

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF DEVELOPMENT OF RULEMAKING

TO

ALL INTERESTED PERSONS

UNDOCKETED

IN RE: INITIATION OF RULEMAKING TO REPEAL RULE 25-22.028, F.A.C., FILING,
NUMBER OF COPIES

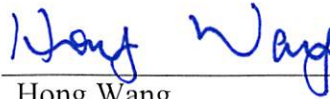
ISSUED: April 15, 2015

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated rulemaking to repeal Rule 25-22.028, Florida Administrative Code (F.A.C.), in order for the uniform filing rule, Rule 28-106.104, F.A.C., to take its place. The Commission initially received a waiver from the Uniform Rules in order to keep Rule 25-22.028, F.A.C., because it contains differing filing requirements depending on the size of the utility making the filing. However, with the advent of electronic filing, the reasons for maintaining Rule 25-22.028, F.A.C., have become obsolete. Moreover, pursuant to Rule 28-101.001, the Commission's electronic filing requirements will be outlined in the Commission's Statement of Agency Organization and Operation, to be updated as attached.

The attached Notice of Development of Rulemaking appeared in the April 15, 2015, edition of the Florida Administrative Register. If requested in writing and not deemed unnecessary by the agency head, a rule development workshop will be scheduled and noticed in the next available Florida Administrative Register. Written requests for a rule development workshop must be submitted to Rosanne Gervasi, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6224, rgervasi@psc.state.fl.us, by April 29, 2015. A copy of the draft rule repeal is also attached.

NOTICE OF DEVELOPMENT OF RULEMAKING
UNDOCKETED
PAGE 2

By DIRECTION of the Florida Public Service Commission this 15th day of April, 2015.



Hong Wang
Chief Deputy Commission Clerk
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF DEVELOPMENT OF RULEMAKING
UNDOCKETED
PAGE 3

Notice of Development of Rulemaking

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:
25-22.028 Filing, Number of Copies

PURPOSE AND EFFECT: Rule 25-22.028, F.A.C. would be repealed and Rule 28-106.104, F.A.C., Filing, would take its place. The Commission initially received a waiver from the Uniform Rules in order to keep Rule 25-22.028, F.A.C. in place because it contains differing filing requirements depending on the size of the utility making the filing. However, with the advent of electronic filing, the reasons for maintaining Rule 25-22.028, F.A.C. have become obsolete. Moreover, pursuant to Rule 28-101.001, F.A.C., the Commission's electronic filing requirements will be outlined in the Commission's Statement of Agency Organization and Operation.

Undocketed

SUBJECT AREA TO BE ADDRESSED: Filing requirements.

RULEMAKING AUTHORITY: 350.01(7), 350.127(2) FS.

LAW IMPLEMENTED: 120.569, 120.57 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rosanne Gervasi, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

1 **25-22.028 Filing, Number of Copies.**

2 ~~(1) Filing. Filing shall be accomplished by submitting the original document and the~~
3 ~~appropriate number of copies, as provided by rule, to the Office of Commission Clerk. Filing~~
4 ~~may be made by U.S. Mail, hand delivery, or courier service. Filings on behalf of companies~~
5 ~~with gross annual operating revenues derived from intrastate business in excess of \$750,000,~~
6 ~~Class A water and sewer utilities, and parties to proceedings affecting these entities, shall also~~
7 ~~include a copy of the document on diskette in word processing or spreadsheet format,~~
8 ~~whichever is appropriate, when filing documents capable of being generated by word~~
9 ~~processing or spreadsheet software. Material for which a request for confidential classification~~
10 ~~is pending under Rule 25-22.006, F.A.C., should not be included in a diskette copy. The~~
11 ~~diskette filing need not recreate document attachments not originally generated for the purpose~~
12 ~~of filing with the Commission, such as exhibits attached to a petition. The copy of the~~
13 ~~document on diskette shall be filed within 1 working day of the date the original printed~~
14 ~~document is filed. Information about the word processing and spreadsheet software preferred~~
15 ~~by the Commission may be obtained from the Director of the Division. Each diskette shall be~~
16 ~~accompanied by a statement specifying the density of the diskette, the operating system and~~
17 ~~the software used to prepare the document on diskette. For purposes of the requirement that~~
18 ~~copies of documents be filed on diskette, "document" means all prehearing statements~~
19 ~~regardless of length, and pleadings, post hearing statements of positions on issues or briefs,~~
20 ~~proposed findings of fact and conclusions of law in excess of 5 pages exclusive of the service~~
21 ~~list. In case of a discrepancy between an original printed document that is filed and the~~
22 ~~document on diskette, the filed original document shall prevail. If the filing is made with the~~
23 ~~presiding officer during the course of a hearing, as provided by subsection 28-106.104(1),~~
24 ~~F.A.C., the responsible party shall ensure that a copy of the document is submitted on diskette~~
25 ~~to the Division within 5 working days. Where a document is served upon a party pursuant to~~
CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from
existing law.

