

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF STAFF RULE DEVELOPMENT WORKSHOP

TO

ALL INTERESTED PERSONS

UNDOCKETED

IN RE: INITIATION OF RULEMAKING TO ADOPT RULE 25-30.091, F.A.C., PETITION TO REVOKE WATER CERTIFICATE OF AUTHORIZATION, AND TO AMEND RULE 25-30.440, F.A.C., ADDITIONAL ENGINEERING INFORMATION REQUIRED OF CLASS A AND B WATER AND WASTEWATER UTILITIES IN AN APPLICATION FOR RATE INCREASE

ISSUED: September 19, 2014

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes (F.S.), that the Florida Public Service Commission staff has initiated rulemaking to adopt Rule 25-30.091, Florida Administrative Code (F.A.C.), and to amend Rule 25-30.440, F.A.C., to implement Sections 367.072 and 367.0812, F.S. Section 367.072, F.S., provides that customers may petition the Commission for revocation of their water utility's certificate of authorization for failing to provide quality of water service and requires such petitions to state with specificity each issue that customers have with the quality of water service, each time the issue was reported to the utility, and how long each issue has existed. Section 367.072, F.S., further requires such petitions to be signed by at least 65 percent of the customers of the service area covered under the certificate of authorization. Section 367.0812(1)(c), F.S., requires that the Commission shall consider complaints filed by customers during the past five years regarding the secondary water quality standards as established by the Department of Environmental Protection in determining whether a utility has satisfied its obligation to provide quality of water service.

The attached Notice of Development of Rulemaking appeared in the September 19, 2014, edition of the Florida Administrative Register.

A staff rule development workshop will be held at the following time and place:

October 7, 2014, at 1 p.m.
Florida Public Service Commission
Betty Easley Conference Center, Room 148
4075 Esplanade Way
Tallahassee, FL 32399-0850

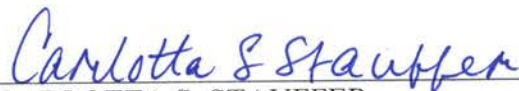
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A copy of the draft rules, materials incorporated therein by reference, and the agenda for the workshop are attached. One or more Commissioners may be in attendance and participate in the workshop. The person to be contacted regarding the rule development is Rosanne Gervasi, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 at (850) 413-6224, rgervasi@psc.state.fl.us.

If you wish to comment but cannot attend the workshop, please submit your comments by October 21, 2014, to: Rosanne Gervasi, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6224.

In accordance with the Americans with Disabilities Act, persons requiring a special accommodation to participate at this workshop should contact the Office of Commission Clerk no later than five days prior to the workshop at 2540 Shumard Oak Boulevard., Tallahassee, Florida 32399-0850, via 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD), Florida Relay Service.

By DIRECTION of the Florida Public Service Commission this 19th day of September, 2014.


CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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Notice of Development of Rulemaking

PUBLIC SERVICE COMMISSION

RULE NOS.: RULE TITLES:

[25-30.091](#) Petition to Revoke Water Certificate of Authorization

[25-30.440](#) Additional Engineering Information Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase

PURPOSE AND EFFECT: Rule 25-30.091, F.A.C., would be adopted to implement Section 367.072 F.S., which became effective on July 1, 2014. Section 367.072, F.S. provides that customers may petition the Commission for revocation of their water utility's certificate of authorization for failing to provide quality of water service and requires such petitions to state with specificity each issue that customers have with the quality of water service, each time the issue was reported to the utility, and how long each issue has existed. Section 367.072, F.S., further requires such petitions to be signed by at least 65 percent of the customers of the service area covered under the certificate of authorization. Rule 25-30.440, F.A.C., would be amended to implement the requirement in Section 367.0812(1)(c), F.S., that the Commission shall consider complaints filed by customers during the past 5 years regarding the secondary water quality standards as established by the Department of Environmental Protection in determining whether a utility has satisfied its obligation to provide quality of water service.

Undocketed

SUBJECT AREA TO BE ADDRESSED: Water utility regulation.

RULEMAKING AUTHORITY: [350.127\(2\), 367.072, 367.0812 FS.](#)

LAW IMPLEMENTED: [367.072, 367.0812 FS.](#)

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 7, 2014, 1:00 p.m.

PLACE: Florida Public Service Commission, Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL 32399-0850

One or more Commissioners may be in attendance and participate in the workshop. In accordance with the Americans with Disabilities Act, persons requiring a special accommodation to participate at this workshop should contact the Office of Commission Clerk no later than five days prior to the workshop at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rosanne Gervasi, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us. The agenda for the workshop and a copy of the preliminary draft of the proposed rule adoption will be available on the Commission's website: www.floridapsc.com, on September 23, 2014.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

25-30.091 Petition to Revoke Water Certificate of Authorization.

(1) Purpose. The purpose of this rule is to establish a process by which customers of investor-owned drinking water utilities may petition the Commission to revoke a utility's certificate of authorization pursuant to Section 367.072, F.S.

