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Public Service Commission

September 30, 2016

Kenneth J. Plante
Coordinator
Joint Administrative Procedures Committee

Re: Florida Public Service Commission's 2016 Regulatory Plan

Dear Mr. Plante:

The Florida Public Service Commission (Commission) hereby files its Regulatory Plan pursuant to Section 120.74, Florida Statutes (F.S.).

Section 120.74(1)(a), F.S., requires a listing of each law enacted or amended during the previous 12 months which creates or modifies the duties or authority of the agency, a statement whether rule adoption is required to implement the law, and if so, whether a notice of rule development has been published; and an identification of the date by which the agency expects to publish the notice of proposed rule. The Commission's report of laws pursuant to Section 120.74(1)(a), F.S., is attached hereto as Attachment A.

Section 120.74(1)(b), F.S., states that the regulatory plan must also include a listing of each law not listed pursuant to Section 120.74(1)(a), F.S., which the agency expects to implement by rulemaking before the following July 1, including a statement whether rulemaking is intended to simplify, clarify, increase efficiency, improve coordination with other agencies, reduce costs, or delete obsolete, unnecessary, or redundant rules. The Commission's report of laws pursuant to Section 120.74(1)(b), F.S., is attached hereto as Attachment B.

Section 120.74(1)(c), F.S., requires an identification and listing of laws which were previously identified in a prior year's regulatory plan as requiring rulemaking to implement, but for which a notice of proposed rule has not been published. Section 120.74(1)(c), F.S., also requires the Commission to specify any desired updates to the Commission's 2015 Regulatory Plan. As stated in Attachment C, the Commission has no laws or desired updates to report pursuant to Section 120.74 (1)(c), F.S.

Section 120.74(1)(d), F.S., requires the Commission to submit a certification regarding the regulatory plan. Pursuant to Section 120.74(1)(d), F.S., we hereby verify that we have reviewed the attached regulatory plan and that the Commission regularly reviews all of its rules.

Kenneth J. Plante
September 30, 2016
Page 2

The Commission's rules were most recently reviewed for the period January 1, 2012, through July 1, 2015, to determine if the rules remain consistent with the Commission's rulemaking authority and the laws implemented.



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Enclosure

FLORIDA PUBLIC SERVICE COMMISSION
2016 REGULATORY PLAN

ATTACHMENT A

LAWS CREATING OR MODIFYING DUTIES OR AUTHORITY- SECTION 120.74(1)(a), F.S.

Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
2016-226 – Authorizes the Commission when establishing rates for a utility, to authorize a utility to create a utility reserve fund for infrastructure repair and replacement to be funded by a portion of the rates charged by the utility.	Rulemaking necessary for Section 367.081(2)(c), F.S., on creation, management of utilities' reserve fund.	September 26, 2016 Volume 42/187	April 1, 2017	N/A
2016-226 – Addresses the Commission's award of rate case expenses in staff assisted rate cases.	Rulemaking necessary for Section 367.0814(3), F.S, on rate case expenses.	September 20, 2016 Volume 42/183	December 31, 2016	N/A
2016-226 – Includes additional expenses for which a utility may automatically increase or decrease approved rates, authorizes the Commission to establish by rule additional	Rulemaking necessary for Section 367.081(4)	September 20, 2016 Volume	April 1, 2017	N/A

FLORIDA PUBLIC SERVICE COMMISSION
2016 REGULATORY PLAN

ATTACHMENT A

LAWS CREATING OR MODIFYING DUTIES OR AUTHORITY- SECTION 120.74(1)(a), F.S.

Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
specific expense items. Requires this rule to be reviewed every five years.	(b), F.S., on additional expenses for which a utility may increase or decrease approved rates.	42/183		
2016-6 – Expands public records exemptions for certain data processing software obtained by an agency.	No	N/A	N/A	Statute is specific as to types of data processing software that are exempt from public records law.
2016-20 – Requires public agency contracts for services to include a statement on public records, contractor responsibilities, and to provide information on the public agency’s custodian of public records.	No	N/A	N/A	Statute is prescriptive as to the public records requirements for public agency contracts for services.
2016-27 – Provides an exemption for any information furnished to an agency by any person for emergency notification.	No	N/A	N/A	Statute is prescriptive as to the applicability and scope of the public records exemption.

FLORIDA PUBLIC SERVICE COMMISSION
2016 REGULATORY PLAN

ATTACHMENT A

LAWS CREATING OR MODIFYING DUTIES OR AUTHORITY- SECTION 120.74(1)(a), F.S.

Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
2016-49 – Provides an exemption from public records requirements for bids, proposals, or replies submitted to an agency in response to a competitive solicitation.	No	N/A	N/A	Statute is specific as to the applicability and scope of the public records exemption.
2016-63 – Revises employer retirement contribution rates and employer assessment rate which offset the administrative and educational costs for the State of Florida Retirement System.	No	N/A	N/A	Statute is specific as to the terms of the retirement contribution rates and costs to be offset.
2016-102 – Requires each state agency to develop and implement veterans’ recruitment plans and establishes plan requirements.	No	N/A	N/A	Statute is specific and prescriptive as to the required elements of the recruitment plans.
2016-116 – Requires an agency beginning July 1, 2017, to publish all rules that are so designated that a violation of the rule would be a minor violation, and for each rule filed for adoption certify whether any part of the rule is designated as a minor violation.	No	N/A	N/A	Statute is prescriptive as to the publication and certification requirements for rules designated as minor violations.
2016-232 – Provides additional requirements for the calculation of estimated adverse impacts and regulatory costs for	No	N/A	N/A	Statute specifies the methodology for the calculation of adverse impacts and regulatory costs.

FLORIDA PUBLIC SERVICE COMMISSION
2016 REGULATORY PLAN

ATTACHMENT A

LAWS CREATING OR MODIFYING DUTIES OR AUTHORITY- SECTION 120.74(1)(a), F.S.

Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
rules.				

FLORIDA PUBLIC SERVICE COMMISSION
2016 REGULATORY PLAN

ATTACHMENT B

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY- SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 350.123, F.S.	Amend Rule 25-30.458, F.A.C., Notice of and Public Information For Limited Alternative Proceedings Rate Increase, to clarify public information requirements for limited alternative proceedings for rate increases.
Section 350.127(1), F.S.	Amend Rule 25-4.004, F.A.C., Certificates of Necessity or Authority; Application, to clarify the application form for authority to provide telecommunication services.
Section 364.10, F.S.	Amend Rule 25-4.0665, F.A.C., Lifeline Service, to eliminate quarterly reporting; to prohibit a company from discontinuing a customer's lifeline local service if applicable charges, taxes, and fees are paid; and to clarify carrier responsibilities to conform to new federal lifeline rules.
Section 364.105, F.S.	Amend Rule 25-4.0665, F.A.C., Lifeline Service, to eliminate quarterly reporting; to prohibit a company from discontinuing a customer's lifeline local service if applicable charges, taxes, and fees are paid; and to clarify carrier responsibilities to conform to new federal lifeline rules.
Section 364.183(1), F.S.	Amend Rule 25-4.0665, F.A.C., Lifeline Service, to eliminate quarterly reporting; to prohibit a company from discontinuing a customer's lifeline local service if applicable charges, taxes, and fees are paid; and to clarify carrier responsibilities to conform to new federal lifeline rules.
Section 364.33, F.S.	Amend Rule 25-4.004, F.A.C., Certificates of Necessity or Authority; Application, to clarify the application form for authority to provide telecommunication services.
Section 364.335, F.S.	Amend Rule 25-4.004, F.A.C., Certificates of Necessity or Authority; Application, to clarify the application form for authority to provide telecommunication services.
Section 366.04(2)(f), (6), F.S.	Amend Rule 25-6.0346, F.A.C., Quarterly Reports of Work Orders and Safety Compliance, to make consistent with updated federal regulations.
Section 366.05(1), F.S.	Amend Rule 25-6.0346, F.A.C., Quarterly Reports of Work Orders and Safety Compliance to make consistent with updated federal regulations.

FLORIDA PUBLIC SERVICE COMMISSION
2016 REGULATORY PLAN

ATTACHMENT B

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY- SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 367.081, F.S.	<p>Amend Rule 25-30.345, F.A.C., Customer Service Charges, to clarify customer service charges.</p> <p>Amend Rule 25-30.433, F.A.C., Rate Case Proceedings, to update the quality of service determination provision.</p> <p>Amend Rule 25-30.445, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding, to clarify the required information for utilities to provide in an application for a limited proceeding.</p> <p>Amend Rule 25-30.460, F.A.C., Application for Miscellaneous Service Charges, to clarify additional definitions for late fee, insufficient funds, convenience fee, and meter tampering charges.</p>
Section 367.0814, F.S.	Amend Rule 25-30.458, F.A.C., Notice of and Public Information For Limited Alternative Proceedings Rate Increase, to clarify public information requirements in limited alternative proceedings for rate increase.
Section 367.0816, F.S.	Amend Rule 25-30.4705, F.A.C., Calculation of Rate Reduction after Rate Case Expense is Amortized, to clarify the methodology for calculation of rate case expense rate reduction.
Section 367.0822, F.S.	Amend Rule 25-30.445, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding, to clarify the required information for utilities to provide in an application for a limited proceeding.
Section 367.091, F.S.	Amend Rule 25-30.335, F.A.C., Customer Billing, to clarify requirement for name of utility on customer bill.

