

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rules 25-30.025, 25-30.4345, 25-30.445, 25-30.446, 25-30.455, 25-30.456, and 25-30.565, F.A.C.,  
related to water and wastewater utilities.

DOCKET NO. 20210122-WS  
ORDER NO. PSC-2021-0391-NOR-WS  
ISSUED: October 14, 2021

The following Commissioners participated in the disposition of this matter:

GARY F. CLARK, Chairman  
ART GRAHAM  
ANDREW GILES FAY  
MIKE LA ROSA  
GABRIELLA PASSIDOMO

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has proposed the amendment of Rules 25-30.025, 25-30.4345, 25-30.445, 25-30.446, 25-30.455, 25-30.456, and 25-30.565, Florida Administrative Code, relating to water and wastewater utilities.

The attached Notice of Proposed Rules appeared in the October 14, 2021 edition of the Florida Administrative Register. If timely requested, a hearing will be held at a time and place to be announced in a future notice.

Requests for hearing on the proposed rules, information regarding the statement of estimated regulatory costs, or proposals for a lower cost regulatory alternative must be provided in writing and received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than November 4, 2021.

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By ORDER of the Florida Public Service Commission this 14th day of October, 2021.



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ADAM J. TEITZMAN  
Commission Clerk

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://www.floridapsc.com)

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

KGWC

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO:       RULE TITLE:

25-30.025       Official Date of Filing

25-30.4345      Notice of Requests for New or Revised Service Availability Charges or Policies and Notice of Requests for Allowance for Funds Prudently Invested (AFPI) Charges

25-30.445       General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding

25-30.446       Notice of and Public Information for Application for Limited Proceeding Rate Increase

25-30.455       Staff Assistance in Rate Cases

25-30.456       Staff Assistance in Alternative Rate Setting

25-30.565       Application for Approval of New or Revised Service Availability Policy or Charges.

PURPOSE AND EFFECT: To update and clarify rule language and application process; to decrease the number of paper copies required to be filed with the Commission; to address electronic filing of documents and give customers clear access to documents electronically; improve administrative efficiency; decrease regulatory costs; and allow for better comprehension of rule requirements.

Rule 25-30.4345 is referenced in Rules 25-30.434 and 25-30.565. The amendments to the noticing requirements in Rule 25-30.4345 will apply to water and wastewater utilities' applications for service availability charges or polices and for allowance for funds prudently incurred filed under Rules 25-30.434 and 25-30.565.

Rule 25-30.445 is referenced in Rule 25-30.446. The amendments to Rule 25-30.445 have no effect on Rule 25-30.446.

Rule 25-30.446, concerning notice and public information for limited proceeding rate increase, is referenced in Rules 25-30.444, 25-30.4445, and 25-30.445. Applications filed under Rules 25-30.444, 25-30.445, and 25-30.4445 will be required to comply with the amended noticing requirements of Rule 25-30.446, as specified in those rules.

Rule 25-30.455, Staff Assistance in Rate Cases, is referenced in Rules 25-22.0407, 25-30.444, 25-30.4445, 25-30.456, 25-30.457, and 25-30.4575. The amendments to Rule 25-30.455 have no effect on these rules.

Rule 25-30.456 is referenced in Rule 25-30.457. The amendments to Rule 25-30.456 have no effect on Rule 25-30.457.

Docket No. 20210122-WS

SUMMARY: Rule 25-30.025, F.A.C., Official Date of Filing, is amended to change the person responsible for determining the date on which the utility has filed a complete application from the Deputy Executive Director, Technical, to the Director of the agency division that has been assigned the primary responsibility for the filing.

Rule 25-30.4345, F.A.C., Notice of Requests for New or Revised Service Availability Charges or Policies and Notice of Requests for Allowance for Funds Prudently Invested (AFPI) Charges, is amended to update and clarify rule language; eliminate the requirement to file paper copies of documents at various locations; and require the utility to include a statement in its notice that the utility's application can be accessed on the Commission's website.

Rule 25-30.445, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding, is amended to update and clarify rule language and reduce the number of paper copies of applications filed at the Commission. The rule is amended to provide that a limited proceeding will not be allowed if the utility's filing includes more than six separate projects for which recovery is sought; the requested rate increase exceeds 30 percent; the utility has not had a rate case within seven years of the date the petition for limited proceeding is filed; or the limited proceeding is filed as the result of the complete elimination of either the water or wastewater treatment process.

