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Public Service Commission

September 20, 2017

DELIVERED VIA E-MAIL

Kenneth J. Plante
Coordinator
Joint Administrative Procedures Committee
680 Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

Re: Florida Public Service Commission's 2017 Regulatory Plan

Dear Mr. Plante:

The Florida Public Service Commission (Commission) hereby files its 2017 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, a statement whether rule adoption is required to implement the law, and if so, whether a notice of rule development has been published; and an identification of 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., which the agency expects to implement by rulemaking before the following July 1, including a statement whether 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 which 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 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 2016 Regulatory Plan is attached hereto as Attachment C.

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Section 120.74 (1)(d), F.S., requires the Commission to submit a certification regarding the regulatory plan. Pursuant to Section 120.74(1)(d), F.S., we hereby verify that we have reviewed the attached regulatory plan and that the Commission regularly reviews all of its rules. The Commission's rules were most recently reviewed for the period July 2, 2015, through July 1, 2017, to determine if the rules remain consistent with the Commission's rulemaking authority and the laws implemented.



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FLORIDA PUBLIC SERVICE COMMISSION
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ATTACHMENT A

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
2017-21 – An act relating to public records.	No	None	None	Statute is clear on specific circumstances under which a court must assess and award reasonable costs of enforcement actions against an agency in a civil action to enforce Chapter 119, F.S.

FLORIDA PUBLIC SERVICE COMMISSION
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ATTACHMENT B

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

Laws	Intent of Rulemaking
Section 120.525, F.S.	Repeal Rule 25-22.017, F.A.C., Rulemaking Proceeding – Adoption, as obsolete and not required for the most efficient operation of the Commission.
Section 120.54(3), F.S.	Repeal Rule 25-22.017, F.A.C., Rulemaking Proceeding – Adoption, as obsolete and not required for the most efficient operation of the Commission.
Section 120.54(5)(a)3., F.S.	Amend Rule 25-40.001, F.A.C., Exceptions to the Uniform Rules of Procedure, to delete the reference to repealed Uniform Rules of Procedure chapters and update the rule when Rule 25-22.039, F.A.C., Intervention, is repealed.
Section 120.569, F.S.	Repeal Rule 25-22.039, F.A.C., Intervention, is not required for the most efficient operation of the Commission and instead is replaced with the Uniform Rules of Procedure Rule 28-106.205, F.A.C., Intervention.
	Amend Rule 25-22.060, F.A.C., Motion for Reconsideration, to delete obsolete language and clarify the rule on petitions for reconsideration.
Section 120.57, F.S.	Repeal Rule 25-22.039, F.A.C., Intervention, is not required for the most efficient operation of the Commission and instead is replaced with the Uniform Rules of Procedure Rule 28-106.205, F.A.C., Intervention.
	Amend Rule 25-22.060, F.A.C., Motion for Reconsideration, to delete obsolete language and clarify the rule on petitions for reconsideration.

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

Laws	Intent of Rulemaking
Section 350.113, F.S.	<p>Repeal Rule 25-4.005, F.A.C., Transfer of Certificate of Necessity or Authority, and for clarification include provisions of former Rule 25-4.005, F.A.C., in Rule 25.4.004, F.A.C., Certificates Necessity or Authority; Application.</p> <p>Amend Rule 25-6.0131, F.A.C., Regulatory Assessment Fees; Investor-owned Electric Companies, Municipal Electric Utilities, Rural Electric Cooperatives to clarify that exclusions to the required remission of regulatory assessment fees are identified as all wholesale sales and all intrastate retail sales.</p> <p>Amend Rule 25-7.0131, F.A.C., Regulatory Assessment Fees; Gas Utilities, Gas Municipals, and Gas Districts, to clarify that exclusions to the required remission of regulatory assessment fees are identified as all wholesale sales and all intrastate retail sales.</p>
Section 350.115, F.S.	Repeal Rule 25-4.520, F.A.C., Reporting Requirements, and include provisions of former Rule 25-4.520, F.A.C., in Rule 25-4.0051, F.A.C., Current Certificate Holder Information, to clarify information that must be kept current with the Commission.
Section 350.117, F.S.	Repeal Rule 25-4.520, F.A.C., Reporting Requirements, and include provisions of former Rule 25-4.520, F.A.C., in Rule 25-4.0051, F.A.C., Current Certificate Holder Information, to clarify information that must be kept current with the Commission.
Section 350.127(1), F.S.	Amend Rule 25-4.004, F.A.C., Certificates Necessity or Authority; Application, to clarify and simplify requirements for applications for certificates of necessity, authority, and transfers of certificate of necessity or authority.

