

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Amendments to) DOCKET NO. 960088-GU
Rules 25-7.135, F.A.C., Annual) ORDER NO. PSC-96-0216-NOR-GU
Reports; and 25-7.1351, F.A.C.,) ISSUED: February 15, 1996
Diversification)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rules 25-7.135 and 25-7.1351, Florida Administrative Code, relating to annual reports and diversification reports of natural gas utilities.

The attached Notice of Rulemaking will appear in the February 23, 1996 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at the following time and place:

Florida Public Service Commission
9:30 a.m., April 9, 1996
Betty Easley Conference Center
Room 152, 4075 Esplanade Way
Tallahassee, Florida

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, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than March 15, 1996.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 15th
day of February, 1996.



BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

MAH

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 960088-GU

RULE TITLE:	RULE NO.:
Annual Reports	25-7.135
Diversification Reports	25-7.1351

PURPOSE AND EFFECT: The purpose of the amendments to Rule 25-7.135 is to incorporate by reference a revised annual report form for natural gas utilities. The effect is that there will be a streamlined annual report that will be less burdensome for the natural gas utilities to complete. The purpose of the amendments to Rule 25-7.1351 is to strike those requirements that were incorporated into the revised annual report form. The effect will be that natural gas utilities will no longer be required to file a separate diversification report on an annual basis.

SUMMARY: The proposed amendments to Rule 25-17.135 incorporate by reference revised Form PSC/AFA 20, entitled "Annual Report of Natural Gas Utilities." Schedules that were struck from the existing form related to gas pipelines, nonutility property, investments, preliminary surveys and investigations, capital stock, investment tax credits, income from plant leased, research and development activities, system maps, and footnote data. In addition, the revised annual report form merges some of the schedules so that the information reported on two or more schedules will now be reported on one.

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The amendments to Rule 25-7.1351 strike the requirement placed on natural gas utilities to file a diversification report on an annual basis.

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

LAW IMPLEMENTED: 366.05(1), F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE 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.

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., April 9, 1996.

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399.

THE FULL TEXT OF THESE RULES IS:

25-7.135 Annual Reports.

(1) Each investor-owned natural gas utility shall file annual reports with the Commission on Commission Form PSC/AFA 20 (x/xx) ~~(12/94)~~ which is incorporated by reference into this rule. Form PSC/AFA 20, entitled "Annual Report of ~~Major~~ Natural Gas Utilities Companies", may be obtained from the Commission's Division of

Auditing and Financial Analysis. These reports shall be verified by a responsible accounting officer of the company making the report and shall be due on or before April 30 for the preceding calendar year. A utility may file a written request for an extension of time with the Division of Auditing and Financial Analysis no later than April 30. One extension of 31 days will be granted upon request. A request for Commission approval of a longer extension must be accompanied by a statement of good cause and shall specify the date by which the report will be filed.

(2) The utility shall also file with the original and each copy of the annual report form, or separately within 30 days, a letter or report, signed by an independent certified public accountant, attesting to the conformity in all material respects of the Comparative Balance Sheet, Statement of Income, and Statement of Cash Flows ~~schedules~~ and any their applicable notes ~~listed on the general information page of~~ from Form PSC/AFA 20 with the Commission's applicable uniform system of accounts and published accounting releases.

(3) Any utility which is on a fiscal year other than the calendar year may file the ~~above referenced~~ schedules and certification letter required by subsection (2) on a fiscal year basis within 90 days from the close of its fiscal year. A complete annual report, except for the certification letter, shall also be filed on a calendar year basis by these utilities.

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

Law Implemented: 366.05(1), F.S.

History: New 12/27/94, amended _____.

25-7.1351 Diversification Reports.

(1) Each new investor-owned gas utility shall file information on its affiliates and affiliated transactions on Commission Form PSC/AFA 16 (12/94) which is incorporated into this rule by reference. Form PSC/AFA 16, entitled "Analysis of Diversification Activities", may be obtained from the Commission's Division of Auditing and Financial Analysis.

(2) Definitions

(a) Affiliate - Any entity that directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with a gas utility. Ownership of 5 percent or more of the voting securities of an entity shall be conclusively deemed to constitute the control thereof.

(b) Affiliated Transaction - Any transaction in which both a gas utility and an affiliate thereof are each participants other than transactions related to the filing of consolidated tax returns.

(3) Within 45 days of coming under the jurisdiction of the Commission, each investor-owned gas utility shall file Schedules 1, 7, and 8 of Form PSC/AFA 16 with the Division of Auditing and Financial Analysis.

~~(4) Each investor owned gas utility shall file Schedules 1-6 of Form PSC/AFA 16 as an attachment to its annual report.~~

~~(5) Each investor owned gas utility shall keep a detailed backup report of the summary report to facilitate auditing and analysis. Each investor owned gas utility shall maintain a clear audit trail from the summary report through the general ledger to the source documents supporting the reported transactions.~~

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

Law Implemented: 366.05(1), F.S.

History: New 12/27/94, amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Dale Mailhot, Division of Auditing and Financial Analysis.

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

DATE PROPOSED RULES APPROVED: February 6, 1996.

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) 413-6770 at least five calendar days prior to

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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).