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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](mailto:AdministrativeCode@dos.myflorida.com)

Via E-Mail and US Mail

COMMISSION  
CLERK

JAN 07 7 PM EST 2021

RECEIVED-FPSC

**Re: Rule Certification Packet for Rule 25-7.039, F.A.C.**

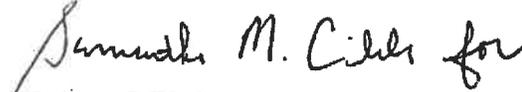
Dear Mr. Reddick:

Enclosed for filing is a complete rule certification packet for Rule 25-7.039, F.A.C., consisting of:

- (1) One copy of the coded text of the rule 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 rule, including the legal citations and history notes;
- (6) One copy of the summary of the rule;
- (7) One copy of the detailed written statement of the facts and circumstances justifying the rule; and
- (8) One copy of the summary of the hearings held on the rule.

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](mailto: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**

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**From:** FL-Rules@dos.state.fl.us  
**Sent:** Tuesday, January 05, 2021 8:52 AM  
**To:** Julie Phillips  
**Cc:** flrules@dos.state.fl.us  
**Subject:** 25-7.039 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: 25-7.039

Reference Number: Ref-12643; Reference Name: PSC 1027 (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 25-7.039 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 1027 (12/20), Minimum Filing Requirements for Investor Owned Natural Gas Utilities

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.

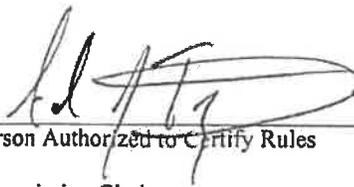
Attached is each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-7.039

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

Number of Pages Certified

2

**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.:

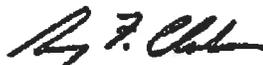
Rule Nos.

25-7.039

Rules covered by this certification:

Rule Nos.

25-7.039



\_\_\_\_\_  
Signature of Agency Head

Chairman, Florida Public Service Commission  
Title

**25-7.039 Natural Gas Utility Petition for Rate Increase ~~Minimum Filing Requirements~~; Commission Designee.**

(1) General Filing Instructions.

(a) The petition under Sections 366.06 and 366.071, F.S., for an adjustment of rates must include or be accompanied by:

1. The information required by Commission Form PSC 1027 (12/20) ~~PSC/AFD-10-G (11/89)~~, entitled "Minimum Filing Requirements for Investor Owned Natural Gas Utilities ~~Minimum Filing Requirements~~," which is incorporated into this rule by reference, and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-12643>. ~~The form may be obtained from the Commission's Division of Accounting and Finance.~~ This form is also available on the Commission's website, [www.floridapsc.com](http://www.floridapsc.com).

2. The exact name of the applicant and the address of the applicant's principal place of business.

~~3. Prepared Copies of prepared~~ direct testimony and exhibits for each witness testifying on behalf of the utility company. Each witness's prefiled testimony and exhibits shall be on numbered pages and all exhibits shall be attached to the witness's testimony.

(b) In compiling the required schedules, a utility must ~~company shall~~ follow the policies, procedures and guidelines prescribed by the Commission in relevant rules and in the utility's ~~company's~~ last rate case or in a more recent rate case involving a comparable utility. ~~These schedules shall be identified appropriately (e.g. Schedule B-1 would be designated Company Schedule B-1 - Company basis).~~

(c) Each schedule must shall be cross-referenced to identify related schedules as either supporting schedules and/or recap schedules. If a schedule requires certain information, a utility may on that schedule reference a different schedule that provides that same information.

(d) The dimensions of each page, regardless of format, must be 8 1/2" by 11 inches, and each page must be numbered. ~~Each page of the filing shall be numbered on 8 1/2" x 11" inch paper. Each witness' prefiled testimony and exhibits shall be on numbered pages and all exhibits shall be attached to the proponent's testimony.~~

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

(f) Each schedule must shall indicate the name of the witness responsible for its presentation.