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

Laws	Intent of Rulemaking
Section 364.016, F.S.	Amend Rule 25-4.0051, F.A.C., Current Certificate Holder Information, to identify information that must be submitted to the Commission by current certificate holders and to add form to guide companies when submitting required information. Rule 25-4.520, F.A.C., Reporting Requirements, will be repealed and the provisions of the rule will be included in Rule 25-4.0051, F.A.C.
Section 364.10, F.S.	Amend Rule 25-4.0665, F.A.C., Lifeline Service, so that the rule complies with Federal Communications Commission Lifeline requirements.
Section 364.105, F.S.	Amend Rule 25-4.0665, F.A.C., Lifeline Service, so that the rule complies with Federal Communications Commission Lifeline requirements.
Section 364.183, F.S.	Amend Rule 25-4.0051, F.A.C., Current Certificate Holder Information, to identify information that must be submitted to the Commission by current certificate holders and to add form to guide companies when submitting required information. Rule 25-4.520, F.A.C., Reporting Requirements, will be repealed and the provisions of the rule will be included in Rule 25-4.0051, F.A.C.
Section 364.183(1), F.S.	Amend Rule 25-4.0665, F.A.C., Lifeline Service, so that the rule complies with Federal Communications Commission Lifeline requirements.
Section 364.32, F.S.	Amend Rule 25-4.511, F.A.C., Application for Certificate, and combine provisions of Rule 25-4.511, F.A.C., and former Rule 25-4.512, F.A.C., Application for Approval of Sale or Transfer of Certificate, and to clarify and simplify the rule on Payphone Certificates.

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

Laws	Intent of Rulemaking
Section 364.32, F.S., cont.	Repeal Rule 25-4.512, F.A.C., Application for Approval of Sale or Transfer of Certificate, and combine provisions of Rule 25-4.511, F.A.C., Application for Certificate, and former Rule 25-4.512, F.A.C., and clarify and simplify the rule on Payphone Certificates.
Section 364.33, F.S.	Amend Rule 25-4.004, F.A.C., Certificates Necessity or Authority; Application, to clarify and simplify requirements for applications for certificates of necessity, authority, and transfers of certificates of necessity or authority.
	Amend Rule 25-4.511, F.A.C., Application for Certificate, and combine provisions of Rule 25-4.511, F.A.C., and former Rule 25-4.512, F.A.C., Application for Approval of Sale or Transfer of Certificate, and to clarify and simplify the rule on Payphone Certificates.
	Repeal Rule 25-4.512, F.A.C., Application for Approval of Sale or Transfer of Certificate, and combine provisions of Rule 25-4.511, F.A.C., Application for Certificate, and former Rule 25-4.512, F.A.C., and clarify and simplify the rule on Payphone Certificates.
Section 364.335, F.S.	Amend Rule 25-4.004, F.A.C., Certificates Necessity or Authority; Application, to clarify and simplify application requirements for applications for certificates of necessity, authority, and transfers of certificates of necessity or authority.
	Repeal Rule 25-4.005, F.A.C., Transfer of Certificate of Necessity or Authority, and include provisions of former Rule 25-4.005, F.A.C., in Rule 25.4.004, F.A.C., Certificates Necessity or Authority; Application, to clarify the application and streamline it to reduce costs for companies and the Commission.

