

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

UNDOCKETED RULE

NOTICE OF PROPOSED RULE DEVELOPMENT

TO

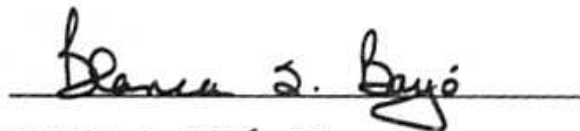
ALL INTERESTED PARTIES

ISSUED: September 13, 1996

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated the development of amendments to Chapter 25-8, F.A.C., to repeal certain unnecessary provisions relating to the information required to process applications for authority to issue and sell securities.

The attached Notice of Proposed Rule Development will appear in the September 20, 1996, edition of the Florida Administrative Weekly. It is not anticipated that a rule development workshop will be necessary; however, a request will be considered if submitted in writing and received by the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0870, no later than November 8, 1996.

By Direction of the Florida Public Service Commission this 13th day of September, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

CTM

DOCUMENT NUMBER-DATE

09730-SEP 13 96

FPSC-RECORDS/REPORTING

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FLORIDA PUBLIC SERVICE COMMISSION

RULE TITLE:	RULE NO.:
Contents of Application	25 8.002
Required Exhibits	25-8.003
Commission Action	25-8.008

PURPOSE, EFFECT AND SUMMARY: To delete requirements for filing information that is no longer necessary for the Commission to process applications for authority to issue and sell securities; and to repeal an unnecessary and non-binding statement concerning Commission action.

SPECIFIC AUTHORITY: 366.05, FS.

LAW IMPLEMENTED: 366.04(1), FS.

A REQUEST FOR A RULE DEVELOPMENT WORKSHOP WILL BE CONSIDERED IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:
25-8.002 Contents of Application. Each application for the authority to issue and sell securities shall contain in the manner and form and in the order indicated by this rule:

(1) - (3) No Change.

~~(4) The names, titles and addresses of the principal officers of the applicant.~~

~~(5) A description of the general character of the applicant's business, together with a designation of the territory served, including a map showing that territory.~~

~~(6) A general statement briefly describing the facilities owned or operated by the applicant.~~

~~(4)-(7)~~ A statement detailing items contained in paragraphs (a) through (g) of this subsection for each class and series of capital stock and funded debt. The statement shall reflect the latest twelve months period shown on the balance sheet submitted with the application as Exhibit ~~A B~~ under Rule 25-8.003(1) ~~(a)-(b)~~.

(a) - (g) No Change.

~~(5)-(8)~~ A brief statement of each proposed transaction. Such statement shall show:

(a) - (c) No Change.

~~(6)-(9)~~ A statement showing in reasonable detail the purposes for which the securities are to be issued.

(a) - (c) No Change.

~~(7)-(10)~~ The facts relied upon by the applicant to show that each issue will be for some lawful object within the corporate purposes of the applicant and compatible with the public interest and is reasonably necessary or appropriate for such purposes.

~~(8)-(11)~~ The name and address of counsel who will pass upon the legality of the proposed issues, and names of any firms of which they, or any of them, are members.

~~(9)-(12)~~ A statement as to whether or not any application,

registration statement, etc., with respect to the transaction or any part thereof is required to be filed with any other State or Federal regulatory body and, if so, the name and address of each such body.

~~(10)-(13)~~ A statement of the measure of control or ownership exercised by or over the applicant as to any public utility: where there are any intercorporate relationships through holding companies, ownership or securities or otherwise, a statement regarding the nature and extent of such relationship; if not a member of any holding company system, a statement to that effect.

Specific Authority 366.05 FS.

Law Implemented 366.04 (1) FS.

History--Repromulgated 1-8-75, Amended 10-12-81, Formerly 25-8.02, Amended 7-27-86, _____.

25-8.003 Required Exhibits.

(1) The applicant shall file either one certified and five uncertified copies or one certified copy, one uncertified copy, and a copy on diskette of the following exhibits as part of its initial application or as an amendment to its initial application where appropriate or where indicated by this rule.

(a) Exhibit A. ~~A copy of the applicant's charter or articles of incorporation with amendments to date.~~

~~(b) Exhibit B.~~ The following schedules:

1. - 3. No Change.

4. Retained Earnings. A statement of retained earnings as

provided by the Uniform System of Accounts, and prepared in the same manner and for the same period as the income statement in paragraph ~~(b)-(e)~~ of this subsection.

5. No Change.

6. A utility may, however, satisfy the requirements of Exhibit ~~A B~~ by providing the following in lieu of the schedules listed in items ~~(1,)~~ through ~~(5,)~~ above:

(i) - (iii) No Change.

~~(b)-(e)~~ Exhibit ~~B C~~. The following projected financial information, reflecting the applicant's most recent official forecast.

1. Sources and Uses of Funds Statement. Information identifying sources and uses of funds should be prepared for the period covered by the proposed issuance of securities. This information need not project the applicant's net income. If a utility opts to file Forms 10-K and 10-Q pursuant to subparagraph 25-8.003(1) ~~(a)-(b)~~6., a separate sources and uses of funds statement is not required if the Forms 10-K and 10-Q cover the period of issuance.

2. No Change.

~~(d) Exhibit D. The map required under Rule 25-8.002(5).~~

(2) Where the utility has previously filed with the Commission the information to be contained in its application or in Exhibit A ~~or~~ B, ~~C, or D~~ and where the previous filing is current or up-to-date, the Commission will accept specific

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reference to that filing in lieu of a separate filing to meet the requirements of this rule.

(3) No Change.

Specific Authority 366.05 FS.

Law Implemented 364.04(1) FS.

History--Repromulgated 1-8-75, Amended 10-1-75, 12-20-75,
10-12-81, Formerly 25-8.03, Amended 7-27-86, 7-27-95, _____

~~25-8.008 Commission Action. After preliminary study or investigation of an application by staff, the Commission will give full consideration to the application and dispose of it either upon an examination of the filing or after public notice and an opportunity for hearing on the application, whichever is appropriate in the premises. Such disposition will ordinarily be accomplished within thirty (30) days after the date on which filing is completed.~~

Specific Authority 366.05 FS.

Law Implemented 366.04(1) FS.

History--Repromulgated 1-8-75, Amended 10-12-81, Formerly
25-8.08, Repealed.