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STATE OF FLORIDA



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# Public Service Commission

March 16, 2022

Ms. Anya Grosenbaugh  
Florida Department of State  
Administrative Code and Register Section  
Room 701, The Capitol  
Tallahassee, FL 32399-0250  
Anya.Grosenbaugh@dos.myflorida.com

VIA EMAIL

**Re: Technical changes to Rule 25-30.050 Municipal or County Franchise Fee; Rule 25-30.431 Used and Useful Consideration; and Rule 25-30.458 Notice of and Public Information for application for Limited Alternative Rate Increase**

Dear Ms. Grosenbaugh:

Please make the following technical changes to Rules 25-30.050; 25-30.431(1); 25-30.431(2)(a); and 25-30.458, all of which are reflected in the attached version of the rules:

25-30.050 *Law Implemented*: “367.091(4)(~~3~~), 367.121 FS.”

25-30.431(1), line 2: “...provided by Section 367.081(2)(a)2.c., F.S. (~~1999~~)....”

25-30.431(2)(a), line 5: PT = Post Test Year Period determined pursuant to Section 367.081(2)(a)2.b. and c., F.S. (~~1999~~)

25-30.458 *Law Implemented*: “~~350.123~~, 367.0814, 367.121 FS.

The technical changes are in response to comments received from the Joint Administrative Procedures Committee. Please let me know if you have any questions; I can be contacted at (850) 413-6224 or dsunshin@psc.state.fl.us.

Sincerely,

/s/ Douglas Sunshine  
Douglas Sunshine, B.C.S.  
Senior Attorney

RECEIVED-FPSC  
2022 MAR 16 AM 11:38  
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CLERK

cc: Jamie L. Jackson, Chief Attorney, JAPC (via email)  
Commission Clerk

**25-30.050 Municipal or County Franchise Fee.**

(1) When a municipality charges a utility any franchise fee, the utility may collect that fee only from its customers receiving service within that municipality. When a county charges a utility any franchise fee, the utility may collect that fee only from its customers receiving service within that county.

(2) A utility may not incorporate any franchise fee into its other rates for service.

(3) This rule shall not be construed as granting a municipality or county the authority to charge a franchise fee. This subsection only specifies the method of collection of a franchise fee, if a municipality or county, having authority to do so, charges a franchise fee.

*Rulemaking Authority 367.121 FS. Law Implemented 367.091(4)(3), 367.121 FS. History—New 2-3-70, Amended 9-12-74, 11-21-82, Formerly 25-10.03, 25-10.003.*

**25-30.431 Used and Useful Consideration.**

(1) In determining whether property is needed to serve customers more than five full years after the end of the test period as provided by Section 367.081(2)(a)2.c., F.S. (1999), the Commission shall consider the rate of growth in the number of equivalent residential connections (ERCs); the time needed to meet the guidelines of the Department of Environmental Protection (DEP) for planning, designing, and construction of plant expansion; and the technical and economic options available for sizing increments of plant expansion.

(2)(a) Property needed to serve customers after the end of the test year shall be calculated as follows:

$EG \times PT \times U = PN$

where:		
EG	=	Equivalent Annual Growth in ERCs determined pursuant to paragraph (b) or (c), below, not to exceed 5 percent per year
PT	=	Post Test Year Period determined pursuant to Section 367.081(2)(a)2.b. and c., F.S. (1999)
U	=	Unit of measurement utilized in the used and useful calculations for plant components
PN	=	Property needed expressed in the units of measurement utilized

(b) The equivalent annual growth in ERCs (EG) is measured in terms of the projected annual growth and shall be calculated in Schedules F-9 and F-10 of Form PSC 1028 (12/20) for Class A utilities and Form PSC 1029 (12/20) for Class B utilities, incorporated by reference in Rule 25-30.437, F.A.C.

(c) The utility shall also submit a linear regression analysis using average ERCs for the last 5 years. The utility may submit other information that will affect growth in ERCs.

(3) As part of its application filed pursuant to Rule 25-30.437, F.A.C., the utility shall submit its most recent wastewater capacity analysis report, if any, filed with DEP.

*Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.081(2)(a)2.b., c. FS. History—New 12-14-99.*

**25-30.458 Notice of and Public Information for Application for Limited Alternative Rate Increase.**

(1) This rule applies to all requests for a limited alternative rate increase.

(2) No less than 14 days and no more than 30 days prior to the date of a customer meeting, the utility shall provide, in writing, a customer meeting notice to all customers within its service area and to all persons in the same service area 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. The customer meeting will be conducted by the Commission staff no less than 21 days prior to Commission action on the application.

(3) The customer meeting notice shall be approved by Commission staff prior to distribution and shall include the following:

(a) The date the notice was issued;

(b) The time, date, location, and purpose of the customer meeting;

(c) A statement that the utility has applied for a limited alternative rate increase and the general reason for doing so;

(d) A statement of the location where copies of the application are available for public inspection during the utility's regular business hours;

(e) A comparison of current rates and charges and the proposed new rates and charges;

(f) The utility's address, telephone number, and regular business hours;

(g) A statement that written comments regarding utility service or the proposed rates and charges should be addressed to the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870, and that such comments should identify the docket number assigned to the proceeding;

(h) A statement that complaints regarding service may be made to the Commission's Office of Consumer Assistance and Outreach at the following toll-free number: 1(800) 342-3552; and

(i) The docket number assigned by the Commission's Office of Commission Clerk.

(4) The customer meeting notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(5) If the Commission issues a proposed agency action (PAA) order granting a limited alternative rate increase, the utility shall notify its customers of the order and any revised rates. The customer notification shall be approved by Commission staff and be distributed no later than with the first bill containing any revised rates.

*Rulemaking Authority 350.127(2), 367.0814(9), 367.121(1) FS. Law Implemented 350.123, 367.0814, 367.121 FS. History—New 3-15-05.*