entities
Section 366.04(9), F.S.	To adopt rules to implement Section 366.04(9), F.S. (2021), that requires the Commission to regulate the safety, vegetation management, repair, replacement, maintenance, relocation, emergency response, and storm restoration requirements for poles of communication services providers
Section 366.041, F.S.	To amend Rule 25-6.0142, F.A.C., Uniform Retirement Units for Electric Utilities, to update the Code of Federal Regulations reference in subsection (1) and to include a link to the F.A.C. website for the List of Retirement Units that is incorporated by reference in subsection (3)

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY
SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 366.05, F.S.	<p>To adopt Rule 25-6.04355, F.A.C., Effective Date of Approved Rates and Charges for Investor-Owned Electric Utilities, to address when a utility's approved rates and charges are effective and when the utility may begin applying approved rates and charges to a customer's bill for service rendered</p> <p>To adopt Rule 25-7.0405, F.A.C., Effective Date of Approved Rates and Charges for Investor-Owned Natural Gas Utilities., to address when a utility's approved rates and charges are effective and when the utility may begin applying approved rates and charges to a customer's bill for service rendered</p> <p>To repeal Rule 25-14.004, F.A.C., Effect of Parent Debt on Federal Corporate Income Tax, as obsolete</p> <p>To amend Rule 25-14.013, F.A.C., Accounting for Deferred Income Taxes Under SFAS 109, to remove references to obsolete accounting standards and replace references to obsolete standards with specific requirements</p> <p>To amend Rule 25-14.014, F.A.C., Accounting for Asset Retirement Obligations Under SFAS 143, to remove references to obsolete accounting standards</p>
Section 366.06, F.S.	<p>To amend Rule 25-6.0142, F.A.C., Uniform Retirement Units for Electric Utilities, to update the Code of Federal Regulations reference in subsection (1) and to include a link to the F.A.C. website for the List of Retirement Units that is incorporated by reference in subsection (3)</p> <p>To amend Rule 25-6.0435, F.A.C., Interim Rate Relief, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p> <p>To adopt Rule 25-6.04355, F.A.C., Effective Date of Approved Rates and Charges for Investor-Owned Electric Utilities, to address when a utility's approved rates and charges are effective and when the utility may begin applying approved rates and charges to a customer's bill for service rendered</p> <p>To amend Rule 25-6.109, F.A.C., Refunds, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p> <p>To amend Rule 25-7.040, F.A.C., Interim Rate Relief, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p>

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY
SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 366.06, F.S. (Cont.)	<p>To adopt Rule 25-7.0405, F.A.C., Effective Date of Approved Rates and Charges for Investor-Owned Natural Gas Utilities, to address when a utility's approved rates and charges are effective and when the utility may begin applying approved rates and charges to a customer's bill for service rendered</p> <p>To amend Rule 25-7.091, F.A.C., Refunds, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p>
Section 366.07, F.S.	To amend Rule 25-6.109, F.A.C., Refunds, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal
Section 366.071, F.S.	<p>To amend Rule 25-6.0435, F.A.C., Interim Rate Relief, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p> <p>To amend Rule 25-6.109, F.A.C., Refunds, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p> <p>To amend Rule 25-7.040, F.A.C., Interim Rate Relief, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p> <p>To amend Rule 25-7.091, F.A.C., Refunds, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p>
Section 366.093, F.S.	To amend paragraph (4)(a) of Rule 25-22.006, F.A.C., Confidential Information, to change the number of copies required to be filed to be consistent with current filing requirements
Section 366.82, F.S.	To amend Rule 25-17.0021, F.A.C., Goals for Electric Utilities, to update rule requirements
Section 367.071, F.S.	To amend Rule 25-30.0371, F.A.C., Acquisition Adjustments, to update the rule to address current industry practices
Section 367.081, F.S.	To amend Rule 25-30.0371, F.A.C., Acquisition Adjustments, to update the rule to address current industry practice

