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STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
S. CURTIS KISER
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

December 7, 2009

Mr. Scott Boyd, Executive Director
Joint Administrative Procedures
Committee
Room 120 Holland Building
Tallahassee, FL 32399-1300

RECEIVED-FPSC
09 DEC -7 PM 1:53
COMMISSION
CLERK

RE: Docket No. 090502-OT - Rule Nos. 25-22.103, 25-22.105, 25-22.107, 25-22.1035

Dear Mr. Boyd: *Scott*

Enclosed are the following materials concerning the above referenced proposed rules:

1. A copy of the rules.
2. A copy of the F.A.W. notice.
3. A statement of facts and circumstances justifying the proposed rules.
4. A federal standards statement.
5. A statement of estimated regulatory costs.

If there are any questions with respect to these rules, please do not hesitate to call me at 850-413-6082.

Sincerely,

Handwritten signature of Cindy Miller in cursive.

Cindy Miller
Associate General Counsel

Enclosures

cc: Office of Commission Clerk
090502 JAPC.cm.doc

DOCUMENT NUMBER: 041
11786 DEC -7 8
FPSC-COMMISSION CLERK

1 25-22.103 Orders Indexed.

2 ~~All Commission orders shall be indexed.~~

3 Rulemaking Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)3., (2)(d) FS.

4 History—New 9-24-92, Amended 12-27-94, Repealed.

5 25-22.1035 Official Reporter for Final Orders~~Designation of Official Reporter.~~

6 The official reporter of the Florida Public Service Commission shall be its Web site

7 www.psc.state.fl.us/dockets/cms, effective January 1, 2010. ~~the Florida Public Service~~

8 ~~Commission Reporter (FPSCR), published by FALR, Inc. The official reporter shall index~~

9 ~~orders of the Commission as required by Rule 25-22.103, F.A.C. The Florida Public Service~~

10 Commission Reporter (FPSCR) published by FALR will remain the designated official

11 reporter for final orders from January 1981 to December 31, 2009, ~~and shall publish the index~~

12 ~~and all orders.~~ The Florida Public Service Commission Reporter is found at some county law

13 libraries and is available by subscription at the offices of FALR, Inc., P. O. Box 385,

14 Gainesville, FL 32602. A copy of the Florida Public Service Commission Reporter is also

15 available for public inspection at the Office of Commission Clerk.

16 Rulemaking Specific Authority 120.532, 120.533 FS. Law Implemented 120.53(2)(a)3.,

17 120.53(2)(d), 120.53(4)(a) FS. History—New 12-27-94, Amended.

18 25-22.105 Electronic Database of Orders and Other Records~~System for Indexing Orders.~~

19 (1) The Commission's electronic database ~~The index shall be available from the~~

20 Commission's Web site located at www.psc.state.fl.us/dockets/cms. ~~and alphabetically~~

21 ~~arranged by main subject headings representing major categories of the Commission's~~

22 ~~regulatory jurisdiction, and taken from the Florida Statutes index, when applicable. The~~

23 ~~applicable titles of citations of the Florida Statutes construed within the final order may~~

24 ~~determine the main subject headings and subheadings in the index. The index shall show the~~

25

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

1 ~~main subject headings in all capital letters, flush left on the page, followed by relevant~~
2 ~~subheadings which shall be initial caps and lower case letters indented. Subheadings and sub-~~
3 ~~subheadings shall reflect increasingly specific areas or subjects addressed in Commission~~
4 ~~orders and may be taken from the text of the Florida Statutes construed. Subheadings and sub-~~
5 ~~subheadings at equal indentations shall also be alphabetized. The FPSCR citation to orders~~
6 ~~shall be listed sequentially in an indentation immediately below the applicable sub or sub-~~
7 ~~subheading. Cross references shall be used to direct the user to subject headings which contain~~
8 ~~the relevant information. The database shall include the ability to electronically search dockets~~
9 ~~by docket number, docket title, and document number. The ability to search by rRelated key~~
10 ~~words (specific words, terms, and phrases) and common and colloquial words shall be~~
11 ~~available from the "advanced search" feature on the main search page of the Commission's~~
12 ~~Web site at <http://www.floridapsc.com/search>. Orders within this database may be searched~~
13 ~~using logical search terms that are in common usage, that are also contained within the text of~~
14 ~~the final orders, or by descriptive information about the order that may not be specifically~~
15 ~~contained in the order. From the Category drop-down selection on the "advanced search"~~
16 ~~feature for Orders, the search may optionally be further restricted. listed and cross-referenced~~
17 ~~to the appropriate main subject headings. New subject headings will be added when necessary.~~

18 (2) Information shall be added to the Commission's Web site within 24 hours of the
19 ~~issuance of the document by the Office of Commission Clerk. The index shall be cumulative~~
20 ~~for at least one calendar year and shall be updated and made available to the public at least~~
21 ~~quarterly.~~

22 Rulemaking Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS.

23 ~~History--New 9-24-92, Amended 12-27-94, _____.~~

24 ~~25-22.107 Plan for Making Orders and Index Available to the Public.~~

CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions from existing law.

