

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of
Rule 25-30.420, F.A.C.,
Establishment of Price Index,
Adjustment of Rates; Requirement
of Bond; Filings after
Adjustment; Notice to Customers.

DOCKET NO. 030830-WS
ORDER NO. PSC-03-1130-NOR-WS
ISSUED: October 9, 2003

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-30.420, Florida Administrative Code, relating to the adoption of provisions to require a water and/or wastewater utility to include in price index applications a statement on whether the utility has any active written complaints, corrective orders, consent orders, or outstanding citations with the Department of Environmental Protection (DEP) or the County Health Department(s), and, if so, requiring the utility to provide to the Commission a copy of such.

The attached Notice of Rulemaking will appear in the October 17, 2003, edition of the Florida Administrative Weekly. If timely requested, a hearing will be held at a time and place to be announced in a future notice.

Written requests for hearing and written comments or suggestions on the rule must be received by the Director, Division

DOCUMENT NUMBER-DATE

09810 OCT-98

FPSC-COMMISSION CLERK

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of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than November 7, 2003.

By ORDER of the Florida Public Service Commission, this 9th day of October, 2003.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

SMC

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NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 030830-WS

RULE TITLE:

RULE NO.:

Establishment of Price Index, Adjustment of
Rates; Requirement of Bond; Filings After
Adjustment; Notice to Customers

25-30.420

PURPOSE AND EFFECT: To provide the Commission with the information necessary to investigate and make a determination of a utility's quality of service pursuant to section 367.081(4)(a), F.S.

SUMMARY: The rule amendment will require water and wastewater utilities to provide a statement as to whether the utility has any active written complaints, corrective orders, consent orders, or outstanding citations with the Department of Environmental Protection or the County Health Departments in price index applications. If the utility has any such complaints, corrective orders, consent orders, or citations, a copy of those must be filed with the Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs was prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal

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for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), 367.081(4)(a), 367.121(1)(c), 367.121(1)(f), F.S.

LAW IMPLEMENTED: 367.081(4), 367.121(1)(c), 367.121(1)(g), F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, 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 SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samantha M. Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6202.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-30.420 Establishment of Price Index, Adjustment of Rates; Requirement of Bond; Filings After Adjustment; Notice to Customers.

(1) No change.

(2) Any utility seeking to increase or decrease its rates based upon the application of the index established pursuant to subsection (1) and as authorized by section 367.081(4)(a), F.S., shall file an original and five copies of a notice of intention and

the materials listed in (a) through (i) ~~(g)~~ below with the Commission's Division of Economic Regulation at least 60 days prior to the effective date of the increase or decrease. The adjustment in rates shall take effect on the date specified in the notice of intention unless the Commission finds that the notice of intention or accompanying materials do not comply with the law, or the rules or orders of the Commission. The notice shall be accompanied by:

(a) - (g) No change.

(h) A statement that the utility does not have any active written complaints, corrective orders, consent orders, or outstanding citations with the Department of Environmental Protection (DEP) or the County Health Department(s) or that the utility does have active written complaints, corrective orders, consent orders, or outstanding citations with the DEP or the County Health Department(s).

(i) A copy of any active written complaints, corrective orders, consent orders, or outstanding citations with the Department of Environmental Protection (DEP) or the County Health Department(s).

(3) - (7) No change.

Specific Authority: 350.127(2), 367.081(4)(a), 367.121(1)(c), 367.121(1)(f), F.S.

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Law Implemented: 367.081(4), 367.121(1)(c), 367.121(1)(g), F.S.

History: New 04/05/81, Amended 09/16/82, Formerly 25-10.185,
Amended 11/10/86, 06/05/91, 04/18/99, XX/XX/XX.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ryan Fitch

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

DATE PROPOSED RULE APPROVED: September 30, 2003.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April
11, 2003, Vol. 29, No. 15.