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY
SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 367.081, F.S. (Cont.)	<p>To amend Rule 25-30.360, Refunds, F.A.C., to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p> <p>To amend Rule 25-30.433, F.A.C., Rate Case Proceedings, to update rule requirements</p> <p>To amend Rule 25-30.445, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding, to reduce the number of paper copies required to be filed and clarify requirements</p>
Section 367.0812, F.S.	<p>To amend Rule 25-30.433, F.A.C., Rate Case Proceedings, to update rule requirements</p> <p>To amend Rule 25-30.445, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding to reduce the number of paper copies required to be filed and clarify requirements</p>
Section 367.0814, F.S.	<p>To amend Rule 25-30.360, Refunds, F.A.C., to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p> <p>To amend Rule 25-30.433, F.A.C., Rate Case Proceedings, to update rule requirements</p> <p>To amend Rule 25-30.455, F.A.C., Staff Assistance in Rate Cases, to clarify rule requirements</p> <p>To amend Rule 25-30.456, F.A.C., Staff Assistance in Alternative Rate Setting, to clarify rule requirements</p>
Section 367.082, F.S.	<p>To amend Rule 25-30.360, Refunds, F.A.C., to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p>
Section 367.0822, F.S.	<p>To amend Rule 25-30.433, F.A.C., Rate Case Proceedings, to update rule requirements</p>

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY
SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 367.0822, F.S. (Cont.)	<p>To amend Rule 25-30.445, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding, to reduce the number of paper copies required to be filed and clarify requirements</p> <p>To amend Rule 25-30.446, F.A.C., Notice of and Public Information for Application for Limited Proceeding Rate Increase, to replace paper copy notification requirements with electronic access to documents and to clarify rule language</p>
Section 367.083, F.S.	To amend Rule 25-30.025, F.A.C., Official Date of Filing, to change the person responsible for determining the official date of filing
Section 367.091, F.S.	To amend Rule 25-30.4345, F.A.C., Notice of Requests for New or Revised Service Availability Charges or Policies and Notice of Requests for Allowance for Funds Prudently Invested (AFPI) Charges, to update public inspection requirements concerning on-line access to documents
Section 367.101, F.S.	<p>To amend Rule 25-30.4345, F.A.C., Notice of Requests for New or Revised Service Availability Charges or Policies and Notice of Requests for Allowance for Funds Prudently Invested (AFPI) Charges, to update public inspection requirements concerning on-line access to documents</p> <p>To amend Rule 25-30.565, F.A.C., Application for Approval of New or Revised Service Availability Policy or Charges, to reduce the number of paper copies required to be filed, and replace public inspection paper copies with electronic access to the application</p>
Section 367.111, F.S.	To amend Rule 25-30.4345, F.A.C., Notice of Requests for New or Revised Service Availability Charges or Policies and Notice of Requests for Allowance for Funds Prudently Invested (AFPI) Charges, to update public inspection requirements concerning on-line access to documents
Section 367.121, F.S.	<p>To repeal Rule 25-14.004, F.A.C., Effect of Parent Debt on Federal Corporate Income Tax, as obsolete</p> <p>To amend Rule 25-14.012, F.A.C., Accounting for Postretirement Benefits Other Than Pensions, to remove references to obsolete accounting standards</p> <p>To amend Rule 25-14.013, F.A.C., Accounting for Deferred Income Taxes Under SFAS 109, to remove references to obsolete accounting standards and replace references to obsolete standards with specific requirements</p>

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY
SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 367.121, F.S. (Cont.)	<p>To amend Rule 25-14.014, F.A.C., Accounting for Asset Retirement Obligations Under SFAS 143, to remove references to obsolete accounting standards</p> <p>To amend Rule 25-30.0371, F.A.C., Acquisition Adjustments, to update rule to address current industry practices</p> <p>To amend Rule 25-30.117, F.A.C., Accounting for Pension Costs, to remove references to obsolete accounting standards and replace references to obsolete standards with specific requirements</p> <p>To amend Rule 25-30.445, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding to reduce the number of paper copies required to be filed and clarify requirements</p> <p>To amend Rule 25-30.446, F.A.C., Notice of and Public Information for Application for Limited Proceeding Rate Increase, to replace paper copy notification requirements with electronic access to documents and to clarify rule language</p>
Section 367.1213, F.S.	To amend Rule 25-30.433, F.A.C., Rate Case Proceedings, to update rule requirements
Section 367.145, F.S.	To amend Rule 25-30.445, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding to reduce the number of paper copies required to be filed and clarify requirements
Section 367.156, F.S.	To amend paragraph (4)(a) of Rule 25-22.006, F.A.C., Confidential Information, to change the number of copies required to be filed to be consistent with current filing requirements
Section 368.03, F.S.	To amend Rule 25-12.005, F.A.C., Codes and Standards Adopted, to reflect current 49 CFR parts 191, 192, and 199
Section 368.05, F.S.	To amend Rule 25-12.005, F.A.C., Codes and Standards Adopted, to reflect current 49 CFR parts 191, 192, and 199
Section 368.108, F.S.	To amend paragraph (4)(a) of Rule 25-22.006, F.A.C., Confidential Information, to change the number of copies required to be filed to be consistent with current filing requirements

UPDATES TO 2020 REGULATORY PLAN – SECTION 120.74(1)(c), F.S..

