

STATE OF FLORIDA

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

Public Service Commission

December 8, 2020

Mr. Kaley Flynn
Rules Ombudsman in
The Executive Office of the Governor
Reg.Reform@eog.myflorida.com

SENT VIA E-MAIL

Re: FPSC Docket No. 20200193-PU - Proposed amendment of Rules 25-6.043, 25-7.039, 25-22.0406, 25-22.0407, 25-30.436, and 25-30.437, F.A.C., and repeal of Rules 25-30.438, 25-30.4385, 25-30.440, and 25-30.443, F.A.C.

Dear Mr. Bailey:

The Florida Public Service Commission proposed the above-listed rules at their regular agenda conference on December 1, 2020. The Commission has determined that these rules will affect small businesses. Accordingly, pursuant to Section 120.54(3)(b)2.b.(I), Florida Statutes, enclosed are copies of the Florida Administrative Register (FAR) notices of the proposed rules, which were published in the December 8, 2020, edition of the FAR. Also enclosed is a copy of the statement of estimated regulatory costs (SERC). The SERC concluded that the proposed rule amendments and repeals will not have an adverse effect on small business. Pursuant to your instructions, we have filled out and included a copy of the OFARR rulemaking notification form.

If there are any questions with respect to these rules, please contact me at (850) 413-6199 or kcowdery@psc.state.fl.us.

Sincerely,

/s/ Kathryn G.W. Cowdery
Kathryn G.W. Cowdery
Senior Attorney

RECEIVED-FPSC
2020 DEC -8 PM 12:48
COMMISSION
CLERK

Enclosures

cc: Office of the Commission Clerk

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO RULE TITLE

25-6.043 Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee

PURPOSE AND EFFECT: To update and clarify the rule concerning filing requirements to provide more clarity of the rule requirements and to improve administrative efficiency.

Docket No. 20200193-PU

SUMMARY: The rule is amended to update and clarify rule requirements; the number of paper copies required to be filed by electric utilities in rate cases is decreased; certain requirements for e-filing documents are updated; and the Commission designee is changed to the Director of the office of primary responsibility for the rate filing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency. The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment will not have an adverse impact on economic growth, business competitiveness, or small business, and there would be no transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rules. The SERC concluded that the proposed rules will result in administrative efficiency and in cost reductions that will be beneficial to utilities and their customers.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127(2), 366.05(1), (2), 366.06(1) FS

LAW IMPLEMENTED: 366.04(2)(f), 366.06(1)-(4), 366.071 FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6199, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS: [TYPE AND STRIKE VERSION]

25-6.043 Investor-Owned Electric Utility Petition for Rate Increase ~~Minimum Filing Requirements~~; Commission Designee.

(1) General Filing Instructions.

(a) The petition under Sections 366.06 and 366.071, F.S., for adjustment of rates and must include or be accompanied by:

1. The information required by Commission Form PSC 1026 (12/20) ~~PSC/AFD/011-E-(2/04)~~, entitled "Minimum Filing Requirements for Investor-Owned Electric Utilities," which is incorporated into this rule by reference, and is available at [hyperlink]. ~~The form may be obtained from the Commission's Division of Accounting and Finance. This form is also available on the Commission's website, www.floridapsc.com.~~

2. No change.

3. Prepared Copies of prepared direct testimony and exhibits for each witness testifying on behalf of the utility Company. Each witness's prefiled testimony and exhibits shall be on numbered pages and all exhibits shall be attached to the witness's testimony.

(b) In compiling the required schedules, a utility must company shall follow the policies, procedures and guidelines prescribed by the Commission in relevant rules and in the utility's company's last rate case or in a more recent rate case involving a comparable utility. ~~These schedules shall be identified appropriately (e.g., Schedule B-1~~

would be designated ~~Company Schedule B-1~~ ~~Company basis~~).

(c) Each schedule must shall be cross-referenced to identify related schedules as either supporting schedules or recap schedules. If a schedule requires certain information, a utility may on that schedule reference a different schedule that provides that same information.

(d) The dimensions of each page, regardless of format, must be 8 ½ by 11 inches, and each page must be numbered. Each page of the filing shall be numbered on 8 1/2 × 11-inch paper. Each witness' prefiled testimony and exhibits shall be on numbered pages and all exhibits shall be attached to the proponent's testimony.

(e) Except for handwritten official company records, all data in the petition, testimony, exhibits and minimum filing requirements must shall be typed.

(f) Each schedule must shall indicate the name of the witness responsible for its presentation.

(g) All schedules involving investment data must shall be completed on an average investment basis. Unless a specific schedule requests otherwise, average is defined as the average of 13 monthly balances.

(h) The petition and information required by Subsection (1) of this rule must be e-filed by the utility. Twenty-one copies of the filing, consisting of the petition and its supporting attachments, testimony, and exhibits, shall be filed with the Office of Commission Clerk. Ten paper copies of the filing, clearly labeled "COPY," and Commission Form PSC 1026 (12/20) in Microsoft Excel format with formulas intact and unlocked, must be provided to the Office of Commission Clerk within seven calendar days of the electronic filing. Excel files may be provided in media such as a USB flash drive, CD, or DVD, but may not be submitted by e-mail.

(i) Any proposed. Whenever the company proposes any corrections, updates or other changes to the original filing must be e-filed by the utility originally filed data, 21 copies shall be filed with the Office of Commission Clerk, Ten paper copies of the proposed corrections, updates or other changes, clearly labeled "COPY," and any schedules in Commission Form PSC 1026 (12/20) that have been changed must be provided to the Office of Commission Clerk within seven calendar days of the electronic filing. Any schedules in Commission Form PSC 1026 (12/20) that have been changed must be provided in Microsoft Excel format with formulas intact and unlocked. Excel files may be provided in media such as a USB flash drive, CD, or DVD, but may not be submitted by e-mail. On the same day as the e-filing, the utility must serve an electronic copy of the filing on each party, with copies also served on all parties at the same time.

(2) The Director of the division that has been assigned primary responsibility for the filing is Commission Designee: Division of Accounting and Finance shall be the designee of the Commission designee for purposes of determining whether the utility has met the minimum filing requirements imposed by this rule. In making this determination, the Director shall consider whether information that would have been provided in a particular schedule required by this rule has been provided to the same degree of detail in another required schedule that the utility incorporates by reference.

Rulemaking Authority 350.127(2), 366.05(1), (2), 366.06(1), (3) FS. Law Implemented 366.04(2)(f), 366.06(1), (2), (3), (4), 366.071 FS. History—New 5-27-81, Formerly 25-6.43, Amended 7-5-90, 1-31-00, 2-12-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cheryl Bulecza-Banks

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 46, Number 171, September 1, 2020.

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-7.039 Natural Gas Utility Petition for Rate Increase; Commission Designee

PURPOSE AND EFFECT: To update and clarify the rule concerning filing requirements to provide more clarity of the rule requirements and to improve administrative efficiency.

