

STATE OF FLORIDA

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

# Public Service Commission

January 24, 2022

Kenneth J. Plante, Coordinator  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 W. Madison Street  
Tallahassee, Florida 32399-1400

Via e-mail

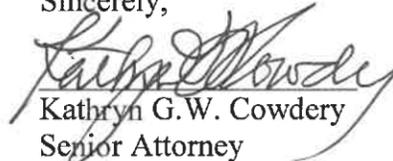
Re: Docket No. 20210122-WS: Rule 25-30.4345, F.A.C., Notice of Applications for New or Revised Service Availability Charges or Policies and Notice of Applications for Allowance for Funds Prudently Invested (AFPI) Charges

Dear Mr. Plante:

Enclosed is the notice of change, which was published in the Florida Administrative Register on January 24, 2022, and the statement of changes for proposed Rule 25-30.4345, F.A.C.

We plan to file the rule for adoption on Tuesday, February 15, 2022.

Sincerely,

  
Kathryn G.W. Cowdery  
Senior Attorney

RECEIVED-FPSC  
2022 JAN 24 AM 11:31  
COMMISSION  
CLERK

Enclosure

cc: Office of Commission Clerk

Notice of Change/Withdrawal

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published on October 14, 2021, in Volume 47, No. 200, of the Florida Administrative Register.

Docket No. 20210122-WS

The changes are in response to written comments from the Joint Administrative Procedures Committee and discussion and subsequent vote by the Florida Public Service Commission at a public hearing held on January 20, 2022. The changes are as follows:

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.

(1) No change.

(2) (a) through (b) No change.

~~(c) The Commission may require such other notice as it finds reasonably necessary.~~

~~(c)(d)~~ The notice of application must include the following:

1. through 7. No change.

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, [kcowdery@psc.state.fl.us](mailto:kcowdery@psc.state.fl.us), (850)413-6216.

## STATEMENT OF CHANGES

The Commission published its Notice of Proposed Rulemaking in Volume 47, No. 200, of the October 14, 2021, issue of the Florida Administrative Register. By letter dated October 26, 2021, the staff of the Joint Administrative Procedures Committee (JAPC) provided comments on proposed Rule 25-30.4345, F.A.C.

JAPC noted that paragraph (2)(c) of the rule provides that the Commission may require such other notice as it finds reasonably necessary. JAPC asked by what standards or under what general circumstances the Commission exercises this discretion. JAPC further commented that pursuant to section 120.58(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. Upon consideration of these comments, the Commission changed proposed Rule 25-30.4345, F.A.C., to delete paragraph (2)(c).