



Florida
Public
Service
Commission

Statement of
Agency
Organization
& Operations

Statement of
Agency Organization & Operations*

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* As required by Rule 28-101.001, Florida Administrative Code

Statement of
Agency Organization & Operations

Commission Mission Statement

To facilitate the efficient provision of safe and reliable utility services at fair prices.

Commission Goals

The Commission fulfills its mission by pursuing a number of goals:

Goals for Economic Regulation

- ◆ Streamline regulatory requirements to the extent possible, to provide an open, accessible, and efficient regulatory process that is fair and unbiased.
- ◆ Provide a regulatory process that results in fair and reasonable rates while offering rate base regulated utilities an opportunity to earn a fair return on their investments.
- ◆ Encourage efficiency and innovation among regulated utilities.
- ◆ Encourage and facilitate responsible use of resources and technology in the provision and consumption of utility services.

Goals for Regulatory Oversight

- ◆ Identify and address regulatory barriers that impede the development of competitive telecommunications markets, as directed by law.
- ◆ Provide appropriate regulatory oversight to protect consumers.
- ◆ Ensure that all entities providing utility services to consumers comply with all requirements subject to the Commission's jurisdiction.

Goals for Service Regulation and Consumer Assistance

- ◆ Facilitate the provision of safe utility services at levels of quality and reliability levels that comply with established industry standards and practices.
- ◆ Inform consumers about utility matters.
- ◆ Expedite resolution of disputes between consumers and utilities.

Commission Organization

The Commission consists of five members appointed by the Governor and confirmed by the Senate. Commissioners serve four-year terms, as provided in Chapter 350, Florida Statutes (F.S.).

The Chairman is elected by a majority vote of the Commissioners to serve as chair for two years. The Chairman is the chief administrative officer of the Commission, presiding at all hearings and conferences when present, setting Commission hearings, and performing those duties prescribed by law. In the Chairman's absence, the senior member of the Commission panel presides; however, the senior member of the panel may delegate another Commissioner to preside.

A majority of any Commission panel constitutes a quorum, and the Commission cannot take formal action in the absence of a quorum. A majority vote of the quorum determines Commission action. When only two Commissioners are assigned to a proceeding and they do not agree on a final decision, the Commission Chairman, after appropriate review of the record, shall cast the deciding vote. When the Chairman is one of a two-member panel and the panel does not agree on a final decision, the matter shall be referred to the full Commission for disposition. In such an event, the full Commission shall review the record as appropriate.

Commission Staff Organization

The Florida Public Service Commission (FPSC) carries on its work through two primary offices: the Office of Executive Director and the Office of General Counsel. The Offices of Executive Director and General Counsel are charged with implementing Chapters 350, 364, 366, 367, 368, and 427, Florida Statutes (F.S.), and Sections 403.064, 403.501-403.539, and 403.9401-403.9425, F.S.

I. Office of Executive Director

The **Executive Director** (EXE) is responsible for directing, planning, and administering the overall activities of the Commission staff, except the Office of General Counsel. He consults with and advises the Commissioners on regulatory, internal management, and budgetary matters and acts as an interagency liaison. Reporting directly to him are the Deputy Executive Director and the directors of the Division of Regulatory Analysis, the Division of Economic Regulation, and the Office of Auditing and Performance Analysis.

The **Deputy Executive Director** (DED) assists the Executive Director in providing direction and leadership for the staff and is delegated full authority in his absence. He has direct line authority over the Division of Administrative Services; the Division of Safety, Reliability and Consumer Assistance; the Office of Commission Clerk; and the Office of Information Technology Services.

A summary of the responsibilities of each division and office is provided below.

The **Division of Administrative Services** (ADM) assists in preparing the Commission's Legislative Budget Requests, monitors the operating and non-operating budgets, and assists in preparing budget amendments as necessary. All financial transactions and maintenance of the Commission's accounting records are handled primarily in the *Fiscal Services Section*. *Human Resources* administers the agency's human resources program, including recruitment, selection, classification and pay, attendance and leave, performance evaluations, training and staff development, variable work week schedules, employee relations, payroll, insurance, and other employee benefit programs.

Support Services and *Facilities Management and Purchasing* are housed under the *General Services Section*. *Support Services* supports imaging, duplicating, mail distribution, audio-visual, hearing and conference room operations, and fax systems. *Facilities Management and Purchasing* processes all agency purchasing, security and safety issues, leasing, surplus property, and fleet management. Additionally, the division manages the agency-wide administrative procedures manual and forms inventory/tracking programs.

