

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: July 13, 2022
TO: Adam Teitzman, Commission Clerk, Office of Commission Clerk
FROM: Adria Harper, Senior Attorney, Office of General Counsel *AEH*
RE: Undocketed 20220000-OT

Please place the attached JAPC June 28, 2022, letter and the corresponding PSC response letter that is dated July 13, 2022, into Undocketed 20220000-OT.

Thank you.

AEH

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2022 JUL 13 AM 10:42
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STATE OF FLORIDA



KEITH C. HETRICK
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

July 13, 2022

Jamie L. Jackson, Chief Attorney
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400
JACKSON.JAMIE@leg.state.fl.us

VIA –E-MAIL

RE: Existing Rule Review, Public Service Commission Rules 25-22.100, .101, .1035, .104, .105, and .107

Dear Ms. Jackson:

This letter responds to your June 28, 2022, letter concerning Rules 25-22.100, .101, .1035, .104, .105, and .107, F.A.C. We offer the following comments.

Rule 25-22.100: Amendments to section 120.533, F.S., shift the overall coordination of agency final orders to the Department of State. Please review and advise as to the necessity of this rule entitled, "Authority," in light of these amendments.

Response: Commission staff has reviewed this rule and agrees that this rule is no longer necessary. Staff anticipates that rulemaking will be initiated in the next few months to repeal this rule.

Rule 25-22.101: Please review and advise as to the necessity of this rule entitled, "Purpose," in light of the definition of a rule pursuant to section 120.52(16), F.S.

Response: Commission staff has reviewed this rule and agrees that this rule is no longer necessary. Staff anticipates that rulemaking will be initiated in the next few months to repeal this rule.

Rule 25-22.1035: This rule cites sections 120.532 and .533, F.S., as providing its rulemaking authority. The former statute was repealed, and amendments to the latter vest rulemaking authority related to final orders with the Department of State. Additionally, this rule currently cites provisions of section 120.53,

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F.S., as its law implemented, and does not include citation to any statute specific to the Commission. It is unclear whether this rule implements or interprets any specific powers or duties granted by section 120.53, F.S. See § 120.52(8), Fla. Stat. (2021). Please review and advise.

Response:

Commission staff has reviewed this rule and agrees that this rule lacks rulemaking authority and this rule is no longer necessary. Staff anticipates that rulemaking will be initiated in the next few months to repeal this rule.

Rule 25-22.104:

This rule cites section 120.53(1), F.S., as providing its rulemaking authority. This statute does not contain a grant of rulemaking authority for the Commission. Additionally, this rule currently cites provisions of section 120.53, F.S., as its law implemented, and does not include citation to any statute specific to the Commission. It is unclear whether this rule implements or interprets any specific powers or duties granted by section 120.53, F.S. See § 120.52(8), Fla. Stat. (2021). Please review and advise.

Response:

Commission staff has reviewed this rule and agrees that this rule lacks rulemaking authority and that this rule is no longer necessary. Staff anticipates that rulemaking will be initiated in the next few months to repeal this rule.

Rule 25-22.105:

This rule cites section 120.533(1)(f), F.S., as providing its rulemaking authority. Amendments to this statute vest rulemaking authority related to final orders with the Department of State. Additionally, this rule currently cites provisions of section 120.53, F.S., as its law implemented, and does not include citation to any statute specific to the Commission. It is unclear whether this rule implements or interprets any specific powers or duties granted by section 120.53, F.S. See § 120.52(8), Fla. Stat. (2021). Please review and advise.

Response:

Commission staff has reviewed this rule and agrees that this rule lacks rulemaking authority and that this rule is no longer necessary. Staff anticipates that rulemaking will be initiated in the next few months to repeal this rule.

Rule 25-22.107:

This rule cites sections 120.53(2) and (8), F.S., as providing its rulemaking authority. This statute does not contain a grant of rulemaking authority for the Commission. Additionally, this rule currently cites section 120.52(2), F.S., as its law implemented, and does not include citation to any statute specific to the Commission. It is unclear whether this rule implements or interprets any specific powers or duties granted by section 120.53, F.S. See § 120.52(8), Fla. Stat. (2021). Please review and advise.

