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Public Service Commission

September 28, 2015

Mr. Kenneth J. Plante, Coordinator
Joint Administrative Procedures Committee
680 Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

Dear Mr. Plante:

Re: Florida Public Service Commission's 2015 Regulatory Plan

The Florida Public Service Commission (Commission) hereby files its Regulatory Plan pursuant to Section 120.74, Florida Statutes (F.S.).

Section 120.74(1)(a), F.S., requires a listing of each law enacted or amended during the previous 12 months which creates or modifies the duties or authority of the agency, a statement whether rule adoption is required to implement the law, and if so, whether a notice of rule development has been published; and an identification of the date by which the agency expects to publish the notice of proposed rule. The Commission's report of laws pursuant to Section 120.74(1)(a), F.S., is attached hereto as Attachment A.

Section 120.74(1)(b), F.S., states that the regulatory plan must also include a listing of each law not listed pursuant to Section 120.74(1)(a), F.S., which the agency expects to implement by rulemaking before the following July 1, including a statement whether rulemaking is intended to simplify, clarify, increase efficiency, improve coordination with other agencies, reduce costs, or delete obsolete, unnecessary, or redundant rules. The Commission's report of laws pursuant to Section 120.74(1)(b), F.S., is attached hereto as Attachment B.

Section 120.74(1)(c), F.S., requires an identification and listing of laws which were previously identified in a prior year's regulatory plan as requiring rulemaking to implement, but for which a notice of proposed rule has not been published. The Commission has no laws to report pursuant to Section 120.74 (1)(c), F.S.

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Section 120.74 (1)(d), F.S., requires the Commission to submit a certification regarding the regulatory plan. Pursuant to Section 120.74(1)(d), F.S., we hereby verify that we have reviewed the attached regulatory plan and that the Commission regularly reviews all of its rules. The Commission's rules were most recently reviewed for the period January 1, 2012, through July 1, 2015, to determine if the rules remain consistent with the Commission's rulemaking authority and the laws implemented.

Sincerely,



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REGULATORY PLAN

LAWS CREATING OR MODIFYING DUTIES OR AUTHORITY- SECTION 120.74(1)(a), F.S.

Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
2015-129 –Imposes new requirements for Commissioners; also provides that customers may not be charged a higher rate for increased usage due to a billing period extension; requires monies received for demand-side renewable energy to be used solely for that purpose; defines terms; authorizes electric utilities to petition for financing orders for nuclear asset-recovery bonds and provides requirements and penalties.	Rulemaking is necessary for amendments to Chapter 366, F.S., on customer charges.	September 25, 2015, Vol.41, No. 187	April 1, 2016	No rulemaking is necessary for Chapter 350, F.S., amendments on new requirements for Commissioners, or Chapter 366 F.S., amendments on nuclear asset recovery bonds because the statutes are very specific and prescriptive as to requirements for Commissioners; demand-side renewable energy; and terms and authority for utility financing orders.
2015-003 – Repeals Section 120.745, F.S., pursuant to its own terms.	No	N/A	N/A	Self-effectuating statutory repeal.
2015-155 – Requires indexing and transmission of agency final orders to DOAH; and provides requirements for electronic transmission of agency final orders to DOAH.	No	N/A	N/A	Statute is prescriptive as to the procedures to be followed for the indexing and transmission of agency final orders to DOAH.

LAWS CREATING OR MODIFYING DUTIES OR AUTHORITY- SECTION 120.74(1)(a), F.S.

Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
2015-162 – Revises deadline to propose rules implementing new laws, revises annual review requirements of agency rules; repeals section on legislative survey of regulatory impacts; and rescinds any suspension of rulemaking authority under section 120.745, F.S.	No	N/A	N/A	Statute is specific and prescriptive as to the regulatory plan preparation and submittal requirements and the components of the biennial rule review.
2015-138 – Requires state agencies to purchase flags made in the United States.	No	N/A	N/A	Statute is specific as to the requirements for state agencies to purchase flags made in the United States.
2015-173 – Providing additional hiring requirements and employment qualifications for agency inspectors general.	No	N/A	N/A	Statute is specific as to hiring requirements and employment qualifications for agency inspectors general.