The **Division of Economic Regulation** (ECR) investigates the earnings of rate base regulated companies and also works to resolve consumer complaints concerning service quality and billing issues in the electric, natural gas, and water and wastewater industries. This division

develops and writes recommendations concerning electric utility cost recovery clauses and depreciation practices of electric and gas utilities for Commission consideration.

The *Bureau of Rate Filings, Surveillance, Finance, and Tax* is responsible for reviewing the revenue requirements of rate base regulated utilities. It processes rate cases and monitors earnings for these industries. Processing earnings cases includes analyzing filings, expert testimony, and exhibits; developing cross-examination questions and presenting staff testimony; holding customer meetings; and preparing and presenting recommendations to the Commission. This bureau manages the utilities' annual report process including all mailings, extensions, filings, delinquency notices, penalty letters, and show causes; reviews the regulatory assessment fee (RAF) returns of utilities; and processes storm cost recovery and associated securitization filings. Other responsibilities include processing security applications for investor-owned natural gas and electric utilities, evaluating requests for corporate undertaking from water and wastewater utilities, and calculating the interest on refunds.

The *Bureau of Certification, Economics, and Tariffs* is responsible for several areas involving water, wastewater, gas, and electric utilities. For water and wastewater utilities, the bureau handles new utility certification requests, territorial amendment filings, certificate transfers, and non-rate case tariff filings. In water and wastewater rate case proceedings, the bureau is responsible for evaluating issues related to rate design and conducts engineering analyses related to service quality, plant maintenance and operations, and plant utilization.

For gas and electric utilities, the bureau handles all rate and tariff matters, including cost of service, rate design, and territorial issues, as well as rate structure issues for municipal electric utilities and rural electric cooperatives. The bureau also addresses individual customer issues relating to rates, rate structure, billing practices, master metering, and reconnection and disconnection policies. In proceedings such as rate cases or power plant need determinations, the bureau provides econometric analyses, including economic and demographic forecasts and repression impacts on customer demand resulting from increased rates. Economic forecasting and statistical analyses are given to all divisions.

The *Bureau of Cost Analysis and Recovery* makes recommendations to the Commission on annual cost recovery clause petitions. For electric utilities this includes fuel, purchased power, capacity, nuclear construction, conservation and environmental cost recovery petitions. For natural gas utilities this includes the purchased gas adjustment (PGA) and conservation cost recovery petitions. The bureau is also responsible for analyzing depreciation and cost of service studies, as well as utility storm hardening plans.

The **Division of Regulatory Analysis (RAD)** is responsible for the FPSC's long range program planning, including the critical assessment of the evolving utility industry and development of strategies that most benefit Florida's citizens. The division implements and enforces energy policy enacted by the Florida Legislature and the U.S. Congress, which affects electric and gas utilities in Florida. It monitors and facilitates competitive markets in the telecommunications industry and assesses the status and progress of competition within

the industry. Additionally, the division analyzes policy relating to the adequacy, quality, and affordability of Florida's water resources. The division serves as a technical liaison with the Florida Legislature, federal regulatory agencies, and other state agencies.

The *Strategic Analysis Section* assesses developing energy policies and prepares recommendations for implementing state and federal laws, including strategy alternatives for consideration by the Commission. The section participates in special studies concerning energy policy, develops discussion papers, analyzes alternative regulatory approaches for energy policy, and provides technical analysis of proposed energy legislation. The section provides support to Commissioners for National Association of Regulatory Utility Commissioners (NARUC) activities pertaining to climate control, conservation, and renewables, as well as technical support to other staff in docketed and undocketed matters.

The *Energy Resource Planning Section* is responsible for docketed and undocketed matters pertaining to demand-side conservation, supply-side generation, and transmission expansion. This section develops recommendations and implements Florida Energy Efficiency and Conservation Act (FEECA) conservation goals and analyzes cost-effective utility programs designed to meet those goals. The section analyzes cogeneration and renewable generation purchased power contracts; electric utility ten-year generation and transmission site plans; power plant and transmission line need determinations, including the prudence and cost-effectiveness of utility bidding practices for alternative supply-side resources; and intrastate gas pipeline need determinations. As the liaison with the Florida Reliability Coordinating Council (FRCC), the section monitors the Planning and Operating Committees and the implementation of capacity and fuel emergency plans. The section also provides support to Commissioners for NARUC activities pertaining to nuclear waste disposal.