(2) Letter of Intent. Utility customers who intend to file a petition with the Commission for revocation of their utility's certificate of authorization pursuant to Section 367.072, F.S., shall notify the Commission in writing of their intent to file a petition for revocation of certificate. In the letter of intent, the customers shall advise the Commission of the name and address of their water utility. The letter of intent shall be filed with the Office of Commission Clerk.

(3) Within 10 days after receipt of the letter of intent, the Commission staff will notify the utility of the customers' intent to file a petition for revocation of its certificate of authorization.

(4) In the notification letter to the utility, the Commission staff will request that the utility certify, within 30 days from receipt of the notification letter, the number of water customers the utility serves by counting its service connections, and provide staff with a list of its customers' names and addresses.

(5) If the utility fails to certify the number of customers it serves by the date requested in the notification letter, Commission staff will utilize the number of customers reported by the utility in its most recent annual report on file with the Commission to evaluate the sufficiency of the petition pursuant to Section 367.072(1)(b), F.S.

(6) The Commission staff will send the following materials to customers who file a letter of intent pursuant to subsection (2) of this rule:

(a) "Instructions for Petitioning for Revocation of Water Certificate," (EFF. XX/XX), which are incorporated herein by reference and are available at [hyperlink];

(b) Form PSC _____ (XX/XX), entitled "Florida Public Service Commission: Petition to

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 Revoke the Certificate of Authorization of [Utility Name],” which the customers must copy
2 and use for the collection of signatures to be submitted to the Commission. A sample of Form
3 PSC (XX/XX) is incorporated herein by reference for informational purposes only, and
4 is available at [hyperlink]. The sample petition form incorporated herein must not be used for
5 the collection of signatures;
6 (c) a copy of Section 367.072, F.S.;
7 (d) a copy of this rule; and
8 (e) a copy of the state primary and secondary drinking water standards, as contained in Rule
9 62-550.828, F.A.C.
10 (7) For a petition to be deemed sufficient, it must:
11 (a) include the printed name, signature, service address, and telephone number of each
12 customer-signatory;
13 (b) state with specificity each issue that each customer-signatory has with the quality of water
14 service provided, each time the issue was reported to the utility, and how long the issue has
15 existed; and
16 (c) be completed by at least 65 percent of the utility’s customers, as that term is defined in
17 Section 367.072, F.S.
18 (8) The customers must file the completed petitions with the Office of Commission Clerk
19 within 90 days after receipt of the staff’s instructions, and must provide a copy of the petitions
20 to the utility.
21 (9) Within 10 days after receipt of the petition, the staff will provide notice to the customers
22 by letter whether the petition is sufficient for the Commission to act. If the petition is
23 deficient, the notice will specify what additional information is required.
24 (10) If the notice identifies deficiencies in the petition, the customers must file a corrected
25 petition with the Office of Commission Clerk curing the noticed deficiencies within 30 days
CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from
existing law.

1 after receipt of the notice, and must provide a copy of the cured petition to the utility.
2 Rulemaking Authority 350.127(2), 367.072 FS. Law Implemented 367.072 FS. History – New
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1 **25-30.440 Additional Engineering Information Required of Class A and B Water and**

2 **Wastewater Utilities in an Application for Rate Increase.**

3 Each applicant for a rate increase shall provide two copies of the following engineering
4 information to the Commission, with the exception of item (1), of which only one copy is
5 required.

6 (1) A detailed map showing:

7 (a) The location and size of the applicant's distribution and collection lines as well as its plant
8 sites, and

9 (b) The location and respective classification of the applicant's customers.

10 (2) A list of chemicals used for water and wastewater treatment, by type, showing the dollar
11 amount and quantity purchased, the unit prices paid and the dosage rates utilized.

12 (3) The most recent chemical analyses for each water system conducted by a certified
13 laboratory covering the inorganic, organic turbidity, microbiological, radionuclide, secondary
14 and unregulated contaminants specified in Chapter 62-550 ~~17-550~~, F.A.C.

15 (4) All water and wastewater plant operating reports for the test year and the year preceding
16 the test year.

17 (5) The most recent sanitary survey for each water plant and inspection report for each
18 wastewater plant conducted by the health department or the Department of Environmental
19 Protection (DEP).

20 (6) All health department and DEP construction and operating permits.

21 (7) Any Notices of Violation, Consent Orders, Letters of Notice, or Warning Notices from the
22 health department or the DEP in ~~since the utility's last rate case or~~ the previous five years;
23 ~~whichever is less.~~

24 (8) A list of all field employees, their duties, responsibilities, and certificates held, and an
25 explanation of each employees' salary allocation method to the utility's capital or expense

1 accounts.

2 (9) A list, by serial number and description, of all vehicles owned or leased by the utility
3 showing the original cost or annual lease expense, who the vehicle is assigned to, and the
4 method of allocation to the utility.

