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STATE OF FLORIDA



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

Public Service Commission

January 7, 2021

Mr. Ernest Reddick
Florida Department of State
Administrative Code and Register Section
Room 701, the Capitol
Tallahassee, FL 32399-0250
AdministrativeCode@dos.myflorida.com

Via E-Mail and US Mail

RECEIVED-FPSC
JAN 7 2021
COMMISSION CLERK

Re: Rule Certification Packet for Rules 25-30.436, 25-30.437, 25-30.438, 25-30.4385, 25-30.440, and 25-30.443, F.A.C.

Dear Mr. Reddick:

Enclosed for filing is a complete rule certification packet for Rules 25-30.436, 25-30.437, 25-30.438, 25-30.4385, 25-30.440, and 25-30.443, F.A.C., consisting of:

- (1) One copy of the coded text of the rules in Word version;
- (2) One copy of the e-mail approval confirmation with the certification form required by Rule 1-1.013, F.A.C., for the materials incorporated by reference that were filed electronically.
- (3) One copy of the signed rule certification form;
- (4) One copy of the signed designation of minor violation rule certification form required by Rule 1-1.010, F.A.C.;
- (5) One copy of the coded text of the rules, including the legal citations and history notes;
- (6) One copy of the summary of the rules;
- (7) One copy of the detailed written statement of the facts and circumstances justifying the rules; and
- (8) One copy of the summary of the hearings held on the rules.

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

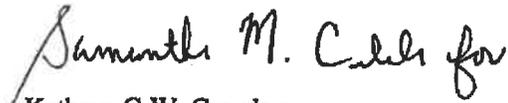
An Affirmative Action / Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

Please let me know if you have any questions. The contact name and information for this rule are Kathryn G.W. Cowdery, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6199, kcowdery@psc.state.fl.us.

Sincerely,



Kathryn G.W. Cowdery
Senior Attorney

Enclosures

cc: Office of the Commission Clerk (Docket No. 20200193-PU)

Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Tuesday, January 05, 2021 8:51 AM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-30.437 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material list](#) (Agency Main Menu page).

Rule Number: 25-30.437

Reference Number: Ref-12644; Reference Name: PSC 1028 (12/20)

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Tuesday, January 05, 2021 8:51 AM
To: Julie Phillips
Cc: firules@dos.state.fl.us
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Rule Number: 25-30.437

Reference Number: Ref-12645; Reference Name: PSC 1029 (12/20)

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Tuesday, January 05, 2021 8:51 AM
To: Julie Phillips
Cc: firules@dos.state.fl.us
Subject: 25-30.437 Reference Material for Rule Adoption Approved

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The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-30.437

Reference Number: Ref-12646; Reference Name: PSC 1030 (12/20)

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

CERTIFICATION OF MATERIALS INCORPORATED

BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code:

(1) That materials incorporated by reference in Rule 25-30.437, F.A.C., have been electronically filed with the Department of State.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials described below electronically, a true and complete paper copy of the incorporated materials are attached to this certification for filing. Paper copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].

List form number(s) and form title(s), or title of document(s) below:

PSC 1028 (12/20), Class A Water and/or Wastewater Utilities Financial, Rate and Engineering Minimum Filing Requirements

PSC 1029 (12/20), Class B Water and/or Wastewater Utilities Financial, Rate and Engineering Minimum Filing Requirements

PSC 1030 (12/20), Class C Water and/or Wastewater Utilities Financial, Rate and Engineering Minimum Filing Requirements

Under the provisions of Section 120.54(3)(e)6., F. S., the attached material(s) take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.



Adam J. Teitzman

Commission Clerk

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached is each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-30.436

25-30.437

25-30.438

25-30.4385

25-30.440

25-30.443

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective Date: _____.



Person Authorized to Certify Rules
Commission Clerk
Title

13
Number of Pages Certified

**DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION
CERTIFICATION**

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rule Nos.

25-30.436

25-30.437

Rules covered by this certification:

Rule Nos.

