

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed adoption of Rule 25-6.0431, F.A.C., Petition for Limited Proceeding and Rule 25-7.0391, F.A.C., Petition for Limited Proceeding, and Amendment of Rule 25-22.0406, F.A.C., Notice and Public Information on General Rate Increase Request by Electric, Gas and Telephone Companies.

DOCKET NO. 130148-PU  
ORDER NO. PSC-13-0384-NOR-PU  
ISSUED: August 16, 2013

The following Commissioners participated in the disposition of this matter:

RONALD A. BRISÉ, Chairman  
LISA POLAK EDGAR  
ART GRAHAM  
EDUARDO E. BALBIS  
JULIE I. BROWN

NOTICE OF RULEMAKING

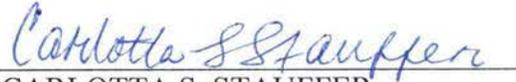
BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to adopt Rules 25-6.0431 and 25-7.0391, and to amend Rule 25-22.0406, Florida Administrative Code, relating to the filing requirements for limited proceedings for electric and gas utilities, and noticing requirements for general rate increase request and limited proceedings by electric and gas utilities.

The attached Notice of Rulemaking appeared in the August 16, 2013 edition of the Florida Administrative Register. 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 on the rules must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than September 6, 2013

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By ORDER of the Florida Public Service Commission this 16th day of August, 2013.



CARLOTTA S. STAUFFER  
Chief Deputy Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://www.floridapsc.com)

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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Notice of Proposed Rule

**PUBLIC SERVICE COMMISSION**

RULE NO.:       RULE TITLE:

25-6.0431       Petition for Limited Proceeding

PURPOSE AND EFFECT: Rule 25-6.0431, F.A.C., establishes the requirements for a petition for limited proceeding for electric utilities. These requirements offer consistency in practice and codify the essential elements of a petition for limited proceedings by electric utilities.

Docket No. 130148-PU

SUMMARY: Rule 25-6.0431, F.A.C., requires that a petition for a limited proceeding for electric utilities include a list of all issues the petitioner believes should be decided, the reasons why the limited proceeding has been requested, and any other information that the utility deems relevant.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The SERC examined the factors required by Section 120.541(2)(c), F.S., and concluded that the rule amendments will not have an adverse impact on economic growth, business competitiveness, or small business, and that there would likely be transactional cost savings to the individual and entities, including government entities, required to comply with the rule.

The agency has determined that the proposed rule amendments are not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

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.

RULEMAKING AUTHORITY: 350.127(2), 366.05, 366.06(1) FS.

LAW IMPLEMENTED: 366.05(1), 366.06(1), 366.076(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela H. Page, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6214, [phpage@psc.state.fl.us](mailto:phpage@psc.state.fl.us)

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.0431 Petition for a Limited Proceeding.

A petition for a limited proceeding shall include:

- (1) A list of all issues the petitioner believes should be decided;
- (2) A detailed statement of the reason(s) why the limited proceeding has been requested and why a limited proceeding is the appropriate type of proceeding for consideration of the requested relief;
- (3) A schedule showing the specific rate base components for which the utility seeks recovery, on both a system and jurisdictional basis, if the utility is requesting recovery of rate base components;
- (4) A detailed description of the expense(s) requested on both a system and jurisdictional basis, if the utility is requesting recovery of operating expenses;
- (5) A schedule showing how the utility proposes to allocate any change in revenues to rate classes, and the proposed rates, if the petition requests a change in retail rates; and
- (6) Any other information that the utility deems relevant.

Rulemaking Authority 350.127(2), 366.05, 366.06(1) FS. Law Implemented 366.05(1), 366.06(1), 366.076(1) FS. History-  
New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cheryl Bulecza-Banks  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2013  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 39, Number 46, March 7, 2013

Notice of Proposed Rule

**PUBLIC SERVICE COMMISSION**

RULE NO: 25-7.0391  
RULE TITLE: Petition for Limited Proceeding

PURPOSE AND EFFECT: Rule 25-7.0391, F.A.C., establishes the requirements for a petition for limited proceeding for gas utilities. These requirements offer consistency in practice and codify the essential elements of a petition for limited proceedings by gas utilities.

Docket No. 130148-PU

SUMMARY: Rule 25-7.0391, F.A.C., requires that a petition for a limited proceeding for gas utilities include a list of all issues the petitioner believes should be decided, the reasons why the limited proceeding has been requested, and any other information that the utility deems relevant.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The SERC examined the factors required by Section 120.541(2)(c), F.S., and concluded that the rule amendments will not have an adverse impact on economic growth, business competitiveness, or small business, and that there would likely be transactional cost savings to the individual and entities, including government entities, required to comply with the rule.

