

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Repeal of Rules) DOCKET NO. 940086-PU
25-4.0245, 25-6.024, and 25-) ORDER NO. PSC-94-0424-NOR-PU
7.024, F.A.C., Rate of Return) ISSUED: April 11, 1994
Reports, and Adoption of New)
Rules 25-4.1352, 25-6.1352, and)
25-7.1352, F.A.C., Earnings)
Surveillance Reports)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING
LUIS J. LAUREDO

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to repeal Rules 25-4.0245, 25-6.024 and 25-7.024, F.A.C., relating to Rate of Return Reports, and adopt Rules 25-4.1352, 25-6.1352, and 25-7.1352, F.A.C., relating to Earnings Surveillance Reports.

The attached Notice of Rulemaking will appear in the April 15, 1994 edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

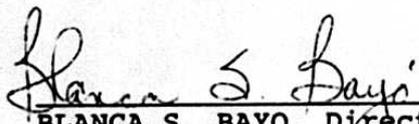
9:30 a.m., May 26, 1994
Room 122, Fletcher Building
101 East Gaines Street
Tallahassee, FL 32399-0862

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399, no later than May 6, 1994.

DOCUMENT NO.
03381-94
4-11-94

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By Direction of the Florida Public Service Commission, this
11th day of April, 1994.



BLANCA S. BAYO, Director
Division of Records & Reporting

(S E A L)

rule25.mrd

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FLORIDA PUBLIC SERVICE COMMISSION

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RULE TITLES: RULE NOS.:

Rate of Return Report 25-4.0245

Earnings Surveillance Report 25-4.1352

PURPOSE AND EFFECT: The purpose of repealing Rule 25-4.0245, F.A.C., and proposing new Rule 25-4.1352 in its place is to change the number of the rule so that rule section numbers for each industry will be parallel and to change the name of the rule to "Earnings Surveillance Report" rather than "Rate of Return Report."

The amount of time provided to small local exchange companies to prepare and file the report is reduced from approximately 75 days to 45 days so that in the event a company is overearning, the Commission will find out sooner and be able to order that revenues be collected subject to refund sooner in order to protect the ratepayers. The reporting form is also revised to include instructions.

SUMMARY: Rule 25-4.0245, F.A.C., is proposed for repeal and new Rule 25-4.1352, proposed in its place, revises the Telephone Earnings Surveillance Report and requires small local exchange companies to file the reports by the fifteenth day of the second month following the reporting period.

RULEMAKING AUTHORITY: 364.127(2), F.S.; 350.127(2), F.S.

LAW IMPLEMENTED: 364.03(1), 350.117(1), F.S.

EIS SUMMARY HAS BEEN DELETED PER 120.54(1).

WRITTEN COMMENTS OR SUGGESTIONS ON THESE PROPOSED RULES MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., May 26, 1994

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THESE RULES ARE:

25-4.0245 Rate of Return Report.

Specific Authority: 364.127(2), F.S.

Law Implemented: 364.03(1), 350.117(1), F.S.

History: New 11/18/82, formerly 25-4.245, Amended 8/21/90,
Repealed

PART IX

A. ACCOUNTING REPORTS

25-4.1352 Earnings Surveillance Report.

(1) Each local exchange telephone company shall file rate of return data using Commission Form PSC/AFA 15 (/), which is incorporated by reference into this rule. Form PSC/AFA 15,

entitled "Telephone Earnings Surveillance Report," may be obtained from the Commission's Division of Auditing and Financial Analysis.

(2) The report shall be filed:

(a) Monthly, by the 15th day of the third month following the reported month for telephone companies with 100,000 or more access lines.

(b) Quarterly, by the 15th day of the second month following the reported quarter for telephone companies with less than 100,000 access lines.

(3) Requests for extensions of time in which to file the report must be submitted in writing to the Commission prior to the due date of the report.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.03(1), 350.117(1), F.S.

History: New 11/18/82, formerly 25-4.245, Amended 8/21/90, formerly 25-4.0245, Amended

B. REVENUE REQUIREMENTS

No changes to the rules in Part IX B.

NAME OF PERSON ORIGINATING PROPOSED RULES: Dale Mailhot.

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THESE PROPOSED RULES:
Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: March 22, 1994

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if

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held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 488-8371 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

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RULE TITLES:	RULE NOS.:
Rate of Return Report	25-6.024
Earnings Surveillance Report	25-6.1352

PURPOSE AND EFFECT: The purpose of repealing Rule 25-6.024, F.A.C., and proposing new Rule 25-6.1352 in its place is to change the number of the rule so that rule section numbers for each industry will be parallel and to change the name of the rule to "Earnings Surveillance Report" rather than "Rate of Return Report." The Investor-Owned Electric Utility Earnings Surveillance Report form is revised to require additional information.

SUMMARY: The title of the rule is changed from Rate of Return Report to Earnings Surveillance Report, and it is renumbered. The reporting form is revised to require the current month's balances of revenues and expenses.

RULEMAKING AUTHORITY: 350.127(2); 366.05(1), F.S.

LAW IMPLEMENTED: 350.117(1), 366.04(2)(f), 366.05(1), F.S.

EIS SUMMARY HAS BEEN DELETED PER 120.54(1).

WRITTEN COMMENTS OR SUGGESTIONS ON THESE PROPOSED RULES MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE,
A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., May 26, 1994

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC
IMPACT STATEMENT IS: Director of Appeals, Florida Public Service
Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THESE RULES ARE:

25-6.024 Rate of Return Report.

Specific Authority: 350.127(2), F.S.

Law Implemented: 350.117(1), 366.04(2)(f), 366.05(1), F.S.