The *Intercarrier Services Section* analyzes and provides recommendations on prices and requirements for wholesale offerings (i.e., unbundled network elements and resale) in either an arbitration or a generic proceeding. This section arbitrates operational issues between local telephone service providers that cannot be resolved by the parties and also provides recommendations to resolve complaints of an interpretive nature pertaining to existing contracts. The section also processes local telephone service providers schedules of rates and terms, price list filings, and negotiated agreements. The section compiles, analyzes, and reports data pertaining to the status of competition in the telecommunications industry in Florida. The section also provides technical support in docketed matters regarding the telecommunications industry, acts as a technical liaison with the Universal Service Joint Board of the Federal Communications Commission and provides Commissioner support for NARUC activities pertaining to telecommunications. Issues affecting the water and wastewater industry are analyzed, and the section also prepares technical analyses of special projects for all industries (i.e., electric, telecommunications, and water and wastewater).

The *Market Practices Section* processes cases involving area code relief, number conservation plans, reclaiming numbering resources from carriers that failed to activate central office codes, number code denials, and alleged barriers to entry. The section addresses issues

related to local number portability, the Lifeline Assistance Program, and eligible telecommunications carrier designations and prepares the *Annual Report on the Status of the Telecommunications Access System Act of 1991* and the *Annual Report on Link-Up and Lifeline Assistance*. The section processes all certification/registration filings. Including new certificates/registrations, name changes, transfers, and cancellations for all local telephone service providers and pay telephone service (PATs) providers. The section also monitors company compliance with various FPSC rules and initiates action if warranted.

The **Office of Auditing and Performance Analysis** (APA) conducts audits and reviews in all industries.

The *Performance Analysis Section* conducts utility management and operational audits, and identifies areas for improvement. These audits may be limited to one company or made on a comparative basis between several companies. Areas for investigation may include internal controls, process or procedure analysis, construction project management, quality assurance, service quality, and rule compliance. Special investigations are also conducted relating to allegations of utility fraud, mismanagement, and other whistleblower complaints.

The *Bureau of Auditing* is responsible for audits and reviews in all industries. The types of audits and reviews performed include financial, compliance, billing, and verification. The auditors conduct examinations of utility-related financial and operating records and provide an independent verification of the supporting documentation for any statements or filings made by the regulated companies. Financial audits are conducted in conjunction with utilities' requests for rate increases through rate cases or the annual cost recovery clauses to ensure ratepayers only pay for prudently incurred expenses. This bureau conducts financial audits from three district offices in Tallahassee, Miami, and Tampa.

The **Division of Safety, Reliability and Consumer Assistance** (SRC) evaluates electric reliability, electric and gas safety, and responds to consumer complaints. The division oversees Commission processes and assists in responding to surveys and questionnaires.

The *Bureau of Safety and Reliability* functions through three district offices: Tallahassee, Miami, and Tampa. The bureau conducts safety evaluations of natural gas pipeline operations and new electric construction in Florida. The bureau also leads the Commission's participation in the State's Emergency Operations Center (EOC) activities, gathering and disseminating information regarding electric utility and natural gas issues during an EOC activation.

The *Bureau of Consumer Assistance* receives, processes, and resolves consumer complaints and informal disputes between customers and utilities. Customers may file complaints through a toll-free telephone number to the bureau's call center or by mail, facsimile, or e-mail.

The **Office of Commission Clerk** (CLK), the official keeper of the Commission's public records, is responsible for coordinating requests. It records, prepares, and maintains the official minutes of Commission Conferences and Internal Affairs meetings. The office is

authorized to issue subpoenas in proceedings before the Commission and is responsible for preparing, certifying, and transmitting records on appeal to the upper tribunal. The Commission Clerk, designated as the Agency Clerk and the Department of State Records Management Liaison Officer, coordinates the FPSC's records management program, is responsible for issuing non-Commissioner signed orders and notices and, as the custodian of record, certifies copies of official filings.

