

State of Florida



Public Service Commission

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

-M-E-M-O-R-A-N-D-U-M-

DATE: May 30, 2019

TO: Office of Commission Clerk (Teitzman)

FROM: Office of the General Counsel (Harper) *def*
Division of Economics (Guffey) *et. g. w. ESD JMH SML.*
Office of Industry Development and Market Analysis (Wooten) *EW CH*

RE: Docket No. 20190074-PU – Proposed repeal of Rule 25-4.0051, F.A.C., Current Certificate Holder Information and Rule 25-4.520, F.A.C., Reporting Requirements, and proposed adoption of Rule 25-22.108, F.A.C., Change of Regulated Utility Contact Information.

AGENDA: 06/11/19 – Regular Agenda – Rule Proposal – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Polmann

RULE STATUS: Proposal May Be Deferred

SPECIAL INSTRUCTIONS: None

Case Background

Rule 25-4.0051, Florida Administrative Code (F.A.C.), Current Certificate Holder Information, requires each certificated telecommunications company to file updated contact information with the Office of Commission Clerk within 10 days of any changes to its contact information. Similarly, Rule 25-4.520, F.A.C., Reporting Requirements, requires each pay telephone service company to file any updated contact information with the Office of Commission Clerk within 10 days after a change occurs.

Pursuant to Sections 350.127(2), 364.01, 364.183, 366.05, 367.121, 368.05, 427.704(8), Florida Statutes (F.S.), the Commission can require any public utility subject to the Commission's regulation to provide the Commission with the utility's updated contact information. The

adoption of new Rule 25-22.108, F.A.C., Change of Regulated Utility Information, would codify current practice requiring each utility, not just telecommunications and pay telephone service companies, to submit its contact information. The utility must submit the contact information to the Office of the Commission Clerk, using the form entitled Form PSC 1024 (6/19) “Change of Regulated Utility Contact Information,” which is provided on the Commission’s website, within 30 days of being regulated by the Commission. Likewise, the rule requires that any utility that updates its contact information must submit the updated contact information to the Office of the Commission Clerk within 30 days of the changes.

The Commission’s Notice of Development of Rulemaking for Rules 25-4.0051, 25-4.520, and 25-22.108, F.A.C., were published in Volume 44, No. 160, of the Florida Administrative Register on August 16, 2018. There were no requests for workshop, and no workshop was held.

This recommendation addresses whether the Commission should repeal Rules 25-4.0051 and 25-4.520, F.A.C. and adopt Rule 25-22.108, F.A.C. The Commission has jurisdiction pursuant to Sections 120.54, 350.01, 350.127(2), and 427.704 (8), F.S.

Discussion of Issues

Issue 1: Should the Commission repeal Rules 25-4.005, F.A.C., Current Certificate Holder Information and Rule 25-4.520, F.A.C., Reporting Requirements, and adopt new Rule 25-22.108, F.A.C., Change of Regulated Utility Contact Information?

Recommendation: Yes, the Commission should repeal Rules 25-4.0051 and 25-4.520, F.A.C., and adopt new Rule 25-22.108, F.A.C., as set forth in Attachment A. The Commission should certify Rule 25-22.108, F.A.C., as a minor violation rule. (Harper, Guffey, Wooten)

Staff Analysis: Rules 25-4.0051 and 25-4.520, F.A.C., require certificate holding telecommunications and pay telephone service companies to update their contact information with the Commission. All utilities subject to the Commission's regulation, not just telecommunications and pay telephone service companies, must provide updated contact information to the Commission. Because Rules 25-4.0051 and 25-4.520, F.A.C., are limited to telecommunications and pay telephone service companies only, staff believes that these rules are unnecessary and should be repealed and replaced by Rule 25-22.108, F.A.C., as set forth in Attachment A.

Rule 25-22.108, F.A.C., codifies current Commission practice that requires utilities to update their contact information with the Commission. Rule 25-22.108, F.A.C., requires all utilities, not just telecommunications and pay telephone service companies, to update their contact information in a timely manner by using Form PSC 1024 (6/19) "Change of Regulated Utility Contact Information." A link to Form PSC 1024 is contained in Subsection (1) of Rule 25-22.108, F.A.C. The link directs utilities to Form PSC 1024 on the Commission's website so that utilities can submit updated contact information electronically to the Office of the Commission Clerk. A copy of Form PSC 1024 is set forth in Attachment B.

Subsection (1) of Rule 25-22.108, F.A.C., provides that within 30 days of being regulated by the Commission as a utility defined by Section 350.111, F.S., a utility must submit its contact information to the Office of the Commission Clerk using Form PSC 1024, except when all current information was already previously submitted to the Commission in the utility's application for certification. Subsection (2) of Rule 25-22.108, F.A.C., provides that once a utility makes any changes to the information listed in Form PSC 1024, the utility must submit an updated form to the Office of the Commission Clerk within 30 days of the changes.