Rule 25-30.446, F.A.C., Notice of and Public Information for Application for Limited Proceeding Rate Increase, is amended to update and clarify rule language; eliminate the requirement to file paper copies of rate case documents at various locations; and require the utility to include a statement in its initial customer notice that the utility's application can be accessed on the Commission's website.

Rule 25-30.455, F.A.C., Staff Assistance in Rate Cases, and Rule 25-30.456, F.A.C., Staff Assistance in Alternative Rate Setting, are amended to update and clarify rule language and add specificity to the criteria making a utility eligible for staff assistance under each rule.

Rule 25-30.565, F.A.C., Application for Approval of New or Revised Service Availability Policy or Charges, is amended to update and clarify rule language; reduce the number of paper copies of applications filed at the Commission; and eliminate the requirement to file paper copies of the application at its local office.

**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 that there would likely be no transactional costs to the individual and entities, including government entities, required to comply with the rule.

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), 367.0814, 367.101, 367.121, 367.121(1), 367.121(1)(a), 367.121(1)(f) FS

**LAW IMPLEMENTED:** 367.081, 367.0812, 367.0184, 367.0822, 367.083, 367.091, 367.101, 367.111, 367.121(1)(a), 367.145(2) 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](mailto:kcowdery@psc.state.fl.us)

**THE FULL TEXT OF THE PROPOSED RULE IS:**

**25-30.025 Official Date of Filing.**

(1) The “official date of filing” is the date on which the Director of the division that has been assigned the primary responsibility for the filing ~~Deputy Executive Director, Technical~~ determines the utility has filed completed sets of the minimum filing requirements (MFRs), including testimony that may be required by subsection 25-30.436(2), F.A.C., and payment of the appropriate filing fee to the Office of the Commission Clerk.

(2) The Director of the division that has been assigned the primary responsibility for the filing will ~~Deputy Executive Director, Technical~~ shall determine the official date of filing for any utility’s application and advise the applicant. The Commission will ~~shall~~ resolve any dispute regarding the official date of filing.

*Rulemaking Authority 350.127(2), 367.121(1) FS. Law Implemented 367.083 FS. History—New 3-26-81, Formerly 25-10.12, 25-10.012, Amended 11-10-86, 11-30-93, \_\_\_\_\_.*

**25-30.4345 Notice of Applications Requests for New or Revised Service Availability Charges or Policies and Notice of Applications Requests for Allowance for Funds Prudently Invested (AFPI) Charges.**

(1) This rule applies to all applications requests for new or revised service availability charges or policies and to all applications requests for allowance for funds prudently invested (AFPI) charges made by water and wastewater utilities, including those requests made in conjunction with an application ~~a request~~ for a general rate increase.

(2) ~~Upon filing an application for new or revised service availability charges or policies or an application for AFPI charges, the utility shall place a copy of the application at its official headquarters and at any business offices it has in the service areas included in the request. 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 a service area included in the request,~~

~~the utility shall place a copy of the application 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 said copies. The Commission may require that copies of the application be placed at other specified locations.~~

~~(2)(3)~~(a) Upon filing an application for new or revised service availability charges or policies or an application for AFPI charges, the utility must publish ~~shall have published~~ a notice of application in a newspaper of general circulation in the service areas included in the application ~~petition~~.

(b) Upon filing an application for new or revised service availability charges or policies or an application for AFPI charges, the utility must ~~shall~~ mail or hand deliver a notice of application to all persons in the service areas included in the application 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 application is filed.

(c) No change.

(d) The notice of application ~~petition shall~~ include the following:

1. No change.

2. A statement that the utility has filed an application ~~a petition~~ for new or revised service availability charges or policies or AFPI charges with the Commission;

3. No change.

4. A statement that the utility's application can be accessed on the Commission's website ~~of the locations where copies of the application are available for public inspection and the times during which inspection may be made;~~

5. through 6. No change

7. A statement that any comments concerning the policy or charges should be addressed to the ~~Director of the~~ Office of Commission Clerk at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

*Rulemaking Authority 350.127(2), 367.121(1)(f) FS. Law Implemented 367.091, 367.101, 367.111, ~~367.091~~ FS. History—New 5-27-93, Formerly 25-22.0408, \_\_\_\_\_.*

**25-30.445 General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding.**

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

(a) through (e) No change.

