

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF DEVELOPMENT OF RULEMAKING

TO

ALL INTERESTED PERSONS

UNDOCKETED

IN RE: INITIATION OF RULEMAKING TO AMEND RULE 25-4.020, FLORIDA ADMINISTRATIVE CODE, LOCATION AND PRESERVATION OF RECORDS, AND RULE 25-4.0201, FLORIDA ADMINISTRATIVE CODE, AUDIT ACCESS TO RECORDS

ISSUED: October 31, 2011

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated rulemaking to amend Rule 25-4.020, Florida Administrative Code, to eliminate requirements for preservation of records for telecommunications companies and to eliminate the requirement for telecommunications companies to reimburse the commission for travel when the records are located within 50 miles of the Florida state line. Rulemaking has also been initiated to amend Rule 25-4.0201, Florida Administrative Code, to no longer require Commission access to a telecommunications company's affiliate company records. .

The attached Notice of Development of Rulemaking appeared in the October 28, 2011, edition of the Florida Administrative Weekly. If requested in writing by November 21, 2011, and not deemed unnecessary by the agency head, a rule development workshop will be noticed in the next available Florida Administrative Weekly.

The person to be contacted regarding the proposed rule development is Rosanne Gervasi, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 at (850) 413-6224.

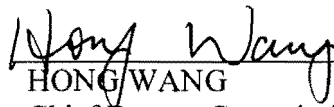
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NOTICE OF STAFF WORKSHOP  
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PAGE 2

By DIRECTION of the Florida Public Service Commission this 31st day of October,  
2011.



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

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NOTICE OF STAFF WORKSHOP  
UNDOCKETED -  
PAGE 3

NOTICE OF DEVELOPMENT OF RULEMAKING

**PUBLIC SERVICE COMMISSION**

RULE NO: RULE TITLE

25-4.020 Location and Preservation of Records.

25-4.0201 Audit Access to Records

PURPOSE AND EFFECT: Rule 25-4.020 would be amended to eliminate requirements for preservation of records for telecommunications companies. In addition, there would no longer be a requirement for telecommunications companies to reimburse the Commission for travel when the records are located within 50 miles of the Florida state line. Rule 25-4.0201 would be amended to no longer require Commission access to a telecommunications company's affiliate company records. Also the word utility is changed to company.

SUBJECT AREA TO BE ADDRESSED: Telecommunications utility regulation.

RULEMAKING AUTHORITY: 350.127(2), 364.016, 364.183 FS

LAW IMPLEMENTED: 364.016, 364.183, 364.183(1) FS

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6224.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**~~25-4.020 Location and Preservation of Records.~~**

~~(1) All records that a company is required to keep, by reason of these or other rules prescribed by the Commission, shall be kept at the office or offices of the company within the State unless otherwise authorized by the Commission.~~

Paragraph (2) renumbered to Paragraph (1).

Subparagraph (1)(a) (renumbered) – no change.

(b) The reimbursement requirement in subsection ~~(12)~~ shall be waived:

~~1. For any company that makes its out-of-state records available at the company's office located in Florida or at another mutually agreed upon location in Florida within 10 working days from the Commission's initial request. If 10 working days is not reasonable because of the complexity and nature of the issues involved or the volume and type of material requested, the Commission may establish a different time frame for the company to bring records into the state. For individual data requests made during an audit, the response time frame established in Rule 25-4.0201, F.A.C., shall control; or.~~

~~2. For a company whose records are located within 50 miles of the Florida state line.~~

~~(3) All records shall be preserved for the period of time specified in Form PSC/ECR/17-T (5/93), entitled "Schedule of Records and Periods of Retention" which is incorporated by reference into this rule, and may be obtained from the Director, Division of Economic Regulation, Florida Public Service Commission.~~

NOTICE OF STAFF WORKSHOP  
UNDOCKETED -  
PAGE 4

(a) ~~However, all source documents retained as required by subsection 25-4.020(3), F.A.C., shall be maintained in their original form for a minimum of three years, or for any lesser period of time specified for that type of record in Form PSC/ECR/17-T, after the date the document was created or received by the company. This paragraph does not require the company to create paper copies of documents where the company would not otherwise do so in the ordinary course of its business. The Commission may waive the requirement that documents be retained in their original form upon a showing by a company that it employs a storage and retrieval system that consistently produces clear, readable copies that are substantially equivalent to the originals, and clearly reproduces handwritten notations on documents.~~

(b) ~~The company shall maintain written procedures governing the conversion of source documents to a storage and retrieval system, which procedures ensure the authenticity of documents and the completeness of records. Records maintained in the storage and retrieval system must be easy to search and easy to read.~~

Paragraph (4) renumbered to Paragraph (2).

*Rulemaking Authority 350.127(2), 364.016, ~~364.17, 364.18, 364.183, 364.185~~ FS. Law Implemented 364.016, ~~364.17, 364.18, 364.183, 364.185~~ FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.20, Amended 6-23-93, 11-13-95, 1-25-09.*

**25-4.0201 Audit Access to Records.**

This rule addresses the reasonable access to company utility ~~and affiliate~~ records provided by Section 364.183(1), F.S., for the purposes of management and financial audits.

Paragraph (1) – no change.

(2) Reasonable access means that company responses to audit requests for access to records shall be fully provided within the time frame established by the auditor. In establishing a due date, the auditor shall consider the location of the records, the volume of information requested, the number of pending requests, the amount of independent analysis required, and reasonable time for the company utility to review its response for possible claims of confidentiality or privilege.

(3) In those instances where the company utility disagrees with the auditor's assessment of a reasonable response time to the request, the company utility shall first attempt to discuss the disagreement with the auditor and reach an acceptable revised date. If agreement cannot be reached, the company utility shall discuss the issue with successive levels of supervisors at the Commission until an agreement is reached. If necessary, a final decision shall be made by the Prehearing Officer. If the audit is related to an undocketed case, the Chairman shall make the decision.

(4) The company utility ~~and its affiliates~~ shall have the opportunity to safeguard ~~its~~ ~~their~~ records by copying them or logging them out, provided, however, that safeguard measures shall not be used to prevent reasonable access by Commission auditors to company utility ~~or affiliate~~ records.

Paragraphs (5)-(7) – no change.

*Rulemaking Authority 350.127(2) FS. Law Implemented 364.183(1) FS. History—New 3-1-95.*