History: New 11/18/92, formerly 25-6.24, Amended 4/23/92, Repealed

PART X

A. ACCOUNTING REPORTS

25-6.1352 Earnings Surveillance Report.

(1) Each electric utility shall file rate of return data using Commission Form PSC/AFA 14 (/), which is incorporated by reference into this rule. Form PSC/AFA 14, entitled "Investor-Owned Electric Utility Earnings Surveillance Report," may be obtained from the Commission's Division of Auditing and Financial Analysis.

(2) The report shall be filed monthly by the 15th day of the second month following the month being reported.

(3) Requests for extensions of time in which to file the report must be submitted in writing to the Commission prior to the due date of the report.

Specific Authority: 350.127(2), 366.05(1), F.S.

Law Implemented: 350.117(1), 366.04(2)(f), F.S.

History: New 11/18/92, formerly 25-6.24, Amended 4/23/92, formerly 25-6.024, Amended

B. REVENUE REQUIREMENTS

No changes to the rule in Part X B.

NAME OF PERSON ORIGINATING PROPOSED RULES: Dale Mailhot

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THESE PROPOSED RULES:
Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: March 22, 1994

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 488-8371 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact

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the Florida Public Service Commission using the Florida Relay
Service, which can be reached at: 1-800-955-8771 (TDD).

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RULE TITLES:	RULE NOS.:
Rate of Return Report	25-7.024
Earnings Surveillance Report	25-7.1352

PURPOSE AND EFFECT: Rule 25-7.024 is repealed and Rule 25-7.1352 is proposed in its place so that the rule section numbers for each industry will be parallel. Schedule 5 of the Investor-Owned Natural Gas Utility Earnings Surveillance Report is revised so the Commission may obtain information on the utilities' achieved return on equity both with and without flexible rate revenue.

SUMMARY: The title of the rule is changed from Rate of Return Report to Earnings Surveillance Report, and it is renumbered. The Investor-Owned Natural Gas Utility Earnings Surveillance Report form is revised to require the current month's balances of revenues and expenses and Schedule 5 is revised to require utilities to report their achieved return on equity both with and without flexible rate revenue.

RULEMAKING AUTHORITY: 350.127(2), F.S.

LAW IMPLEMENTED: 350.117(1), 366.04(2)(f), 366.05(1), F.S.

EIS SUMMARY HAS BEEN DELETED PER 120.54(1).

WRITTEN COMMENTS OR SUGGESTIONS ON THESE PROPOSED RULES MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21

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DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., May 26, 1994

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THESE RULES ARE:

25-7.024 Rate of Return Report.

Specific Authority: 350.127(2), F.S.

Law Implemented: 350.11(1), 366.04(2)(f), 366.05(1), F.S.

History: New 11/18/82, formerly 25-7.24, Amended 4/23/92, Repealed

PART X

A. ACCOUNTING REPORTS

25-7.1352 Earnings Surveillance Report.

(1) Each gas utility shall file rate of return data using Commission Form PSC/AFA 13 (/), which is incorporated by reference into this rule. Form PSC/AFA 13, entitled "Investor-Owned Natural Gas Utility Earnings Surveillance Report," may be obtained from the Commission's Division of Auditing and Financial Analysis.

(2) The report shall be filed:

(a) Monthly, by the 15th day of the second month following the reported month for natural gas companies with annual sales in excess of 50 million therms.

(b) Quarterly, by the 15th day of the second month following the reported quarter for natural gas companies with annual sales less than 50 million therms.

(3) Requests for extensions of time in which to file the report must be submitted in writing to the Commission prior to the due date of the report.

Specific Authority: 350.127(2), F.S.

Law Implemented: 350.117(1), 366.04(2)(f), F.S.

History: New 11/18/82, formerly 25-7.24, Amended 4/23/92, formerly 25-7.024, Amended

B. REVENUE REQUIREMENTS

No changes to the rule in Part X B.

NAME OF PERSON ORIGINATING PROPOSED RULES: Dale Mailhot

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THESE PROPOSED RULES:
Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: March 22, 1994

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forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

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THE FULL TEXT OF THESE RULES ARE:

25-7.024 Rate of Return Report.

Specific Authority: 350.127(2), F.S.

Law Implemented: 350.117(1), 366.04(2)(f), 366.05(1), F.S.

History: New 11/18/82, formerly 25-7.24, Amended 4/23/92, Repealed

PART X

A. ACCOUNTING REPORTS

25-7.1352 Earnings Surveillance Report.

(1) Each gas utility shall file rate of return data using Commission Form PSC/AFA 13 (/), which is incorporated by reference into this rule. Form PSC/AFA 13, entitled "Investor-Owned Natural Gas Utility Earnings Surveillance Report," may be obtained from the Commission's Division of Auditing and Financial Analysis.

(2) The report shall be filed:

(a) Monthly, by the 15th day of the second month following the reported month for natural gas companies with annual sales in excess of 50 million therms.

(b) Quarterly, by the 15th day of the second month following the reported quarter for natural gas companies with annual sales less than 50 million therms.

(3) Requests for extensions of time in which to file the report must be submitted in writing to the Commission prior to the due date of the report.

Specific Authority: 350.127(2), F.S.

Law Implemented: 350.117(1), 366.04(2)(f), F.S.

History: New 11/18/82, formerly 25-7.24, Amended 4/23/92, formerly 25-7.024, Amended

B. REVENUE REQUIREMENTS

No changes to the rule in Part X B.

NAME OF PERSON ORIGINATING PROPOSED RULES: Dale Mailhot

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THESE PROPOSED RULES:
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