

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rule 25-30.445,
F.A.C., General Information and Instructions
Required of Water and Wastewater Utilities in
an Application for a Limited Proceeding.

DOCKET NO. 160239-WS
ORDER NO. PSC-17-0130-NOR-WS
ISSUED: April 6, 2017

The following Commissioners participated in the disposition of this matter:

JULIE I. BROWN, Chairman
ART GRAHAM
RONALD A. BRISÉ
JIMMY PATRONIS
DONALD J. POLMANN

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that pursuant to Section 120.54, Florida Statutes, the Florida Public Service Commission has proposed the amendment of Rule 25-30.445, Florida Administrative Code, relating to the general information and instructions required of water and wastewater utilities in an application for a limited proceeding.

The attached Notice of Proposed Rule appeared in the April 6, 2017 edition of the Florida Administrative Register.

If timely requested, a hearing will be held at a time and place to be announced in a future notice. Written requests for hearing and written comments on the rule must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than April 27, 2017.

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By ORDER of the Florida Public Service Commission this 6th day of April, 2017.


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 Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-30.445 General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding

PURPOSE AND EFFECT: Rule 25-30.445, F.A.C. would be amended to require in an application for a limited proceeding that a water utility must provide copies of all customer complaints that it has received during the past five years regarding secondary water quality standards set by the Department of Environmental Protection, along with its most recent secondary water quality test results. Rule 25-30.445, F.A.C. would also be amended to eliminate the requirement that a limited proceeding application shall not be filed for underearnings in lieu of a general rate case.

Docket No. 160239-WS

SUMMARY: To promote clarity and consistency among Commission rules, Rule 25-30.445, F.A.C. would be amended to require in an application for a limited proceeding that a water utility must provide copies of all customer complaints that it has received during the past five years regarding secondary water quality standards set by the Department of Environmental Protection, along with its most recent secondary water quality test results. Rule 25-30.445, F.A.C. would also be amended to eliminate the requirement that a water and/or wastewater utility shall not file a limited proceeding application for underearnings in lieu of a general rate case.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment will not have an adverse impact on economic growth, business competitiveness, or small business and that additional transactional costs, if any, to individuals and entities required to comply with the rule are expected to be de minimis.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127(2), 367.121(a), FS.

LAW IMPLEMENTED: 367.081, 367.0812, 367.0822, 367.121(1)(a), 367.145(2), FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-30.445 General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding.

(1) through (3) No change.

(4) The following minimum filing requirements shall be filed with the utility's application for limited proceeding for a Class A or B water or wastewater utility:

(a) through (l) No change.

(m) If the limited proceeding is being requested to change the current rate structure, provide a copy of all workpapers and calculations used to calculate requested rates and allocations between each customer class. The test

year ~~shall~~ ~~should~~ be the most recent 12-month period. In addition, the following schedules, which are incorporated herein by reference, from Form PSC/AFD 19-W (11/93), entitled "Class A Water and/or Wastewater Utilities Financial, Rate and Engineering Minimum Filing Requirements", ~~shall~~ ~~should~~ be provided. The schedules can be obtained from the Commission's Division of Accounting and Finance.

1. Schedule E-2, entitled "Revenue Schedule at Present and Proposed Rates," is available at [\[hyperlink\]](#).

2. Schedule E-14, entitled "Billing Analysis Schedules," is available at [\[hyperlink\]](#). Only two copies are required.

(n) Revised tariff sheets should not be filed with the application.

(o) A water utility's application for limited proceeding shall also include:

1. A copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years; and

2. A copy of the utility's most recent secondary water quality standards test results.

(5) In addition to the requirements stated in subsections (1) through (3), the following minimum filing requirements shall be filed with the utility's application for limited proceeding for a Class C water or wastewater utility:

(a) through (g) No change.

(h) A Class C water utility's application for limited proceeding shall also include:

1. A copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years; and

2. A copy of the utility's most recent secondary water quality standards test results.

(6) through (7) No change.

~~(8) A limited proceeding application shall not be filed for underearnings in lieu of a general rate case.~~

Rulemaking Authority 350.127(2), 367.121(1)(a) FS. Law Implemented 367.081, 367.0812, 367.0822, 367.121(1)(a), 367.145(2) FS. History--New 3-1-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura King

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 04, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 42, Number 145, July 27, 2016.