Notice of Proposed Rule

PUBLIC SERVICE COMMISSION
SELECT A TYPE: Amendment
RULE NO: RULE TITLE:
25-6.0435 Interim Rate Relief
25-6.109 Refunds
PURPOSE AND EFFECT: To update and clarify the rules following the statutory rule review mandated by Section 120.5435, Florida Statutes.
Docket No.: 20260036-OT
SUMMARY: These rules are being amended to make them more readable, reflect current practice, remove obsolete references, and update the rules to reflect current, widely accepted accounting guidelines. The proposed amendments to Rules 25-6.0435 and 25-6.109, F.A.C., reflect use of the AA non-financial 30-day commercial paper rate published by the Board of Governors of the Federal Reserve System, rather than the rate for high-grade, unsecured note as published in the Wall Street Journal. The Wall Street Journal has not reliably published the 30-day AA non-financial commercial paper rate since September 2011. The Board of Governors of the Federal Reserve System publishes the 30-day AA non-financial commercial paper rate every business day (if there is sufficient trading data) and is more reliable.
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 can be viewed in its entirety on the Commission's website at file://fp3/filings/psc/library/filings/2026/03975-2026/03975-2026.pdf. The SERC examined the factors required by Section 120.541(2), F.S., and concluded that the rule amendments will not likely increase regulatory costs, including any transactional costs or have an adverse impact on business competitiveness, productivity, or innovation in excess of $1 million in the aggregate within five years of implementation. The proposed amendments would have no impact on small business, would have no implementation cost to the Commission or other state and local government entities, and would have no impact on small cities or counties. The agency has determined that the proposed amendments 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(1), F.S.
LAW IMPLEMENTED: 366.03, 366.04(1), 366.04(2)(f), 366.06, 366.071, 367.081, F.S.
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: Susan Sapoznikoff, Office of General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, (850) 413-6630, susan.sapoznikoff@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.0435 Interim Rate Relief.

(1) Each electric utility petitioning for interim rate relief pursuant to Section 366.071, F.S., must ~~shall~~ file the data required by paragraph 25-6.043(1)(a), F.A.C.

(2) The requested interim increase in base rate revenues must ~~shall~~ be divided by interim test year base rate revenues to derive a percentage increase factor. The percentage increase factor must ~~shall~~ be applied uniformly to all existing base rates and charges to derive the interim base rates and charges.

(3) Interim rate relief collected is subject to refund pending final order in the permanent rate relief request. Such increase is ~~shall be~~ subject to a corporate undertaking or under bond as authorized by the Commission and any refund must ~~shall~~ be made with an interest factor determined by using the AA non-financial 30-day commercial paper rate published by the Board of Governors of the Federal Reserve System on its website ~~for high-grade, unsecured notes, sold through dealers by major corporations in multiples of $1,000, as regularly published in the Wall Street Journal~~. The annual rate as published on the first day of the current business month would be added to the rate as published on the first day of the subsequent business month and halved to obtain the simple average rate to be applied in that month. This rate of interest must ~~would~~ be applied to the refund amount for that month. The amount of interest calculated must ~~would~~ be added to the beginning balance of the following month ~~so as~~ to accomplish the compounding of the interest feature of the refund provision.

Rulemaking Authority 366.05(1) FS. Law Implemented 366.04(2)(f), 366.06, 366.071 FS. History–New 5-27-81, Formerly 25-6.435, Amended 2-12-04, ______.

25-6.109 Refunds.

(1) Applicability. With the exception of deposit refunds and refunds associated with adjustment factors, all refunds ordered by the Commission must ~~shall~~ be made in accordance with the provisions of this Rule, unless otherwise ordered by the Commission.

(2) Timing of Refunds. Refunds must be made within ninety (90) days of the Commission's order unless a different time frame is prescribed by the Commission. Unless a stay has been requested in writing and granted by the Commission, a motion for reconsideration of an order requiring a refund will not delay the timing of the refund. In the event that a stay is granted pending reconsideration, the timing of the refund must ~~shall~~ commence from the date of the order disposing of any motion for reconsideration. This rule does not authorize any motion for reconsideration not otherwise authorized by Chapter 25-22, F.A.C.

(3) Basis of Refund. When ~~Where~~ the refund is the result of a specific rate change, including interim rate increases and the refund can be computed on a per customer basis that will be the basis of the refund. In such cases, refunds must ~~may~~ be made by either recalculating the affected customer's bill or by applying an appropriate refund factor to the consumption used by the customer during the refund period. However, when ~~where~~ the refund is not related to specific rate changes, such as a refund for overearnings, the refund must ~~will~~ be made to customers of record as of a date specified by the Commission. In such case, refunds must ~~shall~~ be made on the basis of consumption. Per customer refund refers to a refund to every customer receiving service during the refund period. Customer of record refund refers to a refund to every customer receiving service as of a date specified by the Commission.

