

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Town of Golden Beach to Initiate Rulemaking on Allocation of Costs of Underground Distribution Conversions.)	DOCKET NO. 910404-EU
)	
)	ORDER NO. 24373
)	
)	ISSUED: 4/17/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, CHAIRMAN
 J. TERRY DEASON
 BETTY EASLEY
 GERALD L. GUNTER

ORDER TO DENY PETITION TO INITIATE RULEMAKING

BY THE COMMISSION:

On March 19, 1991, pursuant to section 120.54(5), Florida Statutes, the Town of Golden Beach (Golden Beach), petitioned the Commission to initiate rulemaking to govern the allocation of costs of converting overhead electric distribution facilities to underground distribution service. Golden Beach proposed that the Commission initiate rulemaking to amend Part V of Chapter 25-6, Florida Administrative Code, Rules for Residential Electric Underground Extensions. Rule 25-6.074 would be amended to apply to conversions from overhead to underground service as well as for new extensions of underground service. Rule 25-6.075(1) and Rule 25-6.078(1), would be amended to reflect the same modification in applicability of the rules. Rule 25-6.076, Rights of Way and Easements, would be amended to provide for allocation of the costs of repairing public streets and roadways, repairing drainage and other private property and re-sodding. Rule 25-6.077 would be amended to require that, unless the utility agrees otherwise, areas to be converted from overhead to underground service must be contiguous and that the applicant must assure that all customers within the areas to be converted will convert their individual service entrances to accommodate service from underground service laterals. Three new subsections would be added to Rule 25-6.078, to provide for the provision of underground service to communities initially serviced by overhead facilities.

DOCUMENT NUMBER-DATE

03657 APR 17 1991

PSC-RECORDS/REPORTING

ORDER NO. 24373
DOCKET NO. 910404-EU
PAGE 2

The Commission already has an open rulemaking Docket, Docket No. 900878-EU, which could address the proposals included in this petition. That rulemaking concerns Rule 25-6.061, F.A.C., Relocation of Poles. A workshop is scheduled in that Docket for April 19, 1991. A full rulemaking hearing will also be provided in that Docket.

In addition, the petition asked that a new rulemaking on the rules mentioned above, be merged with the rulemaking of Rule 25-6.061, F.A.C., Relocation of Poles rule. This is outside the scope of the section 120.54, Florida Statutes, procedures in that the affected rules in the Golden Beach proposal have not been published in the Florida Administrative Weekly as open to rulemaking revisions, no Economic Impact Statement was ever prepared for such rule revisions, and interested persons have had no opportunity to address those other rules.

Therefore, based on the foregoing, it is

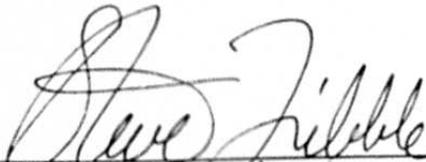
ORDERED by the Florida Public Service Commission that the Petition to Initiate Rulemaking to amend Part V of Chapter 25-6, F.A.C., is hereby denied. It is further

ORDERED that the proposed rules that Golden Beach seeks to amend in Part V of Chapter 25-6, F.A.C., not be merged the rulemaking in Docket No. 900878-EU on Rule 25-6.061. It is further

ORDERED that Golden Beach is encouraged to present the cost recovery concepts in the Docket 900878-EU, revising Rule 25-6.061, F.A.C. It is further

ORDERED that Docket No. 910404-EU, is closed.

BY ORDER of the Florida Public Service Commission this 17th day of APRIL, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

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ORDER NO. 24373
DOCKET NO. 910404-EU
PAGE 3

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.