

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: September 4, 2012
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Kathryn G. W. Cowdery, Office of the General Counsel
RE: Docket No. 110313

RECEIVED-FPSC
12 SEP 14 AM 9:27
COMMISSION
CLERK

Please file the attached rule letter from JAPC in the docket file listed above.

Thank you.

Attachment

DOCUMENT NUMBER-DATE
05978 SEP-4 2012
FPSC-COMMISSION CLERK

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President



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THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

August 14, 2012

Ms. Kathryn G.W. Cowdery
Public Service Commission
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

**RE: Public Service Commission
Rule Chapter 25-7**

Dear Ms. Cowdery:

I have completed a review of rule chapter 25-7 and prepared the following comments for your consideration and response.

25-7.059(1), (2) and (3)

The rule provides in three instances that unless "otherwise authorized by the Commission" the regulated entity shall take the actions as set forth. However, no criteria are set forth to apprise the reader of the circumstances governing when the Commission will provide such authorization or what such authorization would entail. Thus the rule is vague, fails to establish adequate standards for the Commission's decisions and vests unbridled discretion in the Commission pursuant to s. 120.52(8)(d), F.S.

25-7.060(2)

Please identify the specific statutory authority supporting the statement that the customer may be responsible for the costs as described.

25-7.061(2)

Has part twelve of the American Gas Association's Gas Measurement Manual been filed for adoption previously? If not, please provide me with a copy.

25-7.071(3)(a)

The rule construes the term "cost" as defined, but not including late payment charges, returned check charges, the cost of the distribution system behind the master meter, the cost for billing and "other such costs." What is the meaning of "other such costs"?

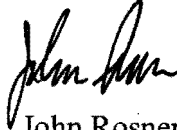
DOCUMENT NUMBER - DATE
05978 SEP-4-12
FPSC-COMMISSION CLERK

Ms. Kathryn G.W. Cowdery
August 14, 2012
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The statement on federal standards does not deal with the rules in chapter 25-7. Please provide me with a proper copy of the document.

I am available at your convenience to discuss any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John Rosner", written in a cursive style.

John Rosner
Chief Attorney

JR:TL WORD/JOHN/25_7.059LS081412_151896_151905