25-30.436

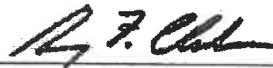
25-30.437

25-30.438

25-30.4385

25-30.440

25-30.443



Signature of Agency Head

Chairman, Florida Public Service Commission
Title

25-30.436 General Information and Instructions Required of ~~Class A and B~~ Water and Wastewater Utilities in an Application for Rate Increase.

(1) Each applicant for a rate increase must shall provide the following general information to the Commission:

(a) The name of the applicant as it appears on the applicant's certificate and the address of the applicant's principal place of business.

(b) The type of business organization under which the applicant's operations are conducted; if the applicant is a corporation, the date of incorporation; the names and addresses of all persons who own 5 percent or more of the applicant's stock or the names and addresses of the owners of the business.

(c) The number of the Commission order, if any, which previously considered the applicant's rates for the system(s) involved.

(d) The address within the service area where the application is available for customer inspection during the time the rate application is pending.

(e) Where the utility requests rates which generate less than a fair rate of return, it must provide a statement of assurance that its quality of service will not suffer.

(f) A statement ~~An affidavit~~ signed by an officer of the utility that states that the utility will comply with Rule 25-22.0407, F.A.C.

(g) A statement whether the applicant requests to have the case processed using the proposed agency action procedure outlined in Section 367.081(10) ~~367.081(8)~~, F.S.

(2) The applicant's petition for rate relief will not be deemed filed until the appropriate filing fee has been paid and all minimum filing requirements set forth in this rule and in Rule 25-30.437, F.A.C., have been met, including filing of the applicant's prepared direct testimony unless the applicant has filed its petition pursuant to Section 367.081(10) ~~367.081(8)~~, F.S. At a minimum, the direct testimony shall explain why the rate increase is necessary and address those areas anticipated at the time of filing to be at issue.

(3) The applicant must shall state any known deviation from the policies, procedures and guidelines prescribed by the Commission in relevant rules or in the company's last rate case.

(4) The rate case application and information required by this rule must be e-filed by the utility with the Office of Commission Clerk. Within seven calendar days after the electronic filing, the utility must provide to the Office of Commission Clerk ten paper copies of the filing, clearly labeled "COPY," and, as applicable, Commission Form

PSC 1028 (12/20) for a Class A utility, Form PSC 1029 (12/20) for a Class B utility, or Commission Form PSC 1030 (12/20) for a Class C utility, which are incorporated by reference in Rule 25-30.437, F.A.C. For Class A and B utilities, only two copies of Schedule E-14, entitled Billing Analysis Schedules, are required. For Class C utilities, only two copies of Schedule E-6, entitled Billing Analysis Schedules, are required. The applicable Commission Form must be provided in Microsoft Excel format with formulas intact and unlocked. Excel files may be provided in media such as a USB flash drive, CD, or DVD, but may not be submitted by e-mail.

~~(5)~~(4) In the rate case application:

(a) Each schedule must shall be cross-referenced to identify related schedules as either supporting schedules or recap schedules.

(b) Each page of the filing must shall be consecutively numbered on 8 1/2 x 11-inch paper.

(c) Except for handwritten official company records, all data in the petition, exhibits and minimum filing requirements must shall be typed.

~~(d) Sixteen copies shall be filed with the Commission's Office of Commission Clerk, except as specifically identified in paragraph (4)(h) below or in Rule 25-30.437, 25-30.4385 or 25-30.440, F.A.C.~~

~~(d)(e) Any proposed~~ Whenever the applicant proposes any corrections, updates or other changes to the originally filed data must be e-filed by the utility, 20 copies shall be filed with the Office of Commission Clerk, Within seven calendar days after the electronic filing, the utility must provide to the Office of Commission Clerk ten paper copies of the filing, clearly labeled "COPY." Any schedules that have been changed must be provided in Microsoft Excel format with formulas intact and unlocked. Excel files may be provided in media such as a USB flash drive, CD, or DVD, but may not be submitted by e-mail. On the same day as the e-filing, the utility must serve an electronic copy of the filing on each party, with copies also served on all parties of record at the same time.

