

FLORIDA PUBLIC SERVICE COMMISSION

The PSC seeks exceptions to the following Uniform Rules of Procedure for the most efficient operation of the agency.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-102.001, Notice of Public Meeting, Hearing, or Workshop.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception to keep the additional provisions on noticing found in subsections (3) and (4) of PSC Rule 25-22.001 that define the terms "meeting" and "workshop" to avoid doubt or controversy concerning what constitutes a meeting or workshop that must be noticed by publication in the Florida Administrative Weekly.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-102.002 (2), Agenda of Meetings, Hearings, and Workshops.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception to keep the additional requirement in PSC Rule 25-22.002 (3) that "[a] majority vote of a quorum of the Commission is required to modify the presiding officer's decision" on specific changes in the agenda. This provision avoids doubt or controversy

ACK _____
AFA _____ concerning the procedure for overriding the presiding officer's
APP _____
CAF _____ decision to change the agenda.

CMU _____ UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-105.003,
CTR _____
EAG _____ Disposition.

LEG _____ SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception
LIN _____
OPC _____ to keep the additional requirement in PSC Rule 25-22.022 (3) that
RCH _____ discourages oral argument on declaratory statements at its public

SEC _____
WAS _____
OTH _____

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agenda conferences. Petitions for declaratory statements must be answered based on the facts and circumstances alleged in the petition. Anyone who wishes to address the merits may contact commissioners prior to agenda conferences pursuant to Section 350.042(1), Florida Statutes.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.102,
Presiding Officer.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception to keep the additional requirement in PSC Rule 25-22.035(1) that "[u]nless good cause is shown, all motions for disqualification of a presiding officer shall be made at least five days prior to the date scheduled for the final hearing." This exception will prevent parties from delaying proceedings by moving to disqualify a commissioner the day a final hearing is scheduled to commence.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.104, Filing.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks exceptions to keep the additional filing requirements contained in PSC Rules 25-22.028(1) and 25-22.0375(3). Specifically, the PSC seeks an exception for the provisions in 25-22.028(1) that require the larger regulated entities and parties to provide computer diskette files for documents larger than five pages. The PSC also seeks an exception so that it can continue to require multiple copies of filings as set forth in PSC Rules 25-22.028(1) and 25-22.0375(3). Finally, the PSC seeks an exception so that it can continue to require the filing of notices of service of

interrogatories or production of documents. These additional requirements enable the PSC to maintain its computerized Case Management System in which information concerning document filings and some on-line documents are stored for easy public access. This system also reduces paper consumption. The additional copies enable the PSC to distribute copies of filings to all PSC employees involved in the case without PSC staff having to make the copies. The filing of discovery notices enables all parties and interested persons to be informed of discovery being conducted in a case.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.106, Who May Appear; Criteria for Qualified Representatives.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception so that it can continue to follow its Rule 25-22.008. The PSC Rule allows attorneys who are not admitted to the Florida Bar to practice before the PSC and thus recognizes that the practice of utility law is a very specialized field, that there are a limited number of such practitioners in Florida, and that the PSC regulates Florida operations of large corporations with headquarters and counsel out-of-state. Under the Uniform Rule, the client of the qualified representative must seek permission from the presiding officer for the qualified representative to represent the client in each proceeding. On the other hand, the PSC Rule allows a non-attorney to obtain a Class B certificate that is renewable every two years. This practice negates the

need for non-attorneys to seek and obtain permission each time they are to represent a client before the PSC. The PSC Rule has more stringent requirements for non-attorney representatives to practice before the PSC. The PSC Rule authorizes the Office of General Counsel to grant Class B applications so that applications can be processed expeditiously; recommendations for denial must be heard by the full Commission. Finally, the PSC Rule allows practitioners to appear as witnesses in PSC proceedings in the limited circumstances spelled out in subsection (6).

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.109, Notice to Interested Parties.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception to keep the additional provisions in subsections (3) and (4) of PSC Rule 25-22.026 that delineate the role of PSC staff in evidentiary proceedings. These provisions make staff's role clear and avoid any confusion and controversy concerning staff's participation in proceedings.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.111(2)-(4), Point of Entry into Proceedings and Mediation.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception to subsections (2) through (4) of Uniform Rule 28-106.111 that require a hearing to be requested within 21 days of receipt of notice of the decision and that provide that a right to hearing will be waived if not requested within 21 days. The Uniform Rule

