

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

SELECT A TYPE: amendment

25-22.0406: Notice and Public Information on General Rate Increase Requests and Petitions for Limited Proceedings by Electric and Gas Utilities

25-22.0407: Notice of and Public Information for General Rate Increase Requests by Water and Wastewater Utilities

PURPOSE AND EFFECT: To amend notice and public information requirements for electric and gas, water, and wastewater utilities filing for general rate increase requests and electric and gas utilities petitions for limited proceedings to delete obsolete language, clarify and update rule requirements, and improve administrative efficiency.

Docket No. 20200193-PU

SUMMARY: These rules are amended to update and clarify rule language; to eliminate the requirement to file paper copies of rate case documents at various locations; and to require utilities to provide the public and governmental entities with electronic access to rate case documents.

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 amendments will not have an adverse impact on economic growth, business competitiveness, or small business, and there would be no transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rules. The SERC concluded that the proposed rules will result in administrative efficiency and in cost reductions that will be beneficial to utilities and their customers.

The agency has determined that the proposed rules are 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), 366.05, 366.06(1), 367.121(1)(f) FS

LAW IMPLEMENTED: 120.569, 120.57, 366.03, 366.041(1), 366.05(1), 366.06(1), 366.076(1), 367.081(2)(a), 367.0814(1), 367.0817, 367.091, 367.121(1)(a) 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: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6199, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS: [TYPE AND STRIKE VERSION]

25-22.0406 Notice and Public Information on General Rate Increase Requests and Petitions for Limited Proceedings by Electric and Gas Utilities.

(1) The provisions of this rule ~~apply shall be applicable~~ to all requests for general rate increases and to all limited proceedings filed by electric and gas utilities pursuant to Rules 25-6.0431 and 25-7.0391, F.A.C.

(2) The following noticing procedures ~~shall~~ apply to requests for a general rate increase:

(a) ~~The utility must establish a clearly identifiable link on the utility's website to provide electronic access to the utility's petition and Minimum Filing Requirements (MFRs). The utility shall mail a copy of the petition to the chief executive officer of the governing body of each municipality and county within the service area affected.~~

(b) The utility ~~must shall~~ establish a clearly identifiable link on the utility's website to provide the address on the Commission's website that provides electronic access to all documents filed in the rate case.

(c) Upon filing a petition for a general rate increase, the utility must notify the chief executive officer of the governing body of each municipality and county within the service areas included in the rate request that the utility has petitioned for a general rate increase and must clearly identify the Commission-assigned

docket number. The notification must be accompanied by a statement that a copy of the petition and MFRs can be accessed on the Commission's website.

(e) Location of Minimum Filing Requirements.

1. ~~Within 15 days after it has been notified by the Commission that the Minimum Filing Requirements (MFRs) have been met, the utility shall place a copy of the MFRs at its official headquarters and at a location approved by the Commission staff in each municipality in which service hearings were held in the last general rate case of the utility.~~

2. ~~Within 15 days after the time schedule has been posted on the Commission's website, copies of the MFRs shall be placed in a location approved by Commission staff in each additional city in which service hearings are to be held in the current rate case.~~

3. ~~In addition to the locations listed above, if the Commission staff determines that the locations listed above will not provide adequate access, the Commission staff will require that copies of the MFRs be placed at other specified locations.~~

4. ~~Copies of the MFRs shall be available for public inspection during the regular business hours of the location hosting the MFRs and through a link on the utility's website.~~

(d) No change.

1. Within 15 days after the time schedule for the case has been posted to the Commission's website, the utility must shall prepare and submit to the Commission staff for approval a synopsis of the rate request. The synopsis must shall include:

a. through d. No change.

e. The website addresses ~~locations~~ at which complete MFRs are available.

2. Within 7 days following approval of the synopsis, the utility must establish a clearly identifiable link on its website to provide electronic access to the synopsis and must provide this link ~~copies of the synopsis shall be distributed to the same locations as required for the MFRs, to the main county library within or most convenient to the service area, and to the chief executive officer of each county and municipality within the service area affected.~~

(e) Within 15 days after the rate case time schedule has been posted on the Commission's website, the utility must shall prepare and submit a customer notice to Commission staff for approval. The customer notice must shall include:

1. through 7. No change.

(f) The utility must shall begin sending the notice to customers within 30 days after it has been approved by Commission Staff.

(3) The following noticing procedures ~~shall~~ apply to a petition for a limited proceeding filed pursuant to Rules 25-6.0431 and 25-7.0391, F.A.C.:

(a) The utility must shall establish a clearly identifiable link on the utility's website to the address on the Commission's website that provides electronic access to all documents filed in the limited proceeding.

(b) Within 15 days after the time schedule for the limited proceeding has been posted to the Commission's website, the utility must shall prepare and submit a customer notice to the Commission staff for approval. The customer notice must shall contain:

1. through 7. No change.

(c) The utility must shall begin sending the notice to customers within 30 days after it has been approved by staff.