~~(e)(f)~~ If the capital structure contains zero or negative equity, a return on equity must shall be requested, which shall be up to the maximum of the return of the current equity leverage formula established by order of this Commission pursuant to Section 367.081(4), F.S.

~~(f)(g)~~ The provisions of Rule 25-30.433, F.A.C., must shall be followed in preparing the utility's application.

~~(g)(h)~~ Any system that has costs allocated or charged to it from a parent, affiliate or related party, in addition to those costs reported on Schedule B-12 of Commission Form PSC 1028 (12/20) PSC/AFD 19-W for a Class A utility, ~~or PSC 1029 (12/20) PSC/AFD 20-W~~ for a Class B utility, or PSC 1030 (12/20) for a Class C utility, which

are (incorporated by reference in Rule 25-30.437, F.A.C.,) must e-file ~~shall file three copies of~~ additional schedules that show the following information:

1. The total costs being allocated or charged prior to any allocation or charging as well as the name of the entity from which the costs are being allocated or charged and its relationship to the utility.
2. For costs allocated or charged to the utility in excess of one percent of test year revenues:
 - a. A detailed description and itemization; and
 - b. The amount of each itemized cost.
3. The allocation or direct charging method used and the bases for using that method.
4. The workpapers used to develop the allocation method, including but not limited to the numerator and denominator of each allocation factor.
5. The workpapers used to develop, where applicable, the basis for the direct charging method.
6. An organizational chart of the relationship between the utility and its parent and affiliated companies and the relationship of any related parties.
7. A copy of any contracts or agreements between the utility and its parent or affiliated companies for services rendered between or among them.

~~(h)(+)~~ For any land recorded on the utility's books since rate base was last established, the utility shall file documentation of the utility's right to access and continue use of the land upon which the utility treatment facilities are or will be located. Documentation of continued use must be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded, executed copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time required in the order granting a rate increase. copies of the documents that demonstrate that the utility owns the land upon which the utility treatment facilities are located, or that provides for the continued use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost effective alternative.

~~(6)(5)~~ The Director of the division that has been assigned the primary responsibility for the filing is Commission Designee. The Deputy Executive Director, Technical shall be the designee of the Commission for purposes of determining whether the utility applicant has met the minimum filing requirements imposed by this rule.

~~(7)(6)~~ Within 60 days after the issuance of a final order entered in response to an application for increased rates, or, if applicable, within 60 days after the issuance of an order entered in response to a motion for reconsideration of the final order, each utility must ~~shall~~ submit a breakdown of actual rate case expense incurred, in total, in a manner consistent with Schedule No. B-10 of Commission Form PSC 1028 (12/20) for Class A utilities and Form PSC 1029 (12/20) for Class B utilities, and Schedule B-7 of Commission Form PSC 1030 (12/20) for Class C utilities, which are incorporated by reference (PSC/AFD Form 19-W or 20-W, whichever is applicable, as described in Rule 25-30.437, F.A.C.). If the deadline prescribed above cannot be met, a utility may request an extension from ~~shall be granted by~~ the Director of the Division of Accounting and Finance for good cause shown, such as financial hardship, severe illness, or significant weather events such as hurricanes, but good cause does not include reasons such as management oversight or vacation time.

Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.081, 367.083, 367.121 FS. History—New 11-10-86, Amended 6-25-90, 11-30-93, 1-31-00, _____.

25-30.437 Financial, Rate, and Engineering Minimum Filing Requirements Information Required for of Class A and B Water and Wastewater Utilities in an Application for Rate Increase.