ties the time period within which a request for hearing can be made to receipt of the notice; whereas, PSC Rule 25-22.029 ties the time period to issuance of the notice. Under the PSC procedure, the PSC and affected persons are able to track the time certain when proposed agency action becomes final. In addition, PSC Rule 25-22.029(2) provides that the PSC may shorten the time to request a hearing to 14 days from issuance of the order for good cause shown. This shortened time period is needed to meet certain statutory deadlines. Finally, the PSC Rule ties the waiver of hearing rights to "the expiration of the time within which to request a hearing." This provision recognizes that there may be different time periods for requesting a hearing depending on the notice given.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.201,
Initiation of Proceedings.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception from the Uniform Rule on the initiation of proceedings so that it can continue to follow PSC Rule 25-22.036(1)-(7) and (9)-(10). Under the Uniform Rule, only petitions can initiate an agency proceeding; whereas, under the PSC Rule, an application, petition, complaint, order, or notice can initiate agency action. The PSC Rule defines the different types of pleadings listed in the rule, states what each pleading must contain, lists any special service requirements, and states what action the PSC will initially take depending on how the proceeding was initiated.

The PSC Rule enables persons to tailor their initial pleadings to the relief requested.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.202, Amendment of Petitions.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception from the Uniform Rule concerning the amendment of petitions so that it can continue to follow PSC Rule 25-22.036(8). The Uniform Rule contemplates only petitions may be amended, whereas the PSC Rule contemplates petitions, applications, and complaints may be amended. The PSC amendment provision recognizes that proceedings determining substantial interests may also be initiated at the PSC by complaint and application.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.203, Answer.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception from the Uniform Rule concerning Answers so that it can continue to follow PSC Rule 25-22.037(1). The Uniform Rule does not state the time by which an answer must be filed as does the PSC Rule, which requires an answer to be served within 20 days of service of the petition. In addition, the PSC Rule clarifies that an answer to a PSC order or notice must be filed within 20 days unless a different time period is specified by the order or notice. By specifying a time period, the PSC Rule avoids confusion and abuse. The PSC Rule promotes the orderly disposition of matters brought before the agency.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.204(1)-(2),

Motions.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception to subsections (1)-(2) of the Uniform Rule on motions so that it can continue to follow PSC Rules 25-22.037(2) and 25-22.038(1). PSC Rule 25-22.037(2)(a) requires motions to dismiss, motions to strike, and motions for a more definite statement to be filed within the time for filing an answer, whereas Uniform Rule 28-106.204(2) requires only motions to dismiss to be filed no later than 20 days after service of the petition on the party. PSC Rule 25-22.037(2)(a) also has the additional provision that if any of these motions in opposition are denied, "an answer or other responsive pleading may be filed within 10-days [sic] after issuance of an order denying the motion." The PSC seeks to keep these additional provisions because they prevent delay and may reduce workload if it can be discerned early on that part of an initial pleading is inadequate. In addition, PSC Rule 25-22.037(2)(b) requires motions not made during the course of a hearing to be filed with the Division of Records and Reporting (the Division) instead of the presiding officer as required by the Uniform Rule. The Division has a complex computerized Case Management System that tracks and stores documents filed with the PSC that could be contravened if motions were required to be filed with the presiding officer. The Uniform Rule requirement would add additional layers of bureaucracy to the internal document controls followed by the PSC. Finally, Uniform Rule 28-

106.204(1) authorizes the presiding officer to conduct proceedings and enter orders to dispose of motions. This requirement conflicts with current Commission practice because PSC prehearing matters are handled by the prehearing officer.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.205, Intervention.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception to the Uniform Rule on intervention so that it can continue to follow PSC Rule 25-22.039. Under the PSC rule, petitions to intervene can be filed five days before the commencement of a hearing. The PSC is concerned that the 20-day period in the Uniform Rule could limit customer participation in hearings. Allowing the PSC to keep its five-day rule would probably reduce the number of instances where the PSC would have to determine whether good cause was shown to intervene after the expiration of the intervention period in the Uniform Rule. Also, the PSC Rule makes it clear that "[i]ntervenors take the case as they find it," and, thus eliminates confusion over the impact an intervenor can have on an ongoing proceeding.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.208, Notice of Hearing.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception from the requirement in the Uniform Rule that the presiding officer is responsible for serving written notice on all parties, and also seeks an exception to keep subsections (2) and (4) of

PSC Rule 25-22.0405 that provide the PSC will give notice to local government representatives and may require utilities to publish notice in local newspapers. At the PSC, the ministerial function of serving written notice on parties is already efficiently performed by the Division of Records and Reporting (the Division). If the Uniform Rule were to control, the PSC's streamlined procedure would become more cumbersome because additional divisions would have to be included in the process. The PSC notice requirements in subsections (2) and (4) concerning local government notification and newspaper publication are designed to ensure that all persons potentially affected by PSC action will have notice of PSC proceedings.

