

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Rule 25-7.0335,
F.A.C., Transportation Service.

DOCKET NO. 960725-GU
ORDER NO. PSC-00-0337-NOR-GU
ISSUED: February 18, 2000

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to adopt Rule 25-7.0335, Florida Administrative Code, relating to transportation service.

The attached Notice of Rulemaking will appear in the February 25, 2000, 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., Wednesday, April 5, 2000
Betty Easley Conference Center
Room 152, 4075 Esplanade Way
Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rule 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 17, 2000.

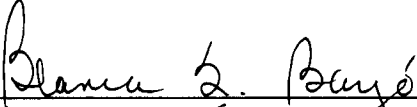
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FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 18th
day of February, 2000.



BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

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NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 960725-GU

RULE TITLE: RULE NO.:

Transportation Service 25-7.0335

PURPOSE AND EFFECT: To require investor-owned natural gas utilities to offer transportation service to all non-residential customers.

SUMMARY: The rule requires investor-owned natural gas utilities to file tariffs in which transportation service is offered to all non-residential customers. The rule also establishes certain minimal conditions for gas transportation service. The rule requires natural gas utilities to provide, at a customer's request, the customers historical monthly usage summary. Natural gas utilities that offer transportation service are not responsible for providing natural gas to customers that elect service under a transportation service tariff.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The rule may reduce the amount of regulatory assessment fees (RAFs) collected by the Commission. The rule may also reduce the amount of taxes collected by the Department of Revenue (DOR) while increasing DOR's collection costs. The total impact and possible losses for governmental entities is unknown. All of the investor-owned

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natural gas utilities in the state will be affected by the rule. Four of these utilities meet the statutory definition of a small business. Two of the small business utilities have transferred their pipeline capacity to another entity and the other two reported minimal costs to comply with the rule. All of the utilities affected reported divergent implementation costs. The impact on small cities and small counties is unknown, and depends on the governmental entity's status as a gas purchaser.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

LAW IMPLEMENTED: 366.03, 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 TIME, DATE, AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:30 A.M., Wednesday, April 5, 2000.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:
Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6245.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-7.0335 Transportation Service

(1) Each utility must offer the transportation of natural gas to all non-residential customers. Each utility may offer the transportation of natural gas to residential customers when it is cost-effective to do so.

(2) In order to meet the objective set out in subsection (1), each utility must file a transportation service tariff with the Commission by July 1, 2000. Each tariff must include in its rules and regulations the utility's policy governing the transportation of natural gas. Each tariff must also comply with Rule 25-7.033, F.A.C. In addition, each tariff must set out the following terms and conditions:

(a) The utility is responsible for the transportation of natural gas purchased by the customer. The utility is not responsible for providing natural gas to a customer that elects service under the transportation service tariff. If the customer's marketer, broker, or agent fails to provide the customer with

natural gas, the utility may disconnect service to the customer or provide natural gas under its otherwise applicable tariff provision.

(b) For customers that engage a marketer, broker, or agent to arrange and oversee the customer's gas purchase, the utility must obtain from that customer a statement that identifies the legal name, street address, mailing address if different from street address, and phone number of the marketer, broker, or agent.

(c) At the customer's request, the utility must provide an historical monthly usage summary with sufficient detail so that the customer can calculate its Maximum Daily Transportation Quantity (MDTQ). The utility may charge a cost-based fee for this summary.

(3) The utility must apply its transportation service tariff provisions in the same manner to all similarly situated affiliated and non-affiliated marketers, brokers, and agents.

Specific Authority: 350.127(2), 366.05(1), FS

Law Implemented: 366.03, FS

History: New

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne Makin, Division of Electric and Gas.

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: February 15, 2000

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DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 25, Number 8, February 26, 1999, and Volume 25, Number 39, October 1, 1999.

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 (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

RECEIVED-PPSC

February 17, 2000

00 FEB 17 PM 4:16

TO : DIVISION OF RECORDS & REPORTING

FROM : MARY ANNE HELTON, ASSOCIATE GENERAL COUNSEL *MAH*

RE : DOCKET NO. 960725-GU - PROPOSED RULE 25-7.0335, F.A.C.,
TRANSPORTATION SERVICE

RECORDS AND REPORTING

0337-NOR

Attached please find a Notice of Rulemaking for distribution by your office.

Industry distribution is:

- Electric (EI)
- Electric (EM)
- Electric (EC)
- Gas (GU)
- Gas (GS)
- Gas Pipeline (GP)
- Telephone (TL)
- Telephone (TI)
- Telephone (TC)
- Telephone (TS)
- Telephone (TX)
- Telephone Alternate Access Vendors (TA)
- Water and Wastewater (WAW)

This document has the following priority:

- Must be issued today.
- Must be issued within 48 hours.
- Must be issued within 5 working days.

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Attachment
cc: File
W. Terrell

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