(1) Each ~~Class A or B~~ utility applying for a rate increase ~~must shall~~ provide the information required by Commission Form PSC 1028 (12/20) PSC/AFD 19-W (11/93), entitled "Class A Water and/or Wastewater Utilities Financial, Rate and Engineering Minimum Filing Requirements," ~~or~~ PSC 1029 (12/20) PSC/AFD 20-W (11/93), entitled "Class B Water and/or Wastewater Utilities Financial, Rate and Engineering Minimum Filing Requirements," ~~or~~ PSC 1030 (12/20), entitled "Class C Water and/or Wastewater Utilities Financial, Rate or Engineering Minimum Filing Requirements," whichever is applicable. Commission Form PSC 1028 (12/20) is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-12644>; Commission Form PSC 1029 (12/20) is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-12645>; and Commission Form PSC 1030 (12/20) is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-12646>. These forms are incorporated into this rule by reference and ~~are available on may be obtained from~~ the Commission's website at www.floridapsc.com. ~~Director, Division of Accounting and Finance, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.~~

(2) In compiling the required schedules, additional instructions are set forth below:

~~(a)(1)~~ Each section of this form ~~must shall~~ be indexed and tabbed, including a table of contents listing the page numbers of each schedule.

~~(b)(2)~~ If information requested in the form described above is not applicable to the applicant, so state and provide an explanation on the specific schedule.

~~(c)(3)~~ If a projected test year is used, provide a complete set of Commission Form PSC 1028 (12/20) PSC/AFD 19-W (for Class A utilities), ~~or~~ PSC 1029 (12/20) PSC/AFD 20-W (for Class B utilities), ~~or~~ PSC 1030 (12/20) for Class C utilities (as described above), which require a designation of historical or projected information. Such schedules ~~must shall~~ be submitted for the historical base year, and any year subsequent to the base year and prior to the projected test year, in addition to the projected test year. If no designation is shown on a schedule, submit that schedule for the test year only. In lieu of providing separate pages for the above required schedules, the information required can be combined on the same page by adding additional columns. In the rate base schedules, Section A, the beginning and end of year balances ~~must shall~~ be shown. For any intermediate period or year, only the year-end balance ~~must shall~~ be shown. A schedule ~~must shall~~ also be included which describes in detail all methods and bases

of projection, explaining the justification for each method or basis employed. If an historical test year is used, Schedule E-13 is not required.

~~(4) Only two copies of Schedule E-14, entitled Billing Analysis Schedules, be filed with the application. Each copy shall be submitted in a separate binder from the other required information.~~

~~(d)(5) If a petition for interim rates is filed, a utility must shall demonstrate that it is earning outside the range of reasonableness on rate of return calculated in accordance with Section 367.082(5), F.S. To demonstrate this ~~in doing such~~, the utility must shall submit schedules of rate base, cost of capital and net operating income on an historical basis, with schedules of all adjustments thereto, consistent with Commission Form PSC 1028 (12/20) PSC/AFD 19-W (for a Class A utility), or PSC 1029 (12/20) PSC/AFD 20-W (for a Class B utility), or PSC 1030 (12/20) for a Class C utility (described above).~~

(3) Each applicant for a rate increase must e-file with the Office of Commission Clerk the additional engineering minimum filing requirements (MFRs), identified in paragraphs (a) – (k) below. Within seven calendar days after e-filing the additional engineering MFRs, the utility must provide to the Office of Commission Clerk two paper copies of the additional engineering MFRs clearly labeled "COPY," with the exception of the detailed map required by paragraph (a), of which only one copy is required.

(a) A detailed map showing:

1. The location and size of the applicant's distribution and collection lines as well as its plant sites, and

2. The location and respective classification of the applicant's customers.

(b) A list of chemicals used for water and wastewater treatment, by type, showing the dollar amount and quantity purchased, the unit prices paid and the dosage rates utilized.

(c) The most recent chemical analyses for each water system conducted by a certified laboratory covering the inorganic, organic turbidity, microbiological, radionuclide, secondary and unregulated contaminants specified in Chapter 62-550, F.A.C.

(d) All water and wastewater plant operating reports for the test year and the year preceding the test year.

(e) The most recent sanitary survey for each water plant and inspection report for each wastewater plant conducted by the health department or the Department of Environmental Protection (DEP).

(f) All health department and DEP construction and operating permits.