UNIFORM RULES FROM WHICH EXCEPTION IS SOUGHT: 28-106.209,

Prehearing Conferences; and 28-106.211, Conduct of Proceedings.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception to Uniform Rules 28-106.109 and 28-106.211 so that the agency can continue to follow PSC Rule 25-22.038. Under the Uniform Rules, the presiding officer is responsible for prehearing matters.

However, under PSC practice, the governance of prehearing matters is handled by the prehearing officer. In addition, the PSC Rule explains in detail the prehearing procedures followed by the PSC. The specifics set forth in PSC Rule 25-22.038 provide all hearing participants with knowledge of PSC prehearing procedures and allow the PSC to conduct prehearing matters in a consistent, orderly, and efficient fashion.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.212(1) and (3), Subpoenas.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks exceptions to subsections (1) and (3) of the Uniform Rule so that it can continue to follow subsections (1), (2), (3), and (5) of PSC Rule 25-22.045. Under the Uniform Rule, only the presiding officer can issue subpoenas. Under the PSC Rule, either the presiding officer or the Division of Records and Reporting (the Division) can issue subpoenas. Since subpoenas must be timely issued, this is the more practical approach for the PSC since the travel and hearing schedules of presiding officers often prevent quick responses. In addition, pursuant to the Uniform Rule, motions to quash are to be filed with the presiding officer. The PSC seeks an exception to this requirement so that motions to quash will continue to be filed with the Division. This will ensure that the motion is tracked and logged in the Division's computerized Case Management System. The PSC Rule also provides that subpoenas may be issued for the inspection of documents without deposing anyone. This additional procedure effectuates discovery in PSC proceedings. Finally, the PSC Rule allows subpoenas to be served by certified mail. This type of service cuts down on costs for hearing participants.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.213, Evidence.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks exceptions

to keep the additional requirements in subsection (3) concerning the exclusion of irrelevant and repetitious evidence and subsection (4) concerning prefiled testimony for its Rule 25-22.048. The exclusion of irrelevant and repetitious evidence helps keep hearings manageable and may shorten the time spent in hearing. The requirement for prefiled direct testimony, and rebuttal testimony if any, acknowledges the technical subject matter of most issues, and expedites the hearing process. Moreover, the formatting requirements for prefiled testimony ensure that the PSC can comply with the transcript requirements in Rules 9.190 and 9.200, Florida Rules of Appellate Procedure, if an order is appealed.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.215,
Post-Hearing Submittals.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception to keep its Rule 25-22.056(1)-(3) that sets forth the requirements for post-hearing filings that are tailored to the post-hearing procedure followed by the PSC. Because either a single commissioner or a panel may hear a case, subsection (1) specifies the types of post-hearing filings available to parties in either circumstance. PSC Rule 25-22.056(1)(d) also limits proposed findings of fact, conclusions of law, statements of issues and positions, and briefs to no more than 60 pages total. Past PSC experience has shown that more than 40 pages is consistently needed because of the number and complexity of

issues in many PSC proceedings. Subsection (2) of the PSC Rule sets out requirements for proposed findings of fact to curb the filing of inappropriate proposed findings of fact. Finally, subsection (3) of the PSC Rule sets out the requirements for the statement of issues and positions. The rule is clear that "[a]ny issue or position not included in a post-hearing statement shall be considered waived."

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.216(1),
Entry of Recommended Order.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception for PSC Rule 25-22.056(4)(a) concerning recommended or proposed orders when a hearing is conducted by a single PSC commissioner. The Uniform Rule is tailored to proceedings referred to the (Division of Administrative Hearings) DOAH, after which an Administrative Law Judge (ALJ) submits a recommended order to an agency head. The Uniform Rule does not address proceedings where a single commissioner acts as the hearing officer, and then submits his recommended order to the full commission to decide final agency action, which may be the case at the PSC and is contemplated under the PSC rule.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.217(1) and (2), Exceptions and Responses.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception to the requirements of subsections (1) and (2) of Uniform Rule 28-106.217 so that the agency can continue to apply the