Docket No. 20200193-PU

SUMMARY: The rule is amended to update and clarify rule language; reduce the number of paper copies required to be filed with an application for a rate increase and address certain requirements for e-filing documents; to change the Commission designee to the Director of the office of primary responsibility for the rate filing; and to delete obsolete language concerning waivers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency. The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendments will not have an adverse impact on economic growth, business competitiveness, or small business, and there would be no transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rules. The SERC concluded that the proposed rules will result in administrative efficiency and in cost reductions that will be beneficial to utilities and their customers.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127(2), 366.05(1), 366.06(3) FS.

LAW IMPLEMENTED: 366.06(3), 366.071 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6199, kcowdery@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS: [TYPE AND STRIKE VERSION]

25-7.039 Natural Gas Utility Petition for Rate Increase ~~Minimum Filing Requirements~~; Commission Designee.

(1) General Filing Instructions.

(a) The petition under Sections 366.06 and 366.071, F.S., for an adjustment of rates must include or be accompanied by:

1. The information required by Commission Form PSC 1027 (12/20) PSC/AFD-10-G (11/89), entitled "Investor Owned Natural Gas Utilities Minimum Filing Requirements," which is incorporated into this rule by reference, and is available at [hyperlink]. ~~The form may be obtained from the Commission's Division of Accounting and Finance. This form is also available on the Commission's website, www.floridapsc.com.~~

2. No change.

3. Prepared Copies of prepared direct testimony and exhibits for each witness testifying on behalf of the utility company. Each witness's prefiled testimony and exhibits shall be on numbered pages and all exhibits shall be attached to the witness's testimony.

(b) In compiling the required schedules, a utility must company shall follow the policies, procedures and guidelines prescribed by the Commission in relevant rules and in the utility's company's last rate case or in a more recent rate case involving a comparable utility. ~~These schedules shall be identified appropriately (e.g. Schedule B-1 would be designated Company Schedule B-1—Company basis).~~

(c) Each schedule must shall be cross-referenced to identify related schedules as either supporting schedules and/or recap schedules. If a schedule requires certain information, a utility may on that schedule reference a different schedule that provides that same information.

(d) ~~The dimensions of each page, regardless of format, must be 8 ½ by 11 inches, and each page must be numbered. Each page of the filing shall be numbered on 8 1/2" x 11" inch paper. Each witness' prefiled testimony and exhibits shall be on numbered pages and all exhibits shall be attached to the proponent's testimony.~~

(e) Except for handwritten official utility company records, all data in the petition, testimony, exhibits and minimum filing requirements must shall be typed.

(f) Each schedule must shall indicate the name of the witness responsible for its presentation.

(g) All schedules involving investment data must shall be completed on an average investment basis. Unless a specific schedule requests otherwise, average is defined as the average of thirteen (13) monthly balances.

(h) ~~The Twenty (20) copies of the filing, consisting of the petition and its supporting attachments, testimony, and exhibits, must be e-filed by the utility shall be filed with the Office of Commission Clerk. Ten paper copies of the filing, clearly labeled "COPY," and Commission Form PSC 1027 (12/20) in Microsoft Excel format with formulas intact and unlocked, must be provided to the Office of Commission Clerk within seven calendar days of the electronic filing. Excel files may be provided in media such as a USB flash drive, CD, or DVD, but may not be submitted by e-mail.~~

(i) ~~Any proposed Whenever the company proposes any corrections, updates or other changes to the original filing must by e-filed by the utility originally filed data, twenty (20) copies shall be filed with the Office of Commission Clerk, Ten paper copies of the proposed corrections, updates or other changes, clearly labeled "COPY," and any schedules in Commission Form PSC 1027 (12/20) that have been changed must be provided to the Office of Commission Clerk within seven calendar days of the electronic filing. Any schedules in Commission Form PSC 1027 (12/20) that have been changed must be provided in Microsoft Excel format with formulas intact and unlocked. Excel files may be provided in media such as a USB flash drive, CD, or DVD, but may not be submitted by e-mail. On the same day as the e-filing, the utility must serve an electronic copy of the filing on each party, with copies also served on all parties at the same time.~~

(2) ~~The Director of the division that has been assigned the primary responsibility for the filing is Commission Designee. The Deputy Executive Director, Technical shall be the designee of the Commission designee for purposes of determining whether the utility has met the minimum filing requirements imposed by this rule.~~

(3) ~~Waiver of MFR Requirements. The Commission may grant a waiver with respect to specific data required by this rule upon a showing that production of the data would be impractical or impose an excessive economic burden upon the company.~~

Rulemaking Authority 350.127(2), 366.05(1), 366.06 (3) FS. Law Implemented 366.06(3), 366.071 FS. History--New 5-27-81, Formerly 25-7.39, Amended 11-21-89, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cheryl Bulecza-Banks

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 46, Number 171, September 1, 2020.

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NOS.: RULE TITLES:

25-22.0406 Notice and Public Information on General Rate Increase Requests and Petitions for Limited Proceedings by Electric and Gas Utilities

25-22.0407 Notice of and Public Information for General Rate Increase Requests by Water and Wastewater Utilities

PURPOSE AND EFFECT: To amend notice and public information requirements for electric and gas, water, and wastewater utilities filing for general rate increase requests and electric and gas utilities petitions for limited proceedings to delete obsolete language, clarify and update rule requirements, and improve administrative efficiency.

Docket No. 20200193-PU

SUMMARY: These rules are amended to update and clarify rule language; to eliminate the requirement to file paper copies of rate case documents at various locations; and to require utilities to provide the public and governmental entities with electronic access to rate case documents.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency. The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendments will not have an adverse impact on economic growth, business competitiveness, or small business, and there would be no transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rules. The SERC concluded that the proposed rules will result in administrative efficiency and in cost reductions that will be beneficial to utilities and their customers.

The agency has determined that the proposed rules are not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127(2), 366.05, 366.06(1), 367.121(1)(f) FS.

LAW IMPLEMENTED: 120.569, 120.57, 366.03, 366.041(1), 366.05(1), 366.06(1), 366.076(1), 367.081(2)(a), 367.0814(1), 367.0817, 367.091, 367.121(1)(a) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6199, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS: [TYPE AND STRIKE VERSION]

25-22.0406 Notice and Public Information on General Rate Increase Requests and Petitions for Limited Proceedings by Electric and Gas Utilities.

(1) The provisions of this rule ~~apply shall be applicable~~ to all requests for general rate increases and to all limited proceedings filed by electric and gas utilities pursuant to Rules 25-6.0431 and 25-7.0391, F.A.C.

(2) The following noticing procedures ~~shall~~ apply to requests for a general rate increase:

(a) ~~The utility must establish a clearly identifiable link on the utility's website to provide electronic access to the utility's petition and Minimum Filing Requirements (MFRs). The utility shall mail a copy of the petition to the chief executive officer of the governing body of each municipality and county within the~~

service-area-affected.

(b) The utility ~~must shall~~ establish a clearly identifiable link on the utility's website to provide the address on the Commission's website that provides electronic access to all documents filed in the rate case.