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY TO BE IMPLEMENTED PRIOR TO JULY 1, 2016- SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 350.0603, F.S.	Amend Rule 25-25.0061, F.A.C., Purchasing Threshold Amounts and Procedures for Automatic Annual Adjustments, to clarify and conform to Category One and Category Two purchasing thresholds.
Section 350.115, F.S.	<p>Amend Rule 25-6.0436, F.A.C., Depreciation, to clarify and update the rule to conform to current accounting principles applicable to electric utilities.</p> <p>Amend Rule 25-7.045, F.A.C., Depreciation, to clarify and update the rule to conform to current accounting principles applicable to gas utilities.</p> <p>Amend Rule 25-7.046, F.A.C., Subcategories of Gas Plant Depreciation, to clarify and update the rule to conform to current accounting principles applicable to gas utilities.</p>
Section 364.10, F.S.	Amend Rule 25-4.0665, F.A.C., Lifeline Service, to eliminate quarterly reporting; to prohibit a company from discontinuing a customer's lifeline local service if applicable charges, taxes, and fees are paid; and to clarify carrier responsibilities to conform to new federal lifeline rules.
Section 364.105, F.S.	Amend Rule 25-4.0665, F.A.C., Lifeline Service, to eliminate quarterly reporting; to prohibit a company from discontinuing a customer's lifeline local service if applicable charges, taxes, and fees are paid; and to clarify carrier responsibilities to conform to new federal lifeline rules.
Section 364.183(1), F.S.	Amend Rule 25-4.0665, F.A.C., Lifeline Service, to eliminate quarterly reporting; to prohibit a company from discontinuing a customer's lifeline local service if applicable charges, taxes, and fees are paid; and to clarify carrier responsibilities to conform to new federal lifeline rules.

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY TO BE IMPLEMENTED PRIOR TO JULY 1, 2016- SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 366.03, F.S.	<p>Amend Rule 25-6.093, F.A.C., Information to Customers, to make consistent with Section 366.05(1)(d), F.S.</p> <p>Amend Rule 25-6.097, F.A.C., Customer Deposits, to make consistent with Section 366.05(1)(c), F.S.</p> <p>Amend Rule 25-6.100, Customer Billings, to make consistent with Section 366.05(1)(b), F.S.</p> <p>Amend Rule 25-7.079, F.A.C., Information to Customers, to implement Section 366.05(1)(d), F.S.</p> <p>Amend Rule 25-7.083, F.A.C., Customer Deposits, to implement requirements of Section 366.05(1)(c), F.S.</p>
Section 366.04(2), F.S.	Amend Rule 25-6.100, Customer Billings, to make consistent with Section 366.05(1)(b), F.S.
Section 366.04(2)(b), F.S.	Amend Rule 25-9.001, F.A.C., Application and Scope, to clarify and specify application and scope of rules applicable to electric and gas utilities.
Section 366.04(2)(f), F.S.	<p>Amend Rule 25-6.0436, F.A.C., Depreciation, to clarify and update the rule to conform to current accounting principles applicable to electric utilities.</p> <p>Amend Rule 25-6.093, F.A.C., Information to Customers, to make consistent with Section 366.05(1)(d), F.S.</p>
Section 366.04(2)(f), (6), F.S.	Amend Rule 25-6.093, F.A.C., Information to Customers, to make consistent with Section 366.05(1)(d), F.S.
Section 366.041, F.S.	Amend Rule 25-6.04364, F.A.C., Electric Utilities Dismantlement, to clarify and update the rule to conform to current accounting principles applicable to electric utilities.
Section 366.041(1), F.S.	<p>Amend Rule 25-6.093, F.A.C., Information to Customers, to make consistent with Section 366.05(1)(d), F.S.</p> <p>Amend Rule 25-6.097, F.A.C., Customer Deposits, to make consistent with Section 366.05(1)(c), F.S.</p>

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY TO BE IMPLEMENTED PRIOR TO JULY 1, 2016- SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 366.041(1), F.S.	Amend Rule 25-6.100, Customer Billings, to make consistent with Section 366.05(1)(b), F.S.
Section 366.05(1), F.S.	<p>Amend Rule 25-6.093, F.A.C., Information to Customers, to make consistent with Section 366.05(1)(d), F.S.</p> <p>Amend Rule 25-6.097, F.A.C., Customer Deposits, to make consistent with Section 366.05(1)(c), F.S.</p> <p>Amend Rule 25-7.079, F.A.C., Information to Customers, to implement Section 366.05(1)(d), F.S.</p> <p>Amend Rule 25-7.083, F.A.C., Customer Deposits, to implement requirements of Section 366.05(1)(c), F.S.</p> <p>Amend Rule 25-9.001, F.A.C., Application and Scope, to clarify and specify application and scope of rules applicable to electric, gas, water and wastewater utilities, municipalities and cooperatives.</p> <p>Amend Rule 25-9.002, F.A.C., Definitions, to clarify and update definitions for tariff rules.</p>
Section 366.05(3), F.S.	Amend Rule 25-6.093, F.A.C., Information to Customers, to make consistent with Section 366.05(1)(d), F.S.
Section 366.051, F.S.	Amend Rule 25-6.100, Customer Billings, to make consistent with Sections 366.05(1)(b) and 366.95(4), F.S.
Section 366.06 F.S.	Amend Rule 25-7.079, F.A.C., Information to Customers, to implement Section 366.05(1)(d), F.S., and simplify, clarify, and delete obsolete rule provisions.

