

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of rulemaking to amend Rules 25-22.105, 25-22.107 and 25-22.1035, and repeal Rule 25-22.103, F.A.C. | DOCKET NO. 090502-OT
ORDER NO. PSC-09-0808-NOR-OT
ISSUED: December 7, 2009

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
NANCY ARGENZIANO
NATHAN A. SKOP
DAVID E. KLEMENT

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rule Nos. 25-22.105, 25-22.107 and 25-22.1035 and repeal Rule 25-22.103, Florida Administrative Code, relating to Indexing Orders.

The attached Notice of Rulemaking will appear in the December 11, 2009 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at a time and place to be announced in a future notice.

Written requests for hearing and written comments or suggestions on the rules must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than January 4, 2010.

By ORDER of the Florida Public Service Commission this 7th day of December, 2009.



ANN COLE
Commission Clerk

(SEAL)

CM

DOCUMENT NUMBER-DATE

11778 DEC-7 8

FPSC-COMMISSION CLERK

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-22.103: Orders Indexed

25-22.1035: Designation of Official Reporter

25-22.105: System for Indexing Orders

25-22.107: Plan for Making Orders and Index Available to the Public

PURPOSE AND EFFECT: To amend the rules to make the Commission's Web site the official reporter for final orders to provide free and timely access to final orders. Docket No. 090502-OT

SUMMARY: The rule revisions would place the Commission in the role of being its own Official Reporter. This would be implemented through the Commission's Web site which provides an electronic database of the Commission's orders. This would take place January 1, 2010, with prior orders being located in the FPSC Reporter, published by FALR. Rule 25-22.103, Orders Indexed, is repealed because there is no need for orders to be "indexed" when an electronic database is used instead; Rule 25-22.1035, Designation of Official Reporter, is amended to make the Commission's Web site the Official Reporter from January 2010 forward; Rule 25-22.107, Plan for Making Orders Available to the Public, is amended to state that copies of orders are maintained electronically at the Commission's Web site; Rule 25-22.105, System for Indexing Orders, is amended to refer to the Commission's electronic database on the Commission's Web site. The amendments also refer to the advanced search feature of orders.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Statement of Estimated Regulatory Costs notes that there should be no incremental costs for the Commission because the electronic data base currently exists and is available to the public. There would be benefits in saving staff time to reproduce and mail the orders to the publisher and the associated reproduction and mailing costs. Also, customers, utilities and business entities would know that Commission orders are available online and may obtain access to the orders without subscribing to a publication.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.53(2), 120.532, 120.533, FS

LAW IMPLEMENTED: 120.52(2), 120.53(2)-(4) FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-22.103 Orders Indexed.

~~All Commission orders shall be indexed.~~

~~Rulemaking Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)3., (2)(d) FS. History--New 9-24-92, Amended 12-27-94, Repealed _____.~~

25-22.1035 Official Reporter for Final Orders~~Designation of Official Reporter.~~

~~The official reporter of the Florida Public Service Commission shall be its Web site www.psc.state.fl.us/dockets/cms, effective January 1, 2010. the Florida Public Service Commission Reporter (FPSCR), published by FALR, Inc. The official reporter shall index orders of the Commission as required by Rule 25-22.103, F.A.C. The Florida Public Service Commission Reporter (FPSCR) published by FALR will remain the designated official reporter for final orders from January 1981 to December 31, 2009., and shall publish the index and all orders. The Florida Public Service Commission Reporter is found at some county law libraries and is available by subscription at the offices of FALR, Inc., P. O. Box 385, Gainesville, FL 32602. A copy of the Florida Public Service Commission Reporter is also available for public inspection at the Office of Commission Clerk.~~

~~Rulemaking Specific Authority 120.532, 120.533 FS. Law Implemented 120.53(2)(a)3., 120.53(2)(d), 120.53(4)(a) FS. History--New 12-27-94, Amended _____.~~

25-22.105 Electronic Database of Orders and Other Records~~System for Indexing Orders.~~

~~(1) The Commission's electronic database The index shall be available from the Commission's Web site located at www.psc.state.fl.us/dockets/cms. and alphabetically arranged by main subject headings representing major categories of the Commission's regulatory jurisdiction, and taken from the Florida Statutes index, when applicable. The applicable titles of~~

~~citations of the Florida Statutes construed within the final order may determine the main subject headings and subheadings in the index. The index shall show the main subject headings in all capital letters, flush left on the page, followed by relevant subheadings which shall be initial caps and lower case letters indented. Subheadings and sub-subheadings shall reflect increasingly specific areas or subjects addressed in Commission orders and may be taken from the text of the Florida Statutes construed. Subheadings and sub-subheadings at equal indentations shall also be alphabetized. The FPSCR citation to orders shall be listed sequentially in an indentation immediately below the applicable sub or sub-subheading. Cross references shall be used to direct the user to subject headings which contain the relevant information. The database shall include the ability to electronically search dockets by docket number, docket title, and document number. The ability to search by rRelated key words (specific words, terms, and phrases) and common and colloquial words shall be available from the "advanced search" feature on the main search page of the Commission's Web site at <http://www.floridapsc.com/search>. Orders within this database may be searched using logical search terms that are in common usage, that are also contained within the text of the final orders, or by descriptive information about the order that may not be specifically contained in the order. From the Category drop-down selection on the "advanced search" feature for Orders, the search may optionally be further restricted. listed and cross-referenced to the appropriate main subject headings. New subject headings will be added when necessary.~~

(2) Information shall be added to the Commission's Web site within 24 hours of the issuance of the document by the Office of Commission Clerk. The index shall be cumulative for at least one calendar year and shall be updated and made available to the public at least quarterly. Rulemaking Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History— New 9-24-92, Amended 12-27-94, _____.

25-22.107 Plan for Making Orders and Index Available to the Public.

(1) The Commission shall make orders accessible and available to the public by sequentially numbering and maintaining all orders.

(2) The Office of Commission Clerk shall assist the public in obtaining information pertaining to Commission orders and may be contacted at (850)413-6770 or at Clerk@psc.state.fl.us. Questions may also be faxed to (850)413-7118.

(3) Copies of orders, ~~in numerical order, and a copy of the Commission's official reporter~~ shall be maintained in ~~the offices of~~ the Office of Commission Clerk and electronically at the Commission's Web site, www.psc.state.fl.us/dockets/cms.

Rulemaking Specific Authority 120.53(2), (8) FS. Law Implemented 120.52(2) FS. History--New 9-24-92, Amended 12-27-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 01, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 35, Number 42, October 23, 2009