~~(c) Upon filing a petition for a general rate increase, the utility must notify the chief executive officer of the governing body of each municipality and county within the service areas included in the rate request that the utility has petitioned for a general rate increase and must clearly identify the Commission-assigned docket number. The notification must be accompanied by a statement that a copy of the petition and MFRs can be accessed on the Commission's website.~~

~~(e) Location of Minimum Filing Requirements.~~

~~1. Within 15 days after it has been notified by the Commission that the Minimum Filing Requirements (MFRs) have been met, the utility shall place a copy of the MFRs at its official headquarters and at a location approved by the Commission staff in each municipality in which service hearings were held in the last general rate case of the utility.~~

~~2. Within 15 days after the time schedule has been posted on the Commission's website, copies of the MFRs shall be placed in a location approved by Commission staff in each additional city in which service hearings are to be held in the current rate case.~~

~~3. In addition to the locations listed above, if the Commission staff determines that the locations listed above will not provide adequate access, the Commission staff will require that copies of the MFRs be placed at other specified locations.~~

~~4. Copies of the MFRs shall be available for public inspection during the regular business hours of the location hosting the MFRs and through a link on the utility's website.~~

~~(d) No change.~~

~~1. Within 15 days after the time schedule for the case has been posted to the Commission's website, the utility must shall prepare and submit to the Commission staff for approval a synopsis of the rate request. The synopsis must shall include:~~

~~a. through d. No change.~~

~~e. The website addresses locations at which complete MFRs are available.~~

~~2. Within 7 days following approval of the synopsis, the utility must establish a clearly identifiable link on its website to provide electronic access to the synopsis and must provide this link copies of the synopsis shall be distributed to the same locations as required for the MFRs, to the main county library within or most convenient to the service area, and to the chief executive officer of each county and municipality within the service area affected.~~

~~(e) Within 15 days after the rate case time schedule has been posted on the Commission's website, the utility must shall prepare and submit a customer notice to Commission staff for approval. The customer notice must shall include:~~

~~1. through 7. No change.~~

~~(f) The utility must shall begin sending the notice to customers within 30 days after it has been approved by Commission Staff.~~

~~(3) The following noticing procedures shall apply to a petition for a limited proceeding filed pursuant to Rules 25-6.0431 and 25-7.0391, F.A.C.:~~

~~(a) The utility must shall establish a clearly identifiable link on the utility's website to the address on the Commission's website that provides electronic access to all documents filed in the limited proceeding.~~

~~(b) Within 15 days after the time schedule for the limited proceeding has been posted to the Commission's website, the utility must shall prepare and submit a customer notice to the Commission staff for approval. The customer notice must shall contain:~~

~~1. through 7. No change.~~

~~(c) The utility must shall begin sending the notice to customers within 30 days after it has been approved by staff.~~

~~(4) All customer notices prepared pursuant to this rule must shall be sent to the customer's address of record at the time the notice is issued, in the manner in which the customer typically receives the monthly bill, whether electronically or via U.S. mail.~~

(5) All customer notices regarding the locations and time of any service hearings or customer meetings must shall be sent to the customer no less than 10 days, or more than 45 days, prior to the first service hearing or customer meeting.

(6) At least 7 days and not more than 20 days prior to any service hearing or customer meeting, the utility must shall have published in a newspaper of general circulation in the area in which the hearing or customer meeting is to be held a display advertisement stating the date, time, location and purpose of the hearing or customer meeting. The advertisement must shall be approved by the Commission staff prior to publication.

(7) When the Commission issues proposed agency action and a hearing is subsequently held, the utility must shall give written notice of the hearing to its customers at least 14 days in advance of the hearing. This notice must shall be approved by the Commission staff prior to distribution.

(8) After the Commission's issuance of an order granting or denying a rate change, the utility must shall give notice to its customers of the order and the revised rates. The notice must shall be approved in advance by the Commission or its staff and transmitted to the customers with the first bill containing the new rates.

Rulemaking Authority 350.127(2), 366.05, 366.06(1) FS. Law Implemented 366.03, 366.041(1), 366.05(1), 366.06(1), 366.076(1) FS. History—New 9-27-83, Formerly 25-22.406, Amended 5-27-93, 5-3-99, 10-8-13,

25-22.0407 Notice of and Public Information for General Rate Increase Requests by Water and Wastewater Utilities.

(1) This rule applies to all requests for general rate increases made by water and wastewater utilities.

(2) Upon filing a petition for a general rate increase, the utility must ~~notify~~ shall mail a copy of the petition to the chief executive officer of the governing body of each municipality and county within the service areas included in the rate request that the utility has petitioned for a general rate increase and must clearly identify the Commission-assigned docket number. ~~The notification must~~ Each copy of the petition shall be accompanied by a statement that a copy of the petition and Minimum Filing Requirements (MFRs) when accepted by the Commission can be accessed on the Commission's website ~~obtained from the petitioner upon request.~~

(3) ~~Within 30 days after the official date of filing established by the Commission, the utility shall place a copy of the petition and the MFRs at its official headquarters and at any business offices it has in the service areas included in the rate request. Such copies shall be have a business office in a service area included in its rate request, the utility shall place a copy of the petition and the MFRs at the main county library, the local community center or other appropriate location which is within or most convenient to the service area and which is willing to accept and provide public access to the copies. If the Commission determines that these locations will not provide adequate access, the Commission will require that copies of the petition and MFRs be placed at other specified locations.~~

(4)(a) ~~Within 30 days after the official date of filing established by the Commission, the utility shall place a copy of its rate case synopsis at all locations where copies of the petition and MFRs were placed.~~

(3)(a)(b) Within 30 days after the official date of filing established by the Commission, the utility must ~~notify~~ shall mail a copy of its rate case synopsis to the chief executive officer of the governing body of each municipality and county within the service areas included in the rate request that the utility's rate case synopsis can be accessed on the Commission's website.

(b)(e) The utility's rate case synopsis must shall be approved by the Commission staff prior to distribution and must shall include the following:

1. through 4. No change.

5. A statement that the MFRs can be accessed on the Commission's website. ~~The locations where complete MFRs are available.~~

(4)(5)(a) Within 50 days after the official date of filing established by the Commission, the utility must shall provide, in writing, an initial customer notice to all customers within the service areas included in the rate request and to all persons in the same service areas who have filed a written request for service or who

have been provided a written estimate for service within the 12 calendar months prior to the month the petition is filed.

(b) The initial customer notice must shall be approved by Commission staff prior to distribution and must shall include the following:

1. through 2. No change.

3. A statement that of the locations where copies of the MFRs, petition, and rate case synopsis are available on the Commission's website for public inspection and the hours and days when inspection may be made,

4. through 10 No change

(c) The initial customer notice must shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

~~(5)(6)~~(a) No less than 14 days and no more than 30 days prior to the date of each service hearing, in those cases where the Commission has scheduled a service hearing, the utility must shall provide written notice of the date, time, location, and purpose of the service hearing to all customers within service areas designated by the prehearing officer or the Commission staff. The notice must shall be approved by the Commission staff prior to distribution. The notice must shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(b) No less than 14 days and no more than 30 days prior to the date of the hearing, in all cases, including those in which the Commission has scheduled a service hearing, the utility must shall provide written notice of the date, time, location, and purpose of the hearing to all customers within the service areas included in the rate request. The notice must shall be approved by Commission staff prior to distribution. The notice must shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

~~(6)(7)~~ No less than 14 days and no more than 30 days prior to the date of each hearing held in or near a utility service area included in the rate request, the utility must shall have published in a newspaper of general circulation in the area in which such hearing is to be held a display advertisement stating the date, time, location, and purpose of the hearing. The notice must shall be approved by Commission staff prior to publication.