The agency has determined that the proposed rule amendments are not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

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.

RULEMAKING AUTHORITY: 350.127(2), 366.05, 366.06(1) FS.

LAW IMPLEMENTED: 366.05(1), 366.06(1), 366.076(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela H. Page, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6214, [phpage@psc.state.fl.us](mailto:phpage@psc.state.fl.us)

THE FULL TEXT OF THE PROPOSED RULE IS:

25-7.0391 Petition for a Limited Proceeding.

A petition for a limited proceeding shall include:

- (1) A list of all issues the petitioner believes should be decided;
- (2) A detailed statement of the reason(s) why the limited proceeding has been requested and why a limited proceeding is the appropriate type of proceeding for consideration of the requested relief;
- (3) A schedule showing the specific rate base components for which the utility seeks recovery, on both a system and jurisdictional basis, if the utility is requesting recovery of rate base components;

(4) A detailed description of the expense(s) requested on both a system and jurisdictional basis, if the utility is requesting recovery of operating expenses;

(5) A schedule showing how the utility proposes to allocate any change in revenues to rate classes, and the proposed rates, if the petition requests a change in retail rates; and

(6) Any other information that the utility deems relevant.

Rulemaking Authority 350.127(2), 366.05, 366.06(1) FS. Law Implemented 366.05(1), 366.06(1), 366.076(1) FS. History--  
New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cheryl Bulecza-Banks

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 39, Number 46, March 7, 2013

#### Notice of Proposed Rule

#### **PUBLIC SERVICE COMMISSION**

RULE NO:       RULE TITLE:

25-22.0406     Notice and Public Information on General Rate Increase Requests by Electric, Gas and Telephone Companies

PURPOSE AND EFFECT: Rule 25-22.0406, F.A.C., is amended to update general rate case noticing requirements for electric and gas utilities and establishes noticing requirements for gas and electric utility limited proceedings.

Docket No. 130148-PU

SUMMARY: Rule 25-22.0406, F.A.C., is amended to apply to limited proceedings for electric and gas utilities, improves access by the public to these proceedings, and updates the rule to reflect current technology.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The SERC examined the factors required by Section 120.541(2)(c), F.S., and concluded that the rule amendments will not have an adverse impact on economic growth, business competitiveness, or small business, and that there would likely be transactional cost savings to the individual and entities, including government entities, required to comply with the rule.

The agency has determined that the proposed rule amendments are not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

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.

RULEMAKING AUTHORITY: 350.127(2), 366.05, 366.06(1) FS.

LAW IMPLEMENTED: 366.03, 366.041(1), 366.05(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela H. Page, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6214, [phpage@psc.state.fl.us](mailto:phpage@psc.state.fl.us)

THE FULL TEXT OF THE PROPOSED RULE IS:

25-22.0406 Notice and Public Information on General Rate Increase Requests and Petitions for Limited Proceedings by Electric, and Gas and Telephone Companies Utilities.

(1) The provisions of this rule shall be applicable to all requests for general rate increases and to all limited proceedings filed by electric and gas utilities pursuant to Rules 25-6.0431 and 25-7.0391 by electric, gas and telephone companies subject to the Commission's jurisdiction.

(2) The following noticing procedures shall apply to requests for a general rate increase:

(a) Upon filing a petition for a general rate increase, The utility shall mail a copy of the petition to the chief executive officer of the governing body of each municipality and county within the service area affected.

(b) The utility shall establish a clearly identifiable link on the utility's website to the address on the Commission's website that provides electronic access to all documents filed in the rate case.

(c) Location of Minimum Filing Requirements

1.(3)(a) Within 15 days after it has been notified by the Commission that the Minimum Filing Requirements (MFRs) have been met, the utility shall place a copy of the MFRs at its official headquarters and at a location approved by the Commission staff its business office in each municipality in which service hearings were held in the last general rate case of the utility.

2. Within 15 days after the time schedule has been posted on the Commission's website mailed to the utility, copies of the MFRs shall be placed in a location approved by Commission staff the utility business office in each additional city in which service hearings are to be held in the current rate case. Upon customer request a copy of the MFRs shall be placed in a utility business office not located in a city where a service hearing is to be held. The copies of the MFRs shall be available for public inspection during the utility's regular business hours.

3.(b) In addition to the locations listed above, if the Commission staff determines that the locations listed above will not provide adequate access, the Commission staff will require that copies of the MFRs be placed at other specified locations.

4. Copies of the MFRs shall be available for public inspection during the regular business hours of the location hosting the MFRs and through a link on the utility's website.

(d) Rate Case Synopsis.

