

COMMISSIONERS:
ANDREW GILES FAY, CHAIRMAN
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STATE OF FLORIDA



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

Public Service Commission

February 15, 2022

Ms. Anya C. Owens
Florida Department of State
Administrative Code and Register Section
Room 701, the Capitol
Tallahassee, FL 32399-0250
RuleAdoptions@DOS.MyFlorida.com

Via E-Mail

Re: Rule Certification Packet for Rule 25-30.4345

Dear Ms. Owens:

Enclosed for filing is a complete rule certification packet for Rule 25-30.4345, F.A.C., consisting of:

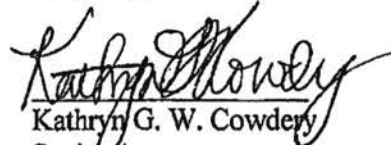
- (1) One copy of the coded text of the rule in Word version;
- (2) There are no new materials incorporated by reference into this rule.
- (3) One copy of the signed rule certification form;
- (4) One copy of the signed designation of minor violation rule certification form required by Rule 1-1.010, F.A.C.;
- (5) One copy of the coded text of the rule, including the legal citations and history notes;
- (6) One copy of the summary of the rule;
- (7) One copy of the detailed written statement of the facts and circumstances justifying the rule; and
- (8) One copy of the summary of the hearings held on the rule.

RECEIVED-FPSC
2022 FEB 15 PM 3:02
COMMISSION
CLERK

Ms. Anya Owens
February 15, 2022
Page 2

Please let me know if you have any questions. The contact name and information for these rules are Kathryn G.W. Cowdery, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6216, kcowdery@psc.state.fl.us.

Sincerely,


Kathryn G. W. Cowdery
Senior Attorney

Enclosures

cc: Office of the Commission Clerk (Docket No. 20210122-WS)

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the ombudsman in the Executive Office of the Governor.

The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

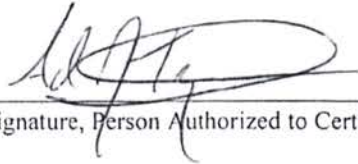
Rule No(s).

25-30.4345	
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Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective Date: _____

(month) (day) (year)



Signature, Person Authorized to Certify Rules

Commission Clerk

Title



Number of Pages Certified

**DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION
CERTIFICATION**

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rule No(s).

25-30.4345

Rules covered by this certification:

Rule No(s).

28-30.4345



Signature of Agency Head

Chairman, Florida Public Service Commission
Title

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)~~ (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.

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

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

1. The date the notice was issued;
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. A statement that the requested service availability charge or AFPI charge is to pay for growth in the utility system and the requested charges are to be paid by new, not existing customers;
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. A comparison of the present and proposed policy and charges;

6. The utility's address, telephone number and business hours; and

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, Amended _____.

SUMMARY OF THE RULE

Rule 25-30.4345, F.A.C., Notice of Application for New or Revised Service Availability Charges or Policies and Notice of Application 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; require the water or wastewater utility to include a statement in its notice that the utility's application can be accessed on the Commission's website; and delete paragraph (2)(c) that stated that the Commission could require such other notice as it found reasonable necessary.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Elimination of the requirement in Rule 25-30.4345, F.A.C., to file paper copies of documents at various locations saves costs incurred in rate cases that have historically been passed on to customers in their rates. Further, Commission staff has found that public buildings, such as libraries and community centers, have indicated that they have limited space and prefer not to have the rate case filings in their facilities. The requirement that the utility include a statement in its notice that the utility's application can be accessed on the Commission's website should give interested persons clear access to documents electronically. Updating and clarifying rule language will add clarity to the application process. Paragraph (2)(c) concerning noticing was deleted by the Commission at a public hearing based on comments submitted by the Joint Administrative Procedures Committee (JAPC) on the proposed rule.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

On October 26, 2021, JAPC submitted comments on Rule 25-30.4345(2)(c), F.A.C., as proposed in the Florida Administrative Register on October 14, 2021. A public hearing was held on January 20, 2022, before the Florida Public Service Commission pursuant to Section 120.54(3)(c)1., F.S. At the hearing, the Commission voted to change the proposed rule to delete paragraph (2)(c) based on JAPC's comments.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 15, 2022

Kathryn G. W. Cowdery, Senior Attorney
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0250

Attention: Julie Phillips

Dear Ms. Cowdery:

Your adoption package for Rule 25-30.4345, F.A.C. was received, electronically, by the Florida Department of State, Administrative Code and Register at 1:35 p.m. on February 15, 2022. After review, it appears that the package meets statutory requirements and those of Rule 1-1.010, F.A.C. and is deemed filed for adoption at the time received, as indicated above. The effective date is March 07, 2022.