(4) Interest.

(a) When ~~In the case of refunds~~ the Commission orders refunds to be made with interest, the average monthly interest rate until the refund is posted to the customer's account must ~~shall~~ be based on the AA non-financial ~~thirty~~ 30-day ~~(30) day~~ commercial paper rate published by the Board of Governors of the Federal Reserve System on its website ~~for high grade, unsecured notes sold through dealers by major corporations in multiples of $1,000 as regularly published in the Wall Street Journal~~.

(b) This average monthly interest rate must ~~shall~~ be calculated for each month of the refund period:

1. No change.

2. The average monthly interest rate for the month prior to distribution must ~~shall~~ be the same as the last calculated average monthly interest rate.

(c) The average monthly interest rate must ~~shall~~ be applied to the sum of the previous month's ending balance (including monthly interest accruals) and the current month's ending balance divided by two (2) to accomplish a compounding effect.

(d) Interest Multiplier. When the refund is computed for each customer, an interest multiplier can ~~may~~ be applied against the amount of each customer's refund in lieu of a monthly calculation of the interest for each customer. The interest multiplier must ~~shall~~ be calculated by dividing the total amount refundable to all customers, including interest, by the total amount of the refund, excluding interest. For the purpose of calculating the interest multiplier, the utility may, upon approval by the Commission, estimate the monthly refundable amount.

(e) Commission staff will ~~shall~~ provide applicable interest rate figures and assistance in calculations under this Rule upon request of the affected utility.

(5) Method of Refund Distribution. For those customers still on the system, a credit must ~~shall~~ be made on the bill. In the event the refund is for a greater amount than the bill, the remainder of the credit must ~~shall~~ be carried forward until the refund is completed. If the customer so requests, a check for any negative balance must be sent to the customer within ten (10) days of the request. For customers entitled to a refund but no longer on the system, the company must ~~shall~~ mail a refund check to the last known billing address, except that no refund for less than $1.00 will be made to these customers.

(6) Security for Money Collected Subject to Refund. In the case of money being collected subject to refund, the money must ~~shall~~ be secured by a bond unless the Commission specifically authorizes some other type of security such as placing the money in escrow, approving a corporate undertaking, or providing a letter of credit. The company ~~Commission~~ must ~~may require the company to~~ provide a report by the 20th ~~10th~~ of each month indicating the monthly and total amount of money subject to refund as of the end of the preceding month. The report must ~~shall~~ also indicate the status of whatever security is being used to guarantee repayment of the money.

(7) Refund Reports. During the processing of the refund, monthly reports on the status of the refund must ~~shall~~ be made by the 20th ~~10th~~ of the following month. In addition, a preliminary report must ~~shall~~ be made within thirty (30) days after the date the refund is completed and again 90 days thereafter. A final report must ~~shall~~ be made after all administrative aspects of the refund are completed. The above reports must ~~shall~~ specify the following:

(a) through (d) No change.

(8) With the last report under subsection (7) of this rule, the company must ~~shall~~ suggest a method for disposing of any unclaimed amounts. The Commission will ~~shall~~ then order a method of disposing of the unclaimed funds.

Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.03, 366.04(1), (2)(f), 366.06(3), 366.07, 366.071 FS. History–New 8-18-83, Amended ___________.

NAME OF PERSON ORIGINATING PROPOSED RULE: Matt Vogel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 7, 2026

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 24, 2026 (Volume 52, Number 57)

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Notices Submitted to/Confirmed by Administrative Code & Register Staff

Notices Confirmed by ACR

Notices Submitted to ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
31150015	25-9.001,...	Application and Scope, General Filing Instructions, Size and Form of Tariffs, Gas - Electric - Water - Wastewater Utility Tariffs, Numbering and General Data Required for Each Sheet, Numbering of Supplements and Additions, Title Page, Description of Territory Served, Index of Rate or Exchange Schedules, Standard Forms, Contracts and Agreements, Withdrawal of Tariffs, Definitions, Size and Form of Documentation, Electric Utility Documentation, Title Page, Standard Forms and Blank Bill Form	Proposed	7/27/2026 Vol. 52/144	7/23/2026

Notices Confirmed by ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
31150403	25-7.040,...	Interim Rate Relief, Refunds	Proposed	7/24/2026 Vol. 52/143	7/23/2026
31150694	25-30.117,...	Accounting for Pension Costs, Refunds	Proposed	7/24/2026 Vol. 52/143	7/23/2026
31150985	25-6.0435,...	Interim Rate Relief, Refunds	Proposed	7/24/2026 Vol. 52/143	7/23/2026

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