1.(4)(a) Within 15 days after the time schedule for the case has been posted to the Commission's website, mailed to the utility, the utility shall prepare and submit to the Commission staff for approval and distribute a synopsis of the rate request. The synopsis shall be approved by the Commission or its staff prior to distribution and shall include:

a.1 A summary of the section of the MFRs showing a comparison of the present and proposed rates for major services;

b.2 A statement of the anticipated major issues involved in the rate case;

c.3 A copy of the executive summary filed with the MFRs;

d.4 A description of the ratemaking process and the time schedule established for the rate case; and

e.5 The locations at which complete MFRs are available.

2. (b) Within 7 days following approval of the synopsis, copies of the synopsis shall be distributed to the same locations as required for the MFRs, to the main county library within or most convenient to the service area, and to the chief executive officer of each county and municipality within the service area affected.

(e)(5) Within 15 30 days after the rate case time schedule has been posted on the Commission's website, mailed to the utility, the utility shall prepare and submit a customer notice to Commission staff for approval. The customer notice shall include: begin sending a notice approved by the Commission or its staff to its customers containing:

1.(a) A statement that the utility has applied for a rate increase and the general reasons for the request;

2.(b) The locations at which copies of the MFRs and synopsis are available, including the link on the utility's website;

3.(e) The time schedule established for the case, and the dates, times and locations of any hearings that have been scheduled; and

4.(d) A comparison of current rates and service charges and the proposed new rates and service charges; Such notice shall be completed at least 10 days prior to the first scheduled service hearing.

5. The docket number assigned to the petition by the Commission's Office of Commission Clerk;

6. A statement that written comments regarding the proposed changes in rates and charges should be addressed to the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and that such correspondence should include the docket number; and

7. A statement that comments regarding service may be made to the Commission's Office of Consumer Assistance and Outreach at this toll free number: (800) 342-3552.

(f) The utility shall begin sending the notice to customers within 30 days after it has been approved by Commission Staff.

(3) The following noticing procedures shall apply to a petition for a limited proceeding filed pursuant to Rules 25-6.0431 and 25-7.0391, F.A.C.:

(a) The utility shall establish a clearly identifiable link on the utility's website to the address on the Commission's website that provides electronic access to all documents filed in the limited proceeding.

(b) Within 15 days after the time schedule for the limited proceeding has been posted to the Commission's website, the utility shall prepare and submit a customer notice to the Commission staff for approval. The customer notice shall contain:

1. A statement that the utility has requested a change in rates, a statement of the amount requested, and the general reason for the request;

2. A statement of where and when the petition and supporting documentation are available for public inspection, including the link on the utility's website;

3. A comparison of the current and proposed rates;

4. The utility's address, telephone number, and website address;

5. The docket number assigned to the petition by the Commission's Office of Commission Clerk;

6. A statement that written comments regarding the proposed changes in rates and charges should be addressed to the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and that such correspondence should include the docket number; and

7. A statement that comments regarding service may be made to the Commission's Office of Consumer Assistance and Outreach at this toll free number: (800) 342-3552.

(c) The utility shall begin sending the notice to customers within 30 days after it has been approved by staff.

(4) All customer notices prepared pursuant to this rule shall be sent to the customer's address of record at the time the notice is issued, in the manner in which the customer typically receives the monthly bill, whether electronically or via U.S. mail.

(5) All customer notices regarding the locations and time of any service hearings or customer meetings shall be sent to the customer no less than 10 days, or more than 45 days, prior to the first service hearing or customer meeting.

(6) At least 7 days and not more than 20 days prior to any each service hearing or customer meeting, the utility shall have published in a newspaper of general circulation in the area in which the hearing or customer meeting is to be held a display advertisement stating the date, time, location and purpose of the hearing or customer meeting. The advertisement shall be approved by the Commission or its staff prior to publication.

(7) When the Commission issues proposed agency action and a hearing is subsequently held, the utility shall give written notice of the hearing to its customers at least 14 days in advance of the hearing. This notice shall be approved by the Commission or its staff prior to distribution.

(8) After the Commission's issuance of an order granting or denying a rate change, the utility shall give notice to its customers of the order and the revised rates. The notice shall be approved in advance by the Commission or its staff and transmitted to the customers with the first bill containing the new rates.

*Rulemaking Specific Authority 350.127(2), 366.05, 366.06(1) FS. Law Implemented 120.569, 120.57, 364.01(4), 364.035(1), 364.04(3), (4), 364.05(1), (2), 364.19, 366.03, 366.041(1), 366.05(1), 366.06(1), 366.076(1) FS. History—New 9-27-83, Formerly 25-22.406, Amended 5-27-93, 5-3-99, \_\_\_\_\_.*

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NAME OF PERSON ORIGINATING PROPOSED RULE: Cheryl Bulecza-Banks

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2013

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