

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-

DATE: May 8, 2017
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Adria Harper, Office of the General Counsel *AetH*
RE: Docket No.160246-WS

Please file the attached letter to JAPC, Statement of Changes and FAR Notice of Change in the docket file listed above.

Thank you.

Attachment

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2017 MAY -8 PM 2:10
COMMISSION
CLERK

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STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
KEITH C. HETRICK
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

May 8, 2017

Kenneth J. Plante, Coordinator
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400

Re: Docket No. 160246, Rules 25-30.444, and 25-30.4445, F.A.C.

Dear Mr. Plante:

Enclosed are the notice of change, which was published in the Florida Administrative Register on May 8, 2017, and the statement of changes for proposed Rule 25-30.444, F.A.C. No changes were made to Rule 25-30.4445, F.A.C.

We plan to file both Rules 25-30.444 and 25-30.4445, F.A.C., for adoption on May 30, 2017.

Sincerely,

A handwritten signature in black ink that reads "Adria E. Harper".

Adria E. Harper

Enclosure

cc: Office of Commission Clerk

RECEIVED
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JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE

STATEMENT OF CHANGES

The Commission published its Notice of Proposed Rulemaking in Volume 43, No. 47, of the March 9, 2017, issue of the Florida Administrative Register. By letter dated March 22, 2017, the staff of the Joint Administrative Procedures Committee (JAPC) provided comments on proposed Rule 25-30.444, F.A.C.

JAPC commented that Subsection (1) and Paragraph (4)(f) of Rule 25-30.444, F.A.C., should be clarified to state that the utility reserve fund could be used only for repairs to existing distribution and collection infrastructure. The Commission added the language, “existing distribution and collection infrastructure that is nearing the end of its useful life or is detrimental to water quality or reliability of service” to Subsection (1) and Paragraph (4)(f) of the rule. This language clarifies that the utility reserve fund may not be used to fund future, new construction and that the fund may be used for repairs of existing infrastructure only in accordance with Section 367.081(2)(c), F.S.

Notice of Change/Withdrawal

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-30.444 Utility Reserve Fund

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 43 No. 47, March 9, 2017 issue of the Florida Administrative Register.

25-30.444 Utility Reserve Fund

(1) PROJECT ELIGIBILITY. The following considerations shall be applied in determining whether a future infrastructure repair or replacement project of existing distribution and collection infrastructure that is nearing the end of its useful life or is detrimental to water quality or reliability of service is eligible for advance funding through a utility reserve fund and whether a utility reserve fund is the most appropriate methodology to address the requested project.

(a) through (c) No change.

(2) No change.

(3) No change.

(4) DISBURSEMENT OF FUNDS. A utility requesting disbursement of funds from an escrow account or authorization to use funds secured by an irrevocable letter of credit shall file the following information and supporting documentation:

(a) through (e) No change.

(f) A utility may request the disbursement of funds from a utility reserve fund to assist with making an emergency repair or replacement of existing distribution and collection infrastructure that is nearing the end of its useful life or is detrimental to water quality or reliability of service that is critical to the operation of the utility facilities and resulted from events that were out of the utility's control, such as weather related damage, accidents, or defective parts.

1. through 3. No change.

(5) through (6) No change.