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# Public Service Commission

December 30, 2020

Jamie L. Jackson, Chief Attorney  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 W. Madison Street  
Tallahassee, FL 32399-1400  
japc@leg.state.fl.us

VIA E-MAIL

Re: Docket No. 20200193-PU; Rules 25-6.043, 25-7.039, 25-22.0406, 25-22.0407, 25-30.436, 25-30.437, 25-30.438, 25-30.4385, 24-30.440, and 25-30.443, F.A.C.

Dear Ms. Jackson:

By letters of December 21, 2020, you provided comments on certain of the above-named rules. Your comment on each proposed rule is shown, followed by Commission staff's response. As we discussed, all changes to the proposed rules made in response to your comments are technical in nature.

**25-6.043: Rulemaking Authority.** The citation to section 366.05(2), F.S., should be removed as it does not contain a grant of rulemaking authority.

**Response:** Commission staff agrees with your comment and has removed section 366.05(2), F.S., from the rulemaking authority.

**25-7.039: Rulemaking Authority/Law Implemented.** It appears that section 366.06(1), F.S., should be cited as providing rulemaking authority for, and as a law implemented by, this rule. Please review whether section 366.06(3), F.S., should be removed as not providing rulemaking authority for the content of this rule.

**Response:** Commission agrees with your comment on section 366.06(1), F.S., and has cited section 366.06(1), F.S., as providing rulemaking authority for, and as a law implemented by, this rule. Commission staff has reviewed section 366.06(3), F.S., and has removed it as rulemaking authority for this rule.

**25-7.039(1)(a)1.:** Please correct the title of the incorporated form in the rule to align with that on form PSC 1027.

**Response:** Commission staff has corrected the title of the incorporated form in the rule to align with that on form PSC 1027.

**25-22.0406: Law Implemented.** Please review whether section 366.041(1), F.S., is properly cited as a law implemented by the content of this rule.

**Response:** Commission staff has reviewed section 366.041(1), F.S., and believes that it is implemented by Rule 25-22.0406, Notice and Public Information on General Rate Increase Requests and Petitions for Limited Proceedings by Electric and Gas Utilities. Section 366.041(1), F.S., authorizes the Commission in fixing rates to give consideration to the cost and value of service provided to the public, and in making its consideration, the Commission has a duty to hear service complaints that may be presented during the rate proceedings.

A main purpose of Rule 25-22.0406 is to give customers notices of rate case proceedings to give them the opportunity to provide their input on their quality of service as part of utility rate cases. For instances, proposed Rule 25-22.0406(2)(e)6. and 7. and (3)(b)6. and 7. require utilities to provide a customer notice that includes information on how customers may provide comments regarding the proposed changes in rates and charges and service to the Commission. Sections (5) and (6) give the requirements for providing customer notices to customers regarding the locations and time of any service hearings or customer meetings. For these reasons, staff believes that section 366.041(1), F.S., is properly cited as a law implemented by the content of this rule.

**25-22.0406(2)(e)2.:** With the proposed amendments to this rule removing the physical copy requirements, please review whether amendments are needed to this subparagraph to reflect that the application is not required to be at a physical location.

**Response:** Proposed Rule 25-22.0406(2)(e)2. provides that the required customer notice must include: “The locations at which copies of the MFRs [Minimum Filing Requirements] and synopsis are available, including the link on the utility’s website.” Commission staff has reviewed and considered your comment and, for the reasons explained below, believes that the rule language is clear and that no additional amendments are needed.

Proposed Rule 25-22.0406 establishes two on-line locations where rate case documents must be made available. Under paragraph (2)(a) of this rule, utilities are required to establish a clearly identifiable link on the utility’s website to provide electronic access to the utility’s petition and MFRs. Paragraph (2)(b) requires a utility to establish a clearly identifiable link on its website to provide the address on the Commission’s website that provides electronic access to all documents filed in the rate case. These are the locations that must be identified in the customer notice, as required by Rule 25-22.0406(2)(e)2. As set forth in Rule 25-22.0406(2)(e), this notice must be submitted for staff approval to assure that the required information is in the notice.

