

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Proposed Amendment of ) DOCKET NO. 920213-PU  
Rule 25-22.029, F.A.C., Point )  
Entry into Proposed Agency ) ORDER NO. PSC-92-0535-FOF-PU  
Action Proceedings )  
 ) ISSUED: 06/22/92  
 )  
\_\_\_\_\_ )

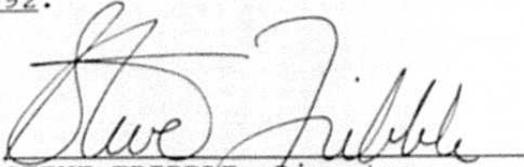
NOTICE OF ADOPTION OF RULE AMENDMENT

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted the amendments to Rule 25-22.029, F.A.C., relating to entry into proposed agency action proceedings, without change.

The rule amendment was filed with the Department of State on June 18, 1992 and will be effective on July 8, 1992. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By Direction of the Florida Public Service Commission, this 22nd day of June, 1992.

  
STEVE TRIBBLE, Director  
Division of Records & Reporting

( S E A L )

OR920213.CC

DOCUMENT NUMBER-DATE  
06533 JUN 22 1992  
PSC-RECORDS/REPORTING

CERTIFICATION OF  
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES  
FILED WITH THE  
DEPARTMENT OF STATE

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;

(a) And are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(e) Are filed within 21 days after the date the transcript was received by this agency.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of

State.

<u>Rule No.</u>	<u>Rulemaking Authority</u>	<u>Specific Law Being Implemented, Interpreted or Made Specific</u>
25-22.029	120.53, F.S.	120.53, F.S.

Under the provision of paragraph 120.54(13)(a), F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: \_\_\_\_\_  
(month) (day) (year)

  
\_\_\_\_\_  
Steve Tribble  
Director, Division of Records & Reporting  
Title

\_\_\_\_\_  
Number of Pages Certified

(S E A L)

1           25-22.029   Point of Entry into Proposed Agency Action  
2 Proceedings.

3           (1) At any time subsequent to the initiation of a proceeding  
4 before the Commission, the Commission may give notice of proposed  
5 agency action. Proposed agency action shall be made upon a vote of  
6 the Commission, and may be reflected in the form of an order or a  
7 notice of intended action.

8           (2) After agenda conference, the Division of Records and  
9 Reporting shall issue written notice of the proposed agency action,  
10 advising all parties of record that they have 21 fourteen-(14) days  
11 after issuance from service of the notice in which to file a  
12 request for a \$120.57 hearing. For good cause shown, the  
13 Commission may provide that the time for requesting a \$120.57  
14 hearing shall be 14 days from issuance of the notice. The  
15 Commission may also serve copies of its notice on interested  
16 persons and may require a utility to serve written notice on its  
17 customers.

18           (3) The Commission may publish notice of its proposed agency  
19 action in the Florida Administrative Weekly or newspapers of  
20 general circulation in the area affected by its action and may  
21 require a utility to publish notice of the decision in newspapers  
22 of general circulation in its service area. Any such publication  
23 may be used in establishing the date of receiving notice.

24           (4) One whose substantial interests may or will be affected  
25 by the Commission's proposed action may file a petition for a

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

1 | §120.57 hearing, in the form provided by Rule 25-22.036. Any such  
2 | petition shall be filed within the time stated in the notice issued  
3 | pursuant to subsection (2) of this rule ~~fourteen (14) days after~~  
4 | ~~service of the written notice.~~ However, when Where a person has  
5 | not been served notice of the decision and notice has been  
6 | published, such person may file a petition within ~~fourteen (14)~~  
7 | days after publication of the notice.

8 | (5) Any person who receives notice and who fails to file a  
9 | timely request for a §120.57 hearing shall have waived his or her  
10 | right to request a hearing on the decision.

11 | (6) In the absence of a timely request for a §120.57 hearing,  
12 | and unless otherwise provided by a Commission order, the proposed  
13 | action shall become effective upon the expiration of the time  
14 | within which to request a hearing.

15 | Specific Authority: 120.53, F.S.

16 | Law Implemented: 120.53, F.S.

17 | History: New 12/21/81, formerly 25-22.29.

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SUMMARY OF RULE

Rule 25-22.029, F.A.C., now provides 14 days from receipt of a notice of proposed agency action to file a petition for a section 120.57, F.S., hearing. The amendment will change the time to 21 days, unless good cause is shown to reduce the time to 14 days, but the time will be measured from the date the notice is issued rather than received. For persons who are not served notice but where it has been published, the time allowed remains at 14 days from the date of publication.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested and none was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-22.029, F.A.C., now provides 14 days from receipt of a notice of proposed agency action to file a petition for a section 120.57, F.S., hearing. Because the date an order is issued is more easily determined than the date of receipt, the amendment will change the time to 21 days (unless good cause is shown to reduce the time to 14 days), but the time will be measured from the date the notice is issued rather than received. For persons who are not served notice but where it has been published, the time allowed will remain at 14 days from the date of publication, which allows lead time for publication.