~~(7)(a)(8)~~ When a utility files for a petition for a general rate increase and requests that its case be processed as proposed agency action in accordance with Section 367.081(10), F.S., the utility must shall comply with the requirements of subsections (2), (3), and (4) and (5), of this rule.

~~(b)(a)~~ No less than 14 days and no more than 30 days prior to the date of a customer meeting conducted by the Commission staff, the utility must shall provide written notice of the date, time, location, and purpose of the customer meeting to all customers within service areas designated by the Commission staff. The notice must shall be approved by Commission staff prior to distribution. The notice must shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

~~(c)(b)~~ If the proposed agency action order issued in the case is protested and any hearings are subsequently held, the utility must shall give notice in accordance with subsections (5) and (6) and (7), above.

~~(8)(a)(9)~~ When a utility applies for a staff-assisted rate case in accordance with Section 367.0814, F.S., and Rule 25-30.455, F.A.C., and staff-assistance is granted, the requirements of subsections (2), (3), and (4) and (5), of this rule, do shall not apply.

~~(a)~~ Upon receipt of the staff reports, the utility shall place two copies of its application for staff assistance and the staff reports at any business offices it has in its service area. Such copies shall be available for public inspection during the utility's regular business hours. If the utility does not have a business office in its service area, the utility shall place two copies of its application and the staff reports at the main county library, the local community center or other appropriate location that is within or most convenient to the service area and that is willing to accept and provide public access to the copies.

(b) No less than 14 days and no more than 30 days prior to the date of a customer meeting conducted by the Commission staff, the utility must shall provide, in writing, a customer meeting notice to all

customers within its service area and to all persons in the same service areas who have filed a written request for service or who have been provided a written estimate for service within the 12 calendar months prior to the month the petition is filed.

(c) The customer meeting notice must shall be approved by the Commission staff prior to distribution and must shall include the following:

1. through 3. No change.

4. A statement that the Commission staff has prepared a staff report of its initial analysis of the case.

~~5.4. The website address where the staff report is available. A statement of the location where copies of the application and the staff reports are available for public inspection and the times during which inspection may be made.~~

~~6.5. A comparison of current rates and charges and the proposed new rates and charges.~~

~~7.6. The utility's address, telephone number, and business hours.~~

~~8.7. A statement that written comments regarding utility service or the proposed rates and charges should be addressed to the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and that such comments should identify the docket number assigned to the proceeding.~~

~~9.8. A statement that complaints regarding service may be made to the Commission's Office of Consumer Assistance and Outreach at the following toll-free number: 1(800)342-3552.~~

~~10.9. A statement that the Commission will be reviewing the utility's service availability charges in the pending case and that the Commission may adjust those charges.~~

~~11.10. The docket number assigned by the Commission's Office of Commission Clerk.~~

(d) The customer meeting notice must shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(e) If the proposed agency action order issued in the case is protested and any hearings are subsequently held, the utility must shall give notice in accordance with subsections (5) and (6) and (7), above.

~~(9)(10)~~ After the Commission issues an order granting or denying a rate change, the utility must shall notify its customers of the order and any revised rates. The customer notification must shall be approved by Commission staff and be distributed no later than with the first bill containing any revised rates.

Rulemaking Authority 350.127(2), 367.121(1)(f) FS. Law Implemented 120.569, 120.57, 367.081(2)(a), 367.0814(1), 367.0817, 367.091, 367.121(1)(a) FS. History—New 5-27-93, Amended 5-3-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cheryl Bulecza-Banks

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 46, Number 171, September 1, 2020.

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLES:

25-30.436 General Information and Instructions Required of Water and Wastewater Utilities in an Application for Rate Increase

25-30.437 Financial, Rate, and Engineering Minimum Filing Requirements for Water and Wastewater Utilities in an Application for Rate Increase

25-30.438 Information Required in Application for Rate Increase From Utilities with Related Parties

25-30.4385 Additional Rate Information Required in Application for Rate Increase

25-30.440 Additional Engineering Information Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase

25-30.443 Minimum Filing Requirements for Class C Water and Wastewater Utilities

PURPOSE AND EFFECT: The purpose of amending Rules 25-30.436 and 25-30.437 is to clarify and update filing requirements for water and wastewater utility rate increase requests. The purpose of repealing Rules 25-30.438, 25-30.4385 is to delete obsolete requirements. The purpose of repealing Rules 25-30.440 and 25-30.443 is to move filing requirements into Rule 25-30.437. The effect of these amendments and repeals would be to delete unnecessary, obsolete, or duplicate rule provisions; clarify and update rule requirements; and improve administrative efficiency.

Docket No. 20200193-PU

SUMMARY: Rule 25-30.436, F.A.C., is amended to require e-filing of rate case application documents and to reduce the number of paper copies of documents that need to be filed; to incorporate the filing requirements for Class C water and wastewater utilities that were previously in Rule 25-30.443, F.A.C.; the requirement for an affidavit of compliance with Rule 25-22.0407, F.A.C., is change to requiring a statement signed by a utility officer; land record requirement language is updated for consistency with other rules; the Commission designee is changed to the Director of the office of primary responsibility for the rate filing; and the rule defines the “good cause” that is required for an extension of time for submitting rate case expense following issuance of the final order. Rule 25-30.437, F.A.C., is amended to state that the rule requirements apply to Class C water and wastewater utilities, which were duplicated in Rule 25-30.443, F.A.C.; the engineering requirements previously in Rule 25-30.440, F.A.C., are merged into Rule 25-30.437, F.A.C. As a result of Rules 25-30.440 and 25-30.443, F.A.C., being merged into other rules, they are repealed as unnecessary. Rules 25-30.438 and 25-30.4385, F.A.C., are repealed as obsolete and unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency. The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendments/repeals will not have an adverse impact on economic growth, business competitiveness, or small business and there would be no transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rules. The SERC concluded that the proposed rules will result in administrative efficiency and in cost reductions that will be beneficial to utilities and their customers.

The agency has determined that the proposed rules are not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127(2), 367.0182(5), 367.121 FS.

LAW IMPLEMENTED: 367.081, 367.0812, 367.082, 367.083, 367.121 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6199, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS: [TYPE AND STRIKE VERSION]

25-30.436 General Information and Instructions Required of ~~Class A and B~~ Water and Wastewater Utilities in an Application for Rate Increase.

(1) Each applicant for a rate increase ~~must~~ ~~shall~~ provide the following general information to the Commission:

(a) through (e) No change.

(f) ~~A statement An affidavit~~ signed by an officer of the utility that states that the utility will comply with Rule 25-22.0407, F.A.C.

(g) A statement whether the applicant requests to have the case processed using the proposed agency action procedure outlined in Section ~~367.081(10)~~ ~~367.081(8)~~, F.S.

