

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rules) DOCKET NO. 920244-OT
25-22.100 through 25-22.107,)
F.A.C., Indexing of Final) ORDER NO. PSC-92-0813-NOR-OT
Orders.)
ISSUED: 8/13/92

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rules 25-22.100 through 25-22.107, F.A.C., relating to indexing of final orders.

The attached Notice of Rulemaking appeared in the July 24, 1992, edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Tuesday, August 25, 1992
Room 122, Fletcher Building
101 East Gaines Street
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, 101 East Gaines Street, Tallahassee, FL 32399, no later than August 14, 1992.

By Direction of the Florida Public Service Commission, this
13th day of AUGUST, 1992.

STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

MER

amd92224.cjm

by: Kay Flynn
Chief, Bureau of Records

DOCUMENT NUMBER-DATE

09091 AUG 13 1992

FPC-RECORDS (RECORDS)

ORDER NO. PSC-92-0813-NOR-OT
DOCKET NO. 920244-OT
PAGE 2

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 920244-OT

RULE TITLE:	RULE NO.:
Authority	25-22.100
Purpose	25-22.101
Public Inspection and Duplication	25-22.102
Final Orders Indexed	25-22.103
Numbering of Final Orders	25-22.104
System For Indexing Final Orders	25-22.105
Maintenance of Records	25-22.106
Plan For Making Orders And Index Available to the Public	25-22.107

PURPOSE AND EFFECT: Statutory amendments to Chapter 120, Florida Statutes, and resulting revisions to Department of State rules, require the Commission to adopt new rules. The new rules describe the Commission's plan for making final orders available to the public.

SUMMARY: The rules describe the Commission's plan for providing public access to and availability of final orders. The Commission will index all final orders, which will be sequentially numbered as described in the rules. Final orders and a subject matter index will be available for public inspection and copying at \$1 per page. The index will also be available by subscription. The system for indexing final orders

ORDER NO. PSC-92-0813-NOR-OT
DOCKET NO. 920244-OT
PAGE 3

is described. Orders will be maintained according to the Department of State's retention schedule.

RULEMAKING AUTHORITY: 120.533, 120.533(1)(f), 120.533(1)(j), F.S.

LAW IMPLEMENTED: 120.53(2), (3), (4),

120.53(2)(a), (1), (2), (3), (4), (5), 120.53(2)(d), 119.041(2), F.S., Chapter 91-30, Laws of Florida

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THESE RULES:

Additional costs to the Commission should be minimal. The proposed rule would affect internal Commission record keeping and should not have any significant direct effect on other parties.

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., August 25, 1992

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THE RULES ARE:

Rules of the Florida Public Service Commission

Part VI

Indexing of Final Orders

25-22.100 Authority

25-22.101 Purpose

25-22.102 Public Inspection and Duplication

25-22.103 Final Orders Indexed

25-22.104 Numbering of Final Orders

25-22.105 System For Indexing Final Orders

25-22.106 Maintenance of Records

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

25-22.100 Authority. These rules regarding the indexing, management, and availability of final orders are issued pursuant to Section 120.533, Florida Statutes, and Chapter 1S-6, Florida Administrative Code, and have been approved by the Department of State pursuant to Section 120.53(2)(c), Florida Statutes.

Specific Authority: 120.533 F.S.

Law Implemented: 120.53(2) - (4) F.S.

History: New _____.

25-22.101 Purpose. The purpose of this part is to provide public access to and availability of final orders.

Specific Authority: 120.533 F.S.

Law Implemented: 120.53(2) - (4) F.S.

History: New _____.

25-22.102 Public Inspection and Duplication. The following shall be made available from the agency for public inspection and

ORDER NO. PSC-92-0813-NOR-OT
DOCKET NO. 920244-OT
PAGE 5

copying, at \$1 per page:

(1) All final orders.

(2) A current subject matter index identifying all final orders.

The subject matter index will also be available by subscription.

Specific Authority: 120.533 and 350.06(7) F.S.

Law Implemented: 120.53(2)(a)(1) - (5) F.S.

History: New _____.