The Commission has no laws or updates to the 2020 Regulatory Plan to report pursuant to Section 120.74(1)(c), F.S.

III. Supplemental Materials for Internal Affairs

Note: The records reflect that there were no supplemental materials provided to the Commission during this Internal Affairs meeting.

IV. Transcript

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PROCEEDINGS: INTERNAL AFFAIRS

COMMISSIONERS
PARTICIPATING: CHAIRMAN GARY F. CLARK
COMMISSIONER ART GRAHAM
COMMISSIONER ANDREW GILES FAY
COMMISSIONER MIKE LA ROSA
COMMISSIONER GABRIELLA PASSIDOMO

DATE: Wednesday, September 8, 2021

TIME: Commenced: 10:00 a.m.
Concluded: 10:13 a.m.

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: ANDREA KOMARIDIS WRAY
Court Reporter and
Notary Public in and for
the State of Florida at Large

PREMIER REPORTING
112 W. 5TH AVENUE
TALLAHASSEE, FLORIDA
(850) 894-0828

1 PROCEEDINGS

2 CHAIRMAN CLARK: All right. Good morning.
3 We'll call the Internal Affairs meeting to order.
4 Same players, same hats, right?

5 All right. We're going to begin this morning
6 with the draft regulatory plan. Ms. Calgary, are
7 you going to present -- Ms. Cowdery -- I'm sorry --
8 are you going to present that?

9 MS. COWDERY: Yes. Good morning,
10 Commissioners. Staff is seeking approval of the
11 Commission's 2021 regulatory plan reporting on
12 rulemaking for the upcoming year.

13 Section 120.74, Florida Statutes, requires the
14 Commission to prepare this regulatory plan and
15 submit the plan to the Joint Administrative
16 Procedures Committee by October 1st.

17 A certification -- certification by the
18 Chairman and the general counsel that they have
19 reviewed the plan and that the Commission regularly
20 reviews its rules for correctness is required.

21 The plan must be posted on the Commission
22 website and the certification submitted to the
23 Joint Administrative Procedures Committee by
24 October 1st.

25 We plan to work with the Chairman's office to

1 submit the certification letter to the Joint
2 Administrative Procedures Committee and ask for
3 administrative authority to correct any scrivener's
4 errors, as necessary, before posting.

5 Staff is available to answer any questions.

6 CHAIRMAN CLARK: All right. Thank you,
7 Ms. Cowdery.

8 Commissioners, do you have any questions or
9 comments on the draft regulatory plan?

10 All right. We need a motion to approve.

11 COMMISSIONER FAY: Mr. Chairman, I move to
12 accept the report.

13 CHAIRMAN CLARK: All right. Do I have a
14 second?

15 COMMISSIONER La ROSA: Second.

16 CHAIRMAN CLARK: Motion and a second.

17 Any discussion?

18 On the motion, all in favor, say aye.

19 (Chorus of ayes.)

20 CHAIRMAN CLARK: Any opposed?

21 Motion carries.

22 Thank you very much.

23 All right. Next -- thank you very much,

24 Ms. Cowdery.

25 Next up is the general counsel's report.

1 MS. HELTON: There is no general counsel's
2 report this morning.

3 CHAIRMAN CLARK: Thank you very much.

4 Mr. Baez.

5 MR. BAEZ: Good morning, Chairman. Good
6 morning, Commissioners. I have three real quick
7 items for you today. Apropos of the rule plan, you
8 know that the regular session -- this past regular
9 session, Senate Bill 1944 was enacted related to
10 utility poles and -- and -- utility and
11 communications poles.

12 Part of the implementation of that legislation
13 became effective July 1st. And staff has held its
14 first rule shop -- rule workshop for rule
15 development this past Wednesday, September 1st.

16 A draft procedural rule concerning pole-
17 attachment complaints -- that's -- that's one-half
18 of -- of the bill -- of the substance of the
19 bill -- is -- was the subject of the discussion.
20 And we are awaiting comments from the interested
21 parties, which are due on September 15th.