(2) The applicant's petition for rate relief will not be deemed filed until the appropriate filing fee has been paid and all minimum filing requirements set forth in this rule and in Rule 25-30.437, F.A.C., have been met, including filing of the applicant's prepared direct testimony unless the applicant has filed its petition pursuant to Section ~~367.081(10)~~ ~~367.081(8)~~, F.S. At a minimum, the direct testimony shall explain why the rate increase is necessary and address those areas anticipated at the time of filing to be at issue.

(3) The applicant ~~must~~ ~~shall~~ state any known deviation from the policies, procedures and guidelines prescribed by the Commission in relevant rules or in the company's last rate case.

~~(4) The rate case application and information required by this rule must be e-filed by the utility with the Office of Commission Clerk. Within seven calendar days after the electronic filing, the utility must provide to the Office of Commission Clerk ten paper copies of the filing, clearly labeled "COPY," and, as applicable, Commission Form PSC 1028 (12/20) for a Class A utility, Form PSC 1029 (12/20) for a Class B utility, or Commission Form PSC 1030 (12/20) for a Class C utility, which are incorporated by reference in Rule 25-30.437, F.A.C. For Class A and B utilities, only two copies of Schedule E-14, entitled Billing Analysis Schedules, are required. For Class C utilities, only two copies of Schedule E-6, entitled Billing Analysis Schedules, are required. The applicable Commission Form must be provided in Microsoft Excel format with formulas intact and unlocked. Excel files may be provided in media such as a USB flash drive, CD, or DVD, but may not be submitted by e-mail.~~

~~(5)~~(4) In the rate case application:

(a) Each schedule ~~must~~ ~~shall~~ be cross-referenced to identify related schedules as either supporting schedules or recap schedules.

(b) Each page of the filing ~~must~~ ~~shall~~ be consecutively numbered on 8 1/2 x 11-inch paper.

(c) Except for handwritten official company records, all data in the petition, exhibits and minimum filing requirements ~~must~~ ~~shall~~ be typed.

~~(d) Sixteen copies shall be filed with the Commission's Office of Commission Clerk, except as specifically identified in paragraph (4)(h) below or in Rule 25-30.437, 25-30.4385 or 25-30.440, F.A.C.~~

~~(d)(e) Any proposed Whenever the applicant proposes any corrections, updates or other changes to the originally filed data must be e-filed by the utility; 20 copies shall be filed with the Office of Commission Clerk. Within seven calendar days after the electronic filing, the utility must provide to the Office of Commission Clerk ten paper copies of the filing, clearly labeled "COPY." Any schedules that have been changed must be provided in Microsoft Excel format with formulas intact and unlocked. Excel files may be provided in media such as a USB flash drive, CD, or DVD, but may not be submitted by e-mail. On the same day as the e-filing, the utility must serve an electronic copy of the filing on each party, with copies also served on all parties of record at the same time.~~

~~(e)(f) If the capital structure contains zero or negative equity, a return on equity must shall be requested, which shall be up to the maximum of the return of the current equity leverage formula established by order of this Commission pursuant to Section 367.081(4), F.S.~~

~~(f)(g) The provisions of Rule 25-30.433, F.A.C., must shall be followed in preparing the utility's application.~~

~~(g)(h) Any system that has costs allocated or charged to it from a parent, affiliate or related party, in addition to those costs reported on Schedule B-12 of Commission Form PSC 1028 (12/20) PSC/AFD-19-W for a Class A~~

utility, ~~or PSC 1029 (12/20) PSC/AFD 20-W~~ for a Class B utility, ~~or PSC 1030 (12/20)~~ for a Class C utility, which are incorporated by reference in Rule 25-30.437, F.A.C.,) must e-file ~~shall file three copies of~~ additional schedules that show the following information:

1. through 7. No change.

~~(h)(i)~~ For any land recorded on the utility's books since rate base was last established, the utility shall file documentation of the utility's right to access and continue use of the land upon which the utility treatment facilities are or will be located. Documentation of continued use must be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded, executed copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time required in the order granting a rate increase. copies of the documents that demonstrate that the utility owns the land upon which the utility treatment facilities are located, or that provides for the continued use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost-effective alternative.

~~(6)(5)~~ The Director of the division that has been assigned the primary responsibility for the filing is Commission Designee. The Deputy Executive Director, Technical shall be the designee of the Commission for purposes of determining whether the utility applicant has met the minimum filing requirements imposed by this rule.

~~(7)(6)~~ Within 60 days after the issuance of a final order entered in response to an application for increased rates, or, if applicable, within 60 days after the issuance of an order entered in response to a motion for reconsideration of the final order, each utility must shall submit a breakdown of actual rate case expense incurred, in total, in a manner consistent with Schedule No. B-10 of Commission Form PSC 1028 (12/20) for Class A utilities and Form PSC 1029 (12/20) for Class B utilities, and Schedule B-7 of Commission Form PSC 1030 (12/20) for Class C utilities, which are incorporated by reference (PSC/AFD Form 19-W or 20-W, whichever is applicable, as described in Rule 25-30.437, F.A.C.); If the deadline prescribed above cannot be met, a utility may request an extension from shall be granted by the Director of the Division of Accounting and Finance for good cause shown, such as financial hardship, severe illness, or significant weather events such as hurricanes, but good cause does not include reasons such as management oversight or vacation time.

Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.081, 367.083, 367.121 FS. History—New 11-10-86, Amended 6-25-90, 11-30-93, 1-31-00, _____.

25-30.437 Financial, Rate, and Engineering Minimum Filing Requirements Information Required for of Class-A and B Water and Wastewater Utilities in an Application for Rate Increase.

~~(1)~~ Each ~~Class A or B~~ utility applying for a rate increase must shall provide the information required by Commission Form PSC 1028 (12/20) PSC/AFD 19-W (11/93), entitled "Class A Water and/or Wastewater Utilities Financial, Rate and Engineering Minimum Filing Requirements,"; ~~or PSC 1029 (12/20) PSC/AFD 20-W (11/93)~~, entitled "Class B Water and/or Wastewater Utilities Financial, Rate and Engineering Minimum Filing Requirements,"; or PSC 1030 (12/20), entitled "Minimum Filing Requirements for Class C Water and Wastewater Utilities," whichever is applicable. Commission Form PSC 1028 (12/20) is available at [hyperlink]; Commission Form PSC 1029 (12/20) is available at [hyperlink]; and Commission Form PSC 1030 (12/20) is available at [hyperlink]. These forms are incorporated into this rule by reference and are available on may be obtained from the Commission's website at www.floridapsc.com. Director, Division of Accounting and Finance, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

~~(2)~~ In compiling the required schedules, additional instructions are set forth below:

~~(a)(1)~~ Each section of this form must shall be indexed and tabbed, including a table of contents listing the page numbers of each schedule.

~~(b)(2)~~ If information requested in the form described above is not applicable to the applicant, so state and provide an explanation on the specific schedule.