25-22.103 Final Orders Indexed. All final orders of the Commission issued pursuant to Sections 120.565, 120.57(1), (2), and (3), Florida Statutes, shall be indexed.

Specific Authority: 120.533 F.S.

Law Implemented: 120.53(2)(a)3, 120.53(2)(d) F.S.

History: New _____.

25-22.104 Numbering of Final Orders.

(1) All final orders shall be sequentially numbered as rendered using a two-part number separated by a dash with the first part before the dash indicating the year and the second part indicating the numerical sequence of the order issued for that year beginning with the number 0001 each new calendar year. Amendatory orders will be assigned the same order number as the order being amended, with the addition of the letter "A" immediately following the order number. The assigned agency

prefix which is "PSC" shall precede the two-part number.

(2) The applicable order category shall be added as a suffix succeeding the agency designation prefix and the two-part number. The order category suffix for proposed agency action orders will be either "FOF" or "FOI", depending on the type of proceeding in which the order was issued. The order categories are as follows:

DS - Declaratory Statement
FOI - Final Order Informal Proceedings
FOF - Final Order Formal Proceedings
S - Stipulation
AS - Agreed Settlement
CO - Consent Order
PCO - Procedural Order
PHO - Prehearing Order
CFO - Confidentiality Order

(3) After the order category, the applicable industry designation shall be inserted. The industry designations are as follows:

EI - Electric Utility - Investor Owned
EM - Electric Utility - Municipality
EC - Electric Utility - Rural Electric Cooperative
EU - Electric Utility - All
EG - Energy Conservation

- EQ - Qualifying Cogeneration Facility
GU - Gas Industry
TA - Telephone Utility - Alternate Access Vendor
TC - Telephone Utility - Coin (Pay) Telephone Company
TI - Telephone Utility - Interexchange Company
TL - Telephone Utility - Local Exchange Company
TS - Telephone Utility - Shared Tenant Company
TP - Telephone (Communications) Industry Generally
WU - Water Utility
SU - Wastewater (Sewer) Utility
WS - Water and Wastewater Utility
PU - Public Utilities Generally - Applies to matters which pertain to two or more industries.
OT - Other Matters - Administrative Matters not related to a particular industry.

Specific Authority: 120.533(1)(f) F.S.

Law Implemented: 120.53(2) -(4) F.S.

History: New _____.

25-22.105 System for Indexing Final Orders.

(1) The index shall be 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 numbers of final 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. Related key words (specific words, terms, and phrases) and common and colloquial words shall be listed and cross-referenced to the appropriate main subject headings. New subject headings will be added when necessary.

(2) The index shall be cumulative for at least one calendar year and shall be updated and made available to the public at least quarterly.

(3) The Division of Records and Reporting shall maintain the index of final orders.

Specific Authority: 120.533(1)(f) F.S.

ORDER NO. PSC-92-0813-NOR-OT
DOCKET NO. 920244-OT
PAGE 9

Law Implemented: 120.53(2) - (4) F.S.

History: New _____.

25-22.106 Maintenance of Records. Final orders that comprise final agency action and therefore must be indexed pursuant to these rules shall be permanently maintained by the Commission pursuant to the retention schedule approved by the Department of State, Division of Library and Information Services.

Specific Authority: 120.533(1)(j) F.S.

Law Implemented: 119.041(2) F.S.

History: New _____.

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

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

(2) The Division of Records and Reporting shall assist the public in obtaining information pertaining to final orders.

(3) The subject matter index and copies of all final orders, in numerical order, shall be maintained in the offices of the Division of Records and Reporting located at Room 111, Fletcher Building, 101 East Gaines St., Tallahassee, Fl 32399-0870. The office is open to the public between the hours of 7:45 a.m. and 4:45 p.m., excluding holidays and weekends.

ORDER NO. PSC-92-0813-NOR-OT
DOCKET NO. 920244-OT
PAGE 10

Specific Authority: 120.533(1)(j) F.S.

Law Implemented: Ch. 91-30, Laws of Florida.

History: New _____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Steve Tribble,
Director, Division of Records and Reporting

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

DATE PROPOSED RULES APPROVED: July 7, 1992

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) 488-8371 at least five calendar days prior to 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).