

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: June 25, 2015
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Pamela H. Page, Senior Attorney, Office of the General Counsel *PH*
RE: Comments from FMEA regarding Rule 25-9.053. Undocketed

Please place the attached email from FMEA in Docket No. 150000-OT.

Thank you

RECEIVED FPSC
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COMMISSION
CLERK

Pamela H. Page

From: Dan O'Hagan <Dan.OHagan@fmpa.com>
Sent: Thursday, June 25, 2015 3:06 PM
To: Pamela H. Page
Cc: Fred Bryant; Jody Finklea
Subject: Explanation for FMEA Proposed Language - 25-9.053

Pam,

As requested, the following is FMEA's brief explanation for the proposed language to rule 25-9.053.

The purpose of FMEA's proposed language in rule 25-9.053, line 18, is to clarify that the effective date of municipal electric utility's or rural electric cooperative's rate change shall be determined by the municipal electric utility or cooperative – even in the event where PSC staff makes an initial determination that the rate structure does not meet the four criteria listed in 25-9.053(1) or the Commission has initiated a hearing to determine whether the rate structure meets the four criteria. This is because the Commission does not have rate jurisdiction – including “file and suspend” or refund jurisdiction – over municipal electric utilities and rural electric cooperatives. See, e.g., Lewis v. Public Service Com'n, 463 So.2d 227 (Fla. 1985). Thus, it is within the utility's discretion to suspend the effective date of the rate change until the outcome of the Commission process, or implement its new rates until the Commission directs the utility, pursuant to 25-9.053(3), to file a new rate structure that is consistent with the four criteria.

If you have any questions, please don't hesitate to call.

Dan O'Hagan
Associate General Counsel

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