(4) All customer notices prepared pursuant to this rule must shall be sent to the customer's address of record at the time the notice is issued, in the manner in which the customer typically receives the monthly bill, whether electronically or via U.S. mail.

(5) All customer notices regarding the locations and time of any service hearings or customer meetings must shall be sent to the customer no less than 10 days, or more than 45 days, prior to the first service hearing or customer meeting.

(6) At least 7 days and not more than 20 days prior to any service hearing or customer meeting, the utility must shall have published in a newspaper of general circulation in the area in which the hearing or customer meeting is to be held a display advertisement stating the date, time, location and purpose of the hearing or customer meeting. The advertisement must shall be approved by the Commission staff prior to publication.

(7) When the Commission issues proposed agency action and a hearing is subsequently held, the utility must shall give written notice of the hearing to its customers at least 14 days in advance of the hearing. This notice must shall be approved by the Commission staff prior to distribution.

(8) After the Commission's issuance of an order granting or denying a rate change, the utility must ~~shall~~ give notice to its customers of the order and the revised rates. The notice must ~~shall~~ be approved in advance by the Commission or its staff and transmitted to the customers with the first bill containing the new rates.

Rulemaking Authority 350.127(2), 366.05, 366.06(1) FS. Law Implemented 366.03, 366.041(1), 366.05(1), 366.06(1), 366.076(1) FS. History—New 9-27-83, Formerly 25-22.406, Amended 5-27-93, 5-3-99, 10-8-13,

25-22.0407 Notice of and Public Information for General Rate Increase Requests by Water and Wastewater Utilities.

(1) This rule applies to all requests for general rate increases made by water and wastewater utilities.

(2) Upon filing a petition for a general rate increase, the utility must notify ~~shall mail a copy of the petition to~~ the chief executive officer of the governing body of each municipality and county within the service areas included in the rate request that the utility has petitioned for a general rate increase and must clearly identify the Commission-assigned docket number. ~~The notification must~~ Each copy of the petition shall be accompanied by a statement that a copy of the petition and Minimum Filing Requirements (MFRs) when accepted by the Commission can be accessed on the Commission's website obtained from the petitioner upon request.

(3) ~~Within 30 days after the official date of filing established by the Commission, the utility shall place a copy of the petition and the MFRs at its official headquarters and at any business offices it has in the service areas included in the rate request. Such copies shall be~~ have a business office in a service area included in its rate request, the utility shall place a copy of the petition and the MFRs at the main county library, the local community center or other appropriate location which is within or most convenient to the service area and which is willing to accept and provide public access to the copies. If the Commission determines that these locations will not provide adequate access, the Commission will require that copies of the petition and MFRs be placed at other specified locations.

~~(4)(a) Within 30 days after the official date of filing established by the Commission, the utility shall place a copy of its rate case synopsis at all locations where copies of the petition and MFRs were placed.~~

~~(3)(a)(b)~~ (3)(a) Within 30 days after the official date of filing established by the Commission, the utility must notify ~~shall mail a copy of its rate case synopsis to~~ the chief executive officer of the governing body of each municipality and county within the service areas included in the rate request that the utility's rate case synopsis can be accessed on the Commission's website.

~~(b)(e)~~ (b) The utility's rate case synopsis must ~~shall~~ be approved by the Commission staff prior to distribution and must ~~shall~~ include the following:

1. through 4. No change.

5. A statement that the MFRs can be accessed on the Commission's website. ~~The locations where complete MFRs are available.~~

~~(4)(5)(a)~~ (4)(a) Within 50 days after the official date of filing established by the Commission, the utility must ~~shall~~ provide, in writing, an initial customer notice to all customers within the service areas included in the rate request and to all persons in the same service areas who have filed a written request for service or who have been provided a written estimate for service within the 12 calendar months prior to the month the petition is filed.

(b) The initial customer notice must ~~shall~~ be approved by Commission staff prior to distribution and must ~~shall~~ include the following:

1. through 2. No change.

3. A statement ~~that of the locations where copies of the MFRs, petition, and rate case synopsis are available~~ on the Commission's website for public inspection and the hours and days when inspection may be made,

4. through 10 No change

(c) The initial customer notice must ~~shall~~ be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

~~(5)(6)(a)~~ (5)(a) No less than 14 days and no more than 30 days prior to the date of each service hearing, in those cases where the Commission has scheduled a service hearing, the utility must ~~shall~~ provide written notice of the date, time, location, and purpose of the service hearing to all customers within service areas designated by the prehearing officer or the Commission staff. The notice must ~~shall~~ be approved by the Commission staff prior to distribution. The notice must ~~shall~~ be mailed to the out-of-town address of all

customers who have provided the utility with an out-of-town address.

(b) No less than 14 days and no more than 30 days prior to the date of the hearing, in all cases, including those in which the Commission has scheduled a service hearing, the utility must shall provide written notice of the date, time, location, and purpose of the hearing to all customers within the service areas included in the rate request. The notice must shall be approved by Commission staff prior to distribution. The notice must shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

~~(6)(7)~~ No less than 14 days and no more than 30 days prior to the date of each hearing held in or near a utility service area included in the rate request, the utility must shall have published in a newspaper of general circulation in the area in which such hearing is to be held a display advertisement stating the date, time, location, and purpose of the hearing. The notice must shall be approved by Commission staff prior to publication.

