

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** January 10, 2017  
**TO:** Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk  
**FROM:** Adria Harper, Office of the General Counsel *AETH*  
**RE:** Docket No.160121-GU

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Please file the attached JAPC letter in the docket file listed above.

Thank you.

Attachment

RECEIVED-FPSC  
2017 JAN 10 PM 3:36  
COMMISSION  
CLERK

JOE NEGRON  
President



RICHARD CORCORAN  
Speaker



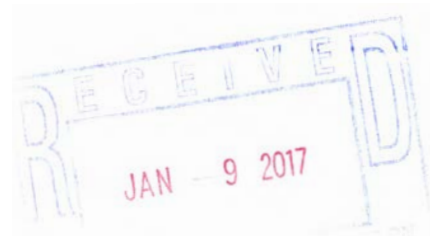
THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
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January 3, 2017

Ms. Adria E. Harper  
Office of the General Counsel  
Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850



**RE: Public Service Commission  
Rules 25-12.005, .008, .022, .027, .040, and .085**

Dear Ms. Harper:

I have reviewed the above-referenced rules and offer the following comments for your consideration and response:

**25-12.005:** The versions of the incorporated material provided for review are not in alignment with that featured in the rule text. Regarding 49 C.F.R. Parts 191 and 192, the compilations provided feature a revision date of August 2015, the most recent official updating of Title 49 occurred in October 1, 2015, and the rule text indicates 2016. Regarding 49 C.F.R. Part 199, the unofficial copy provided indicates a 2016 date; however, the last official updating of Title 49 in the Code of Federal Regulations bears the date of October 1, 2015. Please revise for consistency with the versions of the regulations intended and provide updated copies as necessary.

**25-12.008(2)(e), (g):** Please see the comment above for rule 25-12.005.

**25-12.027(1):** This subsection incorporates updated copyrighted material. Copyrighted material may be incorporated by reference; however, after determining that the posting of the material would constitute a violation of federal copyright law, an agency must include in its notice a statement to that effect along with the address of locations where the public can access the material as required by section 120.54(1)(i)3.b, Florida Statutes. Please ensure that the addresses of locations and the manner in which a person may *inspect and examine* the copyrighted materials incorporated by reference in the rule


Ms. Adria E. Harper  
January 3, 2017  
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pursuant to rule 1-1.013(5)(c), Florida Administrative Code. Emphasis added. The rule text does not include an address at the Commission at which the material may be inspected. Please provide a copy of the newly incorporated by reference material to the Committee. Hard copies of copyrighted material can be returned after review is complete.

Additionally, please see the comment above for rule 25-12.005 regarding the reference to the incorporated CFR citation.

If you have questions, please do not hesitate to contact me. Otherwise, I look forward to your written response.

Sincerely,



Jamie L. Jackson  
Senior Attorney