(g) Any Notices of Violation, Consent Orders, Letters of Notice, or Warning Notices from the health

department or DEP in the previous five years.

(h) A list of all field employees, their duties, responsibilities, and certificates held, and an explanation of each employee's salary allocation method to the utility's capital or expense accounts.

(i) A list, by serial number and description, of all vehicles owned or leased by the utility showing the original cost or annual lease expense, who the vehicle is assigned to, and the method of allocation to the utility.

(j) A list, by customer, of all complaints received during the test year, with an explanation of how each complaint was resolved.

(k) A copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years.

(4) If a utility is requesting uniform rates for systems that are not already combined in a uniform rate, the information required by this rule must be submitted on a separate basis for each system that has not already been combined in a uniform rate. For those systems already combined in a uniform rate, the utility must submit the required information as a single system. At a minimum, the following schedules of Form PSC 1030 (12/20), described above, must be filed on a combined basis for all systems included in the filing: A-1, A-2, A-3, A-16, B-1, B-2, B-3, B-4, B-5, B-10, B-11, B-12, plus all "C," "D" and "E" schedules (no "F" schedules are required).

(5)(6) In proposing rates, each the utility must shall use the base facility and usage charge rate structure, unless an alternative rate structure is adequately supported by the applicant. The base facility charge incorporates fixed expenses of the utility and is a flat monthly charge. This charge is applicable as long as a person is a customer of the utility, regardless of whether there is any usage. The usage charge incorporates variable utility expenses and is billed on a per 1,000 gallon or 100 cubic feet basis in addition to the base facility charge. The rates are first established with the 5/8" x 3/4" meter as the foundation. For meter sizes larger than 5/8", the base facility charge shall be based on the usage characteristics.

Rulemaking Authority 350.127(2), 367.0812(5), 367.121 FS. Law Implemented 367.081, 367.0812, 367.082 FS. History—New 6-10-75, Amended 10-16-77, 3-26-81, Formerly 25-10.176, Amended 11-10-86, 6-25-90, 11-30-93,

25-30.438 Information Required in Application for Rate Increase From Utilities with Related Parties.

~~If the system for which a rate increase is sought has a "related party" which is a land developing company, the applicant shall, for the system(s) concerned, submit copies of the developer's offering statements as filed with the Division of Land Sales, Department of Business Regulation. "Related party" is defined by Financial Accounting Standards Board, FASB 57, App. B paragraph 24(d), March 1982. Developer's offering statements submitted to the Commission in a prior docket may be eliminated from this filing by indicating the docket number the offering statement(s) were filed in. In addition, the applicant shall submit a statement relative to the amount of the land sales purchase price which is allocated for the cost of constructing the applicant's facilities, the amount for connection collected from the purchasers or lots, or any water or wastewater service availability charges.~~

~~Rulemaking Authority 367.121 FS. Law Implemented 367.081 FS. History—New 11-10-86, Repealed.~~

25-30.438 Information Required in Application for Rate Increase From Utilities with Related Parties.

~~Rulemaking Authority 367.121 FS. Law Implemented 367.081 FS. History—New 11-10-86, Repealed.~~

25-30.4385 Additional Rate Information Required in Application for Rate Increase.

~~The utility shall file an original and three copies of all revised tariff sheets for each service classification in which any change is proposed, except those tariff sheets in which the only change is to the service rates.~~

Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.081, 367.121 FS. History—New 11-30-93.

Repealed _____.

25-30.4385 Additional Rate Information Required in Application for Rate Increase.

Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.081, 367.121 FS. History—New 11-30-93.

Repealed _____.

25-30.440 Additional Engineering Information Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase.

Each applicant for a rate increase shall provide two copies of the following engineering information to the Commission, with the exception of subsection (1), of which only one copy is required.

