

STATE OF FLORIDA

COMMISSIONERS:
ANDREW GILES FAY, CHAIRMAN
ART GRAHAM
GARY F. CLARK
MIKE LA ROSA
GABRIELLA PASSIDOMO



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

Public Service Commission

August 5, 2022

Kenneth J. Plante, Coordinator
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400
japc@leg.state.fl.us

VIA EMAIL

Re: Docket No. 20220127-PU; Rules , 25-22.002, Agenda of Meeting, 25-22.100, Authority, 25-22.101, Purpose, 25-22.1035, Official Reporter for Final Orders, 25-22.104, Numbering of Orders, 25-22.105, Electronic database of Orders and Other Records, 25-22.107, Plan for Making Orders Available to the Public, and 25-22.033, Communications Between Commission Employees and Parties, F.A.C.

Dear Mr. Plante:

Enclosed are the following materials concerning the above referenced proposed rules:

1. A copy of the proposed rules.
2. There are no materials incorporated by reference in the proposed rules.
3. A copy of the F.A.R. notice.
4. A statement of facts and circumstances justifying the proposed rules.
5. A federal standards statement.
6. No Statement of Estimated Regulatory Costs was done for the rules.

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COMMISSION
CLERK

Mr. Kenneth J. Plante
August 5, 2022
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If there are any questions with respect to these rules, please do not hesitate to call me at 413-6082.

Sincerely,



Adria E. Harper
Senior Attorney

Enclosures

cc: Office of Commission Clerk

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25-22.002 Agenda of Meetings.

~~A majority vote of a quorum of the Commission is required to modify the presiding officer's decision to make a specific change in the agenda.~~

Rulemaking Authority 350.127(2) FS. Law Implemented 120.525 FS. History—New 12-21-81, Formerly 25-22.02, Amended 4-18-94, 5-3-99, Repealed

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25-22.100 Authority.

~~These rules regarding the indexing, management, and availability of Commission orders are issued pursuant to Section 120.533, F.S., and Chapter 1S-6, F.A.C., and have been approved by the Department of State pursuant to Section 120.53(2)(c), F.S.~~

Rulemaking Authority 120.533 FS. Law Implemented 120.53(2)-(4) FS. History—New 9-24-92, Amended 12-27-94, Repealed

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25-22.101 Purpose.

~~The purpose of this part is to provide public access to and availability of all Commission orders.~~

Rulemaking Authority 120.533 FS. Law Implemented 120.53(2)-(4) FS. History—New 9-24-92, Amended 12-27-94, Repealed_____.

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25-22.1035 Official Reporter for Final Orders.

~~The official reporter of the Florida Public Service Commission shall be its website www.floridapsc.com/ClerkOffice/Docket, effective January 1, 2010. The Florida Public Service Commission Reporter (FPSCR) published by FALR will remain the designated official reporter for final orders from January 1981 to December 31, 2009. The Florida Public Service Commission Reporter is found at some county law libraries and is available by subscription at the offices of FALR, Inc., P.O. Box 385, Gainesville, FL 32602. A copy of the Florida Public Service Commission Reporter is also available for public inspection at the Office of Commission Clerk.~~

*Rulemaking Authority 120.532, 120.533 FS. Law Implemented 120.53(2)(a), (d), (4) FS.
History—New 12-27-94, Amended 2-2-10, Repealed _____.*

1 **25-22.104 Numbering of Orders.**

2 ~~(1) All orders shall be sequentially numbered as rendered using a two part number~~
3 ~~separated by a dash with the first part before the dash indicating the year and the second part~~
4 ~~indicating the numerical sequence of the order issued for that year beginning with the number~~
5 ~~0001 each new calendar year. Amendatory orders will be assigned the same order number as~~
6 ~~the order being amended, with the addition of the letter "A" immediately following the order~~
7 ~~number. The assigned agency prefix which is "PSC" shall precede the two-part number.~~

8 ~~(2) The applicable order category shall be added as a suffix succeeding the agency~~
9 ~~designation prefix and the two-part number. The order categories are as follows:~~

- 10 ~~DS - Declaratory Statement~~
- 11 ~~FOI - Final Order Informal Proceedings~~
- 12 ~~FOF - Final Order Formal Proceedings~~
- 13 ~~S - Stipulation~~
- 14 ~~AS - Agreed Settlement~~
- 15 ~~CO - Consummating Order~~
- 16 ~~PAA - Proposed Agency Action Order~~
- 17 ~~TRF - Tariff Order~~
- 18 ~~SC - Show Cause Order~~
- 19 ~~PCO - Procedural Order~~
- 20 ~~PHO - Prehearing Order~~
- 21 ~~CFO - Confidentiality Order~~
- 22 ~~NOR - Notice of Rulemaking~~

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24 ~~(3) After the order category, the applicable industry designation shall be inserted. The~~
25 ~~industry designations are as follows:~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