Minor Violation Rules Certification

Currently, Rules 25-4.0051 and 25-4.520, F.A.C., are on the Commission's list of minor violation rules. Staff is recommending repealing these rules and replacing the rules with Rule 25-22.108, F.A.C. Pursuant to Section 120.695, F.S., beginning July 1, 2017, the agency head shall certify whether any part of each rule filed for adoption is designated as a minor violation rule. A minor violation rule is a rule that would not result in economic or physical harm to a person or an adverse effect on the public health, safety, or welfare or create a significant threat of such harm when violated. Rule 25-22.108, F.A.C., meets the standards for a minor violation rule. Therefore, for the purposes of repealing rules and filing the new rule for adoption with the Department of State, staff recommends the Commission remove Rules 25-4.0051 and 25-4.520, F.A.C., from

Date: May 30, 2019

the Commission's minor violation list and certify new Rule 25-22.108, F.A.C., as a minor violation rule.

Statement of Estimated Regulatory Costs

Pursuant to Section 120.54(3)(b)1., F.S., agencies are encouraged to prepare a statement of estimated regulatory costs (SERC) before the adoption, amendment, or repeal of any rule. A SERC was prepared for this rulemaking and is appended as Attachment C. As required by Section 120.541(2)(a)1., F.S., the SERC analysis includes whether the rule amendments are likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after implementation. None of the impact/cost criteria will be exceeded as a result of the recommended revisions.

The SERC concludes that the repeal of Rules 25-4.0051 and 25-4.520, F.A.C., and adoption of new Rule 25-22.108, F.A.C., will likely not directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida within 1 year after implementation. Further, the SERC concludes that the repeal of the rules and rule adoption 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 5 years of implementation. Thus, the repeal of the rules and rule adoption do not require legislative ratification, pursuant to Section 120.541(3), F.S.

In addition, the SERC states that the repeal of Rules 25-4.0051 and 25-4.520, F.A.C., and adoption of new Rule 25-22.108, F.A.C., would have no impact on small businesses, would have no implementation or enforcement cost on the Commission or any other state and local government entity, and would have no impact on small cities or small counties. The SERC states that no transactional costs are likely to be incurred by individuals and entities required to comply with the requirements.

Conclusion

The Commission should repeal Rules 25-4.0051 and 25-4.520, F.A.C. and adopt new Rule 25-22.108, F.A.C., as set forth in Attachment A. The Commission should certify Rule 25-22.108, F.A.C., as a minor violation rule.

Date: May 30, 2019

Issue 2: Should this docket be closed?

Recommendation: Yes. If no requests for hearing or comments are filed, the rules may be filed with the Department of State, and this docket should be closed. (Harper)

Staff Analysis: If no requests for hearing or comments are filed, the rules may be filed with the Department of State, and this docket should be closed.

1 25-4.0051 Current Certificate Holder Information.

2 ~~Each company shall file updated information for the following items with the Office of the~~

3 ~~Commission Clerk within 10 days after any changes to the following:~~

4 ~~(1) The address of the certificate holder's main corporate and Florida offices (if any)~~

5 ~~including street name and address and post office box, city, state and zip code; or~~

6 ~~(2) Telephone number, name, and address of the individual who is to serve as primary~~

7 ~~liaison with the Commission in regard to the ongoing Florida operations of the certificated~~

8 ~~company.~~

9 *Rulemaking Authority 350.127(2), 427.704(8) FS. Law Implemented 364.016, 364.183,*

10 ~~*364.336, 364.3375 FS. History—New 2-4-13, Repealed*~~.

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

1 25-4.520 Reporting Requirements.

2 ~~Each pay telephone service company shall file with the Commission's Office of the~~

3 ~~Commission Clerk updated information for the following items within ten days after a change~~

4 ~~occurs:~~

5 ~~(1) The street address of the certificate holder including number, street name, city, state~~

6 ~~and zip code, and the mailing address if it differs from the street address.~~

7 ~~(2) Name, title, and phone number of the individual responsible for contact with the~~

8 ~~Commission.~~

9 *Rulemaking Authority 350.127(2) FS. Law Implemented 350.115, 350.117, 364.17, 364.18,*

10 *364.185, 364.3375 FS. History--New 1-5-87, Amended 1-2-91, 12-29-91, 2-1-99, Formerly 25-*

