

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: March 23, 2020
TO: Adam J. Teitzman, Commission Clerk, Office of Commission Clerk
FROM: Kathryn G.W. Cowderly, Senior Attorney, Office of the General Counsel
RE: Docket No. 20200094-EU

Please file the attached materials in the docket file listed above.

Thank you.

Attachment

RECEIVED-FPSC
2020 MAR 23 AM 11:02
COMMISSION
CLERK

JOE NEGRON
President



Senator Kevin Rader, Chair
Representative George R. Moraitis, Jr., Vice Chair
Senator Daphne Campbell
Senator George B. Gainer
Senator Rene Garcia
Senator Keith Perry
Representative Jason Fischer
Representative Michael Grant
Representative Sam H. Killebrew
Representative Amy Mercado
Representative Barrington A. "Barry" Russell

RICHARD CORCORAN
Speaker

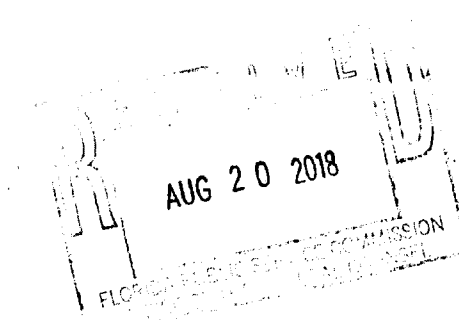


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THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

August 17, 2018

Ms. Samantha Cibula
Attorney Supervisor
Public Service Commission
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850



RE: Existing Rule Review, Public Service Commission
Rules 25-6.0141, .0151, .020, .021, .033, .036, .037, .038, .039, .040, .0440, and .0441

Dear Ms. Cibula:

Pursuant to this Committee's authority in Joint Rule 4.6 of the Florida Legislature to review administrative rules and to advise the agency of its findings, I have reviewed the above-referenced rules and offer the following comments for your consideration and response:

- 25-6.0141(9):** It appears that this subsection is no longer necessary as the date triggers have passed.
- 25-6.0151(7):** This subsection incorporates a form dated 2/95. Please advise whether this version is the version that is currently utilized by the Commission. If subsequent revisions have been made, please amend this rule to update the version incorporated by reference.
- 25-6.020:** Please review and advise whether updates are needed to this rule, which has not been amended since adoption in 1969.
- 25-6.021:** Please see the comment above for rule 25-6.020.
- 25-6.033(3):** This subsection requires filings to be made in conformance with a quoted order of the Commission. As this rule has not been amended since adoption in 1969, please advise whether revisions are necessary. Material that meets

the definition of a rule in section 120.52(16), Florida Statutes, should be specifically incorporated by reference in rule. *See* § 120.54(1)(i), Fla. Stat. (2018), rule 1-1.013, F.A.C.

25-6.036:

Law Implemented

Please review whether sections 366.055 and .08, Florida Statutes, are properly cited as laws implemented by the content of this rule.

This rule requires a utility to set its own inspection frequency based on experience and "accepted good practice." How does the Commission define the quoted language? *See* § 120.52(8)(d), Fla. Stat. (2018). Additionally, as this rule has not been amended since adoption in 1969, please advise whether further revisions are necessary.

25-6.037:

It is unclear how this rule's language specifically implements the cited statutes as it appears to contain undefined goals (e.g. safety, proper condition) without setting forth definitions, standards, or how compliance is to be determined. *See* § 120.52(8)(d), Fla. Stat. (2018). Additionally, as this rule has not been amended since adoption in 1969, please advise whether further revisions are necessary.

25-6.038:

Please see the comment above for rule 25-6.020.

25-6.039:

Please see the comment above for rule 25-6.020.

25-6.040:

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25-6.0440(2):


Regarding approval for territorial agreements, this subsection sets forth that the Commission "may consider, but not be limited to" certain enumerated factors. The use of the quoted phrase implies that there are additional expectations or standards that could be enforced that are not enumerated. *See* § 120.52(8)(d), Fla. Stat. (2018). Please review and advise.

25-6.0441(2):

Please see the comment above for rule 25-6.0440(2).

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

Sincerely,


Jamie L. Jackson
Senior Attorney

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August 17, 2018
Page 2

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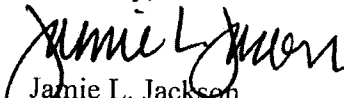
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Jamie L. Jackson
Senior Attorney