(2) In a limited proceeding application:

(a) Each schedule must ~~shall~~ be cross-referenced to identify related schedules.

(b) Except for handwritten official company records, all data in the petition and application must ~~shall~~ be typed.

(c) The original and three seven ~~copies~~ must ~~shall~~ be filed with the Office of Commission Clerk. The copies must be clearly labeled "COPY." If the application is e-filed, the utility must provide the required number of paper copies, clearly labeled "COPY," to the Office of Commission Clerk within seven calendar days after electronic filing.

(3) A filing fee as required in Rule 25-30.020, F.A.C., must ~~shall~~ be submitted at the time of application.

(4) The following minimum filing requirements must ~~shall~~ be filed with the utility's application for limited proceeding for a Class A or B water or wastewater utility:

(a) through (b) No change.

(c) A schedule that provides the specific rate base components for which the utility seeks recovery. Supporting detail must ~~shall~~ be provided for each item requested, including:

1. through 4. No change.

(d) If the utility's application includes a request for recovery of plant in service, accumulated depreciation and depreciation expense, supporting detail must ~~shall~~ be provided by primary account as defined by the NARUC Uniform System of Accounts, in accordance with Rule 25-30.110, F.A.C.

(e) A calculation of the weighted average cost of capital must ~~shall~~ be provided for the most recent 12-month period, using the mid-point of the range of the last authorized rate of return on equity, the current embedded cost of

fixed-rate capital, the actual cost of short-term debt, the actual cost of variable-cost debt, and the actual cost of other sources of capital which were used in the last individual rate proceeding of the utility. If the utility does not have an authorized rate of return on equity, the utility ~~must shall~~ use the current leverage formula pursuant to Section 367.081(4)(f), F.S.

(f) If the utility is requesting recovery of operating expenses, the following information ~~must shall~~ be provided:

1. through 4. No change.

(g) No change.

(h) If the utility includes any other items where calculations are required, supporting documentation ~~must shall~~ be filed that reflects the calculations or assumptions made.

(i) through (k) No change.

(l) Schedules for the most recent 12-month period showing that, without any increased rates, the utility will earn below its authorized rate of return in accordance with Section 367.082, F.S. The schedules ~~must shall~~ consist of a rate base, net operating income and cost of capital schedule with adjustments to reflect those consistent with the utility's last rate proceeding.

(m) If the limited proceeding is being requested to change the current rate structure, provide a copy of all workpapers and calculations used to calculate requested rates and allocations between each customer class. The test year ~~must shall~~ be the most recent 12-month period. In addition, the following schedules, ~~which are incorporated herein by reference~~, from 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," ~~which is incorporated by reference in Rule 25-30.437, F.A.C., must shall~~ be provided; ~~The schedules can be obtained from the Commission's Division of Accounting and Finance.~~

1. Schedule E-2, entitled "Revenue Schedule at Present and Proposed Rates," ~~is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref08251>.~~

2. Schedule E-14, entitled "Billing Analysis Schedules," ~~is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref08252>.~~ Only an original and one copy ~~is two copies~~ are required.

(n) No change.

(o) A water utility's application for limited proceeding ~~must shall~~ also include:

1. through 2. No change.

(5) In addition to the requirements stated in subsections (1) through (3), the following minimum filing requirements ~~must shall~~ be filed with the utility's application for limited proceeding for a Class C water or wastewater utility:

(a) through (b) No change.

(c) A schedule that provides the specific rate base components for which the utility seeks recovery, if known. Supporting detail ~~must shall~~ be provided for each item requested, including:

1. through 4. No change.

(d) through (g) No change.

(h) A Class C water utility's application for limited proceeding ~~must shall~~ also include:

1. through 2. No change.

