

State of Florida

Commissioners:  
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JOE GARCIA



DIVISION OF APPEALS  
DAVID E. SMITH  
DIRECTOR  
(904) 413-6245

Public Service Commission

March 5, 1996

TO:

Ms. Laurise Thompson  
Small and Minority Business Advocate  
107 West Gaines Street  
Room 519, Collins Building  
Tallahassee, Florida 32399

Mr. Steve Mayberry  
Division of Economic Development  
Rm. 524, Collins Building  
Tallahassee, Florida 32399

Bureau of Minority Business Enterprise  
Assistance Office  
Department of General Services  
2737 Centerview Dr., Knight Building, Suite 201  
Tallahassee, Florida 32399-0950

SUBJECT: Docket No. 960067-WS, Proposed Amendments to Rule 25-30.110, F.A.C., Records and Reports; Annual Reports

The Commission has determined that the above rule may have a minimal effect on small business. Accordingly, pursuant to Section 120.54(3)(b), Florida Statutes, enclosed is a copy of the Florida Administrative Weekly (FAW) notice for the proposed rules, which will be published in the March 8, 1996 edition of the FAW. Also enclosed is a copy of the economic impact statement.

If there are any questions with respect to this rule or the Commission's rulemaking procedures, please do not hesitate to call on me.

Sincerely,

Mary Anne Helton  
Associate General Counsel

Enclosures

cc: Division of Records & Reporting

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BLVD • TALLAHASSEE, FL 32399-0850

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 960067-WS

RULE TITLE:

RULE NO.:

Records and Reports; Annual Reports 25-30.110

PURPOSE AND EFFECT: In order to revise and update the Class C Water and Wastewater Annual Report, amendments have been proposed to amend Rule 25-30.110 to incorporate by reference a revised annual report.

SUMMARY: The proposed amendments incorporate by reference an updated Class C annual report.

RULEMAKING AUTHORITY: 350.127(2), 367.121, F.S.

LAW IMPLEMENTED: 367.121(1)(c), 367.121(1)(g), 367.121(1)(i), 367.121(1)(k), 367.156(1), 367.161, F.S.

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., April 25, 1996

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399.

THE FULL TEXT OF THE RULE IS:

25-30.110 Records and Reports; Annual Reports.

(1) - (3) No change.

(4) ANNUAL REPORTS; CONTENTS. The appropriate annual report form required from each utility shall be determined by using the same three classes of utilities used by the National Association of Regulatory Utility Commissioners for publishing its system of accounts: Class A (those having annual water or wastewater operating revenues of \$750,000 or more); Class B (those having annual water or wastewater revenues of \$150,000 to \$749,999); Class C (annual water or wastewater revenues of less than \$150,000). The class to which a utility belongs shall be determined by using the higher of the average of its annual water or wastewater operating revenues for each of the last three preceding years.

(a) Class A utilities shall file the annual report entitled "Water and/or Wastewater Utilities (Gross Revenues of \$750,000 and Over)" required by Commission Form PSC/WAS 4 (Rev. 12/86), which was effective on December 22, 1986.

(b) Class B utilities shall file the annual report entitled "Water and/or wastewater Utilities (Gross Revenues of \$150,000 or more But Less Than \$750,000 Each)" required by Commission Form PSC/WAS 5 (Rev. 12/86) which was effective on December 22, 1986.

(c) Class C utilities shall file the annual report entitled "Water and/or wastewater Utilities (Gross Revenues of less than \$150,000 each) required by Commission Form PSC/WAS 6 Rev. (x/xx) ~~12/86 which was effective on December 22, 1986.~~

(d) Class A or B utilities that have multiple systems under one consolidated company should file the Consolidated Annual Report (Form PSC/WAS 3 ( /91)) in lieu of separate annual reports for each

system. Any questions regarding the annual report form to be filed, should be directed to the Division of Water and Wastewater, Bureau of Accounting.

(e) The foregoing forms can be obtained from the Commission's Division of Water and Wastewater.

(5) - (6) No change.

(7) DELINQUENT REPORTS.

(a) Any utility that fails to file its annual report or extension on or before March 31, or within the time specified by any extension, approved in writing by the Division of Water and Wastewater, shall be subject to a penalty. The penalty shall be based on the number of calendar days elapsed from March 31, or from an approved extended filing date, until the date of filing. The date of filing shall be included in the days elapsed.

(b) No change.

(8) INCOMPLETE REPORTS.

(a) The Commission's Division of Water and Wastewater shall provide written notification to a utility if its report does not contain information required by subsection (4) of this rule. The utility shall file the missing information no later than 30 days after the date on the face of the notification. If the utility fails to file the information within that period, the report will be deemed delinquent and the utility shall be subject to a penalty as provided under paragraphs (7)(a) and (b), except that the penalty shall be based on the number of days elapsed from the date the information is due to the date it is actually filed. The date of filing shall be included in the elapsed days.

