

DOCKET NO. 000393-WS

CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

(2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

(a) Are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of

- APP _____
- CAF _____
- CNP _____
- COM _____
- CTR _____
- ECR _____
- LEG _____
- OPC _____
- PAI _____
- RGO _____
- SEC I
- SER _____
- OTH _____

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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TALLAHASSEE, FLORIDA

the final public hearing on the rule; or

 / (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

 / (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

 / (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

 / (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

 / (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No.

25-30.111

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Under the provision of subparagraph 120.54(3)(e)6., F.S.,
the rules take effect 20 days from the date filed with the
Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)

Blanca S. Bayo for
BLANCA S. BAYO, Director
Division of Records & Reporting

Number of Pages Certified

(S E A L)

MAH

1 25-30.111 Exemption for Resale of Utility Service, Annual
2 Report.

3 ~~Any person who has been granted an exemption from regulation~~
4 ~~as a reseller of water or wastewater service provided for in~~
5 ~~subsection 367.022(8), F.S., shall file a report by March 31 of~~
6 ~~each year following the year for which the exemption is claimed.~~

7 ~~The report shall contain the following:~~

8 ~~—— (1) A schedule, listing by month, the rates charged for and~~
9 ~~total revenue received from the water or wastewater service sold.~~

10 ~~—— (2) A schedule, listing by month, the rates charged and total~~
11 ~~expense incurred for the purchase of the water or wastewater~~
12 ~~service.~~

13 ~~—— (3) A statement listing the source from which the water or~~
14 ~~wastewater service was purchased.~~

15 Specific Authority: 367.121(1), F.S.

16 Law Implemented: 367.022(8), F.S.

17 History: New 3/26/81, Formerly 25-10.09, 25-10.009, Amended
18 11/9/86, 11/30/93, Repealed _____.

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CODING: Words underlined are additions; words in ~~struck~~
through type are deletions from existing law.

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after notice and an opportunity to be heard, as provided by applicable law.

(d) Any utility which fails to pay a penalty within 30 days after its assessment by the Commission shall be subject to interest applied to the penalty up to and including the date of payment of the penalty. Such interest shall be compounded monthly, based on the 30 day commercial paper rate for high grade, unsecured notes sold through dealers by major corporations in multiples of \$1,000 as regularly published in the Wall Street Journal.

(7) DELINQUENT REPORTS.

(a) Any utility that fails to file its annual report or extension on or before March 31, or within the time specified by any extension, approved in writing by the Division of Water and Wastewater shall be subject to a penalty. The penalty shall be based on the number of calendar days elapsed from March 31, or from an approved extended filing date, until the date of filing. The date of filing shall be included in the days elapsed.

(b) The penalty for delinquent reports shall accrue based on the utility's classification established under subsection (4), in the following manner for each day the report is delinquent:

1. \$25 per day for Class A utilities;
2. \$13.50 per day for Class B utilities; and
3. \$3.00 per day for Class C utilities.

(8) INCOMPLETE REPORTS.

(a) The Commission's Division of Water and Wastewater shall provide written notification to a utility if its report does not contain information required by subsection (4) of this rule. The utility shall file the missing information no later than 30 days after the date on the face of the notification. If the utility fails to file the information within that period, the report will be deemed delinquent and the utility shall be subject to a penalty as provided under paragraphs (7)(a) and (b), except that the penalty shall be based on the number of days elapsed from the date the information is due to the date it is actually filed. The date of filing shall be included in the elapsed days.

(b) A report is incomplete if any of the schedules required by the following forms of this rule are not completed:

1. Form PSC/WAS 4 (Rev. 12/86) for Class A Utilities;
2. Form PSC/WAS 5 (Rev. 12/86) for Class B Utilities;
3. Form PSC/WAS 3 (Rev. 3/91) for Class A or B Utilities that have multiple systems; and
4. Form PSC/WAS 6 (Rev. 12/86) for Class C Utilities.

(c) An incomplete report will remain incomplete until the missing information is filed with the Division of Water and Wastewater on the appropriate Commission form.

(9) INCORRECT FILING. If a utility files an incorrect annual report it shall be considered delinquent and subject to a penalty on the same basis as a utility that fails to timely file an annual report. The classification determining the applicable penalty, as prescribed by paragraphs

(7)(a) and (b), shall be determined by the latest annual revenue figures available for the utility. The failure of a utility to receive a report form for the correct class of utility shall not excuse the utility from its obligation to timely file the annual report for the correct class of utility.

(10) INSUFFICIENT COPIES. A utility that fails to file one original and two copies of its annual report shall be subject to a penalty of one dollar per page per missing copy. The Commission will provide the utility with written notice that insufficient copies were received. A penalty may be avoided if, within 20 days after the date of the notice, the utility files the missing copies or requests that the Commission copy its report for it and remits the appropriate fee for the copying.

(11) OTHER PENALTIES. The penalties that may be assessed against a utility for failure to file an annual report in compliance with the foregoing shall be separate and distinct from penalties that may be imposed for other violations of the requirements of the Commission.

Specific Authority 367.121 FS, Law Implemented 367.121(1)(c), 367.121(1)(g), 367.161 FS, History-- Amended 9-12-74, 1-18-83, 2-25-85, 10-27-85, Formerly 25-10.25, 25-10.025, Amended 11-10-86, 12-22-86, 3-11-91.

ANNOTATIONS

Waiver

Where Public Service Commission refused to grant waiver to utilities to use accounting period different from that stated in 25-10.25(2) [now 25-30.110]. Supreme Court held Commission's conclusion that cost in granting waiver far outweighs harm which utilities might suffer was unsupported by competent substantial evidence. Dr. Phillips Utilities, Inc. v. Bevis, App. (4th) 289 So. 2d 697 (1974).

25-30.111 Exemption for Resale of Utility Service, Annual Report. Any person who has been granted an exemption from regulation as a reseller of water or wastewater service provided for in subsection 367.022(8), F.S., shall file a report by March 31 of each year following the year for which the exemption is claimed. The report shall contain the following:

(1) A schedule, listing by month, the rates charged for and total revenue received from the water or wastewater service sold.

(2) A schedule, listing by month, the rates charged and total expense incurred for the purchase of water or wastewater service.

(3) A statement listing the source from which the water or wastewater service was purchased.

Specific Authority 367.121(1) FS, Law Implemented 367.022(8) FS, History--New 3-26-81, Formerly 25-10.09, 25-10.009, Amended 11-30-93.

25-30.115 Uniform System of Accounts for Water and Wastewater Utilities.

(1) Water and wastewater utilities shall, effective January 1, 1986, maintain its accounts and records in conformity with the 1984 NARUC Uniform Systems of Accounts adopted by the National Association of Regulatory Utility Commissioners. All inquiries related to the interpretation of these uniform systems of accounts

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Rule 25-30.111
Docket No. 000393-WS

SUMMARY OF RULE

Rule 25-30.111 requires exempt water and wastewater resellers to file an annual report with the Commission.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested and none was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-30.111 requires water and wastewater resellers who have been granted an exemption from regulation to file an annual report. During the 1999 legislative session, the Legislature repealed Section 367.022(8), Florida Statutes, which is the law implemented by Rule 25-30.111. The Commission had proposed the repeal of this law since the Commission did not have a mechanism for finding out who should be filing the annual report. Because the law implemented has been repealed, the Commission is repealing Rule 25-30.111.

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