11 *24.520. Repealed_____.*

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

1 25-22.108 Change of Regulated Utility Contact Information
2 (1) Within 30 days of being regulated by the Florida Public Service Commission as
3 defined by Section 350.111, Florida Statutes, a utility shall submit its contact information to
4 the Office of the Commission Clerk using Form PSC 1024 (6/19) "Change of Regulated
5 Utility Contact Information" except when all current information was submitted in the utility's
6 application form. Form PSC 1024 (6/19) "Change of Regulated Utility Contact Information,"
7 is available at the Department of State website at <http://www.XXXX> and at the Commission's
8 website at <http://www.floridapsc.com/ClerkOffice/ChangeOfCompanyInfo>.
9 (2) If a utility makes any changes to the information listed in the form, the utility must
10 submit an updated Form PSC 1024 (6/19) to the Office of the Commission Clerk that shows
11 all changes within 30 days of the changes.
12 Rulemaking Authority 350.127(2), 364.01, 364.183, 366.05, 367.121, 368.05, 427.704(8).
13 FS. Law Implemented 364.183, 366.05, 367.156, 368.05, 368.108, 427.704, FS. History—New
14 _____.

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

Change of Regulated Utility Contact Information

To edit, please search by industry or company name and then click on Edit.

Note: This form functions best with Internet Explorer.

Search By <input type="radio"/> Industry <input type="radio"/> Company Name		Select by Industry <div><input type="text"/></div> <div><input type="text"/></div> <div>Search</div>	
Official Company Name	<input type="text"/>	Mailing Name	<input type="text"/> <small>Please Enter Mailing Name</small>
Company / Utility Code	<input type="text"/>	Certificate No.	<input type="text"/>
Federal Identification No.	<input type="text"/>	Physical Location	Address 1 <input type="text"/> Address 2 <input type="text"/> City <input type="text"/> State <input type="text"/> Zip <input type="text"/> Country <input type="text"/>
Attention Line	First Name <input type="text"/> Middle <input type="text"/> Last Name <input type="text"/> Title <input type="text"/> Telephone <input type="text"/> Ext <input type="text"/> Fax <input type="text"/> E-mail <input type="text"/>	Mailing Address	Address 1 <input type="text"/> Address 2 <input type="text"/> City <input type="text"/> State <input type="text"/> Zip <input type="text"/> Country <input type="text"/>
Liaison Officer No. 1	First Name <input type="text"/> Middle <input type="text"/> Last Name <input type="text"/> Title <input type="text"/> Telephone <input type="text"/> Ext <input type="text"/> Fax <input type="text"/> E-mail <input type="text"/>	Liaison Officer No. 2	First Name <input type="text"/> Middle <input type="text"/> Last Name <input type="text"/> Title <input type="text"/> Telephone <input type="text"/> Ext <input type="text"/> Fax <input type="text"/> E-mail <input type="text"/>
Company Web Address	<input type="text"/>		
NOTES	<div><input type="text"/></div>		
Submitted By Company Representative			
First Name	<input type="text"/> <small>Please Enter First Name</small>	Last Name	<input type="text"/> <small>Please Enter Last Name</small>
Title	<input type="text"/> <small>Please Enter Title</small>	Telephone	<input type="text"/> <small>Please Enter Phone</small>
Email	<input type="text"/> <small>Please Enter Email Address</small>		
<div>SUBMIT</div>			

State of Florida



Public Service Commission

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

-M-E-M-O-R-A-N-D-U-M-

DATE: May 28, 2019

TO: Adria E. Harper, Senior Attorney, Office of the General Counsel

FROM: Sevini K. Guffey, Public Utility Analyst II, Division of Economics *SKG.*

RE: Statement of Estimated Regulatory Costs for Proposed Repeal of Rule 25-4.0051, Florida Administrative Code (F.A.C.), Current Certificate Holder Information, and Rule 25-4.520, F.A.C., Reporting Requirements, and Proposed New Rule 25-22.108, F.A.C., Change of Regulated Utility Contact Information.

Current Rules 25-4.0051 and 25-4.520, F.A.C., which apply to pay service telephone and telecommunication companies, require them to file updated contact information with the Commission within 10 days if there are any changes to their contact person, address, or the primary liaison for the Florida operations. These rules are being repealed because all regulated utilities will be required to file updated contact information with the Commission pursuant to new proposed Rule 25-22.108, F.A.C.

Proposed Rule 25-22.108, F.A.C., Change of Regulated Utility Contact Information, will require all utilities regulated by the Commission to submit their contact information within 30 days of being regulated by the Commission and update their contact information when the information changes. The rule will require a utility to submit Form PSC 1024 (6/19) titled "Change of Regulated Utility Contact Information" to the Commission when the utility's contact information changes. The referenced form is available at the Florida Department of State and at the Florida Public Service Commission websites.