1 (1) The Commission shall make orders accessible and available to the public by
2 sequentially numbering and maintaining all orders.

3 (2) The Office of Commission Clerk shall assist the public in obtaining information
4 pertaining to Commission orders and may be contacted at (850)413-6770 or at
5 Clerk@psc.state.fl.us. Questions may also be faxed to (850)413-7118.

6 (3) Copies of orders, ~~in numerical order, and a copy of the Commission's official~~
7 ~~reporter~~ shall be maintained in the ~~offices of~~ the Office of Commission Clerk and
8 electronically at the Commission's Web site, www.psc.state.fl.us/dockets/cms.
9 Rulemaking Specific Authority 120.53(2), (8) FS. Law Implemented 120.52(2) FS. History--
10 New 9-24-92, Amended 12-27-94, _____.

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12 AMEND/Draft Rule Revisions 25-22.cm.doc

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CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions from existing law.

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-22.103: Orders Indexed

25-22.1035: Designation of Official Reporter

25-22.105: System for Indexing Orders

25-22.107: Plan for Making Orders and Index Available to the Public

PURPOSE AND EFFECT: To amend the rules to make the Commission's Web site the official reporter for final orders to provide free and timely access to final orders. Docket No. 090502-OT

SUMMARY: The rule revisions would place the Commission in the role of being its own Official Reporter. This would be implemented through the Commission's Web site which provides an electronic database of the Commission's orders. This would take place January 1, 2010, with prior orders being located in the FPSC Reporter, published by FALR. Rule 25-22.103, Orders Indexed, is repealed because there is no need for orders to be "indexed" when an electronic database is used instead; Rule 25-22.1035, Designation of Official Reporter, is amended to make the Commission's Web site the Official Reporter from January 2010 forward; Rule 25-22.107, Plan for Making Orders Available to the Public, is amended to state that copies of orders are maintained electronically at the Commission's Web site; Rule 25-22.105, System for Indexing Orders, is amended to refer to the Commission's electronic database on the Commission's Web site. The amendments also refer to the advanced search feature of orders.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Statement of Estimated Regulatory Costs notes that there should be no incremental costs for the Commission because the electronic data base currently exists and is available to the public. There would be benefits in saving staff time to reproduce and mail the orders to the publisher and the associated reproduction and mailing costs. Also, customers, utilities and business entities would know that Commission orders are available online and may obtain access to the orders without subscribing to a publication.

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

SPECIFIC AUTHORITY: 120.53(2), 120.532, 120.533, FS

LAW IMPLEMENTED: 120.52(2), 120.53(2)-(4) FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:
Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-22.103 Orders Indexed.

~~All Commission orders shall be indexed.~~

Rulemaking Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)3., (2)(d) FS. History—New 9-24-92, Amended 12-27-94, Repealed.

25-22.1035 Official Reporter for Final Orders~~Designation of Official Reporter.~~

The official reporter of the Florida Public Service Commission shall be its Web site www.psc.state.fl.us/dockets/cms, effective January 1, 2010. ~~the Florida Public Service Commission Reporter (FPSCR), published by FALR, Inc. The official reporter shall index orders of the Commission as required by Rule 25-22.103, F.A.C. The Florida Public Service Commission Reporter (FPSCR) published by FALR will remain the designated official reporter for final orders from January 1981 to December 31, 2009, and shall publish the index and all orders.~~ The Florida Public Service Commission Reporter is found at some county law libraries and is available by subscription at the offices of FALR, Inc., P. O. Box 385, Gainesville, FL 32602. A copy of the Florida Public Service Commission Reporter is also available for public inspection at the Office of Commission Clerk.

Rulemaking Specific Authority 120.532, 120.533 FS. Law Implemented 120.53(2)(a)3., 120.53(2)(d), 120.53(4)(a) FS. History—New 12-27-94, Amended.

25-22.105 Electronic Database of Orders and Other Records~~System for Indexing Orders.~~

(1) The Commission's electronic database ~~The index shall be available from the Commission's Web site located at www.psc.state.fl.us/dockets/cms.~~ ~~and alphabetically arranged by main subject headings representing major categories of the Commission's regulatory jurisdiction, and taken from the Florida Statutes index, when applicable. The applicable titles of citations of the Florida Statutes construed within the final order may determine the main subject headings and subheadings in the index. The index shall show the main subject headings in all capital letters, flush left on the page, followed by relevant subheadings which shall be initial caps and lower case letters indented. Subheadings and sub-subheadings shall reflect increasingly specific areas or subjects addressed in Commission orders and may be taken from the text of the Florida Statutes construed. Subheadings and sub-subheadings at equal indentations shall also be alphabetized. The~~