- (1) A detailed map showing:
 - (a) The location and size of the applicant's distribution and collection lines as well as its plant sites, and
 - (b) The location and respective classification of the applicant's customers.
- (2) A list of chemicals used for water and wastewater treatment, by type, showing the dollar amount and quantity purchased, the unit prices paid and the dosage rates utilized.
- (3) The most recent chemical analyses for each water system conducted by a certified laboratory covering the inorganic, organic turbidity, microbiological, radionuclide, secondary and unregulated contaminants specified in Chapter 62-550, F.A.C.
- (4) All water and wastewater plant operating reports for the test year and the year preceding the test year.
- (5) The most recent sanitary survey for each water plant and inspection report for each wastewater plant conducted by the health department or the Department of Environmental Protection (DEP).
- (6) All health department and DEP construction and operating permits.
- (7) Any Notices of Violation, Consent Orders, Letters of Notice, or Warning Notices from the health department or the DEP in the previous five years.
- (8) A list of all field employees, their duties, responsibilities, and certificates held, and an explanation of each employees' salary allocation method to the utility's capital or expense accounts.
- (9) A list, by serial number and description, of all vehicles owned or leased by the utility showing the original cost or annual lease expense, who the vehicle is assigned to, and the method of allocation to the utility.
- (10) Provide a list, by customer, of all complaints received during the test year, with an explanation of how each complaint was resolved.
- (11) Provide a copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years.

Rulemaking Authority 350.127(2), 367.0812(5), 367.121 FS. Law Implemented 367.081, 367.0812 FS. History—New 11-10-86, Amended 6-25-90, 2-10-15, Repealed _____.

25-30.440 Additional Engineering Information Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase.

Rulemaking Authority 350.127(2), 367.0812(5), 367.121 FS. Law Implemented 367.081, 367.0812 FS. History—New 11-10-86, Amended 6-25-90, 2-10-15, Repealed.

25-30.443 Minimum Filing Requirements for Class C Water and Wastewater Utilities.

(1) A Class C Utility seeking a rate increase shall submit an application which contains the information required by Rules 25-30.436, 25-30.4385, 25-30.440, 25-30.4415 and 25-30.442, F.A.C.

(2) Each Class C Utility seeking a rate increase shall also provide the information required by Commission Form PSC/AFD 18 (6/90), entitled "Financial, Rate and Engineering Minimum Filing Requirements – Class C Utilities" which is incorporated into this rule by reference. The form may be obtained from the Director, Division of Accounting and Finance, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. In compiling the required schedules, additional instructions are set forth below:

(a) Each section of this form shall be indexed and tabbed, including a table of contents listing the page numbers of each schedule.

(b) If information requested in the form described above is not applicable to the applicant, so state and provide an explanation on the specific schedule.

(c) If a projected test year is used, provide a complete set of the Commission Form PSC/AFD 18 (6/90), entitled "Financial, Rate and Engineering Minimum Filing Requirements – Class C Utilities" (as described above) which require a designation of historical or projected information. Such schedules shall be submitted for the historical base year, and any projected year subsequent to the base year and prior to the projected test year, in addition to the projected year. If no designation is shown on a schedule, submit that schedule for the test year only. In lieu of providing separate pages for the above required schedules, the information required can be combined on the same page by adding columns. In the rate base schedules, Section A, the beginning and end-of-year balances shall be shown. For any intermediate period or year, only the year-end balance shall be shown. If a historical test year is used, Schedule E-5 will not be required. A schedule shall also be included which describes in detail all methods and bases of projection, explaining the justification for each method or basis employed.

(d) Only two copies of Schedule E-6, entitled Billing Analysis Schedules shall be filed with the application. Each copy shall be submitted in a separate binder from the other required information.

(e) In designing rates, the base facility and usage charge rate structure shall be utilized for metered service.

(3) Within 60 days after the issuance of a final order entered in response to an application for increased rates, or, if applicable, within 60 days after the issuance of an order entered in response to a motion for reconsideration of such final order, each utility shall submit a breakdown of actual rate case expense incurred, in total, in a manner

consistent with Schedule No. B-10 (PSC/AFD Form 19-W, as described in Rule 25-30.437, F.A.C.). If this deadline cannot be met, an extension shall be granted by the Director of the Division of Accounting and Finance for good cause shown.