~~(c)(3)~~ If a projected test year is used, provide a complete set of Commission Form PSC 1028 (12/20) PSC/AFD 19-W (for Class A utilities), or PSC 1029 (12/20) PSC/AFD 20-W (for Class B utilities), or PSC 1030 (12/20) for Class C utilities (as described above), which require a designation of historical or projected information. Such schedules must shall be submitted for the historical base year, and any year subsequent to the base year and prior to

the projected test year, in addition to the projected test year. If no designation is shown on a schedule, submit that schedule for the test year only. In lieu of providing separate pages for the above required schedules, the information required can be combined on the same page by adding additional columns. In the rate base schedules, Section A, the beginning and end of year balances must shall be shown. For any intermediate period or year, only the year-end balance must shall be shown. A schedule must shall also be included which describes in detail all methods and bases of projection, explaining the justification for each method or basis employed. If an historical test year is used, Schedule E-13 is not required.

~~(4) Only two copies of Schedule E-14, entitled Billing Analysis Schedules, be filed with the application. Each copy shall be submitted in a separate binder from the other required information.~~

~~(d)(5) If a petition for interim rates is filed, a utility must shall demonstrate that it is earning outside the range of reasonableness on rate of return calculated in accordance with Section 367.082(5), F.S. To demonstrate this ~~In doing such~~, the utility must shall submit schedules of rate base, cost of capital and net operating income on an historical basis, with schedules of all adjustments thereto, consistent with Commission Form PSC 1028 (12/20) PSC/AFD 19-W (for a Class A utility), ~~or PSC 1029 (12/20) PSC/AFD 20-W~~ (for a Class B utility), or PSC 1030 (12/20) for a Class C utility (described above).~~

(3) Each applicant for a rate increase must e-file with the Office of Commission Clerk the additional engineering minimum filing requirements (MFRs), identified in paragraphs (a) – (k) below. Within seven calendar days after e-filing the additional engineering MFRs, the utility must provide to the Office of Commission Clerk two paper copies of the additional engineering MFRs clearly labeled “COPY,” with the exception of the detailed map required by paragraph (a), of which only one copy is required.

(a) A detailed map showing:

1. The location and size of the applicant’s distribution and collection lines as well as its plant sites, and
2. The location and respective classification of the applicant’s customers.

(b) A list of chemicals used for water and wastewater treatment, by type, showing the dollar amount and quantity purchased, the unit prices paid and the dosage rates utilized.

(c) The most recent chemical analyses for each water system conducted by a certified laboratory covering the inorganic, organic turbidity, microbiological, radionuclide, secondary and unregulated contaminants specified in Chapter 62-550, F.A.C.

(d) All water and wastewater plant operating reports for the test year and the year preceding the test year.

(e) The most recent sanitary survey for each water plant and inspection report for each wastewater plant conducted by the health department or the Department of Environmental Protection (DEP).

(f) All health department and DEP construction and operating permits.

(g) Any Notices of Violation, Consent Orders, Letters of Notice, or Warning Notices from the health department or DEP in the previous five years.

(h) A list of all field employees, their duties, responsibilities, and certificates held, and an explanation of each employee’s salary allocation method to the utility’s capital or expense accounts.

(i) A list, by serial number and description, of all vehicles owned or leased by the utility showing the original cost or annual lease expense, who the vehicle is assigned to, and the method of allocation to the utility.

(j) A list, by customer, of all complaints received during the test year, with an explanation of how each complaint was resolved.

(k) A copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years.

(4) If a utility is requesting uniform rates for systems that are not already combined in a uniform rate, the information required by this rule must be submitted on a separate basis for each system that has not already been combined in a uniform rate. For those systems already combined in a uniform rate, the utility must ~~should~~ submit the required information as a single system. At a minimum, the following schedules of Form PSC 1030 (12/20), described above, must be filed on a combined basis for all systems included in the filing: A-1, A-2, A-3, A-16, B-1, B-2, B-3, B-4, B-5, B-10, B-11, B-12, plus all “C,” “D” and “E” schedules (no “F” schedules are required).

~~(5)(6) In proposing rates, each the utility must shall use the base facility and usage charge rate structure, unless an alternative rate structure is adequately supported by the applicant. The base facility charge incorporates fixed expenses of the utility and is a flat monthly charge. This charge is applicable as long as a person is a customer of the~~

utility, regardless of whether there is any usage. The usage charge incorporates variable utility expenses and is billed on a per 1,000 gallon or 100 cubic feet basis in addition to the base facility charge. The rates are first established with the 5/8" x 3/4" meter as the foundation. For meter sizes larger than 5/8", the base facility charge shall be based on the usage characteristics.

Rulemaking Authority 350.127(2), 367.0812(5), 367.121 FS. Law Implemented 367.081, 367.0812, 367.082 FS. History—New 6-10-75, Amended 10-16-77, 3-26-81, Formerly 25-10.176, Amended 11-10-86, 6-25-90, 11-30-93,

25-30.438 Information Required in Application for Rate Increase From Utilities with Related Parties. Rulemaking Authority 367.121 FS. Law Implemented 367.081 FS. History—New 11-10-86, Repealed _____.

25-30.4385 Additional Rate Information Required in Application for Rate Increase. Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.081, 367.121 FS. History—New 11-30-93, Repealed _____.

25-30.440 Additional Engineering Information Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase. Rulemaking Authority 350.127(2), 367.0812(5), 367.121 FS. Law Implemented 367.081, 367.0812 FS. History—New 11-10-86, Amended 6-25-90, 2-10-15, Repealed _____.

25-30.443 Minimum Filing Requirements for Class C Water and Wastewater Utilities. Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.081, 367.082 FS. History—New 6-25-90, Amended 11-30-93, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cheryl Bulecza-Banks

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 46, Number 171, September 1, 2020.

Office of Fiscal Accountability and Regulatory Reform

Rulemaking Notification

(Executive Order 11-211 requires agencies must submit all rulemaking notices to OFARR at least 1 week prior to publication)

To: Kaley Flynn, Director

Submitted By: Name, Title:

Kathryjn G.W. Cowdery, Senior Attorney

Agency, Board:

Florida Public Service Commission

Phone Number:

850-413-6199

Re: Rulemaking Notification for:

Rule Number:

Rule Title:

See attached table

Rule Summary:

See attached table

List EACH rule separately. Add tables as needed.

Date: [Date request sent to

12/8/2020

OFARR] Date of anticipated

12/8/2020

publication:

Does this rule qualify for Rules Ombudsman review in accordance with section 120.54(3)(b), F.S.? Yes No

Please complete this form when submitting rulemaking notification to the Office of Fiscal Accountability and Regulatory Reform (OFARR) pursuant to Executive Order 11-211 and Directive published on November 11, 2019. If any information or documents are missing, the notification will be returned without review. OFARR will indicate what is missing, and the completed notification must be resubmitted.

1. Proposed Rulemaking Activity:

- Notice of Development of Rulemaking – Attach the proposed Notice. If no text is available, give a detailed explanation of the rulemaking, including why it is necessary.
- Notice of Proposed Rule – Attach the proposed Notice, “Is a SERC Required” Checklist, and SERC (if required), all materials incorporated by reference, and all forms referenced or required by the rule.
- Notice of Emergency Rule – Attach the proposed Notice. Explain fully why emergency rulemaking is appropriate.
- Notice of Change – Attach the proposed Notice. Be sure the text is coded correctly according to Rule 1B-30.003(5)(f), F.A.C. Explain why a change is required. Attach any correspondence from JAPC or the public. If no documents exist, summarize any public comment the agency has received or public hearings/workshops the agency has held.
- Notice of Withdrawal – Attach the proposed Notice. Explain why it is necessary to withdraw the rulemaking. Include any JAPC correspondence.
- Other – Attach the proposed Notice. Include detailed information about the rulemaking.