- 1 ~~EI~~ - ~~Electric Utility—Investor Owned~~
- 2 ~~EM~~ - ~~Electric Utility—Municipality~~
- 3 ~~EC~~ - ~~Electric Utility—Rural Electric Cooperative~~
- 4 ~~EU~~ - ~~Electric Utility—All~~
- 5 ~~EG~~ - ~~Energy Conservation~~
- 6 ~~EQ~~ - ~~Qualifying Cogeneration Facility~~
- 7 ~~GU~~ - ~~Gas Industry~~
- 8 ~~GP~~ - ~~Gas Pipeline~~
- 9 ~~TA~~ - ~~Telephone Utility—Alternate Access Vendor~~
- 10 ~~TC~~ - ~~Telephone Utility—Coin (Pay) Telephone Company~~
- 11 ~~TI~~ - ~~Telephone Utility—Interexchange Company~~
- 12 ~~TL~~ - ~~Telephone Utility—Local Exchange Company~~
- 13 ~~TS~~ - ~~Telephone Utility—Shared Tenant Company~~
- 14 ~~TX~~ - ~~Telephone Utility—Competitive Local Exchange~~
- 15 ~~TP~~ - ~~Telephone (Communications) Industry Generally~~
- 16 ~~WU~~ - ~~Water Utility~~
- 17 ~~SU~~ - ~~Wastewater (Sewer) Utility~~
- 18 ~~WS~~ - ~~Water and Wastewater Utility~~
- 19 ~~PU~~ - ~~Public Utilities Generally—Applies to matters which pertain to two or more~~
- 20 ~~industries.~~
- 21 ~~OT~~ - ~~Other Matters—Administrative Matters not related to a particular industry.~~
- 22 *Rulemaking Authority 120.53(1) FS. Law Implemented 120.53(2)-(4) FS. History—New 9-24-*
- 23 *92, Amended 12-27-94, 12-26-01, Repealed _____.*
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CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 **25-22.105 Electronic Database of Orders and Other Records.**

2 ~~(1) The Commission’s electronic database shall be available from the Commission’s~~
3 ~~website located at www.floridapsc.com/ClerkOffice/Docket. The database shall include the~~
4 ~~ability to electronically search dockets by docket number, docket title, and document number.~~
5 ~~The ability to search by related key words (specific words, terms, and phrases) and common~~
6 ~~and colloquial words shall be available from the “advanced search” feature on the main search~~
7 ~~page of the Commission’s website at <http://www.floridapsc.com/Home/Search>. Orders within~~
8 ~~this database may be searched using logical search terms that are in common usage, that are~~
9 ~~also contained within the text of the final orders, or by descriptive information about the order~~
10 ~~that may not be specifically contained in the order. From the Category drop-down selection on~~
11 ~~the “advanced search” feature for Orders, the search may optionally be further restricted. New~~
12 ~~subject headings will be added when necessary.~~

13 ~~(2) Information shall be added to the Commission’s website within 24 hours of the~~
14 ~~issuance of the document by the Office of Commission Clerk.~~

15 *Rulemaking Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History—New*
16 *9-24-92, Amended 12-27-94, 2-2-10, Repealed*

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25-22.107 Plan for Making Orders Available to the Public.

~~(1) The Commission shall make orders accessible and available to the public by sequentially numbering and maintaining all orders.~~

~~(2) The Office of Commission Clerk shall assist the public in obtaining information pertaining to Commission orders and may be contacted at (850)413-6770 or at Clerk@psc.state.fl.us. Questions may also be faxed to (850)717-0114.~~

~~(3) Copies of orders shall be maintained in the Office of Commission Clerk and electronically at the Commission's website, www.floridapsc.com/ClerkOffice/Docket.~~

Rulemaking Authority 120.53(2), (8) FS. Law Implemented 120.52(2) FS. History—New 9-24-92, Amended 12-27-94, 2-2-10, Repealed_____.

1 **25-22.033 Communications Between Commission Employees and Parties.**

2 ~~The Commission recognizes that Commission employees must exchange information with~~
3 ~~parties who have an interest in Commission proceedings. However, the Commission also~~
4 ~~recognizes that all parties to adjudicatory proceedings need to be notified and given an~~
5 ~~opportunity to participate in certain communications. The intent of this rule is not to prevent~~
6 ~~or hinder in any way the exchange of information, but to provide all parties to adjudicatory~~
7 ~~proceedings notification of and the opportunity to participate in certain communications.~~

8 ~~(1) This rule shall govern communications between Commission employees and parties to~~
9 ~~docketed proceedings before the Commission. This rule shall not apply in proceedings under~~
10 ~~Sections 120.54, 120.565, 367.0814, F.S., proposed agency action proceedings before the~~
11 ~~Commission has voted to issue a proposed agency action order, non-rate case tariffs,~~
12 ~~workshops or internal affairs meetings. Also exempted are docketed and undocketed audits,~~
13 ~~telephone service evaluations, and electric and gas safety inspections. Nothing in this rule is~~
14 ~~intended to modify or supersede the procedural requirements for formal discovery under the~~
15 ~~Commission's rules and applicable provisions of the Florida Rules of Civil Procedure, or~~
16 ~~affect communications regarding discovery requests, procedure, or other matters not~~
17 ~~concerned with the merits of a case.~~