(4) If a petition for interim rates is filed, a utility shall demonstrate that it is earning outside the range of reasonableness on rate of return calculated in accordance with Section 367.082(5), F.S. To demonstrate this, the utility shall submit schedules of rate base, cost of capital and net operating income on an historical basis, with schedules of all adjustments thereto, consistent with Commission Form PSC/AFD 18 (6/90), described above.

(5) If a utility is requesting uniform rates for systems that are not already combined in a uniform rate, the information required by this rule must be submitted on a separate basis for each system that has not already been combined in a uniform rate. For those systems already combined in a uniform rate, the utility should submit the required information as a single system. At a minimum, the following schedules of Form PSC/AFD 18 (6/90), described above, shall be filed on a combined basis for all systems included in the filing: A-1, A-2, A-3, A-16, B-1, B-2, B-3, B-4, B-5, B-10, B-11, B-12, plus all "C", "D" and "E" schedules (no "F" schedules are required).

Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.081, 367.082 FS. History—New 6-25-90, Amended 11-30-93, Repealed _____.

25-30.443 Minimum Filing Requirements for Class C Water and Wastewater Utilities.

Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.081, 367.082 FS. History—New 6-25-90, Amended 11-30-93, Repealed _____.

SUMMARY OF THE RULE

Rule 25-30.436, F.A.C., gives the general information and instructions required of water and wastewater utilities in an application for rate increase, including the number of paper copies required to be filed with the Commission and identifying the Commission Designee for purposes of determining whether the utility has met the minimum filing requirements imposed by the rule. Rule 25-30.437, F.A.C., gives the financial, rate, and engineering Minimum Filing Requirements for water and wastewater utilities in an application for rate increase.

Rules 25-30.440, F.A.C., Additional Engineering Information Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase, 25-30.443, F.A.C., Minimum Filing Requirements for Class C Water and Wastewater Utilities, 25-30.438, F.A.C., Information Required in Application for Rate Increase From Utilities with Related Parties, and 25-30.4385, F.A.C., Additional Rate Information Required in Application for Rate Increase, are repealed as explained below.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-30.436, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for Rate Increase, is amended to require e-filing of rate case application documents and to reduce the number of paper copies of documents that need to be filed. These amendments reduce rate case costs. Rule 25-30.436, F.A.C., is amended to incorporate the filing requirements for Class C water and wastewater utilities that were previously in Rule 25-30.443, F.A.C., Minimum Filing Requirements for Class C Water and Wastewater Utilities; the requirement for an affidavit of compliance with Rule 25-22.0407, F.A.C., is changed to require a statement signed by a utility officer; land record requirement language is updated for consistency with other rules; the Commission designee is changed to the Director of the office of primary responsibility for the rate filing; and the rule defines the "good cause" that is required for an extension of time for submitting rate case expense following issuance of the final order. These amendments result increase administrative efficiency and add clarity to rule requirements.

Rule 25-30.437, F.A.C., Financial, Rate, and Engineering Minimum Filing Requirements for Water and Wastewater Utilities in an Application for Rate Increase, is amended to state that the rule requirements apply to Class C water and wastewater utilities, which were duplicated in Rule 25-30.443, F.A.C. The engineering requirements previously in Rule 25-30.440, F.A.C., Additional Engineering Information Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase, are merged into Rule 25-30.437, F.A.C. As a

result of Rules 25-30.440 and 25-30.443, F.A.C., being merged into other rules, they are repealed as unnecessary. These amendments and repeals increase administrative efficiency and provide greater clarity to utilities filing general rate cases.