(6) ~~A limited proceeding will not be allowed if: In evaluating whether the utility's request is improper for a limited proceeding, the Commission will consider factors such as:~~

(a) ~~Whether the utility's filing includes more than six 4 separate projects for which recovery is sought and the requested rate increase exceeds 30 percent.~~ Corresponding adjustments for a given project are not subject to the above limitation;

(b) The requested rate increase exceeds 30 percent;

(c)(b) Whether the utility has not had a rate case within in more than seven years of the date the petition for limited proceeding is filed with the Commission; and the requested rate increase exceeds 30 percent, or

(d)(e) Whether the limited proceeding is filed as the result of the complete elimination of either the water or wastewater treatment process and the requested rate increase exceeds 30 percent.

(7) The utility ~~must~~ shall provide a statement in its filing to the Commission ~~that~~ which addresses whether the utility's rate base has declined or whether any expense recovery sought by the utility is offset by customer growth since its most recent rate proceeding or will be offset by future customer growth expected to occur within one year of the date new rates are implemented.

*Rulemaking Authority 350.127(2), 367.121(1)(a) FS. Law Implemented 367.081, 367.0812, 367.0822, 367.121(1)(a), 367.145(2) FS. History—New 3-1-04, Amended 5-30-17, \_\_\_\_\_.*

**25-30.446 Notice of and Public Information for Application for Limited Proceeding Rate Increase.**

(1) This rule applies to all applications requests for limited proceeding rate increases made by a water or wastewater utility.

(2) Upon filing an application ~~a petition~~ for limited proceeding 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 applied for a limited proceeding rate increase. The notification must clearly identify the Commission-assigned docket number and include ~~Each copy of the petition shall be accompanied by a statement that a copy of the application and M~~minimum Ffiling Rrequirements (MFRs) set forth in Rule 25-30.445, F.A.C., ~~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 the filing established by the Commission, the utility shall place a copy of the petition and the MFRs at its official headquarters and at all business offices it has in the service areas included in the rate request. 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 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.~~

~~(3)(4)~~ Upon filing an application ~~a petition~~ and MFRs for a limited proceeding, the utility ~~must~~ shall publish a notice of application in a newspaper of general circulation in the service areas included in the application ~~petition~~.

~~(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 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 and application ~~petition~~ are available on the Commission's website ~~for public inspection and the hours and days when inspection may be made;~~

4. through 8. 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)~~ 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 the service areas designated by the Commission staff. The notice must 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)~~ If a proposed agency action order issued in the case is protested and any hearings are subsequently held, the utility ~~must give notice in accordance with subsection (5) of this rule~~ shall ~~give notice 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 also publish ~~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 be approved by Commission staff prior to publication.

~~(7)(8)~~ 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 be first approved by Commission staff and must ~~shall~~ be distributed no later than with the first bill containing any revised rates.

*Rulemaking Authority 350.127(2), 367.121(1)(a) FS. Law Implemented 367.0822, 367.121(1)(a) FS. History—New 3-1-04, \_\_\_\_\_.*

**25-30.455 Staff Assistance in Rate Cases.**

(1) Water and wastewater utilities whose total gross annual operating revenues are \$300,000 or less for water service or \$300,000 or less for wastewater service, or \$600,000 or less on a combined basis, may file with the Office of Commission Clerk an application ~~petition the Commission~~ for staff assistance in rate applications by submitting a completed staff assisted rate case application. Reasonable and prudent rate case expense is shall be eligible for recovery through the rates developed by staff. Recovery of attorney fees and outside consultant fees related to the rate case is shall be determined based on the requirements set forth in Section 367.0814(3), F.S. To be eligible for staff assistance under this rule:

(a) The applicant or utility owner must have at least one year of experience operating the utility for which the rate increase is being requested;

(b) The utility must be in compliance with its annual report filing in accordance with subsection 25-30.110(3), F.A.C.; and

(c) The utility must have paid all required regulatory assessment fees or must be current on any approved regulatory assessment fee payment plan.

~~A utility that chooses not to exercise the option of staff assistance may file for a rate increase under the provisions of rule 25-30.443, F.A.C.~~

(2) The appropriate application form, Commission Form PSC/AFD 2-W (11/86) (Rev. 06/14), entitled "Application for a Staff Assisted Rate Case," is incorporated into this rule by reference and is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-04415>. The form is also available on the Commission's website, [www.floridapsc.com](http://www.floridapsc.com). ~~may also be obtained from the Commission's Division of Accounting and Finance, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.~~

(3) No change.