Response:

Commission staff has reviewed this rule and agrees that this rule lacks rulemaking authority and that this rule is no longer necessary. Staff anticipates that rulemaking will be initiated in the next few months to repeal this rule.

Please contact me at (850) 413-6082 or aharper@psc.state.fl.us if you have any questions or concerns.

Sincerely,



Adria E. Harper
Senior Attorney

cc: Office of Commission Clerk (undocketed 20220000-OT)

WILSON SIMPSON
President



Senator Ben Albritton, Chair
Representative Rick Roth, Vice Chair
Senator Lorraine Ausley
Senator Jason Brodeur
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Representative Anthony Sabatini

CHRIS SPROWLS
Speaker



KENNETH J. PLANTE
COORDINATOR
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400
Telephone (850) 488-9110
Fax (850) 922-6934
www.japc.state.fl.us
japc@leg.state.fl.us

THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

June 28, 2022

Ms. Samantha Cibula
Attorney Supervisor
Public Service Commission
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

**RE: Existing Rule Review, Public Service Commission
Rules 25-22.100, .101, .1035, .104, .105, and .107**

Dear Ms. Cibula:

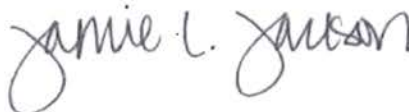
Pursuant to this Committee's authority in Joint Rule 4.6 of the Florida Legislature to review administrative rules and to advise the agency of its findings, I have reviewed the above-referenced rules and offer the following comments for your consideration and response:

- 25-22.100:** Amendments to section 120.533, F.S., shift the overall coordination of agency final orders to the Department of State. Please review and advise as to the necessity of this rule entitled, "Authority," in light of these amendments.
- 25-22.101:** Please review and advise as to the necessity of this rule entitled, "Purpose," in light of the definition of a rule pursuant to section 120.52(16), F.S.
- 25-22.1035:** This rule cites sections 120.532 and .533, F.S., as providing its rulemaking authority. The former statute was repealed, and amendments to the latter vest rulemaking authority related to final orders with the Department of State. Additionally, this rule currently cites provisions of section 120.53, F.S., as its law implemented, and does not include citation to any statute specific to the Commission. It is unclear whether this rule implements or interprets any specific powers or duties granted by section 120.53, F.S. *See* § 120.52(8), Fla. Stat. (2021). Please review and advise.

- 25-22.104:** This rule cites section 120.53(1), F.S., as providing its rulemaking authority. This statute does not contain a grant of rulemaking authority for the Commission. Additionally, this rule currently cites provisions of section 120.53, F.S., as its law implemented, and does not include citation to any statute specific to the Commission. It is unclear whether this rule implements or interprets any specific powers or duties granted by section 120.53, F.S. *See* § 120.52(8), Fla. Stat. (2021). Please review and advise.
- 25-22.105:** This rule cites section 120.533(1)(f), F.S., as providing its rulemaking authority. Amendments to this statute vest rulemaking authority related to final orders with the Department of State. Additionally, this rule currently cites provisions of section 120.53, F.S., as its law implemented, and does not include citation to any statute specific to the Commission. It is unclear whether this rule implements or interprets any specific powers or duties granted by section 120.53, F.S. *See* § 120.52(8), Fla. Stat. (2021). Please review and advise.
- 25-22.107:** This rule cites sections 120.53(2) and (8), F.S., as providing its rulemaking authority. This statute does not contain a grant of rulemaking authority for the Commission. Additionally, this rule currently cites section 120.52(2), F.S., as its law implemented, and does not include citation to any statute specific to the Commission. It is unclear whether this rule implements or interprets any specific powers or duties granted by section 120.53, F.S. *See* § 120.52(8), Fla. Stat. (2021). Please review and advise.

Should you have any questions, please do not hesitate to contact me. Otherwise, I look forward to your response.

Sincerely,



Jamie L. Jackson
Chief Attorney