Sincerely,

Anya C. Owens
Program Administrator

ACO/mas

WILTON SIMPSON
President



Senator Ben Albritton, Chair
Representative Rick Roth, Vice Chair
Senator Lorraine Ausley
Senator Jason Brodeur
Senator Danny Burgess
Senator Shevvin D. "Shev" Jones
Representative Wyman Duggan
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**

CERTIFICATION

Department: Public Service Commission
Agency:
Rule No(s): 25-30.4345
File Control No: 185162

As required by subparagraph 120.54(3)(e)4 F.S., the Joint Administrative Procedures Committee hereby certifies that:

- There were no material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rule; or
- The adopting agency has responded in writing to all material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rules; or
- The adopting agency has not responded in writing to all material and timely written comments or written inquiries made on behalf of the Committee regarding the above listed rules.

Certification Date: 2/15/2022

This certification expires after: 2/22/2022

Certifying Attorney: Jamie Jackson

NOTE:

- The above certified rules include materials incorporated by reference.*
- The above certified rules do not include materials incorporated by reference.*

Swain, Margaret A.

From: Julie Phillips <JPhillip@PSC.STATE.FL.US>
Sent: Tuesday, February 15, 2022 1:35 PM
To: RuleAdoptions
Cc: Swain, Margaret A.; Kathryn Cowdery; Julie Phillips
Subject: Rule adoption certification for Rule 25-30.4345, F.A.C.
Attachments: 25-30.4345 10 pt. for adoption with change.docx; 25-30.4345 cert pkt TO DOS.pdf

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

The rule certification packet for Rule 25-30.4345, F.A.C. Attached you will find the entire PDF packet along with the Word version of the coded text of the rule.

Please disregard the rule certification for the same rule sent to you and Margaret Swain via email this morning at 8:13 AM.

We await verification of receipt by return email.

Julie Phillips
Office of the General Counsel
Florida Public Service Commission
850.413.6084

Julie Phillips

From: Swain, Margaret A. <Margaret.Swain@dos.myflorida.com>
Sent: Tuesday, February 15, 2022 1:54 PM
To: Julie Phillips; Owens, Anya C. (Grosenbaugh); JAPC@leg.state.fl.us
Cc: Kathryn Cowdery
Subject: RE: Adoption Packet for 25-30.4345
Attachments: 25-30.4345.pdf

Good afternoon,

Please disregard the previous email as the packet had the incorrect email attached and cover letter. Please find the correct pdf attached.

Respectfully,

Margaret Swain
Government Operations Consultant III
Florida Administrative Code and Register
Room 701 The Capitol | Tallahassee, Florida
(850)245-6208

From: Swain, Margaret A.
Sent: Tuesday, February 15, 2022 1:46 PM
To: 'Julie Phillips' <JPhillip@PSC.STATE.FL.US>; Owens, Anya C. (Grosenbaugh) <Anya.Owens@dos.myflorida.com>; JAPC@leg.state.fl.us
Cc: Kathryn Cowdery <kcowdery@psc.state.fl.us>
Subject: Adoption Packet for 25-30.4345

Good afternoon,

The attached rule adoption packet for 25-30.4345, F.A.C. was filed in our office today.

Please feel free to contact me via email or phone if you have any further questions.

Respectfully,

Margaret Swain
Government Operations Consultant III
Florida Administrative Code and Register
Room 701 The Capitol | Tallahassee, Florida
(850)245-6208

From: Julie Phillips <JPhillip@PSC.STATE.FL.US>
Sent: Tuesday, February 15, 2022 8:13 AM
To: Owens, Anya C. (Grosenbaugh) <Anya.Owens@dos.myflorida.com>

Cc: Swain, Margaret A. <Margaret.Swain@dos.myflorida.com>; Kathryn Cowdery <kcowdery@psc.state.fl.us>; Julie Phillips <JPhillip@PSC.STATE.FL.US>

Subject: Rule Certification for 25-30.4345, F.A.C.

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Anya/Margaret,

The rule certification packet for Rule 25-30.4345, F.A.C. Attached you will find the entire PDF packet along with the Word version of the coded text of the rule.

Please verify receipt by "Reply to All."

Thank you.

Julie Phillips

Office of the General Counsel
Florida Public Service Commission
850.413.6084