

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

UNDOCKETED

IN RE: INITIATION OF FORMAL PROCEEDINGS

NOTICE OF PROPOSED RULE DEVELOPMENT

TO

ALL INTERESTED PERSONS

ISSUED: April 7, 2000

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated the development of Rule 25-22.036, Florida Administrative Code, to repeal provisions relating to the initiation of Commission proceedings.

The attached Notice of Proposed Rule Development will appear in the April 14, 2000, edition of the Florida Administrative Weekly. If timely requested and not deemed unnecessary by the Commission, a rule development workshop will be held at the following time and place:

Florida Public Service Commission
9:30 a.m., Tuesday, May 2, 2000
Gunter Building
Room 309, 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

The request must be submitted in writing and received by Mary Anne Helton, Division of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, no later than April 28, 2000.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).


DOCUMENT NUMBER-DATE

~~06305~~ APR-78

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By Direction of the Florida Public Service Commission, this
7th day of April, 2000.



BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

MAH

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FLORIDA PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE:

RULE NO.:

Initiation of Formal Proceedings

25-22.036

PURPOSE AND EFFECT: To repeal subsection (3) of Rule 25-22.036.

SUBJECT AREA TO BE ADDRESSED: The initiation of Commission proceedings on the Commission's own motion.

SPECIFIC AUTHORITY: 350.01(7), 350.127(2), F.S.

LAW IMPLEMENTED: 120.569, 120.57, 350.123, 364.035, 364.05, 364.057, 364.058, 364.335, 364.337, 366.04, 366.06, 366.071, 366.076, 366.8255, 367.031, 367.045, 367.071, 367.081 367.0814, 367.0817, 367.082, 367.0822, 367.091, 367.101, 367.171, F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: Tuesday, May 2, 2000, at 9:30 a.m.

PLACE: Gunter Building, 2540 Shumard Oak Boulevard, Room 309, Tallahassee, Florida 32399-0850

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO MARY ANNE HELTON, DIVISION OF APPEALS, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

Any person requiring some accommodation at this workshop

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because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary Anne Helton, Division of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-22.036 Initiation of Formal Proceedings.

(1) Application. An application is appropriate when a person seeks authority from the Commission to engage in an activity subject to Commission jurisdiction.

(2) Complaints. A complaint is appropriate when a person complains of an act or omission by a person subject to Commission jurisdiction which affects the complainant's substantial interests and which is in violation of a statute enforced by the Commission, or of any Commission rule or order.

~~(3) Orders and Notices. Upon its own motion, the Commission may issue an order or notice initiating a proceeding. Such order or notice shall be served upon all persons named therein. The Commission may also transmit notice of its action to other persons requesting such notice, and may publish such notice in appropriate~~

~~newspapers of general circulation and the Florida Administrative Weekly.~~

(3)~~(4)~~ Form and Content.

(a) Application. An application shall be governed by the statute or rules applicable to applications for authority. In the absence of a specific form and content, the application shall conform to this rule.

(b) Complaint. Each complaint, in addition to the requirements of paragraph (a) above shall also contain:

1. The rule, order, or statute that has been violated;
2. The actions that constitute the violation;
3. The name and address of the person against whom the complaint is lodged;
4. The specific relief requested, including any penalty sought.

Specific Authority: 350.01(7), 350.127(2), F.S.

Law Implemented: 120.569, 120.57, 350.123, 364.035, 364.05, 364.057, 364.058, 364.335, 364.337, 366.04, 366.06, 366.071, 366.076, 366.8255, 367.031, 367.045, 367.071, 367.081, 367.0814, 367.0817, 367.082, 367.0822, 367.091, 367.101, 367.171, F.S.

History--New 12/21/81, Formerly 25-22.36, Amended 05/03/99.

✓ RECEIVED-FPSC

M E M O R A N D U M

00 APR -6 PM 2:00

April 6, 2000

TO : DIVISION OF RECORDS & REPORTING
FROM : MARY ANNE HELTON, ASSOCIATE GENERAL COUNSEL *MAH*
RE : UNDOCKETED, RULE 25-22.036 INITIATION OF FORMAL PROCEEDINGS

RECORDS AND REPORTING

Enclosed is a Notice of Proposed Rule Development. Industry distribution is all regulated industries. This document must be issued within three (3) working days.

0222036. MAH
Attachments
cc: Wanda Terrell

2248 mailed with agenda

*mailed as self-mailer
w/Agenda item 4/7/00.*

*135
~~144~~ faxes for Notice of Rulemaking lists
18 mailed "*