

STATE OF FLORIDA

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DIVISION OF APPEALS
DAVID SMITH
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Public Service Commission

April 9, 1999

Mr. John Rosner
Staff Attorney
Joint Administrative Procedures Committee
Room 120, Holland Building
Tallahassee, Florida 32399-1300

Re: Public Service Commission Rule 25-22.036(3)

990000

Dear Mr. Rosner:

This letter is in response to your request for explication of the criteria governing when the Commission will transmit notice that it has initiated a proceeding to persons requesting such notice. This provision refers to notice to persons other than the companies whose interests might be directly affected by the proceeding--who are considered "persons named therein"--and the Public Counsel. Your question is, I believe, answered by our Statement of Agency Organization & Operations adopted pursuant to Rule 28-101.001, F.A.C., that provides for various mailing lists the Commission maintains. Prior to the repeal of agency's authority to have rules of organization, practice and procedure, these provisions were contained in Rule 25-22.005.

There are two methods for being placed on a list to receive notice that the Commission has initiated a proceeding. Such a person may simply make the request and pay a subscription fee of \$20.00 per year to be mailed a weekly report. If the person submits a written request showing how his or her substantial interests may be affected by action in the categories of his interest, they are placed on the mailing list and there is no subscription fee. The Director of Records and Reporting maintains the various lists and adds the name and address of any person making the request. I have checked back to 1980 and no request has ever been denied.

As to when the Commission may publish notice in the F.A.W. or a newspaper that it has initiated a proceeding, this is done when the Commission finds, at the time it votes to initiate the proceeding, that it is in the public interest to publish such notice in this manner. It applies to notices

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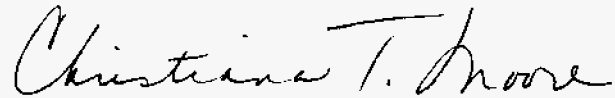
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for which publication is entirely discretionary--not notices the Commission is legally required to publish in this manner.

We intend to file the Chapter 25-22 rules for adoption on Monday, April 12, 1999. Please do not hesitate to call me if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Christiana T. Moore".

Christiana T. Moore
Associate General Counsel

CTM/

cc: Blanca S. Bayó, Director of Records & Reporting
Noreen S. Davis, Director of Legal Services