5 (10) Provide a list, by customer, of all complaints received during the test year, with an
6 explanation of how each complaint was resolved.

7 (11) Provide a copy of all customer complaints regarding DEP secondary water quality
8 standards on file with the Commission, the DEP, any local governmental entity, or a county
9 health department during the past five years.

10 *Specific Authority 367.121 FS. Law Implemented 367.081 FS. History—New 11-10-86,*
11 *Amended 6-25-90, _____.*

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Certified Mail
Return Receipt Requested

Instructions for Petitioning for Revocation of Water Certificate

This is to acknowledge receipt of your notice of intent filed [Month/Date/Year] with the Florida Public Service Commission regarding Section 367.072, Florida Statutes. Enclosed you will find a copy of the statute, Rule 25-30.091, Florida Administrative Code (F.A.C.), the Department of Environmental Protection's primary and secondary drinking water standards (Rule 62-550.828, F.A.C.), and the petition form that must be copied and used for the submission of signatures.

Please read the statute carefully and note the deadlines and requirements established by the Legislature for the petition process. The Commission does not have authority to waive or amend these deadlines, or alter the requirements. Please be advised that an individual signing a petition may be asked to testify under oath before the Commission and be subject to cross-examination by the utility and parties.

Petitioners have 90 calendar days from the date these instructions are received to obtain the signatures of 65 percent of the customer accounts of the utility. The enclosed statute provides guidance on how to count customers serviced by a master meter.

[Insert either sentence 1 or 2] 1. The Commission staff has contacted the utility and the utility has certified that as of [Month/Date/Year] there are [Insert Number] customers of record [or] 2. The utility has not certified the number of customers of record; however, the utility's most recent annual report filed with the Commission indicates that as of [Month/Date/Year] the number of customers was [Insert Number].

(This report is available at: <http://www.floridapsc.com/utilities/annualreports/>)

Once the petitions are submitted, Commission staff will review each petition for sufficiency. For petitions to be sufficient, they must state with specificity each issue customers have relating to water quality service, each time the issue was reported to the utility, and how long each issue has existed. The staff review for sufficiency will take no more than 10 calendar days to complete. If staff identifies deficiencies, the petitioners will be notified and will have 30 calendar days to cure the deficiencies. If the petitioners fail to meet the 30 calendar day deadline or elect not to refile, the Commission must dismiss the petition at a publicly noticed meeting and the customers will be barred from filing a petition for one year.

Original petitions must be filed with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0870 by the deadline set by statute. Petitions and other documents may be filed electronically. Instructions for electronic filing are available on the Commission's website: <http://floridapsc.com/dockets/e-filings/instructions2.aspx>

If the petitioners obtain the required signatures and the petition is deemed sufficient, the Commission will determine if a reasonable likelihood exists that the utility is failing to provide quality water services. The Commission's subsequent action on the petition will be subject to the requirements of Sections 120.569, 120.57, 120.60(5), and 367.072(5), Florida Statutes.

Petitioners with technical questions may contact the Division of Engineering at (850) 413-6910. Customers with legal questions may contact the Office of General Counsel at (850) 413-6199.

**Florida Public Service Commission: Petition to Revoke the Certificate of Authorization of [Utility Name]
Docket No:[Docket Number]**

The undersigned requests the Florida Public Service Commission revoke the certificate of authorization of the utility that is the subject of the docket referenced above.

State with specificity each issue with the quality of water service.	Indicate if customer has contacted the utility, including the date(s) of contact.	Indicate how long each issue has existed.
		☐ 0-6 months ☐ 6 months-1 year ☐ > 1 year
		☐ 0-6 months ☐ 6 months-1 year ☐ > 1 year
		☐ 0-6 months ☐ 6 months-1 year ☐ > 1 year

Printed Name of Customer

Signature

Customer's Service Address (Street, City, Zip Code)

Contact Number

Alternate Contact Number
(If Applicable)

Customers may add additional pages as needed and attach supporting documentation for the issues identified. Only one customer for each service address may sign the petition. Customers signing petitions may be asked to testify under oath before the Commission and be subject to cross-examination.

FLORIDA PUBLIC SERVICE COMMISSION

AGENDA

STAFF WORKSHOP

IN RE: INITIATION OF RULEMAKING TO ADOPT RULE 25-30.091, F.A.C., PETITION
TO REVOKE WATER CERTIFICATE OF AUTHORIZATION, AND TO AMEND RULE 25-
30.440, F.A.C., ADDITIONAL ENGINEERING INFORMATION REQUIRED OF CLASS A
AND B WATER AND WASTEWATER UTILITIES IN AN APPLICATION FOR RATE
INCREASE

October 7, 2014, 1 p.m.
Betty Easley Conference Center, Room 148
4075 Esplanade Way
Tallahassee, Florida 32399-0850

1. Staff overview of draft rules
2. Comments and alternative suggestions from interested persons
3. Discussion of suggested changes and timeframes for next steps
4. Adjournment