

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-**

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**DATE:** March 6, 2008

**TO:** Office of Commission Clerk (Cole)

**FROM:** Office of the General Counsel (Miller, Cibula)  
Division of Competitive Markets & Enforcement (Kennedy)  
Division of Economic Regulation (Hewitt)

**RE:** Docket No. 080052-OT – Proposed amendment of Rules 25-6.0436, Depreciation; 25-7.045, Depreciation; 25-30.032, Applications; 25-30.565, Application for Approval of New or Revised Service Availability Policy or Charges; 25-30.140, Depreciation; 25-24.470, Registration Required; 25-24.511, Application for Certificate; 25-24.512, Application for Approval of Sale, Assignment or Transfer of Certificate; 25-24.567, Application for Certificate; 25-24.569, Application for Approval of Sale, Assignment or Transfer of Certificate; 25-24.720, Application for Certificate; 25-24.730, Application for Approval of Sale, Assignment, or Transfer of Certificate; 25-24.810, Application for Certificate; and 25-24.815, Application for Approval of Assignment or Transfer of Certificate.

**AGENDA:** 03/18/08 – Regular Agenda – Rule Proposal – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Argenziano

**RULE STATUS:** Proposal May Be Deferred

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\GCL\WP\080052.RCM.DOC

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### Case Background

The Florida Public Service Commission Inspector General identified a number of areas for reductions in the number of copies for filings required under the Commission's current rules.

In response to the Inspector General's report, this rulemaking was initiated to amend Rules 25-6.0436, 25-7.045, 25-24.470, 25-24.511, 25-24.512, 25-24.567, 25-24.569, 25-24.720, 25-24.730, 25-24.810, 25-24.815, 25-30.032, 25-30.140, and 25-30.565, to reduce the number of copies required by the rules. A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on September 7, 2007. No requests for a rule development workshop were received, thus, a workshop was not held.

This recommendation addresses whether the Commission should amend Rules 25-6.0436, 25-7.045, 25-24.470, 25-24.511, 25-24.512, 25-24.567, 25-24.569, 25-24.720, 25-24.730, 25-24.810, 25-24.815, 25-30.032, 25-30.140, and 25-30.565 to reduce the number of copies required by the rules. The forms that are incorporated by reference into the rules are also attached. The Commission has jurisdiction under Section 120.54, Florida Statutes.

**Discussion of Issues**

**Issue 1:** Should the Commission propose the amendment of Rules 25-6.0436, 25-7.045, 25-24.470, 25-24.511, 25-24.512, 25-24.567, 25-24.569, 25-24.720, 25-24.730, 25-24.810, 25-24.815, 25-30.032, 25-30.140, and 25-30.565, F.A.C.?

**Recommendation:** Yes. The Commission should propose the amendment of these rules and the forms incorporated by reference into the rules as set forth in Attachments A and B. (Miller, Cibula, Kennedy, Hewitt)

**Staff Analysis:** Based on the Inspector General's report, staff initiated the amendment of Rules 25-6.0436, 25-7.045, 25-24.470, 25-24.511, 25-24.512, 25-24.567, 25-24.569, 25-24.720, 25-24.730, 25-24.810, 25-24.815, 25-30.032, 25-30.140, and 25-30.565, to reduce the number of copies required by each rule. The number of copies required under the current rules are unnecessary. These are situations where the copies are not currently used or can easily be produced from the case management system. Staff is recommending that the rules be amended as set forth in Attachment A. Below is a summary of staff's recommended changes to the rules.

The Rule 25-6.0436 on Depreciation, the number of copies would be reduced from 15 to six;

For Rule 25-7.045 on Depreciation, the number of copies would be reduced from 15 to six;

For Rule 25-24.470 on Registration Required, the number of tariff copies would be reduced from three to two;

For Rule 25-24.511 on Application for Certificate, the number of copies would be reduced from two to one;

For Rule 25-24.512 on Application for Approval of Sale, the application copies would be reduced from two to one;

For Rule 25-24.567 on Application for Certificate, the application copies would be reduced from two to one;

For Rule 25-24.569 on Application for Approval of Sale, the required number of copies would be reduced from two to one;

For Rule 25-24.720 on Application for Certificate, copies would be reduced from two to one;

For Rule 25-24.730 on Application for Approval of Sale, copies would be reduced from two to one;

For Rule 25-24.810 on Application for Certificate, copies would be reduced from two to one;

For Rule 25-24.815 on Application for Approval of Sale, copies would be reduced from two to one;

For Rule 25-30.032 on Application would be reduced from 12 to six; also the title “Director” is removed so that the filing simply goes to the “Office of Commission Clerk.”

For Rule 25-30.140 on Depreciation, the number of copies would be reduced from ten to six;

For Rule 25-30.565 on Application, the number of copies would be reduced from 12 to six.

A number of the above rules also incorporate by reference forms which state the number of copies of the forms that must be filed with the Commission. Staff recommends that the Commission also amend the forms to reflect the new copy filing requirements. The corresponding changes to the applicable forms are in Attachment B. Also, staff recommends, as set forth in Attachment A, that the rules that reference the forms be amended to indicate where the forms may be accessed from the Commission’s website.

#### Statement of Estimated Regulatory Costs (SERC)

The SERC (Attachment C) addressed the benefits of the proposed rule. Commission staff would benefit from not having to handle as many copies from a filing and not having to store the extra filings. Regulated companies should have slightly less costs due to fewer copies required.

Based on the foregoing, staff recommends that the Commission propose the amendment of Rules 25-6.0436, 25-7.045, 25-24.470, 25-24.511, 25-24.512, 25-24.567, 25-24.569, 25-24.720, 25-24.730, 25-24.810, 25-24.815, 25-30.032, 25-30.140, and 25-30.565, F.A.C., and the forms incorporated by reference into the rules, as set forth in Attachments A and B.

Docket No. 080052-OT

Date: March 6, 2008

**Issue 2**: Should this docket be closed?

**Recommendation**: Yes, if no requests for hearing or comments are filed, the rule amendments as proposed should be filed for adoption with the Secretary of State and the docket should be closed. (Miller)

**Staff Analysis**: Unless comments or a request for hearing are filed, the rules as proposed may be filed with the Secretary of State without further action. The docket may then be closed.