Rule 25-30.438, F.A.C., Information Required in Application for Rate Increase From Utilities with Related Parties, and Rule 5-30.4385, F.A.C., Additional Rate Information Required in Application for Rate Increase, are repealed as obsolete and unnecessary.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

January 7, 2021

Kathryn G. W. Cowdery, Senior Attorney
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0250

Attention: Julie Phillips

Dear Ms. Cowdery:

Your adoption package for Rules 25-30.436, .437, .438, .4385, .440, and .443, F.A.C. was received, electronically, by the Florida Department of State, Administrative Code and Register at 9:05 a.m. on January 7, 2021. After review, it appears that the package meets statutory requirements and those of Rule 1-1.010, F.A.C. and is deemed filed for adoption at the time received, as indicated above. The effective date is January 27, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/ag

Julie Phillips

From: Grosenbaugh, Anya C. <Anya.Grosenbaugh@dos.myflorida.com>
Sent: Thursday, January 07, 2021 10:26 AM
To: Julie Phillips
Cc: Kathryn Cowdery; Reddick, Ernest L.; JAPC@leg.state.fl.us
Subject: RE: Rule Certification for Rules 25-30.436, .437, .438, .4385, .440 and .443, F.A.C.
Attachments: 25-30.pdf

Good morning,

I am attaching the filed copy of 25-30.

Best,

Anya Grosenbaugh

Government Operations Consultant III
Florida Administrative Code and Register
Room 701, The Capitol | Tallahassee, Florida
850.245.6271

From: Julie Phillips <JPhillip@PSC.STATE.FL.US>
Sent: Thursday, January 7, 2021 9:05 AM
To: Administrative Code <AdministrativeCode@DOS.MyFlorida.com>
Cc: Kathryn Cowdery <kcowdery@psc.state.fl.us>; Julie Phillips <JPhillip@PSC.STATE.FL.US>
Subject: Rule Certification for Rules 25-30.436, .437, .438, .4385, .440 and .443, F.A.C.

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

The Rule Certification Packet for the aforementioned rules, with the PDF attachment of the entire packet, along with the Word version of the coded text of the rules.

We await your confirmation email.

Thank you.

Julie Phillips
Office of the General Counsel
Florida Public Service Commission
850.413.6084

Grosenbaugh, Anya C.

From: Julie Phillips <JPhillip@PSC.STATE.FL.US>
Sent: Thursday, January 7, 2021 9:05 AM
To: Administrative Code
Cc: Kathryn Cowdery; Julie Phillips
Subject: Rule Certification for Rules 25-30.436, .437, .438, .4385, .440 and .443, F.A.C.
Attachments: 25-30 cert pkt for DOS.pdf; 25-30.436 10 pt. for adoption2.docx; 25-30.437 10 pt. for adoption2.docx; 25-30.438 10 pt. for adoption.docx; 25-30.4385 10 pt. for adoption.docx; 25-30.440 10 pt. for adoption.docx; 25-30.443 10 pt. for adoption.docx

EMAIL RECEIVED FROM EXTERNAL SOURCE

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We await your confirmation email.

Thank you.

Julie Phillips
Office of the General Counsel
Florida Public Service Commission
850.413.6084

WILTON SIMPSON
President



Representative Rick Roth, Chair
Senator Ben Albritton, Vice Chair
Senator Lorraine Ausley
Senator Jason Brodeur
Senator Danny Burgess
Senator Shevria D. "Shev" Jones
Representative Demi Busatta Cabrera
Representative Anna V. Eskamani
Representative Sam Garrison
Representative Thomas Patterson "Patt" Maney
Representative Angela "Angie" Nixon

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

CERTIFICATION

Department: Public Service Commission
Agency:
Rule No(s): 25-30.436, .437, .438, .4385, .440, .443
File Control No: 183306

As required by subparagraph 120.54(3)(e)4 F.S., the Joint Administrative Procedures Committee hereby certify that:

- There were no material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rule; or
- The adopting agency has responded in writing to all material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rules; or
- The adopting agency has not responded in writing to all material and timely written comments or written inquiries made on behalf of the Committee regarding the above listed rules.

Certification Date: 1/7/2021

This certification expires after: 1/14/2021

Certifying Attorney: Jamie Jackson

NOTE:

- The above certified rules include materials incorporated by reference.*
- The above certified rules do not include materials incorporated by reference.*