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| State of Florida  pscSEAL | | 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 30, 2019 | | |
| TO: | Office of Commission Clerk (Teitzman) | | |
| FROM: | Office of the General Counsel (Harper)  Division of Economics (Guffey)  Office of Industry Development and Market Analysis (Wooten) | | |
| RE: | Docket No. 20190074-PU – Proposed repeal of Rule 25-4.0051, F.A.C., Current Certificate Holder Information and Rule 25-4.520, F.A.C., Reporting Requirements, and proposed adoption of Rule 25-22.108, F.A.C., Change of Regulated Utility Contact Information. | | |
| AGENDA: | 06/11/19 – Regular Agenda – Rule Proposal – Interested Persons May Participate | | |
| COMMISSIONERS ASSIGNED: | | | All Commissioners |
| PREHEARING OFFICER: | | | Polmann |
| RULE STATUS: | | | Proposal May Be Deferred |
| SPECIAL INSTRUCTIONS: | | | None |

Case Background

Rule 25-4.0051, Florida Administrative Code (F.A.C.), Current Certificate Holder Information, requires each certificated telecommunications company to file updated contact information with the Office of the Commission Clerk within 10 days of any changes to its contact information. Similarly, Rule 25-4.520, F.A.C., Reporting Requirements, requires each pay telephone service company to file any updated contact information with the Office of the Commission Clerk within 10 days after a change occurs.

Pursuant to Sections 350.127(2), 364.01, 364.183, 366.05, 367.121, 368.05, 427.704(8), Florida Statutes (F.S.), the Commission can require any public utility subject to the Commission’s regulation to provide the Commission with the utility’s updated contact information.The adoption of new Rule 25-22.108, F.A.C., Change of Regulated Utility Information, would codify current practice requiring each utility, not just telecommunications and pay telephone service companies, to submit its contact information. The utility must submit the contact information to the Office of the Commission Clerk, using the form entitled Form PSC 1024 (6/19) “Change of Regulated Utility Contact Information,” which is provided on the Commission’s website, within 30 days of being regulated by the Commission. Likewise, the rule requires that any utility that updates its contact information must submit the updated contact information to the Office of the Commission Clerk within 30 days of the changes.

The Commission’s Notice of Development of Rulemaking for Rules 25-4.0051, 25-4.520, and 25-22.108, F.A.C., were published in Volume 44, No. 160, of the Florida Administrative Register on August 16, 2018. There were no requests for workshop, and no workshop was held.

This recommendation addresses whether the Commission should repeal Rules 25-4.0051 and 25-4.520, F.A.C. and adopt Rule 25-22.108, F.A.C. The Commission has jurisdiction pursuant to Sections 120.54, 350.01, 350.127(2), and 427.704 (8), F.S.

Discussion of Issues

Issue :

 Should the Commission repeal Rules 25-4.005, F.A.C., Current Certificate Holder Information and Rule 25-4.520, F.A.C., Reporting Requirements, and adopt new Rule 25-22.108, F.A.C., Change of Regulated Utility Contact Information?

Recommendation:

 Yes, the Commission should repeal Rules 25-4.0051 and 25-4.520, F.A.C., and adopt new Rule 25-22.108, F.A.C., as set forth in Attachment A. The Commission should certify Rule 25-22.108, F.A.C., as a minor violation rule. (Harper, Guffey, Wooten)

Staff Analysis:

 Rules 25-4.0051 and 25-4.520, F.A.C., require certificate holding telecommunications and pay telephone service companies to update their contact information with the Commission. All utilities subject to the Commission’s regulation, not just telecommunications and pay telephone service companies, must provide updated contact information to the Commission. Because Rules 25-4.0051 and 25-4.520, F.A.C., are limited to telecommunications and pay telephone service companies only, staff believes that these rules are unnecessary and should be repealed and replaced by Rule 25-22.108, F.A.C., as set forth in Attachment A.

Rule 25-22.108, F.A.C., codifies current Commission practice that requires utilities to update their contact information with the Commission. Rule 25-22.108, F.A.C., requires all utilities, not just telecommunications and pay telephone service companies, to update their contact information in a timely manner by using Form PSC 1024 (6/19) “Change of Regulated Utility Contact Information.” A link to Form PSC 1024 is contained in Subsection (1) of Rule 25-22.108, F.A.C. The link directs utilities to Form PSC 1024 on the Commission’s website so that utilities can submit updated contact information electronically to the Office of the Commission Clerk. A copy of Form PSC 1024 is set forth in Attachment B.

Subsection (1) of Rule 25-22.108, F.A.C., provides that within 30 days of being regulated by the Commission as a utility defined by Section 350.111, F.S., a utility must submit its contact information to the Office of the Commission Clerk using Form PSC 1024, except when all current information was already previously submitted to the Commission in the utility’s application for certification. Subsection (2) of Rule 25-22.108, F.A.C., provides that once a utility makes any changes to the information listed in Form PSC 1024, the utility must submit an updated form to the Office of the Commission Clerk within 30 days of the changes.