requirements of PSC Rule 25-22.056(4)(b). The PSC would not be able to meet the 90-day statutory deadline for rendering orders in Section 120.569(2)(j)1., Florida Statutes, if the agency followed the Uniform Rule because it holds public meetings to do so only twice every month and recommended orders must be voted on by the full Commission.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.301,
Initiation of Proceedings.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception from the Uniform Rule on the initiation of proceedings not involving disputed issues of material fact so that it can continue to follow PSC Rule 25-22.036(1)-(7) and (9)-(10). Under the Uniform Rule, only petitions can initiate an agency proceeding; whereas, under the PSC Rule, an application, petition, complaint, order, or notice can initiate agency action. The PSC Rule enables persons to tailor their initial pleadings to the relief requested.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.302(1),
Notice of Proceeding.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception to Uniform Rule 28-106.302(1) so that it can continue to follow PSC Rule 25-22.038. Under PSC practice, the governance of such prehearing matters is handled by the prehearing officer assigned to the case. The prehearing officer issues a procedural order which contains the specific details of what should be filed and

on what date, and identifies the issues in dispute.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.303(1),
Motions.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception to the requirements in Uniform Rule 28-106.303(1) concerning the presiding officer's responsibilities over motions filed in informal proceedings so that it can continue to follow PSC Rules 25-22.037(2)(b) and 25-22.038(1). The PSC rules require motions to be filed with the Division of Records and Reporting (the Division) instead of with the presiding officer. The Division's document management controls may be contravened if motions were required to be filed with the presiding officer, and would add additional layers of bureaucracy to the internal document controls followed by the PSC. In addition, Uniform Rule 28-106.303 provides the presiding officer shall take action to dispose of motions. This requirement conflicts with current Commission practice because PSC prehearing matters are handled by the prehearing officer.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.305(1),
Conduct of Proceedings.

SUMMARY OF THE GROUNDS FOR EXCEPTION: The PSC seeks an exception to Uniform Rule 28-106.305(1) so that the agency can continue to follow PSC Rule 25-22.038(1). Under the Uniform Rules, the presiding officer issues orders necessary to effect discovery and addresses other procedural matters in the case. Under PSC

practice, the governance of prehearing matters is handled by the prehearing officer. The prehearing officer may or may not be the presiding officer at the informal hearing.

The PSC seeks to keep the following procedural rules that would be in addition to the Uniform Rules of Procedure for the most efficient operation of the agency.

AGENCY PROCEDURE: 25-21.004, Disqualification.

REASON FOR PROCEDURE: This rule clearly announces the reasons why a commissioner may be disqualified from hearing a case, states the procedure to follow when filing a petition for disqualification, and states how a petition will be disposed of by the PSC. The rule removes doubt or controversy concerning the procedures on disqualification.

AGENCY PROCEDURE: 25-22.0021, Agenda Conference Participation.

REASON FOR PROCEDURE: The PSC votes on agency action at public meetings called agenda conferences. The purpose of PSC Rule 25-22.0021 is to clearly set forth the PSC's policy on accepting public comments during the course of these meetings. It gives notice to all regulated entities, parties, and interested persons concerning their right to participate in the agenda conference.

AGENCY PROCEDURE: 25-22.006, Confidential Information.

REASON FOR PROCEDURE: PSC Rule 25-22.006 sets out the procedures to follow when requesting that certain information filed with the PSC be considered confidential and exempt from Section 119.07(1), Florida Statutes.

AGENCY PROCEDURE: 25-22.017(1) and (2), Rulemaking Proceeding -- Adoption.

REASON FOR PROCEDURE: Subsections (1) and (2) of PSC Rule 25-22.017 prescribe the procedures the PSC will follow when voting to adopt changes to a proposed rule at an agenda conference. This rule puts the public on notice as to the procedure used by the PSC, and avoids doubt or controversy.

AGENCY PROCEDURE: 25-22.035(3), Miscellaneous Matters.

REASON FOR PROCEDURE: Subsection (3) of PSC Rule 25-22.035 provides that the Florida Rules of Civil Procedure will govern formal proceedings except where they are superseded by or in conflict with a PSC Rule. If a procedural matter is not governed by a Uniform Rule or a PSC Rule, it will often be addressed in the Florida Rules of Civil Procedure.

AGENCY PROCEDURE: 25-22.0355, Assignment of Formal Proceedings.

REASON FOR PROCEDURE: PSC Rule 25-22.0355 puts all affected persons on notice as to the procedure that will be followed when assigning a commissioner or DOAH ALJ to formal proceedings. The rule also prescribes the procedure to follow when requesting to have a case assigned to the full Commission. The rule avoids doubt or controversy concerning the assignment of proceedings.

AGENCY PROCEDURE: 25-22.037(3) and (4), Answers and Motions.

