

STATE OF FLORIDA

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# Public Service Commission

January 27, 2021

Mr. Ernest Reddick  
Florida Department of State  
Administrative Code and Register Section  
Room 701, the Capitol  
Tallahassee, FL 32399-0250

**Via e-mail**

Re: Technical changes to Rules 25-30.020, 25-30.033, 25-30.130, 25-30.431, and 25-30.433, F.A.C.

Dear Mr. Reddick:

Please make the following technical changes to Rules 25-30.020, 25-30.033, 25-30.130, 25-30.431, and 25-30.433, F.A.C., as set forth below.

A technical change to Rule 25-30.020 is needed to correct a paragraph in the Law Implemented section by changing (2)(e) to (2)(c), as follows:

**25-30.020 Fees Required to be Paid by Water and Wastewater Utilities.**

*Rulemaking Authority 350.127(2), 367.121(1) FS. Law Implemented 367.045(1)(d), (2)(e)(e), 367.071(3), 367.081(5), 367.0814(2), 367.0822(2), 367.101(2), 367.145, 367.171(2)(b) FS. History—New 10-29-80, Formerly 25-10.11, 25-10.011, Amended 11-10-86, 11-30-93.*

A technical change is needed in subsection (2) of Rule 25-30.033. That subsection currently references subsection 25-30.437(6). However, subsection (6) was renumbered to 25-30.437(5) in a rule amendment that became effective January 27, 2021. The language of the section was not changed – only the numbering. The technical change is as follows:

**25-30.033 Application for Original Certificate of Authorization and Initial Rates and Charges.**

(2) The base facility and usage rate structure (as defined in subsection ~~25-30.437(6)~~ 25-30.437(5), F.A.C.) shall be utilized for metered service, unless an alternative rate structure is supported by the applicant and authorized by the Commission.

A technical change is needed to Rule 25-30.130 to correct a scrivener's error in the Law Implemented section that currently references 367.0821(1), FS. However, there is no section 367.0821, FS. The correct citation is 367.0812(1), as follows:

**25-30.130 Record of Complaints.**

*Rulemaking Authority 350.127(2), 367.0812(5), 367.121(1) FS. Law Implemented 367.0812(1), ~~367.0821(1)~~, 367.111, 367.121(1) FS. History—New 9-12-74, Formerly 25-10.30, 25-10.030, Amended 11-10-86, 6-21-18.*

A technical change is needed to Rule 25-30.431 to change a form number that was changed in a rule amendment to Rule 25-30.437 that became effective January 27, 2021. The substance of the form was not changed, only the form number. In addition, 350.127(2) needs to be added to Rulemaking Authority. The changes are as follows:

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

(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) ~~PSC/AFD-19-W~~ for Class A utilities and Form PSC 1029 (12/20) ~~PSC/AFD-20-W~~ for Class B utilities, incorporated by reference in Rule 25-30.437, F.A.C.

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

A technical change is needed to Rule 25-30.433(1)(a), F.A.C. The reference in that paragraph to Rule 25-30.440(3) needs to be changed to Rule 25-30.437(3)(c) as a result of rule amendments that became effective on January 27, 2021. Rule 25-30.440, F.A.C., was repealed, and subsection (3) of that rule was moved in its entirety, with no changes, to Rule 25-30.437(3)(c). The technical change is as follows:

**25-30.433 Rate Case Proceedings.**

In a rate case proceeding, the following provisions shall apply.

(1) The Commission in every rate case shall make a determination of the quality of service provided by the utility by evaluating the quality of utility's product (water) and the utility's attempt to address customer satisfaction (water and wastewater). In making this determination, the Commission shall consider:

(a) The most recent chemical analyses for each water system as described in subsection 25-30.437(3)(c) ~~25-30.440(3)~~, F.A.C.;

Please let me know if you have any questions. I can be contacted at [kcowdery@psc.state.fl.us](mailto:kcowdery@psc.state.fl.us).

Sincerely,

*/s/ Kathryn G.W. Cowdery*  
Kathryn G.W. Cowdery  
Senior Attorney

Cc: Jamie Jackson, Chief Attorney, JAPC (via e-mail)  
Commission Clerk (Docket No. 20210000-OT)

**From:** [Kathryn Cowdery](#)  
**To:** ["AdministrativeCode@dos.myflorida.com"](mailto:AdministrativeCode@dos.myflorida.com)  
**Cc:** [Jackson, Jamie \(JACKSON.JAMIE@leg.state.fl.us\)](mailto:Jackson.Jamie@leg.state.fl.us); [Julie Phillips](#)  
**Subject:** Technical changes to Rules 25-30.020, 25-30.033, 25-30.130, 25-30.431, and 25-30.433, F.A.C.  
**Date:** Wednesday, January 27, 2021 8:57:31 AM  
**Attachments:** [1-27-21 technical chgs.docx](#)

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Please see attached letter requesting technical changes to the above-named rules. Please contact me if you have any questions.

Thank you.

Kathryn Cowdery  
Senior Attorney  
Florida Public Service Commission