18 ~~(2) Written Communications—Notice of any written communication between Commission~~
19 ~~employees and parties shall be transmitted to all other parties at the same time as the written~~
20 ~~communication, whether by U.S. Mail or other means.~~

21 ~~(3) Scheduled Meetings and Conference Calls—All parties to the proceeding shall be~~
22 ~~given reasonable notice of the time and place of any scheduled meeting or conference call~~
23 ~~between Commission employees and parties. For purposes of this subsection, a conference~~
24 ~~call is defined as a telephone call involving three or more persons.~~

25 ~~(4) Response to Communications—Any party to a proceeding may prepare a written~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 ~~response to any communication between a Commission employee and another party. Notice of~~
2 ~~any such response shall be transmitted to all parties.~~

3 ~~(5) Prohibited Communications—No Commission employee shall directly or indirectly~~
4 ~~relay to a Commissioner any communication from a party or an interested person which would~~
5 ~~otherwise be a prohibited ex parte communication under Section 350.042, F.S. Nothing in this~~
6 ~~subsection shall preclude non-testifying advisory staff members from discussing the merits of~~
7 ~~a pending case with a Commissioner, provided the communication is not otherwise prohibited~~
8 ~~by law. However, a staff member who testifies in a case shall not discuss the merits of that~~
9 ~~case with any Commissioner during the pendency of that case.~~

10 *Rulemaking Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57,*
11 *350.042 FS. History—New 3-24-93, Repealed _____.*

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Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NOS.:RULE TITLES:

25-22.002 Agenda of Meetings
25-22.100 Authority
25-22.101 Purpose
25-22.1035 Official Reporter for Final Orders
25-22.104 Numbering of Orders
25-22.105 Electronic Database of Orders and Other Records
25-22.107 Plan for Making Orders Available to the Public
25-22.033 Communications Between Commission Employees and Parties

PURPOSE AND EFFECT: To repeal these Commission rules.

Docket No. 20220127-PU

SUMMARY: The Commission determined that there is no implementing authority or rulemaking authority for these rules and, therefore, they are being repealed.

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 not been prepared by the Agency.

The Agency has determined that the proposed rule is 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: Because these are rule repeals, it was determined that no costs would be incurred as a result of the repeals and, therefore, the proposed repeal of the rules will not require legislative ratification.

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: 120.53, 120.532, 120.533, 350.12, 350.0, F.S.

LAW IMPLEMENTED: 120.525, 120.53, 120.569, 120.57, 350.042, 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: Adria Harper, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, aharper@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-22.002 Agenda of Meetings.

Rulemaking Authority 350.127(2) FS. Law Implemented 120.525 FS. History—New 12-21-81, Formerly 25-22.02, Amended 4-18-94, 5-3-99, Repealed.

25-22.100 Authority.

Rulemaking Authority 120.533 FS. Law Implemented 120.53(2)-(4) FS. History—New 9-24-92, Amended 12-27-94, Repealed.

25-22.101 Purpose.

Rulemaking Authority 120.533 FS. Law Implemented 120.53(2)-(4) FS. History—New 9-24-92, Amended 12-27-94, Repealed.

25-22.1035 Official Reporter for Final Orders.

Rulemaking Authority 120.532, 120.533 FS. Law Implemented 120.53(2)(a), (d), (4) FS. History—New 12-27-94, Amended 2-2-10, Repealed.

25-22.104 Numbering of Orders.

Rulemaking Authority 120.53(1) FS. Law Implemented 120.53(2)-(4) FS. History–New 9-24-92, Amended 12-27-94, 12-26-01, Repealed .

25-22.105 Electronic Database of Orders and Other Records.

Rulemaking Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History–New 9-24-92, Amended 12-27-94, 2-2-10, Repealed .

25-22.107 Plan for Making Orders Available to the Public.

Rulemaking Authority 120.53(2), (8) FS. Law Implemented 120.52(2) FS. History–New 9-24-92, Amended 12-27-94, 2-2-10, Repealed .

25-22.033 Communications Between Commission Employees and Parties.

Rulemaking Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57, 350.042 FS. History–New 3-24-93, Repealed .

NAME OF PERSON ORIGINATING PROPOSED RULE: Adria Harper

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2022

Rules 25-22.002, 25-22.100, 25-22.101, 25-22.1035, 25-22.104, 25-22.105, 25-22.107, and 25-22.033, F.A.C.
Docket No. 20220127-PU

STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE

The Joint Administrative Procedures Committee staff recently reviewed Rules 25-22.002, 25-22.100, 25-22.101, 25-22.1035, 25-22.104, 25-22.105, 25-22.107, and 25-22.033, F.A.C., pursuant to Section 120.545, F.S., and submitted letters to the Commission questioning the authority, necessity, and form of these rules. Upon review, the Commission determined that these rules were outdated, that there is no law implemented for these rules, and that the Commission does not have rulemaking authority for these rules. Thus, these rules are being repealed.

STATEMENT ON FEDERAL STANDARDS

There are no federal standards for these rules.