The number of regulated utilities required to comply with this rule are 57 electric, 58 gas, 319 telecommunications, 124 water, and 93 wastewater companies. The proposed rule revisions are not imposing any new regulatory requirements. No workshop was requested by affected parties in conjunction with the recommended repeal of Rules 25-4.0051 and 25-4.520, F.A.C. and proposed new Rule 25-22.108, F.A.C. No regulatory alternatives were submitted pursuant to Section 120.541(1)(a), Florida Statutes (F.S.). None of the impact/cost criteria established in Section 120.541(2)(a), F.S., will be exceeded as a result of the recommended revisions.

cc: SERC file

FLORIDA PUBLIC SERVICE COMMISSION
STATEMENT OF ESTIMATED REGULATORY COSTS
Rules 25-4.0051, 25-4.520, and 25-22.108, F.A.C.

1. Will the proposed rule have an adverse impact on small business? [120.541(1)(b), F.S.] (See Section E., below, for definition of small business.)

Yes ☐

No ☒

If the answer to Question 1 is "yes", see comments in Section E.

2. Is the proposed rule likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after implementation of the rule? [120.541(1)(b), F.S.]

Yes ☐

No ☒

If the answer to either question above is "yes", a Statement of Estimated Regulatory Costs (SERC) must be prepared. The SERC shall include an economic analysis showing:

A. Whether the rule directly or indirectly:

- (1) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)1, F.S.]

Economic growth Yes ☐ No ☒

Private-sector job creation or employment Yes ☐ No ☒

Private-sector investment Yes ☐ No ☒

- (2) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)2, F.S.]

Business competitiveness (including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets) Yes ☐ No ☒

Productivity Yes ☐ No ☒

Innovation Yes ☐ No ☒

- (3) Is likely to increase regulatory costs, including any transactional costs, in

excess of \$1 million in the aggregate within 5 years after the implementation of the rule? [120.541(2)(a)3, F.S.]

Yes ☐

No ☒

Economic Analysis: The proposed rule changes will benefit all telephone, water and wastewater, electric, and gas utilities that are regulated by the Commission. By having one standardized form for all utilities which enable them to maintain updated contact information will aid the Commission to contact the utility companies efficiently. As a result, the companies will be able to avoid penalties for late payment of regulatory fees, avoid late response to data inquiries, and avoid cancellation of their certificates for non-compliance.

B. A good faith estimate of: [120.541(2)(b), F.S.]

(1) The number of individuals and entities likely to be required to comply with the rule.

The number of entities to which the new rule applies and is required to comply with include 57 electric, 58 gas, 319 telecommunications, 124 water, and 93 wastewater companies that are currently regulated by the Commission.

(2) A general description of the types of individuals likely to be affected by the rule.

57 electric, 58 gas, 319 telecommunications, 124 water, and 93 wastewater companies that are currently regulated by the Commission will be affected by this rule.

C. A good faith estimate of: [120.541(2)(c), F.S.]

(1) The cost to the Commission to implement and enforce the rule.

☒ None. To be done with the current workload and existing staff.

☐ Minimal. Provide a brief explanation.

☐ Other. Provide an explanation for estimate and methodology used.

(2) The cost to any other state and local government entity to implement and enforce the rule.

☒ None. The rule will only affect the Commission.

☐ Minimal. Provide a brief explanation.

☐ Other. Provide an explanation for estimate and methodology used.

(3) Any anticipated effect on state or local revenues.

☒ None.

☐ Minimal. Provide a brief explanation.

☐ Other. Provide an explanation for estimate and methodology used.

D. A good faith estimate of the transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rule. "Transactional costs" include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used, procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring or reporting, and any other costs necessary to comply with the rule. [120.541(2)(d), F.S.]

☒ None. The rule will only affect the Commission.

☐ Minimal. Provide a brief explanation.

☐ Other. Provide an explanation for estimate and methodology used.

E. An analysis of the impact on small businesses, and small counties and small cities: [120.541(2)(e), F.S.]

(1) "Small business" is defined by Section 288.703, F.S., as an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

☒ No adverse impact on small business.

☐ Minimal. Provide a brief explanation.

☐ Other. Provide an explanation for estimate and methodology used.

(2) A "Small City" is defined by Section 120.52, F.S., as any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. A "small county" is defined by Section 120.52, F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

- ☒ No impact on small cities or small counties.
- ☐ Minimal. Provide a brief explanation.
- ☐ Other. Provide an explanation for estimate and methodology used.

F. Any additional information that the Commission determines may be useful. [120.541(2)(f), F.S.]

- ☒ None.

Additional Information:

G. A description of any regulatory alternatives submitted and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule. [120.541(2)(g), F.S.]

- ☒ No regulatory alternatives were submitted.
- ☐ A regulatory alternative was received from
 - ☐ Adopted in its entirety.
 - ☐ Rejected. Describe what alternative was rejected and provide a statement of the reason for rejecting that alternative.