FLORIDA PUBLIC SERVICE COMMISSION
2016 REGULATORY PLAN

ATTACHMENT B

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY- SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 367.101, F.S.	<p>Amend Rule 25-30.540(5), F.A.C., Agreements, Performance Under Agreements, to add requirement for utility to maintain a copy of all executed developer agreements.</p> <p>Amend Rule 25-30.550(1), F.A.C., Filing of Agreements; Approval of Contracts, to improve efficiency and decrease costs to government or private sector by removing requirement for utility to file developer agreements with the Commission.</p> <p>Amend Rule 25-30.585, F.A.C., Developer Service Availability Charges, to improve efficiency and decrease costs to government or private sector by removing requirement for utility to file developer agreements with the Commission.</p>
Section 367.111, F.S.	<p>Amend Rule 25-30.325, F.A.C., Termination of Service by Customer, to clarify the rule as to temporary termination of service to avoid paying base facility charge.</p> <p>Amend Rule 25-30.345, F.A.C., Customer Service Charges, to clarify customer service charges.</p>
Section 367.121, F.S.	<p>Amend Rule 25-30.325, F.A.C., Termination of Service by Customer, to clarify the rule as to temporary termination of service to avoid paying base facility charge.</p> <p>Amend Rule 25-30.335, F.A.C., Customer Billing, to clarify requirement for name of utility on customer bill.</p> <p>Amend Rule 25-30.4705, Calculation of Rate Reduction after Rate Case Expense is Amortized, to clarify the methodology for calculation of rate case expense rate reduction.</p> <p>Amend Rule 25-30.458, F.A.C., Notice of and Public Information For Limited Alternative Proceedings Rate Increase, to clarify public information requirements for limited alternative proceedings rate increases.</p> <p>Amend Rule 25-30.460, F.A.C., Application for Miscellaneous Service Charges, to clarify additional definitions for late fee, insufficient funds, convenience fee, and meter tampering charges.</p>

FLORIDA PUBLIC SERVICE COMMISSION
2016 REGULATORY PLAN

ATTACHMENT B

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY- SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 367.121(1)(a), F.S.	Amend Rule 25-30.445, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding, to clarify the required information for utilities to provide in an application for a limited proceeding.
Section 367.145(2), F.S.	Amend Rule 25-30.445, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding, to clarify the required information for utilities to provide in an application for a limited proceeding.
Section 368.03, F.S.	<p>Amend Rule 25-12.005, F.A.C., Codes and Standards Adopted, to make consistent with updated federal regulations.</p> <p>Amend Rule 25-12.008, F.A.C., New, Reconstructed or Converted Facilities, to make consistent with updated federal regulations.</p> <p>Amend Rule 25-12.027, F.A.C., Welder Qualification, to make consistent with updated federal regulations.</p> <p>Amend Rule 25-12.085 F.A.C., Written Annual Reports Required, to make consistent with updated federal regulations.</p>
Section 368.05, F.S.	<p>Amend Rule 25-12.005, F.A.C., Codes and Standards Adopted, to make consistent with updated federal regulations.</p> <p>Amend Rule 25-12.027, F.A.C., Welder Qualification, to make consistent with updated federal regulations.</p>
Section 368.05(2), F.S.	<p>Amend Rule 25-12.008, F.A.C., New, Reconstructed or Converted Facilities, to make consistent with updated federal regulations.</p> <p>Amend Rule 25-12.022, F.A.C., Requirements for Distribution System Valves, to make consistent with updated federal regulations.</p>

FLORIDA PUBLIC SERVICE COMMISSION
2016 REGULATORY PLAN

ATTACHMENT B

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY- SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
	Amend Rule 25-12.040, F.A.C., Leak Surveys, Procedures and Classifications, to make consistent with updated federal regulations. Amend Rule 25-12.085, F.A.C., Written Annual Reports Required, to make consistent with updated federal regulations.
Section 376.1213, F.S.	Amend Rule 25-30.433, Rate Case Proceedings, to update the quality of service determination provision.
Section 427.704, F.S.	Repeal Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company.

FLORIDA PUBLIC SERVICE COMMISSION
2016 REGULATORY PLAN

ATTACHMENT C

UPDATES TO 2015 REGULATORY PLAN- SECTION 120.74(1)(c), F.S.

The Commission has no laws or updates to the 2015 Regulatory Plan to report pursuant to Section 120.74(1)(c), F.S.