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

Laws	Intent of Rulemaking
Section 364.335, F.S., cont.	Amend Rule 25-4.511, F.A.C., Application for Certificate, to combine provisions of Rule 25-4.511, F.A.C., and former Rule 25-4.512, F.A.C., Application for Approval of Sale or Transfer of Certificate, and to clarify and simplify the rule on Payphone Certificates.
Section. 364.336, F.S.	<p>Amend Rule 25-4.0051, F.A.C., Current Certificate Holder Information, to identify information that must be submitted to the Commission by current certificate holders and add a form to guide companies when submitting required information. Rule 25-4.520, F.A.C., Reporting Requirements, will be repealed and the provisions of that rule will be included in Rule 25-4.0051, F.A.C.</p> <p>Repeal Rule 25-4.005, F.A.C., Transfer of Certificate of Necessity or Authority, and include provisions of former Rule 25-4.005, F.A.C., in Rule 25.4.004, F.A.C., Certificates Necessity or Authority; Application, to clarify the application and streamline it to reduce costs for companies and the Commission.</p>
Section. 364.3375, F.S.	<p>Amend Rule 25-4.0051, F.A.C., Current Certificate Holder Information, to identify information that must be submitted to the Commission by current certificate holders and add a form to guide companies when submitting required information. Rule 25-4.520, F.A.C., Reporting Requirements, will be repealed and the provisions of that rule will be included in Rule 25-4.0051, F.A.C.</p> <p>Amend Rule 25-4.511, F.A.C., Application for Certificate, to combine provisions of Rule 25-4.511, F.A.C., and former Rule 25-4.512, F.A.C., Application for Approval of Sale or Transfer of Certificate, and clarify and simplify the rule on Payphone Certificates.</p> <p>Repeal Rule 25-4.512, F.A.C., Application for Approval of Sale or Transfer of Certificate, and combine provisions of Rule 25-4.511, F.A.C., Application for Certificate, and former Rule 25-4.512, F.A.C., and clarify</p>

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

Laws	Intent of Rulemaking
Section. 364.3375, F.S., cont.	<p>and simplify the rule on Payphone Certificates.</p> <p>Repeal Rule 25-4.520, F.A.C., Reporting Requirements, and include provisions of former Rule 25-4.520, F.A.C., in Rule 25-4.0051, F.A.C., Current Certificate Holder Information, to clarify information that must be kept current with the Commission.</p>
Section 366.03, F.S.	Amend Rule 25-6.094, F.A.C., Complaints and Service Requests, to update for consistency with current agency practice or policy and Chapter 120, F.S., rulemaking requirements and delete obsolete, unnecessary, or duplicative rule provisions.
Section 366.04(2)(d), (5), F.S.	Amend Rule 25-6.094, F.A.C., Complaints and Service Requests, to update for consistency with current agency practice or policy and Chapter 120, F.S., rulemaking requirements and delete obsolete, unnecessary, or duplicative rule provisions.
Section 366.04(2)(f), F.S.	Amend Rule 25-17.015, F.A.C., Energy Conservation Cost Recovery, to update and clarify the Energy Conservation Cost Recovery rule.
Section 366.05(1), F.S.	Amend Rule 25-6.021, F.A.C., Records of Complaints, to update for consistency with current agency practice or policy and Chapter 120, F.S., rulemaking requirements and delete obsolete, unnecessary, or duplicative rule provisions.

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

Laws	Intent of Rulemaking
Section 366.05(1), F.S., cont.	Amend Rule 25-6.094, F.A.C., Complaints and Service Requests, to update for consistency with current agency practice or policy and Chapter 120, F.S., rulemaking requirements and delete obsolete, unnecessary, or duplicative rule provisions.
	Amend Rule 25-7.020, F.A.C., Record of Complaints, to update for consistency with current agency practice or policy and Chapter 120, F.S., rulemaking requirements and delete obsolete, unnecessary, or duplicative rule provisions.
	Amend Rule 25-7.080, F.A.C., Complaints - Service Requests, to update for consistency with current agency practice or policy and Chapter 120, F.S., rulemaking requirements and delete obsolete, unnecessary, or duplicative rule provisions.
Section 366.06(1), F.S.	Amend Rule 25-17.015, F.A.C., Energy Conservation Cost Recovery, to update and clarify the Energy Conservation Cost Recovery rule.
Section 366.06(2), F.S.	Amend Rule 25-7.080, F.A.C., Complaints - Service Requests, to update for consistency with current agency practice or policy and Chapter 120, F.S., rulemaking requirements and delete obsolete, unnecessary, or duplicative rule provisions.
Section 366.14, F.S.	Amend Rule 25-6.0131, F.A.C., Regulatory Assessment Fees; Investor-owned Electric Companies, Municipal Electric Utilities, Rural Electric Cooperatives, so that it identifies exclusions to the required remission of regulatory assessment fees as all wholesale sales and all intrastate retail sales.