The *Documents and Case Management Section* accepts and processes filings, maintains the official docket by ensuring the integrity, timeliness, and availability of filings in the Case Management System (CMS) and on the FPSC Web site. It is responsible for managing and coordinating routine Clerk's Office activities, such as the establishment of new dockets, issuance of orders and notices to parties and interested persons, case closure, and preparation of statistical and management reports. This section responds to information requests, invoices for services and, upon applicable payment, provides the responsive documents. It maintains the Master Commission Directory (MCD) of utilities and provides notification to Commission employees regarding the adoption of new or amended rules. This section also administers the records management program and activities.

The *Scheduling and Hearing Reporters Section* prepares and notices events such as Commission Conferences, Internal Affairs meetings, hearings, pre-hearings, workshops, and rulemaking in the Florida Administrative Weekly. This section establishes the Commission calendar for all official appearances. It also schedules and arranges meetings, coordinates the scheduling dates for the Commissioners, maintains the calendar of Commission activity, and issues various reports. The hearing reporters record and prepare discovery deposition transcripts, attend scheduled events, and are responsible for preparing and filing the official record transcript and exhibits in the appropriate docket.

The **Office of Information Technology Services (ITS)** monitors and evaluates the information processing needs of the FPSC, proposing enhancements to information processing resources to management and providing technical support services.

The **Office of Public Information (PIF)** is the Commission's liaison with the public and the media. The office monitors the daily reporting activities of the state, regional, and national media outlets to make sure that timely, accurate information regarding Commission decisions is disseminated to the public. The office writes and distributes the agency's news releases, maintaining a familiarity on a broad array of dockets, issues, and related activities affecting consumers or having media interest. This office is also responsible for selecting locations for customer service hearings and coordinating consumer outreach and media at customer meetings and service hearings.

Public Information staff implement annual outreach events (National Consumer Protection Week, National Lifeline Awareness Week, and Library Outreach) throughout the state to help inform consumers about their utility services and ways to manage utility costs. This office also attends Lifeline events at senior centers, community meetings, and other venues;

produces and edits a number of agency reports; manages the Commission's publications subscriptions; processes submissions to the Web site; and produces bulletins and brochures.

II. Office of General Counsel

The **Office of General Counsel** (GCL) provides legal counsel to the Commission on all matters under the Commission's jurisdiction. This office also supervises the procedural and legal aspects of all cases before the Commission.

The office is responsible for defending Commission orders on appeal, for defending Commission rules challenged before the Division of Administrative Hearings, and for representing the Commission before state and federal courts. To assist FPSC offices and divisions, this office offers support in making filings with, or presentations to, other federal, state, or local agencies. The office advises in the promulgation of rules and attends or conducts rulemaking hearings at the Commission's direction. It also reviews procurement contracts; counsels the Commission on personnel, contractual, public records, and other administrative legal matters; and offers mediation services to parties of Commission proceedings.

In cases involving evidentiary hearings before the Commission or an Administrative Law Judge, the office is responsible for conducting discovery, presenting staff positions and testimony, and cross-examining other parties' witnesses. In conjunction with the appropriate technical staff, this office prepares recommendations to the Commission and prepares written Commission orders.

In addition, the office is the liaison with the Florida Legislature on all matters affecting FPSC program areas and serves as a liaison with federal regulatory agencies, state agencies, and the Florida Department of Agriculture and Consumer Services' Office of Energy.

III. Office of Inspector General

The **Office of Inspector General** (OIG) is established by law to provide a central point for coordinating activities that promote accountability, integrity, and efficiency in government. The office reports directly to the Chairman, and its responsibilities include conducting internal audits and investigations, assessing the validity and reliability of data and information produced by the Commission, and coordinating external audits and reviews of the Commission by the Auditor General and others. The office also monitors corrective actions to address identified deficiencies. These activities help management ensure that Commission programs perform as intended and that fraud or abuse is detected and eliminated. By reducing risks of nonperformance in Commission operations, the office promotes the Commission's accountability and ability to achieve its mission and goals.

Commission Operations

Principal Office and Contact Information

The main office of the Commission is located at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. Business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for legal holidays. The telephone number and Web site for obtaining publications, documents, forms, applications for certificates, and other information are (850) 413-6100 and www.floridapsc.com/about/contact/index.aspx. The FPSC provides a staff of information specialists who are available to answer questions from Florida consumers. To reach a staff consumer representative, consumers may call 1-800-342-3552, send a fax to 1-800-511-0809, or send an e-mail to contact@psc.state.fl.us.