Office of Fiscal Accountability and Regulatory Reform
Rulemaking Notification

(Executive Order 11-211 requires agencies must submit all rulemaking notices to OFARR at least 1 week prior to publication)

2. Is this rulemaking included in the agency's Annual Regulatory Plan (ARP)? Yes No

3a. Does each amendment or new rule:

Rule Number: Rule Title:

Increase Fees? Yes No N/A

Increase Regulation? (I.E., Additional Licensure, Continuing Education Requirements, etc.) Yes No N/A

List EACH rule separately. Add tables as needed.

3b. For each new rule, the following information is required:

Rule Number: Rule Title:

Statute Authorizing Rulemaking: Statutory language authorizing rulemaking authority:

Statute Mandating Rulemaking: Statutory language requiring rulemaking:

New rule is due to a Legislative change occurring within the past 24 months: Yes No Provide chapter law and effective date

List each rule separately. Add tables as needed.

4. Has the agency received any public comment about this rulemaking since the last rulemaking notification?

Yes No

If yes, please summarize the comment and the agency's position regarding the comment (i.e. has made or intends to make changes based on the comment, disagrees with the comment, etc.) and attach any documents.

5. Has the agency received any comment from JAPC since the last rulemaking notification?

Yes No

Office of Fiscal Accountability and Regulatory Reform
Rulemaking Notification

(Executive Order 11-211 requires agencies must submit all rulemaking notices to OFARR at least 1 week prior to publication)

If yes, please summarize the comment and attach any documents.

For Notice of Proposed Rules Only

6. Describe the public need for the proposed rule and an explanation of how the proposed rule will address that need.

See SERC

7. Has the agency received, been made aware of, or contemplated/reviewed any lower cost regulatory alternatives (LCRA)?

Yes No

If yes, describe in detail what action the agency took in response to the LCRA. If no, please explain.

8. Summarize qualitative and quantitative *benefits* of the proposed rule. Benefits may include but are not limited to: productivity, efficiency, employment and accessibility, enhancement of health and safety, and protection of the environment.

See SERC

Office of Fiscal Accountability and Regulatory Reform
Rulemaking Notification

(Executive Order 11-211 requires agencies must submit all rulemaking notices to OFARR at least 1 week prior to publication)

9. Summarize qualitative and quantitative costs of the proposed rule. Costs may include but are not limited to: cost to government in administering the regulation, costs to businesses and professionals in complying with the regulation, adverse effects on the economy, private markets, health, safety and the environment.

See SERC

10. Does the proposed rule include a sunset provision (not to exceed five years)?

Yes No

If no, please detail why and attach any supplemental documentation.

The proposed rules implement important utility ratemaking statutes and provide requirements for public notification and do not require a sunset provision.

Rule Number	Rule Title	Rule Summary	Increase Fees? (3.a.)	Increase Regulation? (3.a.)
Rule 25-6.043	Investor-Owned Electric Utility Petition for Rate Increase; Commission Designee	The rule is amended to update and clarify rule requirements; the number of paper copies required to be filed by electric utilities in rate cases is decreased; certain requirements for e-filing documents are updated; and the Commission designee is changed to the Director of the office of primary responsibility for the rate filing	No	No
Rule 25-7.039	Natural Gas Utility Petition for Rate Increase; Commission Designee	The rule is amended to update and clarify rule language; reduce the number of paper copies required to be filed with an application for a rate increase and address certain requirements for e-filing documents; to change the Commission designee to the Director of the office of primary responsibility for the rate filing; and to delete obsolete language concerning waivers.	No	No
Rule 25-22.0406	Notice and Public Information on General Rate Increase Requests and Petitions for Limited Proceedings by Electric and Gas Utilities	This rule is amended to update and clarify rule language; eliminate the requirement to file paper copies of rate case documents at various locations; and require utilities to establish clearly identifiable website links to provide electron access to rate case documents	No	No
Rule 25-22.0407	Notice of and Public Information for General Rate Increase Requests by Water and Wastewater Utilities	This rule is amended to update and clarify rule language; eliminate the requirement to file paper copies of rate case documents at various locations; and to set forth the requirements for notification that the utility's rate case documents can be accessed on the Commission's website.	No	No
Rule 25-30.436	General Information and Instructions Required of Water and Wastewater Utilities in an Application for Rate Increase	Rule 25-30.436, F.A.C., is amended to require e-filing of rate case application documents and to reduce the number of paper copies of documents that need to be filed; to incorporate the filing requirements for Class C water and wastewater utilities that were previously in Rule 25-30.443 , F.A.C.; the requirement for an affidavit of compliance with Rule 25-22.0407, F.A.C., is change to requiring a statement signed by a utility officer; land record requirement language is updated for consistency with other rules; the Commission designee is changed to the Director of the office of primary responsibility for the rate filing; and the rule defines the "good cause" that is required for an extension of time for submitting rate case expense following issuance of the final order. These amendments result increase administrative efficiency and add clarity to rule requirements.	No	No

Rule 25-30.437	Financial, Rate, and Engineering Minimum Filing Requirements for Water and Wastewater Utilities in an Application for Rate Increase	Rule 25-30.437, F.A.C., is amended to state that the rule requirements apply to Class C water and wastewater utilities, which were duplicated in Rule 25-30.443, F.A.C.; the engineering requirements previously in Rule 25-30.440, F.A.C., are merged into Rule 25-30.437, F.A.C.	No	No
Rule 25-30.438	Information Required in Application for Rate Increase From Utilities with Related Parties	Repealed as obsolete and unnecessary	No	No
Rule 25-30.4385	Additional Rate Information Required in Application for Rate Increase	Repealed as obsolete and unnecessary	No	No
Rule 25-30.440	Additional Engineering Information Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase	Repealed as a result of being merged into Rule 25-30.437, F.A.C.	No	No
Rule 25-30.443	Minimum Filing Requirements for Class C Water and Wastewater Utilities	Repealed as a result of being merged into Rules 25-30.436 and 25-30.437, F.A.C.	No	No

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: November 4, 2020

TO: Kathryn Gale Winter Cowdery, Senior Attorney, Office of the General Counsel

FROM: Sevini K. Guffey, Public Utility Analyst III, Division of Economics *SKG*

RE: **Statement of Estimated Regulatory Costs** for the Proposed amendment of Rules 25-6.043, 25-7.039, 25-22.0406, 25-22.0407, 25-30.436, and 25-30.437, and repeal of Rules 25-30.438, 25-30.4385, 25-30.440, and 25-30.443, F.A.C., concerning notice, public information, and minimum filing requirements for electric, gas, water, and wastewater applications for rate increase.

Commission staff is proposing revisions to Rules 25-6.043, 25-7.039, 25-22.0406, 25-22.0407, 25-30.436, and 25-30.437, Florida Administrative Code (F.A.C.), concerning notice, public information, and minimum filing requirements (MFRs) for electric, gas, water, and wastewater applications for rate increase. The purposes of these proposed rule revisions are to allow for electronic submission of MFRs and reduce the number of paper copies, remove the requirement to place physical copies of rate case documents in Commission-approved locations, and require the utilities to inform customers that all documents in the utility's rate case can be accessed via the Commission's website. These changes will serve to reduce filing costs, which in turn should reduce costs imposed on utility customers.