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Laws	Intent of Rulemaking
Section 366.14, F.S., cont.	Amend Rule 25-7.0131, F.A.C., Regulatory Assessment Fees; Gas Utilities, Gas Municipals, and Gas Districts, so that it identifies exclusions to the required remission of regulatory assessment fees as all wholesale sales and all intrastate retail sales.
Section 366.82(3), (5), F.S.	Amend Rule 25-17.015, F.A.C., Energy Conservation Cost Recovery, to update and clarify the Energy Conservation Cost Recovery rule.
Section 367.071(5), F.S.	Amend Rule 25-30.0371, F.A.C., Acquisition Adjustments, to update rule to address current industry practices.
Section 367.081, F.S.	Amend Rule 25-30.433, F.A.C., Rate Case Proceedings, to codify the operating ratio methodology and to address the current industry conditions and current Commission practice in review of utility quality of service procedure.
Section 367.081(2), (3), F.S.	Amend Rule 25-30.4325, F.A.C. Water Treatment and Storage Used and Useful Calculations, to update methodology for used and useful calculations.
Section 367.081(2)(a), F.S.	Amend Rule 25-30.0371, F.A.C., Acquisition Adjustments, to update rule to address current industry practices.
Section 367.0814, F.S.	Amend Rule 25-30.455, F.A.C., Staff Assistance in Rate Cases, to update the threshold for staff assisted rate proceedings pursuant to Section 367.0814(1), F.S.
	Amend Rule 25-30.456, F.A.C., Staff Assistance in Alternative Rate Setting, to update the threshold for staff assisted alternative rate settings pursuant to Section 367.0814(1), F.S.

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

Laws	Intent of Rulemaking
Section 367.0814, F.S., cont.	Amend Rule 25-30.457, F.A.C., Limited Alternative Rate Increase, to update the threshold for limited alternative rate increases pursuant to Section 367.0814(1), F.S.
Section 367.091, F.S.	Amend Rule 25-30.335, F.A.C., Customer Billing, to update for consistency with current agency practice or policy and Chapter 120, F.S., rulemaking requirements and delete obsolete, unnecessary, or duplicative rule provisions.
Section 367.121, F.S.	Amend Rule 25-30.130, F.A.C., Record of Complaints, to update for consistency with current agency practice or policy and Chapter 120, F.S., rulemaking requirements and delete obsolete, unnecessary, or duplicative rule provisions.
	Amend Rule 25-30.335, F.A.C., Customer Billing, to update for consistency with current agency practice or policy and Chapter 120, F.S., rulemaking requirements and delete obsolete, unnecessary, or duplicative rule provisions.
Section 367.121(1)(a), (b), F.S.	Amend Rule 25-30.0371, F.A.C., Acquisition Adjustments, to update rule to address current industry practices.
Section 376.1213, F.S.	Amend Rule 25-30.433, F.A.C., Rate Case Proceedings, to codify the operating ratio methodology and to address the current industry conditions and current Commission practice in review of utility quality of service procedure.

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

Laws	Intent of Rulemaking
Section 427.703(8), F.S.	Amend Rule 25-4.150, F.A.C., The Administrator, to update the rule on information concerning the Administrator of the relay program, remove language redundant with the statute, and clarify the rule.
Section 427.704, F.S.	Repeal Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company, so that the rule is consistent with amendments to Chapter 364, F.S.
Section 427.704(4),(5), F.S.	Amend Rule 25-4.160, F.A.C., Operation of Telecommunications Relay Service, so that provisions in the rule are no longer redundant with Section 427.704(4), (5), F.S.
Section 427.705(1), F.S.	Amend Rule 25-4.150, F.A.C., The Administrator, to update the rule on information concerning the Administrator of the relay program, remove language redundant with the statute, and clarify the rule.

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ATTACHMENT C

UPDATES TO 2016 REGULATORY PLAN- SECTION 120.74(1)(c), F.S.

The Commission has no laws or updates to the 2016 Regulatory Plan to report pursuant to Section 120.74(1)(c), F.S.