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY TO BE IMPLEMENTED PRIOR TO JULY 1, 2016- SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 366.06(1), F.S.	<p>Amend Rule 25-6.0436, F.A.C., Depreciation, to clarify standards for depreciation rates.</p> <p>Amend Rule 25-6.04364, F.A.C., Electric Utilities Dismantlement, to clarify and update the rule to conform to current accounting principles applicable to electric utilities.</p> <p>Amend Rule 25-6.093, F.A.C., Information to Customers, to make consistent with Section 366.05(1)(d), F.S.</p> <p>Amend Rule 25-6.097, F.A.C., Customer Deposits, to make consistent with Section 366.05(1)(c), F.S.</p> <p>Amend Rule 25-6.100, Customer Billings, to make consistent with Sections 366.05(1)(b) and 366.95(4), F.S.</p>
Section 367.021, F.S.	Amend Rule 25-9.002, F.A.C., Definitions, to clarify and update definitions for tariff rules.
Section 367.031, F.S.	<p>Amend Rule 25-30.030, F.A.C., Notice of Application, to update language for clarity; to delete obsolete and unnecessary language and requirements; to amend to require noticing of property owners; and to require a customer meeting and noticing if the application results in a rate change.</p> <p>Amend Rule 25-30.033, F.A.C., Application for Original Certificate of Authorization and Initial Rates and Charges, to update and clarify application requirements; to update by requiring filing of electronic media tariff draft; to delete obsolete and unnecessary language and requirements; and to add reference to forms to be made available by Dept. of State hyperlinks</p>
Section 367.045, F.S.	<p>Adopt Rule 25-30.029, F.A.C., Legal Description of Service Area, to clarify and identify types of applications requiring a legal description; to describe requirements for legal description previously included in notice rule and to allow reference to local streets.</p> <p>Amend Rule 25-30.030, F.A.C., Notice of Application, to update language for clarity; to delete obsolete and unnecessary language and requirements; to amend to require noticing of property owners; and to require a customer meeting and noticing if the application results in a rate change.</p>

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY TO BE IMPLEMENTED PRIOR TO JULY 1, 2016- SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 367.045, F.S.	<p>Amend Rule 25-30.033, F.A.C., Application for Original Certificate of Authorization and Initial Rates and Charges, to update and clarify application requirements; to update by requiring filing of electronic media tariff draft; to delete obsolete and unnecessary language and requirements; and to add reference to forms to be made available by Dept. of State hyperlinks.</p> <p>Amend Rule 25-30.034, F.A.C., Application for Certificate of Authorization for Existing Utility Currently Charging for Services, to update and clarify application requirements; to delete obsolete and unnecessary language; to require identification of proposed territory not currently served; to specify the requirements for demonstrating need for service in the proposed area; to require identification of current land use designation and any known land use restrictions for the proposed service territory; and to add reference to forms to be made available by Dept. of State hyperlink.</p> <p>Amend Rule 25-30.036, F.A.C., Application for Amendment to Certificate of Authorization to Extend or Delete Service, to clarify the information required to demonstrate need for service and technical ability; to eliminate requirement for documentation of land ownership or long-term land use if existing plant will be used to serve the proposed extension; to require complete legal description of existing territory including the proposed extension or deletion; to delete obsolete requirements and unnecessary language; and to add reference to forms to be made available by Dept. of State hyperlink.</p> <p>Adopt Rule 25-30.038, F.A.C., Application for Transfer to a Governmental Authority, to clarify and address application requirements for transfer of a regulated utility to a governmental authority.</p>
Section 367.071, F.S.	<p>Adopt Rule 25-30.029, F.A.C., Legal Description of Service Area, to clarify and identify types of applications requiring a legal description; to describe requirements for legal description previously included in notice rule and to allow reference to local streets.</p> <p>Amend Rule 25-30.030, F.A.C., Notice of Application, to update language for clarity; to delete obsolete and unnecessary language and requirements; to amend to require noticing of property owners; and to require a customer meeting and noticing if the application results in a rate change.</p>

