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WILL WEATHERFORD
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October 17, 2014

Carlotta S. Stauffer, Director
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

DOCKET NO. 140000, 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 RATEINCREASE

Dear Ms. Stauffer:

Please find attached the Post-Workshop Comments of the Office of Public Counsel related to the October 7, 2014, Staff Rule Development Workshop regarding Rule 25-30.091, and Rule 25-30.440, F.A.C. If you have any question, please do not hesitate to contact me.

A handwritten signature in blue ink, appearing to read "Erik L. Saylor".

Erik L. Saylor
Associate Public Counsel

ELS:bsr

cc: Office of Industry Development and Market Analysis (Mark Futrell via email)
Office of General Counsel (Rosanne Gervasi via email)
Martin S. Friedman (via email)
Patrick C. Flynn (via email)
Troy Rendell (via email)

**Post-Workshop Comments of the Office of Public Counsel
Related to the October 7, 2014, Staff Rule Development Workshop**

Comments regarding Rule 25-30.091, Petition to revoke water certificate of authorization

OPC commends staff's efforts on crafting a new rule on a new subject matter. As requested by staff, OPC submits its observations and suggestions related to the draft rule. OPC believes a second rule workshop or an informal meeting would be useful to all stakeholders once the staff has had time to consider and incorporate both the utilities' and OPC's comments on the draft rule.

General comments on the Rule

OPC observes that the rule uses the words "petition" and "petitions" somewhat interchangeably, creating a potential ambiguity as to whether the rule is referring to the "petition" itself or to the "petition forms" to be filed with the Commission. OPC suggests that it would be helpful to clarify all references to "petition."

OPC observes that the rule prescribes the use of a "petition form," and suggests that the Commission consider including language in the rule allowing flexibility in the use of a "petition form," that meets the intent of the statute and rule. The emphasis should be on the customers submitting the required information and documentation that meets this intent, not on whether a specific form is utilized.

OPC observes the rule does not request the customers to designate a point person(s) to deal with any potential deficiencies in the customer petition(s) filed with the Commission, or to receive the customer instruction letter. In the customer instruction letter, OPC suggests that, the Commission consider a process that solicits the customers to designate who will be the point of contact for the Commission for dealing with any potential deficiencies.

OPC observes that the draft rule does not specify which Chapter 120 process will be used to process the verification of the customer signatures, the percentage of customers submitting petition forms, and the sufficiency of the petition(s) once they are filed with the Commission. OPC suggests the Commission consider addressing this in the rule.

Similarly, OPC observes the rule does not specify which Chapter 120 process will be used when the Commission determines a petition is in compliance with Section 367.072, F.S., and there is a reasonable likelihood that the utility is failing to provide quality of water service. The rule also does not specify how long the utility has to respond to the petition once the Commission has made its determination. OPC suggests that the Commission consider addressing these issues in the rule.

OPC observes there is no overall timetable for the complete resolution of a customers' petition once the petition has been deemed sufficient. OPC suggests that Commission consider addressing this in the rule.

Specific comments on subsections

25-30.091(4) – OPC observes that it is optional for the utility to provide the names and addresses of its customers.

25-30.091(6) & (6)(a) – OPC observes that the rule does not specify when the customer instruction letter will be sent to the customers. OPC suggests this letter be sent at the same time the Commission notifies the utility of the customers' intent to file a petition. (If this is done, the instruction letter may need to be reworded.

25-30.091(6)(b) – See comments above relating to the use of a petition form. As noted above, the emphasis should be on the customers submitting the required information and documentation that meets the intent of the statute, not on whether a specific form is utilized.

Comments regarding Rule 25-30.440, Additional Engineering Information Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase

Section (11), which was added to the rule – OPC observes that the inclusion of the information concerning “customer complaints” in the rate case application is useful and valuable as it relates to the quality of service. The OPC believes that such information should be submitted by the applicant for a rate increase.