REASON FOR PROCEDURE: Subsections (3) and (4) of PSC Rule 25-22.037 prescribes the PSC's policy on default and waiver. The rule puts all interested persons on notice as to when waiver or

default is considered to have occurred, and thus avoids any doubt or controversy concerning such issues.

AGENCY PROCEDURE: 25-22.0376, Reconsideration of Non-Final Orders.

REASON FOR PROCEDURE: PSC Rule 25-22.0376 provides a means for adversely affected parties to seek reconsideration of a non-final order issued by a single commissioner, usually acting as a prehearing officer. The rule provides the procedure the party must follow to seek reconsideration by the panel assigned to hear the case. The rule avoids doubt or controversy concerning reconsideration of non-final orders.

AGENCY PROCEDURE: 25-22.0406, Notice and Public Information on General Rate Increase Requests by Electric, Gas and Telephone Companies.

REASON FOR PROCEDURE: PSC Rule 25-22.0406 prescribes the procedure for noticing customers of electric and gas utilities and telecommunications companies that the regulated entity has requested a general rate increase. The rule ensures individual customers have adequate notice of service hearings and the hearing dates of the formal hearing. The rule also ensures that all customers have access to detailed information concerning the rate filing.

AGENCY PROCEDURE: 25-22.0407, Notice of and Public Information for General Rate Increase Requests by Water and Wastewater Utilities.

REASON FOR PROCEDURE: PSC Rule 25-22.0407 prescribes the procedure for noticing customers of water and wastewater utilities that the regulated entity has requested a general rate increase. The rule ensures individual customers have adequate notice of customer meetings and the hearing dates of the formal hearing. The rule also ensures that all customers have access to detailed information concerning the rate filing.

AGENCY PROCEDURE: 25-22.042, Dismissal.

REASON FOR PROCEDURE: PSC Rule 25-24.042 puts all parties on notice that failure or refusal to comply with a PSC order subjects the party to dismissal from the action, and if the offending party carries the burden of proof, the proceeding itself may be dismissed. The rule enables the PSC to take affirmative action when a party demonstrates a "persistent inability to comply with Commission orders and rules." In re: Application for certificate to provide interexchange telecommunications service by Health Liability Management Corporation, 97 F.P.S.C. 11:451, 454 (1997).

AGENCY PROCEDURE: 25-22.046, Witnesses and Witness Fees.

REASON FOR PROCEDURE: PSC Rule 25-22.046 sets out the requirements for witness fees, and states that members of the general public may appear as witnesses in PSC proceedings without being a party. The rule avoids doubt or controversy concerning witness fees, and the ability of the general public to participate in proceedings.

AGENCY PROCEDURE: 25-22.058, Oral Argument.

REASON FOR PROCEDURE: PSC Rule 25-22.058 puts all parties to a formal proceeding on notice as to when the PSC may grant requests for oral argument. The Florida Supreme Court has recognized that this rule may aid the PSC in determining what agency action to take. U.S. Sprint Communications Co. v. Nichols, 534 So. 2d 698, 700 (Fla. 1988).

AGENCY PROCEDURE: 25-22.060, Motion for Reconsideration.

REASON FOR PROCEDURE: PSC Rule 25-22.060 provides a means for adversely affected parties to seek reconsideration of final orders issued by the PSC. The rule provides the procedure the party must follow to seek reconsideration. The Florida Supreme Court has recognized the value of this rule. See Sentinel Star Express Company v. Florida Public Service Commission, 322 So. 2d 503, 505 (Fla. 1975).

AGENCY PROCEDURE: 25-22.075, Transmission Line Permitting Proceedings.

REASON FOR PROCEDURE: PSC Rule 25-22.075 sets out the procedure to initiate a transmission line permitting proceeding, including special noticing requirements. In addition, the rule specifies that a motion for reconsideration must be filed within five days of the Commission decision. This rule enables the PSC to meet the statutory deadlines set forth in Section 403.537, F.S.

AGENCY PROCEDURE: 25-22.080, Electrical Power Plant Permitting Proceedings.

REASON FOR PROCEDURE: PSC Rule 25-22.080 sets out the procedure to initiate an electrical power plant permitting proceeding, including special noticing requirements and decisional time lines. In addition, the rule specifies that a motion for reconsideration must be filed within five days of the Commission decision. This rule enables the PSC to meet the statutory deadlines set forth in Section 403.519, F.S.

THE ADMINISTRATION COMMISSION IS EXPECTED TO HEAR THE PSC'S PETITION FOR EXCEPTIONS AT THE MAY 12, 1998, CABINET MEETING.