

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: December 10, 2021
TO: Adam Teitzman, Commission Clerk
FROM: Kathryn G.W. Cowdery, Senior Attorney, Office of the General Counsel
RE: Docket No. 20220122-WS

RECEIVED-FPSC
2021 DEC 10 AM 10:55
COMMISSION
CLERK

Please place the attached documents into Docket No. 20210122-WS.

Please contact me at kcowdery@psc.state.fl.us if you have any questions. Thank you.

KGWC

WILTON SIMPSON
President



Senator Ben Albritton, Chair
Representative Rick Roth, Vice Chair
Senator Lorraine Ausley
Senator Jason Brodeur
Senator Danny Burgess
Senator Shevrin D. "Shev" Jones
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Representative Yvonne Hayes Hinson
Representative Thomas Patterson "Patt" Maney
Representative Angela "Angie" Nixon
Representative Anthony Sabatini

CHRIS SPROWLS
Speaker



KENNETH J. PLANTE
COORDINATOR
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400
Telephone (850) 488-9110
Fax (850) 922-6934
www.japc.state.fl.us
japc@leg.state.fl.us

THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

October 26, 2021

Ms. Kathryn G.W. Cowdery
Office of the General Counsel
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

**RE: Public Service Commission
Rule 25-30-4345**

Dear Ms. Cowdery:

I have reviewed the above-referenced rule and offer the following comment for your consideration and response:

25-30.4345(2)(c): Paragraphs 25-30.4345(2)(a)-(c), F.A.C., set forth the notice requirements for water or wastewater utilities applying for new or revised service availability charges or policies. While paragraphs (2)(a) and (b) set forth specific requirements, paragraph (2)(c) provides that the Commission may require such other notice as it finds reasonably necessary. By what standards or under what general circumstances does the Commission exercise this discretion? Pursuant to section 120.52(8)(d), Florida Statutes, a rule that is vague, fails to establish adequate standards for agency decisions, or vests unbridled discretion in the agency is an invalid exercise of delegated legislative authority. Please review and advise.

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

Sincerely,

A handwritten signature in cursive script that reads "Jamie L. Jackson".

Jamie L. Jackson
Chief Attorney

COMMISSIONERS:
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STATE OF FLORIDA



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

Public Service Commission

December 10, 2021

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

Via e-mail

Re: Florida Public Service Commission Proposed Rule 25-30.4345, F.A.C.

Dear Ms. Jackson:

This letter responds to your letter of October 26, 2021 concerning proposed Rule 25-30.4345, F.A.C. We will be addressing your comments at a public hearing before the Florida Public Service Commission pursuant to Section 120.54(3)(c), Fla. Stat. We anticipate filing a notice of hearing in the FAR in the next several weeks.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathryn G.W. Cowdery".

Kathryn G.W. Cowdery
Senior Attorney

Cc: Commission Clerk (Docket No. 20210122-WS)