(b) A report is incomplete if any of the schedules required by the following forms of this rule are not completed:

1. Form PSC/WAS 4 (Rev. 12/86 for Class A utilities);
2. Form PSC/WAS 5 (Rev. 12/86~~+~~ for Class B uUtilities); and
3. Form PSC/WAS 3 (Rev. 03/91 for Class A or B uUtilities that have multiple systems.)
4. Form PSC/WAS 6 (Rev. ~~x/xx~~ 12/86 for Class C~~+~~ uUtilities).

(c) An incomplete report will remain incomplete until the missing information is filed with the Division of Water and Wastewater on the appropriate Commission form.

(9) - (11) No change.

Specific Authority: 350.127(2), 367.121, F.S.

Law Implemented: 367.121(1)(c), 367.121(1)(g), 367.121(1)(i), 367.121(1)(k), 367.156(1), 367.161, F.S.

History: Amended 9/12/74, 1/18/83, 2/24/85, 10/27/85, formerly 25-10.25, Transferred from 25-10.025 11/9/86, Amended 12/22/86, 3/11/91, 11/13/95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Casey, Division of Water and Wastewater.

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

DATE PROPOSED RULE APPROVED: February 20, 1996.

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) 413-6770 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).

MEMORANDUM

December 18, 1995

TO: DIVISION OF APPEALS (Helton)  
FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (Harlow) *gjh PRJ GMD*  
SUBJECT: ECONOMIC IMPACT STATEMENT FOR PROPOSED REVISIONS TO RULE 25-30.110, FAC, RECORDS AND REPORTS; ANNUAL REPORTS (WATER AND WASTEWATER)

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SUMMARY OF THE RULE

The proposed amendment to Rule 25-30.110, FAC, updates the Class C Water and Wastewater Annual Report (Form PSC/WAW 6). The Class C Annual Report was updated to provide additional definitions and clarifications, facilitate completion of the report, prepare the appearance of the report for future computer disk filing, and provide the Commission with needed information regarding conservation and reuse.

DIRECT COSTS TO THE AGENCY AND OTHER STATE OR LOCAL GOVERNMENT ENTITIES

No additional direct costs to the Commission or other state or local government entities are expected to result from the rule change. Division of Water and Wastewater staff anticipate that the updated information provided on the proposed annual report will assist in performing better analyses of the utilities, including viability. Commission staff should also benefit due to the increased ease in reviewing the report. The updated information on conservation and reuse provided by the companies should reduce staff effort to obtain the information by informal means.

COSTS AND BENEFITS TO THOSE PARTIES DIRECTLY AFFECTED BY THE RULE

A data request was sent to 53 randomly selected Class C Water and Wastewater companies. Responses were received from 14 of the 53 companies.

Nine of the companies indicated that there would be minimal or no cost impact to comply with the proposed revisions, while three responded that the impact is unknown. Lake Groves Utilities, Incorporated expects that the need to



assemble and format additional data, and present it in the proposed report will result in additional man-hour costs of \$250.

East Central Florida Services, Incorporated (ECFS) responded that the requirement to individually list wells in the proposed annual report will "place a tremendous hardship on our company and result in increased costs to our customers." ECFS serves 290 customers in a rural service area and has 236 wells. In the past, ECFS has notated that the company has various well sizes and types, without listing them separately on the annual report. However, the large number of wells owned by ECFS is very unusual for a Class C water company. For the typical Class C water company, with very few wells, the requirement to separately list well sizes and types is not expected to be burdensome.

Two of the companies responded that the revised report appears to be more clear and concise and will be easier to complete.

#### REASONABLE ALTERNATIVE METHODS

Placid Lakes Utilities, Incorporated suggested that the changes would be less costly to implement for the utilities if the Commission had software available for the utilities to use in preparing the annual report. The proposed revisions to the report make the appearance of the report adaptable to computer disk filing, which the Division of Water and Wastewater staff anticipates in the future.

Lake Groves Utilities, Incorporated suggested several clarifications to the wording on the proposed annual report. These changes are being taken under advisement by technical staff. No additional alternative methods were suggested by the Class C water and wastewater utilities.

As an alternative, the Division of Water and Wastewater considered keeping the existing Class C Annual Report, which was last revised nine years ago. However, it was determined that the proposed changes to the annual report would make the report easier to complete for utilities and provide staff with needed information.

#### IMPACT ON SMALL BUSINESSES

As the costs of complying with the proposed revisions is expected to be minimal for typical Class C water and wastewater utilities, little direct impact on small businesses is foreseen.



IMPACT ON COMPETITION

No direct impact on competition is expected to result from the proposed rule revisions.

IMPACT ON EMPLOYMENT

Impact on employment is expected to be minimal. Only one company indicated that additional staff time would be required to comply with the proposed revisions, with an estimated cost of \$250. There would be no effect on employment within the Commission.

METHODOLOGY

A data request was sent to twenty-five percent of the Class C water and wastewater utilities, chosen randomly. Several meetings were held with other Commission staff for the purpose of discussion and review of the present rule and the proposed revisions. Follow up meetings were held concerning data responses.

JGH:tf/e-wwrpt