Minor Violation Rules Certification

Currently, Rules 25-4.0051 and 25-4.520, F.A.C., are on the Commission’s list of minor violation rules. Staff is recommending repealing these rules and replacing the rules with Rule 25-22.108, F.A.C. Pursuant to Section 120.695, F.S., beginning July 1, 2017, the agency head shall certify whether any part of each rule filed for adoption is designated as a minor violation rule. A minor violation rule is a rule that would not result in economic or physical harm to a person or an adverse effect on the public health, safety, or welfare or create a significant threat of such harm when violated. Rule 25-22.108, F.A.C., meets the standards for a minor violation rule. Therefore, for the purposes of repealing rules and filing the new rule for adoption with the Department of State, staff recommends the Commission remove Rules 25-4.0051 and 25-4.520, F.A.C., from the Commission’s minor violation list and certify new Rule 25-22.108, F.A.C., as a minor violation rule.

Statement of Estimated Regulatory Costs

Pursuant to Section 120.54(3)(b)1., F.S., agencies are encouraged to prepare a statement of estimated regulatory costs (SERC) before the adoption, amendment, or repeal of any rule. A SERC was prepared for this rulemaking and is appended as Attachment C. As required by Section 120.541(2)(a)1., F.S., the SERC analysis includes whether the rule amendments are likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of $1 million in the aggregate within 5 years after implementation. None of the impact/cost criteria will be exceeded as a result of the recommended revisions.

The SERC concludes that the repeal of Rules 25-4.0051 and 25-4.520, F.A.C., and adoption of new Rule 25-22.108, F.A.C., will likely not directly or indirectly increase regulatory costs in excess of $200,000 in the aggregate in Florida within 1 year after implementation. Further, the SERC concludes that the repeal of the rules and rule adoption will not likely increase regulatory costs, including any transactional costs or have an adverse impact on business competitiveness, productivity, or innovation in excess of $1 million in the aggregate within 5 years of implementation. Thus, the repeal of the rules and rule adoption do not require legislative ratification, pursuant to Section 120.541(3), F.S.

In addition, the SERC states that the repeal of Rules 25-4.0051 and 25-4.520, F.A.C., and adoption of new Rule 25-22.108, F.A.C., would have no impact on small businesses, would have no implementation or enforcement cost on the Commission or any other state and local government entity, and would have no impact on small cities or small counties. The SERC states that no transactional costs are likely to be incurred by individuals and entities required to comply with the requirements.

Conclusion

The Commission should repeal Rules 25-4.0051 and 25-4.520, F.A.C. and adopt new Rule 25-22.108, F.A.C., as set forth in Attachment A. The Commission should certify Rule 25-22.108, F.A.C., as a minor violation rule.

Issue :

 Should this docket be closed?

Recommendation:

 Yes. If no requests for hearing or comments are filed, the rules may be filed with the Department of State, and this docket should be closed. (Harper)

Staff Analysis:

 If no requests for hearing or comments are filed, the rules may be filed with the Department of State, and this docket should be closed.

25-4.0051 Current Certificate Holder Information.

~~Each company shall file updated information for the following items with the Office of the Commission Clerk within 10 days after any changes to the following:~~

~~(1) The address of the certificate holder’s main corporate and Florida offices (if any) including street name and address and post office box, city, state and zip code; or~~

~~(2) Telephone number, name, and address of the individual who is to serve as primary liaison with the Commission in regard to the ongoing Florida operations of the certificated company.~~

*Rulemaking Authority 350.127(2), 427.704(8) FS. Law Implemented 364.016, 364.183, 364.336, 364.3375 FS. History–New 2-4-13, Repealed \_\_\_\_\_\_\_\_\_\_\_\_.*

25-4.520 Reporting Requirements.

~~Each pay telephone service company shall file with the Commission’s Office of the Commission Clerk updated information for the following items within ten days after a change occurs:~~

~~(1) The street address of the certificate holder including number, street name, city, state and zip code, and the mailing address if it differs from the street address.~~

~~(2) Name, title, and phone number of the individual responsible for contact with the Commission.~~

*Rulemaking Authority 350.127(2) FS. Law Implemented 350.115, 350.117, 364.17, 364.18, 364.185, 364.3375 FS. History–New 1-5-87, Amended 1-2-91, 12-29-91, 2-1-99, Formerly 25-24.520. Repealed\_\_\_\_\_\_\_\_\_\_\_.*

25-22.108 Change of Regulated Utility Contact Information

(1) Within 30 days of being regulated by the Florida Public Service Commission as defined by Section 350.111, Florida Statutes, a utility shall submit its contact information to the Office of the Commission Clerk using Form PSC 1024 (6/19) “Change of Regulated Utility Contact Information” except when all current information was submitted in the utility’s application form. Form PSC 1024 (6/19) “Change of Regulated Utility Contact Information,” is available at the Department of State website at <http://www.XXXX> and at the Commission’s website at <http://www.floridapsc.com/ClerkOffice/ChangeOfCompanyInfo>.

(2) If a utility makes any changes to the information listed in the form, the utility must submit an updated Form PSC 1024 (6/19) to the Office of the Commission Clerk that shows all changes within 30 days of the changes.

*Rulemaking Authority 350.127(2), 364.01, 364.183, 366.05, 367.121, 368.05, 427.704(8),   
 FS. Law Implemented 364.183, 366.05, 367.156, 368.05, 368.108, 427.704, FS. History–New \_\_\_\_\_.*