(4)(a) Within 30 days of receipt of the completed application, the Commission will evaluate the application and determine the applicant's eligibility for staff assistance.

~~(b)(a)~~ If the Commission has received four or more applications in the previous 30 days; or, if the Commission has 20 or more docketed staff assisted rate cases in active status on the date the application is received, the Commission will deny initial evaluation of an application for staff assistance and close the docket. When an application is denied under the provisions of this paragraph, the Commission staff will notify the applicant of the date on which the application may be resubmitted.

~~(c)(b)~~ Initially, determinations of eligibility will be conditional, pending an examination of the condition of the applicant's books and records.

(5) Upon making its final determination of eligibility, the Commission staff will notify the applicant in writing as to whether the application is officially accepted or denied. If the application is accepted, a staff assisted rate case will be initiated. If the application is denied, the notification of application denial will state the deficiencies in the application ~~with reference to the criteria set out in subsection (7) of this rule.~~

(6) The date of Commission staff's written notification to the utility that the utility is eligible for staff assistance under this rule will be considered the date of official acceptance of the application by the Commission. The official date of filing is will be 30 days after the official acceptance of the application by the Commission staff. ~~date of the written notification to the applicant of the Commission's official acceptance of the application.~~

~~(7) In determining whether to grant or deny the application, the Commission will consider the following criteria:~~



~~(a) Whether the applicant qualifies for staff assistance pursuant to subsection (1) of this rule;~~  
~~(b) Whether the applicant's books and records are organized consistent with rule 25-30.110, F.A.C., so as to allow Commission personnel to verify costs and other relevant factors within the 30-day time frame set out in this rule;~~

~~(c) Whether the applicant has filed annual reports;~~

~~(d) Whether the applicant has paid applicable regulatory assessment fees;~~

~~(e) Whether the applicant has at least one year of experience in utility operation;~~

~~(f) Whether the applicant has filed additional relevant information in support of eligibility, together with reasons why the information should be considered; and,~~

~~(g) Whether the utility was granted a rate case increase within the 2-year period prior to the receipt of the application under review.~~

~~(7)(8) The Commission will deny the application is deemed denied if the utility does not remit the filing fee, as provided by paragraph 25-30.020(2)(f), F.A.C., within 30 days after official acceptance.~~

~~(8)(9) An aggrieved applicant may request reconsideration of the application denial within 15 days of receipt of notification that the application is denied. The request, which will be decided by the full Commission.~~

~~(9)(10) A substantially affected person may file a petition to protest the Commission's proposed agency action in a staff assisted rate case within 21 days of issuance of the Notice of Proposed Agency Action Order, as set forth in Rrule 28-106.111, F.A.C.~~

~~(10)(11) A petition to protest the Commission's proposed agency action must shall conform to Rrule 28-106.201, F.A.C.~~

~~(11)(12) In the event of a protest of the Commission's Notice of Proposed Agency Action Order in a staff assisted rate case, the utility must shall:~~

~~(a) Provide prefiled direct testimony in accordance with the Order Establishing Procedure issued in the case. At a minimum, that testimony must shall adopt the Commission's Proposed Agency Action Order;~~

~~(b) through (d) No change.~~

~~(12)(13) Failure to comply with the dates established in the Order Establishing Procedure, or to timely file a request for extension of time for good cause shown, may result in dismissal of the staff assisted rate case and closure of the docket.~~

~~(13)(14) In the event of a protest of the Commission's Proposed Agency Action Order in a staff assisted rate case, the Commission staff will shall:~~

~~(a) File prefiled direct testimony to explain its analysis in the staff proposed agency action recommendation. In the event the staff wishes to alter its position on any issue, it will shall provide factual testimony to support its changed position;~~

~~(b) No change.~~

~~(c) Provide to the utility materials to assist the utility in the preparation of its testimony and exhibits. This material will shall consist of an example of testimony filed by a utility in another case, an example of testimony that would support the Proposed Agency Action Order in this case, an example of an exhibit filed in another case, and examples of prehearing statements and briefs filed in other cases.~~

~~*Rulemaking Authority 350.127(2), 367.0814, 367.121 FS. Law Implemented 367.0814 FS. History—New 12-8-80, Formerly 25-10.180, Amended 11-10-86, 8-26-91, 11-30-93, 1-31-00, 12-16-08, 8-10-14, 2-19-17, 7-1-18, \_\_\_\_\_.*~~