In addition, the inclusion of Class C water and wastewater utilities in Rules 25-30.436, 25-30.437, and 25-30.440 serves to reduce the number of rules by consolidating existing rules. The proposed repeal of Rules 25-30.438, 25-30.4385, and 25-30.443 will eliminate obsolete rules and eliminates duplicative filing requirements. The proposed rule revisions are discussed in detail in the staff recommendation.

The attached Statement of Estimated Regulatory Costs (SERC) addresses the economic impacts and considerations required pursuant to Section 120.541, Florida Statutes (F.S.). Commission staff issued a SERC data request on October 20, 2020 to all Commission-regulated electric, natural gas, water, and wastewater utilities. All responses representing electric, natural gas, water and wastewater utilities stated that the proposed rule revisions will result in regulatory cost savings and enhance administrative efficiency when filing rate cases. The utilities stated that they do not anticipate any incremental regulatory costs due to the proposed rule revisions.

The SERC analysis indicates that the proposed rule amendments 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 five years of implementation. The proposed rule amendments would not potentially have adverse

Cowdery
November 4, 2020
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impacts on small businesses, would have no implementation cost to the Commission or other state and local government entities, and would have no impact on small cities or counties.

No regulatory alternatives were submitted pursuant to Section 120.541(1)(g), F.S. The SERC concludes that none of the impacts/cost criteria established in Sections 120.541(2)(a), (c), (d), and (e), F.S., will be exceeded as a result of the proposed rule revisions.

cc: SERC File

**FLORIDA PUBLIC SERVICE COMMISSION
STATEMENT OF ESTIMATED REGULATORY COSTS**

Proposed amendment of Rules 25-6.043, 25-7.039, 25-22.0406, 25-22.0407, 25-30.436, and 25-30.437, and repeal of Rules 25-30.438, 25-30.4385, 25-30.440, and 25-30.443, F.A.C., concerning notice, public information, and minimum filing requirements for electric, gas, water, and wastewater applications for rate increase, F.A.C.

1. Will the proposed rule have an adverse impact on small business? [120.541(1)(b), F.S.] (See Section E., below, for definition of small business.)

Yes

No

If the answer to Question 1 is "yes", see comments in Section E.

2. Is the proposed rule likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after implementation of the rule? [120.541(1)(b), F.S.]

Yes

No

If the answer to either question above is "yes", a Statement of Estimated Regulatory Costs (SERC) must be prepared. The SERC shall include an economic analysis showing:

A. Whether the rule directly or indirectly:

(1) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)1, F.S.]

Economic growth Yes No

Private-sector job creation or employment Yes No

Private-sector investment Yes No

(2) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)2, F.S.]

Business competitiveness (including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets) Yes No

Productivity Yes No

Innovation Yes No

(3) Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?
[120.541(2)(a)3, F.S.]

Yes

No

Economic Analysis: In response to staff's SERC data request, the electric, natural gas, water and wastewater utilities stated that the utilities do not anticipate any incremental costs to comply with the proposed revisions to the rules. Sebring Gas system stated that it could save approximately \$500 per rate case by not having to place hard copies of the rate case filing at numerous locations within its territory. Post workshop written comments from Florida Power & Light, Gulf Power, Tampa Electric Company, Peoples Gas System, and Florida City Gas stated that implementing the rules as amended will not result in any additional costs to the Commission or to other state and local government entities, and will have no effect on state or local revenues, will not have any adverse impacts on economic growth, private sector job creation or employment, or business competitiveness.

The utilities also stated that the proposed revisions will not increase regulatory cost including transactional costs in excess of \$1 million in the aggregate within 5 years of implementing the rule. The water and wastewater utilities also stated that the financial impact of the proposed rule revisions to reduce the number of paper copies filed will reduce rate case expenses.

B. A good faith estimate of: [120.541(2)(b), F.S.]

(1) The number of individuals and entities likely to be required to comply with the rule.

The entities required to comply with the rules include the five electric IOUs, eight natural gas IOUs, and all Commission regulated water and wastewater utilities. If there were to be new electric, natural gas, and/or water and wastewater IOUs that would come under the jurisdiction of the Commission in the future, they would also be required to comply with the rule.

(2) A general description of the types of individuals likely to be affected by the rule.

The types of individuals to be affected by the rule would be the above mentioned electric, natural gas, and water and wastewater IOUs and their customers. The cost savings resulting from the proposed revisions to the MFR and noticing rules will be beneficial to the utilities and their customers.

C. A good faith estimate of: [120.541(2)(c), F.S.]

(1) The cost to the Commission to implement and enforce the rule.

- None. To be done with the current workload and existing staff.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(2) The cost to any other state and local government entity to implement and enforce the rule.

- None. The rule will only affect the Commission.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(3) Any anticipated effect on state or local revenues.

- None.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

D. A good faith estimate of the transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rule. "Transactional costs" include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used, procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring or reporting, and any other costs necessary to comply with the rule.

[120.541(2)(d), F.S.]

- None.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

The utilities in their SERC data responses and post workshop comments stated that there would be no incremental transactional costs incurred due to the reduced number of copies to be filed and by not having to place paper copies of the MFRs in Commission-approved locations. The revisions will result in cost

reductions and administrative efficiencies.

E. An analysis of the impact on small businesses, and small counties and small cities:
[120.541(2)(e), F.S.]

(1) "Small business" is defined by Section 288.703, F.S., as an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

- No adverse impact on small business.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(2) A "Small City" is defined by Section 120.52, F.S., as any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. A "small county" is defined by Section 120.52, F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

- No impact on small cities or small counties.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

F. Any additional information that the Commission determines may be useful.
[120.541(2)(f), F.S.]

- None.

Additional Information:

G. A description of any regulatory alternatives submitted and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule. [120.541(2)(g), F.S.]

No regulatory alternatives were submitted.

A regulatory alternative was received from

Adopted in its entirety.

Rejected. Describe what alternative was rejected and provide a statement of the reason for rejecting that alternative.

Julie Phillips

From: Kathryn Cowdery
Sent: Tuesday, December 08, 2020 11:28 AM
To: Reg.Reform@eog.myflorida.com
Cc: Julie Phillips
Subject: FPSC Rulemaking Docket No. 20200193-PU - Section 120.5(3)(b)2.b.(I), F.S., information
Attachments: 20200193 small business pkt.pdf

To who this may concern:

Please confirm by Reply All e-mail your receipt of the attached information submitted pursuant to Section 120.54(3)(b)2.b.(I), F.S., for proposed Florida Public Service Commission Rules 25-6.043, 25-7.039, 25-22.0406, 25-22.0407, 25-30.436, 25-6.437, 25-30.438, 25-30.4385, 25-30.440, and 25-30. 443., F.A.C.

Please let me know if you have any questions.

Thank you.

Kathryn Cowdery
Senior Attorney
Florida Public Service Commission