Rule 25-22.0406 applies to the investor-owned gas and electric utilities in Florida. Investor-owned electric and gas utilities and the Office of Public Counsel on behalf of the citizens of the state of Florida were involved in the rulemaking process, including the rulemaking workshop. The purpose of initiating rulemaking on this rule was to reduce the

number of paper copies required in a rate case. The stakeholders provided comments on the draft rules and at no point did any interested person express any confusion about the language in proposed Rule 25-22.0406(2)(e)2., F.S.

**25-22.0406(3)(b)2.:** Please see the comment above for rule 25-22.0406(2)(e)2.

**Response:** Proposed Rule 25-22.0406(3)(b)2 requires the customer notice pertaining to petitions for a limited proceeding to include a “statement of where and when the petition and supporting documentation are available for public inspection, including the link on the utility’s website.” Commission staff has reviewed and considered your comment and, for the reasons explained below, believes that the language is clear and that no additional amendments are needed.

Section (3) requires a utility to establish a clearly identifiable link on its website to the address on the Commission’s website that provides electronic access to all documents filed in the limited proceeding. Under paragraph (b)2, the utility would state that the petition and supporting documentation are available for public inspection at the Commission’s website and would include the link on the utility’s website. None of the stakeholders participating in the rulemaking expressed any confusion or concern about this language.

**25-22.0407:** Law Implemented. Sections 120.569 and .57, F.S., should be removed as laws implemented by this rule. Please review whether section 367.0817, F.S., is properly cited as a law implemented by the content of this rule.

**Response:** Commission staff has removed sections 120.569 and .57, F.S., as laws implemented by this rule. Commission staff has reviewed section 367.0817, F.S., and has removed it as a law implemented by this rule.

**25-30.437(1):** Please correct the title of the incorporated form in the rule to align with that on form PSC 1030.

**Response:** Commission staff has corrected the title of the incorporated form in the rule to align with that on form PSC 1030.

**25-30.437(4):** As the language in this subsection is newly added to this rule, the strikethrough coding to remove the word “should,” is incorrect as it implies that this word is in the existing rule. Please ensure this coding is corrected.

**Response:** Commission staff has corrected this coding.

Thank you for your assistance. We plan to file the rules for adoption, reflecting the technical changes set forth above, with the Department of State on January 7, 2021. Please let me know if you have any additional questions.

Sincerely,

/s/  
Kathryn G.W. Cowdery  
Senior Attorney

cc: Office of Commission Clerk

**From:** [Jackson, Jamie](#)  
**To:** [Kathryn Cowdery](#)  
**Cc:** [Julie Phillips](#)  
**Subject:** RE: Commission Dkt 20200193-PU - 7-day certification letter  
**Date:** Wednesday, December 30, 2020 10:01:18 AM

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Hello Kathryn,

We are receipt of your response letter/request for certification for these groups of rules.  
Thank you!

Jamie

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**From:** Gunter, Sandi <GUNTER.SANDRA@leg.state.fl.us>  
**Sent:** Wednesday, December 30, 2020 9:48 AM  
**To:** Loscialo, Tina <LOSCIALO.TINA@leg.state.fl.us>; Folh, Denise <FOLH.DENISE@leg.state.fl.us>  
**Cc:** Jackson, Jamie <JACKSON.JAMIE@leg.state.fl.us>  
**Subject:** FW: Commission Dkt 20200193-PU - 7-day certification letter

Denise: I printed 4 copies – one for each file  
Tina: Please upload to the appropriate screens

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**From:** Kathryn Cowdery <[kcowdery@PSC.STATE.FL.US](mailto:kcowdery@PSC.STATE.FL.US)>  
**Sent:** Wednesday, December 30, 2020 9:35 AM  
**To:** Joint Administrative Procedures Committee <[japc@leg.state.fl.us](mailto:japc@leg.state.fl.us)>  
**Cc:** Julie Phillips <[JPhillip@PSC.STATE.FL.US](mailto:JPhillip@PSC.STATE.FL.US)>  
**Subject:** Commission Dkt 20200193-PU - 7-day certification letter

Dear Ms. Jackson: Please see the attached letter. To confirm receipt, please Reply All.

Thank you and have a Happy New Year.

Kathryn Cowdery  
Senior Attorney  
Florida Public Service Commission