NOTICE OF DEVELOPMENT OF RULEMAKING
UNDOCKETED
PAGE 5

1 ~~these rules, its original and the appropriate copies, or, in the case of interrogatories or~~
2 ~~production of documents, a notice of service, shall be filed with the Office of Commission~~
3 ~~Clerk no later than 5 days after service.~~

4 ~~(2) Number of Copies. The original and seven copies of all pleadings shall be submitted to the~~
5 ~~Office of Commission Clerk. However, initial pleadings for increases in rates, except rate~~
6 ~~increases by water and wastewater utilities, shall be filed with 20 copies. The requirement for~~
7 ~~filing 20 copies shall apply to all exhibits appended to the original petition, prepared testimony~~
8 ~~and exhibits, briefs and other supplemental data requested by the Commission.~~

9 *Rulemaking Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS.*

10 *History—Formerly 25-2.58, Amended 12-21-81, Formerly 25-22.28, Amended 2-11-92, 5-3-99,*

11 *Repealed _____.*

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Statement of Agency Organization & Operations

Filing Documents Electronically

The Florida Public Service Commission recognizes that electronic filing (e-filing) facilitates quick and easy access of records and that many electronic records are “born digital” with no paper counterpart. The Commission has made available for e-filing an electronic filing web form. This e-filing method is available from the Commission’s website at www.floridapsc.com, by selecting the **Clerk’s Office** tab and **Electronic Filing Web Form**. The Commission strongly encourages e-filing and may transition to mandatory e-filing in the future. The potential benefit to e-filers in paper reduction, postage savings, and elimination of delivery costs is substantial.

All filings with the Commission must comply with the Uniform Rules of Procedure. See Rule [28-106.104](#), F.A.C.

How do I e-file?

- Convert document to Adobe PDF, properly oriented to be read without the need for rotation.
- Leave a space of approximately 1x2 inches on the upper right-hand corner of the first page for use by the Clerk’s Office.
- Cover letters and/or certificates of service must be included in the relevant PDF document and “s/” or “/s/” are recognized electronic signatures.
- Access Electronic Filing Web Form at <https://secure.floridapsc.com/e-filings/efiling.aspx>; fill in blanks, attach PDF, click Submit.
- There is no requirement to file additional copies when documents are e-filed, except for rate case minimum filing requirements filed pursuant to Rules 25-6.043, 25-6.0435, 25-7.039, 25-7.040, 25-30.436, or 25-30.437, F.A.C., which electronic filings must be accompanied by the appropriate number of copies as provided by the rule or order under which the filing is made.

A party who submits a document for e-filing acknowledges and agrees that:

- The filing date for an electronically transmitted document will be the date the Clerk’s Office receives the complete document. A document received on a non-business day or after 5:00 p.m. on a business day will be considered officially filed as of 8:00 a.m. on the next following business day.
- The filer is responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the Clerk’s Office as a result.
- The official record copy of an electronically filed document is that which is received by the Clerk’s Office, document-numbered, and filed in the docket.
- Electronically filed documents are public records that will be published on the Commission’s local area network and its website. Confidentiality is waived for any information in documents submitted for e-filing.
- The Commission does not accept filings submitted by facsimile.

What happens after an e-filing is submitted?

- An acknowledgement e-mail is sent to the filer. Contact the Clerk’s Office if this is not received.
- Documents are processed in the order received.
- A document number and date/time stamp will be electronically affixed on the upper right-hand corner of the first page of the e-filing.

What documents are ineligible for e-filing?

- Documents containing proprietary confidential business information.
- Those identified as ineligible in the Order Establishing Procedure.
- Filings which must be accompanied by a fee or payment.
- Adobe PDF files greater than 500 MB or Acrobat portfolio files.

What about telecommunications tariff filings?

- Telecommunications tariffs have different e-filing procedures.
- Visit the Commission's website and select the **Utility Regulation** tab, **Telecommunications**, and **E-Tariff Information**.

Still have questions?

- Contact the Clerk's Office at 850.413.6770 or clerk@psc.state.fl.us.