22 That particular piece of the rulemaking is due
23 for proposal by January 1st of this coming year.
24 That -- to be clear, that's the part on pole-
25 attachment complaints.

1 Separately, the statute requires the
2 Commission to propose a rule for adoption by
3 April 1st of 2022, on pole inspections; that being
4 the vegetation management, et cetera, for pole
5 owners.

6 We have opened a docket -- it's Docket
7 No. 20210138 -- for this part of the rulemaking.
8 And we expect to issue a notice in -- in the coming
9 couple of weeks or so for a rule development
10 workshop concerning that portion of the
11 legislation.

12 Any questions --

13 CHAIRMAN CLARK: Any questions --

14 MR. BAEZ: -- before I move on?

15 No? Okay.

16 Second item up, just a reminder that, on
17 September 15th, the Agency will be filing its LBR
18 for the 2022-'23 fiscal year. We've been to visit
19 with each of you and read you the particulars.

20 Generally, it's a flat budget. We're not --
21 we don't have -- we're not carrying any items
22 through the LBR. And just wanted to let you know
23 that we're -- we're -- it's in formatting and we're
24 ready to upload on September 15th.

25 If you have any questions -- thank you.

1 CHAIRMAN CLARK: Questions?

2 MR. BAEZ: Lastly, something I wanted to bring
3 to your attention on -- it's -- it's a legislative
4 issue as well. We were contacted -- I think it was
5 either last week or the week before -- by Senate
6 staff and -- inquiring or -- or they told us of
7 their intention to run up a proposed committee bill
8 and asked us to help them with cleaning up Life- --
9 the Lifeline statute. That's 364.10.

10 That -- this is language that we have proposed
11 in prior sessions. It hasn't -- hadn't gotten any
12 traction, and so, it's really cleanup; it's not
13 substantive language. We have provided that to
14 the -- to the Senate staff. And I believe part of
15 it's already in drafting.

16 Briefly, it -- it really seeks just to conform
17 the Florida Statutes to what is the actuality on
18 the ground of things like minimum eligibility
19 requirements that are out of sync with federal law
20 and also to clean up what the current
21 responsibilities of each of the agencies that are
22 involved; for example, OPC, in this case, the
23 Commission as well, Department of Education.

24 There are responsibilities that have -- that
25 have gone away, but that are still reflected in

1 state law. So, in a -- in a -- our suggestion has
2 been -- since 2016, I believe -- is to clean up the
3 statute as -- as -- as happens, as a matter of
4 course, but like I said, that hasn't really met
5 with any success, but at the request of Senate
6 subcommittee staff, we're cooperating with them.

7 Again, part of that, just in full disclosure,
8 is we'd be trying to help with a sponsor on the --
9 on the House side. Normally, we wouldn't do this
10 but for cooperating with our legislative committee
11 staff.

12 I had a meeting -- and the legislative team --
13 we had a meeting with the advisors and answered
14 their questions. If you have questions now, we've
15 provided your offices with the draft language
16 that's already in possession at the Senate
17 subcommittee, Senate staff, with -- with the
18 type-and-strike. So, if you've got questions on
19 that, I'd be happy to answer -- or Kaley.

20 CHAIRMAN CLARK: All right. I -- I had a
21 chance to look over it. It looks very, very
22 simple. It seems to me there's not a controversial
23 issue in the whole thing.

24 I think it did -- it passed the Senate two
25 years ago, didn't it?

1 MR. BAEZ: It did. I think it was even last
2 session that it passed the Senate, but it didn't
3 make it to the -- to the House -- or it ran out of
4 time.

5 CHAIRMAN CLARK: Our discussions, i think,
6 unless there's any -- any strong feelings or
7 objections, we want to encourage our legislative
8 staff to work to find someone that could help us
9 maybe on the House side to -- maybe with some
10 Commissioner's help -- find someone who could help
11 be a sponsor on the House side to get this
12 approved, get the language through.

13 Anybody have any questions on the proposal?
14 All clear?

15 All right. Great job.

16 MR. BAEZ: Great.

17 And the last thing, I just wanted to kick over
18 to Kaley for -- for -- to the update as to -- as to
19 the coming session.

20 MS. SLATTERY: Good morning. It's great to
21 see everyone.

22 I'd like to formally welcome Katherine
23 Pennington back to the Commission and back to the
24 legislative affairs team. Her first day was last
25 Monday and we're happy to have her back.