#### **25-30.456 Staff Assistance in Alternative Rate Setting.**

(1) As an alternative to a staff assisted rate case as described in Rrule 25-30.455, F.A.C., water and wastewater utilities whose total gross annual operating revenues are \$300,000 or less for water service or \$300,000 or less for wastewater service, or \$600,000 or less on a combined basis, may file with the Office of Commission Clerk an application petition the Commission for staff assistance in alternative rate setting by submitting a completed staff assisted application for alternative rate setting. To be eligible for staff assistance under this rule:

(a) The applicant or utility owner must have at least one year of experience operating the utility for which the

rate increase is being requested;

(b) The utility must be in compliance with its annual report filing in accordance with subsection 25-30.110(3), F.A.C.; and

(c) The utility must have paid all required regulatory assessment fees or must be current on any approved regulatory assessment fee payment plan.

(2) The appropriate application form, Commission Form PSC/AFD 25 (11/93) (Rev. 06/14), entitled "Application for Staff Assistance for Alternative Rate Setting," is incorporated into this rule by reference and is available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-04414>. The form is also available on the Commission's website, [www.floridapsc.com](http://www.floridapsc.com). ~~may also be obtained from the Commission's Division of Accounting and Finance, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.~~

(3) Upon completion of the form, the applicant must ~~shall~~ file it with the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

(4)(a) Within 30 days of receipt of the completed application, the Commission will evaluate the application and determine the applicant's eligibility for staff assistance.

(b)(a) If the Commission has received four or more alternative rate setting applications in the previous 30 days; or, if the Commission has 20 or more docketed staff assisted rate cases in active status on the date the application is received, the Commission will deny initial evaluation of an application for staff assistance and close the docket. When an application is denied under the provisions of this paragraph, the Commission staff will notify the applicant of the date on which the application may be resubmitted.

(c)(b) Determinations of eligibility will be conditional, pending an examination of the condition of the applicant's books and records.

(5) Upon making its final determination of eligibility, the Commission staff will notify the applicant in writing as to whether the application is officially accepted or denied. If the application is accepted, staff assistance in alternative rate setting will be initiated. If the application is denied, the notification of application denial will state the deficiencies in the application ~~with reference to the criteria set out in subsection (7) of this rule.~~

(6) The date of Commission staff's written notification to the utility that the utility is eligible for staff assistance under this rule will be considered the date of official acceptance of the application by the Commission. The official date of filing ~~is will be~~ 30 days after the date of official acceptance of the application. ~~the written notification to the applicant of the Commission's official acceptance of the application.~~

~~(7) In determining whether to grant or deny the application, the Commission will consider the following criteria:~~

~~(a) Whether the applicant qualifies for staff assistance pursuant to subsection (1) of this rule;~~

~~(b) Whether the applicant's books and records are organized consistent with rule 25-30.110, F.A.C., so as to allow Commission personnel to verify costs and other relevant factors within the 30-day time frame set out in this rule;~~

~~(c) Whether the applicant has filed annual reports;~~

~~(d) Whether the applicant has paid applicable regulatory assessment fees;~~

~~(e) Whether the applicant has at least one year of experience in utility operation;~~

~~(f) Whether the applicant has filed additional relevant information in support of eligibility, together with reasons why the information should be considered; and,~~

~~(g) Whether the utility was granted a rate case increase within the 2-year period prior to the receipt of the application under review.~~

~~(7)(8)~~ The Commission will deny the application is deemed denied if the utility does not remit the filing fee, as provided by paragraph 25-30.020(2)(f), F.A.C., within 30 days after official acceptance.

~~(8)(9)~~ An aggrieved applicant may request reconsideration of the application denial within 15 days of receipt of notification that the application is denied. The request ~~which~~ will be decided by the full Commission.

~~(9)(10)~~ The Commission will, for the purposes of determining the amount of rate increase, if any, compare the operation and maintenance expenses (O & M) of the utility to test year operating revenues. The Commission will consider an allowance for return on working capital using the one-eighth of O & M formula approach.

~~(10)(11)~~ The Commission will limit the maximum increase in operating revenues to 50 percent of test year operating revenues.