~~(7)(a)(8)~~ When a utility files ~~for~~ a petition for a general rate increase and requests that its case be processed as proposed agency action in accordance with Section 367.081(10), F.S., the utility must shall comply with the requirements of subsections (2), (3), and (4) ~~and (5)~~, of this rule.

~~(b)(a)~~ No less than 14 days and no more than 30 days prior to the date of a customer meeting conducted by the Commission staff, the utility must shall provide written notice of the date, time, location, and purpose of the customer meeting to all customers within service areas designated by the Commission staff. The notice must shall be approved by Commission staff prior to distribution. The notice must shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

~~(c)(b)~~ If the proposed agency action order issued in the case is protested and any hearings are subsequently held, the utility must shall give notice in accordance with subsections (5) and (6) and (7), above.

~~(8)(a)(9)~~ When a utility applies for a staff-assisted rate case in accordance with Section 367.0814, F.S., and Rule 25-30.455, F.A.C., and staff-assistance is granted, the requirements of subsections (2), (3), and (4) ~~and (5)~~, of this rule, do shall not apply.

~~(a)~~ Upon receipt of the staff reports, the utility shall place two copies of its application for staff assistance and the staff reports at any business offices it has in its service area. Such copies shall be available for public inspection during the utility's regular business hours. If the utility does not have a business office in its service area, the utility shall place two copies of its application and the staff reports at the main county library, the local community center or other appropriate location that is within or most convenient to the service area and that is willing to accept and provide public access to the copies.

(b) No less than 14 days and no more than 30 days prior to the date of a customer meeting conducted by the Commission staff, the utility must shall provide, in writing, a customer meeting notice to all customers within its service area and to all persons in the same service areas who have filed a written request for service or who have been provided a written estimate for service within the 12 calendar months prior to the month the petition is filed.

(c) The customer meeting notice must shall be approved by the Commission staff prior to distribution and must shall include the following:

1. through 3. No change.

4. A statement that the Commission staff has prepared a staff report of its initial analysis of the case.

~~5.4.~~ The website address where the staff report is available. A statement of the location where copies of the application and the staff reports are available for public inspection and the times during which inspection may be made.

~~6.5.~~ A comparison of current rates and charges and the proposed new rates and charges.

~~7.6.~~ The utility's address, telephone number, and business hours.

~~8.7.~~ A statement that written comments regarding utility service or the proposed rates and charges should be addressed to the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and that such comments should identify the docket number assigned to the proceeding.

~~9.8.~~ A statement that complaints regarding service may be made to the Commission's Office of Consumer Assistance and Outreach at the following toll-free number: 1(800)342-3552.

~~10.9.~~ A statement that the Commission will be reviewing the utility's service availability charges in the pending case and that the Commission may adjust those charges.

~~11.10.~~ The docket number assigned by the Commission's Office of Commission Clerk.

(d) The customer meeting notice ~~must shall~~ be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(e) If the proposed agency action order issued in the case is protested and any hearings are subsequently held, the utility ~~must shall~~ give notice in accordance with subsections ~~(5) and (6) and (7)~~, above.

~~(9)(10)~~ After the Commission issues an order granting or denying a rate change, the utility ~~must shall~~ notify its customers of the order and any revised rates. The customer notification ~~must shall~~ be approved by Commission staff and be distributed no later than with the first bill containing any revised rates.

Rulemaking Authority 350.127(2), 367.121(1)(f) FS. Law Implemented 120.569, 120.57, 367.081(2)(a), 367.0814(1), 367.0817, 367.091, 367.121(1)(a) FS. History—New 5-27-93, Amended 5-3-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cheryl Bulecza-Banks

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 46, Number 171, September 1, 2020.

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Notices Submitted to/Confirmed by Administrative Code & Register Staff

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Notices Submitted to ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
23967165	25-30.436,...	General Information and Instructions Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase, Financial, Rate and Engineering Information Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase, Information Required in Application for Rate Increase From Utilities with Related Parties, Additional Rate Information Required in Application for Rate Increase, Additional Engineering Information Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase, Minimum Filing Requirements for Class C Water and Wastewater Utilities	Proposed	12/8/2020 Vol. 46/237	12/7/2020
23967068	25-22.0406,...	Notice and Public Information on General Rate Increase Requests and Petitions for Limited Proceedings by Electric and Gas Utilities, Notice of and Public Information for General Rate Increase Requests by Water and Wastewater Utilities	Proposed	12/8/2020 Vol. 46/237	12/7/2020
23966971	25-7.039	Natural Gas Utility Minimum Filing Requirements; Commission Designee	Proposed	12/8/2020 Vol. 46/237	12/7/2020

Notices Confirmed by ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
23966874	25-6.043	Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee	Proposed	12/8/2020 Vol. 46/237	12/7/2020

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