1 The 2021-2022 legislative session is coming
2 up. Committee weeks are starting September 20th.
3 And the 60-day session will begin on January 11th.

4 We'll continue to update each office
5 throughout the session with bills and budget items.
6 And, if there are any questions, please let me or
7 Katherine know.

8 Thank you.

9 CHAIRMAN CLARK: Anybody have any questions?

10 COMMISSIONER GRAHAM: Who's that new person?

11 MR. BAEZ: We don't have her name card yet.

12 CHAIRMAN CLARK: Lost her nameplate.

13 COMMISSIONER GRAHAM: I think we need to get a
14 nameplate for her.

15 MR. BAEZ: Or we'll write on it.

16 CHAIRMAN CLARK: All right. Moving on to
17 other matters, I just want to have a very quick
18 discussion about -- to bring up our web page and
19 the internet. We've kind of been kicking around --
20 I guess we've talked a little bit about some
21 modifications and changes to our website.

22 And I -- I'm kind of wanting to make
23 this my -- one of my final pushes to get some --
24 some changes made. And we -- we've talked about
25 this a lot, but I wanted to open the floor to

1 Commissioners to see if there are any other
2 thoughts or ideas about where we should be going
3 with the website.

4 COMMISSIONER FAY: Thank you, Mr. Chairman.
5 I -- I was grateful when you raised this originally
6 when you took over your Chairmanship. At that
7 time, I was actually the young Commissioner on
8 the -- on the Commission, and so, I think some of
9 the IT components fell into -- to my world and, in
10 a previous life, I did actually build web pages.
11 Shows you how popular I was in high school.

12 So, I hope maybe on this we could continue to
13 work collaboratively as a team. And -- and I'd be
14 happy to work with my colleagues kind of on their
15 thoughts as to what input could occur. I have
16 looked at some other states, which I think would be
17 helpful for us to -- to work through.

18 And then just, you know, a big thank-you to
19 staff ahead of time because they know I'm going to
20 have some input on this. And so, I appreciate them
21 tolerating my feedback, but I do think, as a
22 priority that you've set going forward, we want to
23 make sure we get to the finish line. And so, I'm
24 happy to do anything I can, on my end. And,
25 honestly, just excited about input from my

1 colleagues.

2 I have know Commissioner La Rosa has worked on
3 some stuff in the Legislature.

4 Commissioner Passidomo probably has a
5 TikTok -- and I don't know what TikTok is -- and
6 so, she probably would be some good feedback.

7 And Commissioner Graham, he's -- he's really
8 got this virtual thing down at this point, the
9 audio, the video.

10 I mean, so, I think -- I think we're probably
11 all set to go to try to make this happen. So, I
12 really do appreciate your leadership on this.
13 And -- and I'm gonna do everything in my power to
14 make sure we get it done.

15 CHAIRMAN CLARK: Thank -- thank you very much,
16 Commissioner Fay.

17 Other Commissioners, thoughts? Comments?

18 Commissioner La Rosa.

19 COMMISSIONER La ROSA: Thank you, Chairman.

20 And, certainly, I'll second a lot of the -- the
21 same thoughts that Commissioner Fay had, and
22 I'll -- I'll also go through -- the biggest thing
23 to me has always been transparency, making sure
24 that the public has easy access onto the website,
25 typically, you know, from the -- the first page,

1 you know, there forward so easy things -- things
2 are easy to navigate, things are easy to find,
3 archives and so forth.

4 So, I'm happy to help and jump in, and I'll
5 certainly dig in deep.

6 CHAIRMAN CLARK: Thank you very much.

7 Anyone else? All right. Any other matters
8 that need to come before the Commission?

9 All right. Seeing none, we stand adjourned.
10 Thank you for being here today.

11 (Whereupon, the proceedings concluded at 10:13
12 a.m.)

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, ANDREA KOMARIDIS WRAY, Court Reporter, do
hereby certify that the foregoing proceeding was heard
at the time and place herein stated.

IT IS FURTHER CERTIFIED that I
stenographically reported the said proceedings; that the
same has been transcribed under my direct supervision;
and that this transcript constitutes a true
transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative,
employee, attorney or counsel of any of the parties, nor
am I a relative or employee of any of the parties'
attorney or counsel connected with the action, nor am I
financially interested in the action.

DATED THIS 22nd day of September, 2021.



ANDREA KOMARIDIS WRAY
NOTARY PUBLIC
COMMISSION #HH 089181
EXPIRES February 9, 2025