~~(11)(12)~~ The Commission will vote on a proposed agency action recommendation establishing rates no later than 90 days from the official filing date as established in subsection (6) of this rule.

~~(12)(13)~~ A substantially affected person may file a petition to protest the Commission's Proposed Agency Action Order regarding a staff assisted alternative rate setting application within 21 days of issuance of the Notice of Proposed Agency Action Order as set forth in ~~R~~rule 28-106.111, F.A.C.

~~(13)(14)~~ A petition to protest the Commission's proposed agency action must shall conform to ~~R~~rule 28-106.201, F.A.C.

~~(14)(15)~~ In the event of protest of the Proposed Agency Action Order by a substantially affected person, the rates established in the Proposed Agency Action Order may be implemented on a temporary basis, subject to refund with interest in accordance with ~~R~~rule 25-30.360, F.A.C. At that time, the utility may elect to pursue rates set pursuant to the rate base determination provisions of ~~R~~rule 25-30.455, F.A.C.

~~(15)(16)~~ In the event of a protest, the maximum increase established in subsection ~~(10)(11)~~ of this rule ~~shall~~ no longer applies apply.

~~(16)(17)~~ In the event of a protest of the Commission's Proposed Agency Action Order in a staff assisted alternative rate setting application, the utility must shall:

(a) Provide prefiled direct testimony in accordance with the Order Establishing Procedure issued in the case. At a minimum, that testimony must shall adopt the Commission's Proposed Agency Action Order;

(b) through (d) No change.

~~(17)(18)~~ Failure to comply with the dates established in the Order Establishing Procedure, or to timely file a request for extension of time for good cause shown, may result in dismissal of the staff assisted alternative rate setting application and closure of the docket.

~~(18)(19)~~ In the event of protest of the Commission's Proposed Agency Action Order in a staff assisted alternative rate setting application, the Commission staff will shall:

(a) File prefiled direct testimony to explain its analysis in the proposed agency action recommendation. In the event the staff wishes to alter its position on any issue, it will shall provide factual testimony to support its changed position;

(b) No change.

(c) Provide to the utility materials to assist the utility in the preparation of its testimony and exhibits. This material will shall consist of an example of testimony filed by a utility in another case, a sample of testimony that would support the Proposed Agency Action Order in this case, an example of an exhibit filed in another case, and examples of prehearing statements and briefs filed in other cases.

*Rulemaking Authority 350.127(2), 367.0814, 367.121 FS. Law Implemented 367.0814 FS. History—New 11-30-93, Amended 1-31-00, 12-16-08, 8-10-14, 7-1-18,\_\_\_\_\_.*

#### **25-30.565 Application for Approval of New or Revised Service Availability Policy or Charges.**

(1) An original and one copy of an ~~Each~~ application for a service availability policy or charges must shall be filed with the Office of Commission Clerk. The copy must be clearly labeled "COPY." If the application is e-filed with the Commission Clerk, the utility must file one paper copy, clearly labeled "COPY," with the Commission Clerk within seven calendar days after e-filing. ~~in original and six copies.~~

(2) Upon filing an application for a new or revised service availability charge or policy, the utility must shall provide notice pursuant to Rule 25-30.4345, F.A.C.

(3) A filing fee as required in Rule 25-30.020, F.A.C., must shall be submitted at the time of application.

(4) Each application must shall include the following, if applicable:

(a) No change.

(b) The name of the applicant, the applicant's principal place of business and each local office from which company operations are conducted. The applicant's name must shall be as it appears on the certificate issued by the Commission if one has been issued.

(c) through (i) No change.

(j) ~~Provide~~ A list of outstanding developer agreements.

(k) through (v) No change.

(w) ~~An original and three copies of~~ The proposed tariff sheets.

~~(5) Upon filing of the application and supporting exhibits, the utility shall place copies thereof at its local office of the utility serving the area affected by the charges and conditions, and such copies shall be made available for public inspection.~~

~~(5)~~(6) Each utility must shall demonstrate the appropriateness of the requested service availability charges and conditions.

*Rulemaking Authority 350.127(2), 367.121(1), 367.101 FS. Law Implemented 367.101 FS. History—New 6-14-83, Amended 11-10-86, 11-30-93, 5-29-08\_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathryn G.W. Cowdery

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2021

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