~~FPSCR citation to orders shall be listed sequentially in an indentation immediately below the applicable sub or sub-subheading. Cross references shall be used to direct the user to subject headings which contain the relevant information. The database shall include the ability to electronically search dockets by docket number, docket title, and document number. The ability to search by rRelated key words (specific words, terms, and phrases) and common and colloquial words shall be available from the "advanced search" feature on the main search page of the Commission's Web site at <http://www.floridapsc.com/search>. Orders within this database may be searched using logical search terms that are in common usage, that are also contained within the text of the final orders, or by descriptive information about the order that may not be specifically contained in the order. From the Category drop-down selection on the "advanced search" feature for Orders, the search may optionally be further restricted. listed and cross-referenced to the appropriate main subject headings. New subject headings will be added when necessary.~~

~~(2) Information shall be added to the Commission's Web site within 24 hours of the issuance of the document by the Office of Commission Clerk. The index shall be cumulative for at least one calendar year and shall be updated and made available to the public at least quarterly.~~

~~Rulemaking Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS.~~

~~History—New 9-24-92, Amended 12-27-94, _____.~~

~~25-22.107 Plan for Making Orders and Index Available to the Public.~~

~~(1) The Commission shall make orders accessible and available to the public by sequentially numbering and maintaining all orders.~~

~~(2) The Office of Commission Clerk shall assist the public in obtaining information pertaining to Commission orders and may be contacted at (850)413-6770 or at Clerk@psc.state.fl.us. Questions may also be faxed to (850)413-7118.~~

~~(3) Copies of orders, in numerical order, and a copy of the Commission's official reporter shall be maintained in the offices of the Office of Commission Clerk and electronically at the Commission's Web site, www.psc.state.fl.us/dockets/cms.~~

~~Rulemaking Specific Authority 120.53(2), (8) FS. Law Implemented 120.52(2) FS.~~

~~History—New 9-24-92, Amended 12-27-94, _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 01, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 35, Number 42, October 23, 2009

7984475

Rule Nos. 25-22.105,
25-22.107 25-22.1035
and 25-22.103
Docket No. 090502-OT

STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE

The Florida Public Service Commission currently has an electronic database of its orders. Thus, there is no longer a need for the orders to be "indexed" and published when an electronic database is used. There should be benefits in saving staff time to reproduce and mail the orders to the publisher and the associated reproduction and mailing costs. Also, consumers, utilities and business entitles will know the orders are online and they may obtain access without subscribing to a publication.

STATEMENT ON FEDERAL STANDARDS

There is no federal standard on the same subject.

State of Florida



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CLERK

Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

090502-OT

DATE: October 30, 2009
TO: Office of General Counsel (Miller)
FROM: Division of Economic Regulation (Hewitt) *CH*
RE: Proposed Amendments of Rule 25-22.105, F.A.C., System for Indexing Orders; Rule 25-22.107, F.A.C., Plan for Making Orders and Index Available to the Public; and Rule 25-22.0135, F.A.C., Designation of the Official Reporter. Proposed Repeal of Rule 25-22.103, F.A.C., Orders Indexed.

DETAILED DESCRIPTION OF THE PROPOSED RULE AMENDMENTS

Why are the rule changes being proposed?

The rule amendments are being proposed to make the Commission's web site the official reporter publisher for final orders to provide free and timely access to final orders, describe the availability of the Commission's electronic data base, and to provide contact information for the public to inquire about Commission orders. The rule repeal would be to eliminate unnecessary rule language.

What do the rules do and how do they accomplish the goal?

The rules currently specify that all Commission orders shall be indexed and the method to be used, and that the official reporter for Commission orders shall be the Florida Public Service Commission Reporter (FPSCR) published by FALR, Inc.

IMPACT ON THE PSC

Incremental costs

There should be no incremental costs for the Commission because the electronic data base currently exists and available to the public.

Incremental benefits

There would be benefits in saving staff time to reproduce and mail the orders to the publisher and the associated reproduction and mailing costs.

DOCUMENT NUMBER-DATE

11199 NOV-98

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WHO BESIDES THE PSC WILL BE AFFECTED BY ADOPTION OF THE PROPOSED AMENDMENTS

Utilities

Regulated companies would know that Commission orders are available online and would not have to spend travel time and money to obtain access to the orders or have to subscribe to the publication of Commission orders.

Customers

Customers of regulated companies would know that Commission orders are available online and would not have to spend travel time and money to obtain access to the orders or have to subscribe to the publication of Commission orders.

Outside business and local governments

Small businesses, small cities or small counties would know that Commission orders are available online and would not have to spend travel time and money to obtain access to the orders or have to subscribe to the publication of Commission orders.

HOW ARE THE PARTIES ABOVE AFFECTED BY THE ADOPTION OF THE PROPOSAL

Estimated transactional costs to individuals and entities

Utilities

There are no regulated utilities or companies that would have transactional costs.

Customers

No customers would have transactional costs.

Outside businesses including specifically small businesses

Outside businesses should not have transactional costs except FALR, Inc. which would lose some number of its subscribers for the FPSCR at \$1,900 per subscription per year.

Local governments

Local governments should have no transactional costs from the rule changes.

ANY OTHER PERTINENT COMMENTS REGARDING THE APPLICATION OF THE PROPOSED RULE AMENDMENTS

No other pertinent comments are germane to the proposed rule repeals.

CH:kb
cc: Mary Andrews Bane
Chuck Hill
Ann Cole