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY TO BE IMPLEMENTED PRIOR TO JULY 1, 2016- SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 367.071, F.S.	<p>Amend Rule 25-30.037, F.A.C., Application for Authority to Transfer, to delete unnecessary language; to update application requirements for clarity; to address applications for transfer of an exempt entity to a regulated entity; to address applications for the transfer of a regulated utility to an exempt entity other than a governmental entity; and to add reference to forms to be made available by Dept. of State hyperlink.</p> <p>Adopt Rule 25-30.038, F.A.C., Application for Transfer to a Governmental Authority, to clarify and address application requirements for transfer of a regulated utility to a governmental authority.</p>
Section 367.091, F.S.	Amend Rule 25-9.001, F.A.C., Application and Scope, to clarify and specify application and scope of rules applicable to electric and gas utilities.
Section 367.101, F.S.	Amend Rule 25-9.001, F.A.C., Application and Scope, to clarify and specify application and scope of tariff rules .
Section 367.121, F.S	<p>Adopt Rule 25-30.029, F.A.C., Legal Description of Service Area, to clarify and identify types of applications requiring a legal description; to describe requirements for legal description previously included in notice rule and to allow reference to local streets.</p> <p>Adopt Rule 25-30.038, F.A.C., Application for Transfer to a Governmental Authority, to clarify and address application requirements for transfer of a regulated utility to a governmental authority.</p> <p>Amend Rule 25-30.039, F.A.C., Application for Name Change, to update and clarify; to delete obsolete and unnecessary language; and to add reference to forms to be made available by Dept. of State hyperlink.</p> <p>Amend Rule 25-30.090, F.A.C., Abandonments, to update and clarify language; to delete obsolete and unnecessary language; and to require abandoning utility to identify location of books and records.</p>

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY TO BE IMPLEMENTED PRIOR TO JULY 1, 2016- SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
<p>Section 367.1213, F.S.</p>	<p>Amend Rule 25-30.033, F.A.C., Application for Original Certificate of Authorization and Initial Rates and Charges, to update and clarify application requirements; to update by requiring filing of electronic media tariff draft; to delete obsolete and unnecessary language and requirements; and to add reference to forms to be made available by Dept. of State hyperlinks.</p> <p>Amend Rule 25-30.034, F.A.C., Application for Certificate of Authorization for Existing Utility Currently Charging for Services, to update and clarify application requirements; to delete obsolete and unnecessary language; to require identification of proposed territory not currently served; to specify the requirements for demonstrating need for service in the proposed area; to require identification of current land use designation and any known land use restrictions for the proposed service territory; and to add reference to forms to be made available by Dept. of State hyperlink.</p> <p>Amend Rule 25-30.035, F.A.C., Application for Grandfather Certificate, to update and clarify application requirements; to delete obsolete and unnecessary language; and to add reference to forms to be made available by Dept. of State hyperlink.</p> <p>Amend Rule 25-30.036, F.A.C., Application for Amendment to Certificate of Authorization to Extend or Delete Service, to clarify the information required to demonstrate need for service and technical ability; to eliminate requirement for documentation of land ownership or long-term land use if existing plant will be used to serve the proposed extension; to require complete legal description of existing territory including the proposed extension or deletion; to delete obsolete requirements and unnecessary language; and to add reference to forms to be made available by Dept. of State hyperlink.</p> <p>Amend Rule 25-30.037, F.A.C., Application for Authority to Transfer, to delete unnecessary language; to update application requirements for clarity; to address applications for transfer of an exempt entity to a regulated entity; to address applications for the transfer of a regulated utility to an exempt entity other than a governmental entity; and to add reference to forms to be made available by Dept. of State hyperlink.</p>

LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY TO BE IMPLEMENTED PRIOR TO JULY 1, 2016- SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 367.1214, F.S.	Amend Rule 25-30.039, F.A.C., Application for Name Change, to update and clarify; to delete obsolete and unnecessary language; and to add reference to forms to be made available by Dept. of State hyperlink.
Section 367.165, F.S.	Amend Rule 25-30.090, F.A.C., Abandonments, to update and clarify language; to delete obsolete and unnecessary language; and to require abandoning utility to identify location of books and records.
Section 367.171, F.S.	Amend Rule 25-30.035, F.A.C., Application for Grandfather Certificate, to update and clarify application requirements; to delete obsolete and unnecessary language; and to add reference to forms to be made available by Dept. of State hyperlink.
Section 427.704, F.S.	Repeal Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company, as obsolete.