(g) All schedules involving investment data must shall be completed on an average investment basis. Unless a

specific schedule requests otherwise, average is defined as the average of thirteen (13) monthly balances.

~~(h) The Twenty (20) copies of the filing, consisting of the petition and its supporting attachments, testimony, and exhibits, must be e-filed by the utility shall be filed with the Office of Commission Clerk. Ten paper copies of the filing, clearly labeled "COPY," and Commission Form PSC 1027 (12/20) in Microsoft Excel format with formulas intact and unlocked, must be provided to the Office of Commission Clerk within seven calendar days of the electronic filing. Excel files may be provided in media such as a USB flash drive, CD, or DVD, but may not be submitted by e-mail.~~

~~(i) Any proposed Whenever the company proposes any corrections, updates or other changes to the original filing must by e-filed by the utility originally filed data, twenty (20) copies shall be filed with the Office of Commission Clerk. Ten paper copies of the proposed corrections, updates or other changes, clearly labeled "COPY," and any schedules in Commission Form PSC 1027(12/20) that have been changed must be provided to the Office of Commission Clerk within seven calendar days of the electronic filing. Any schedules in Commission Form PSC 1027 (12/20) 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 at the same time.~~

~~(2) 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 designee for purposes of determining whether the utility has met the minimum filing requirements imposed by this rule.~~

~~(3) Waiver of MFR Requirements. The Commission may grant a waiver with respect to specific data required by this rule upon a showing that production of the data would be impractical or impose an excessive economic burden upon the company.~~

*Rulemaking Authority 350.127(2), 366.05(1), 366.06 (1), (3) FS. Law Implemented 366.06(1), (3), 366.071 FS. History--New 5-27-81, Formerly 25-7.39, Amended 11-21-89, \_\_\_\_\_.*

#### SUMMARY OF THE RULE

Rule 25-7.039, F.A.C., Natural Gas Utility Petition for Rate Increase; Commission Designee, gives the general filing instructions for natural gas utility petitions for rate increase, including the number of copies that must be filed with the Commission, and identifies the Commission Designee for purposes of determining whether the utility has met the minimum filing requirements imposed by the rule.

#### WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-7.039, F.A.C., Natural Gas Utility Petition for Rate Increase; Commission Designee, is amended to update and clarify rule language; reduce the number of paper copies required to be filed with an application for a rate increase and address certain requirements for e-filing documents; to change the Commission designee to the Director of the office of primary responsibility for the rate filing; and to delete obsolete language concerning waivers. These amendments increase administrative efficiency and decrease costs incurred in rate case filings

#### 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 Rule 25-7.039, F.A.C. was received, electronically, by the Florida Department of State, Administrative Code and Register at 8:57 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

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**From:** Grosenbaugh, Anya C. <Anya.Grosenbaugh@dos.myflorida.com>  
**Sent:** Thursday, January 07, 2021 10:25 AM  
**To:** Julie Phillips  
**Cc:** Kathryn Cowdery; Reddick, Ernest L.; JAPC@leg.state.fl.us  
**Subject:** RE: Rule Certification for Rule 25-7.039, F.A.C.  
**Attachments:** 25-7.039.pdf

Good morning,

I am attaching the filed copy of 25-7.039, F.A.C.

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 8:57 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 Rule 25-7.039, F.A.C.

EMAIL RECEIVED FROM EXTERNAL SOURCE

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

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

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 8:57 AM  
**To:** Administrative Code  
**Cc:** Kathryn Cowdery; Julie Phillips  
**Subject:** Rule Certification for Rule 25-7.039, F.A.C.  
**Attachments:** 25-7.039 cert pkt for DOS.pdf; 25-7.039 10 pt. for adoption.docx

EMAIL RECEIVED FROM EXTERNAL SOURCE

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

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

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 Busatia 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): 25-7.039  
File Control No: 183303

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.