Designation of Agency Clerk

The Commission Clerk is responsible for accepting official filings at the following mailing address:

Florida Public Service Commission
Ann Cole, Commission Clerk
Office of Commission Clerk
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Official filings may also be hand-delivered to the Office of Commission Clerk, Room 110 of the Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida, or filed electronically (see Filing Documents Electronically on page 18 for complete instructions). The Commission does not accept filings submitted by facsimile (fax) transmission. The date on which a document was filed can be verified by viewing the docket for that case on the FPSC's Web site, www.floridapsc.com. The telephone number of the Commission Clerk's office is (850) 413-6770. Requests for information or changes to address information may be faxed to (850) 717-0114 or e-mailed to clerk@psc.state.fl.us. An electronic Copy Request Form is available from the Web site's **Clerk's Office** selection.

Inspection and Copying of Records

The FPSC strives to make as many records, reports, and other documents filed with or produced by the Commission available at no charge on its Web site, www.floridapsc.com. Official filings in docketed matters are accessible from the **Clerk's Office** selection and may be reproduced from the official records docket. A pdf document filing that is shown in red and marked with an asterisk is an image of the official document on file in the Office of Commission Clerk, which acts as the FPSC's liaison for public records requests. Copies of documents will be furnished upon payment as provided in Chapters 28 and 119 and Section 350.06(6), F.S. Copying charges for Commission records are listed on the following page.

Copying Charges for Commission Records

Copies of Documents

§ 119.07(2)(a), F.S.	Records provided electronically	no charge
§ 119.07(4)(a)1, F.S.	Single-sided pages	\$ 0.15 each
§ 119.07(4)(a)2, F.S.	Duplexed pages	\$ 0.20 each
§ 119.07(4)(c), F.S.	Certified copies	\$ 1.00 each
§ 28.24(27), F.S.	Certified or registered mailing	cost of mailing
§ 350.06(6), F.S.	Where fee would be < \$1.00	no charge

Florida State Agencies

§ 28.24(12)(e)1, F.S.		no charge
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All court records are the property of the State of Florida. The clerk of the court shall not charge for copies generated by CMS or held by the court, as referenced in 350.06(7), F.S.

§ 119.011(2), F.S.

“Agency” means any state, county, district, authority, or municipal officer; department, division, board, bureau, commission, or other separate unit of government created or established by law.

Media Charges

§ 119.07(4)(a)3, F.S.	Thumb drive	\$ 10.00 each
	Video tape	\$ 2.56 each
	Audio tape	\$ 0.46 each
	DVD	\$ 0.60 each
	CD	\$ 0.19 each
§ 350.06(6), F.S.	Where fee would be < \$1.00	no charge

Records on Appeal

§ 28.24(2), F.S.	Preparing appellate record	\$ 3.50 per instrument
§ 28.24(17), F.S.	Certification preparation	\$ 7.00 per certification
§ 28.24(5)(a), F.S.	Copy of the record	\$ 1.00 per page

Special Service Charge

Information and Technology Services	\$ 28.15 per hour
Office of the General Counsel	\$ 18.29 per hour
Other PSC staff	\$ 11.29 per hour

§ 119.07(4)(a)3(d), F.S.

If the nature or volume of public records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel, or both, in addition to the actual cost of duplication, a special service charge will be added to the charge for copies based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred for the clerical and supervisory assistance, or both.

Conferences

Anyone desiring a conference with the Commissioners or Commission staff about matters having Commission jurisdiction may request such a conference through the Commission Chairman, a Commissioner, the Office of Commission Clerk, the Executive Director, or the particular staff member involved. A written request concerning the purpose and anticipated duration of the conference should be furnished to avoid conflicts and facilitate the availability of staff members and records, if needed. In an emergency, the foregoing information may be communicated by telephone. Any conference with the Commissioners or Commission staff must comply with the prohibition against ex parte communications in pending cases to determine substantial interests.

Commission Conferences

The Commission makes decisions and votes on docketed items at Commission Conferences. Commission Conferences usually take place on the first and third Tuesdays of each month at the Commission's office in Tallahassee but may occur at other times and places as necessary. Commission Conferences are noticed in the *Florida Administrative Weekly* at least seven days in advance and are also announced on the FPSC Web site (select the **Conferences & Meeting Agendas** tab and then select **Schedule of Commission Conferences**). Generally, the Commission conducts its public business at Commission Conferences with advice, assistance, and recommendations from staff. With regard to proposed Commission action, the Commission may call upon others to answer questions or elicit information during Commission Conferences.

Internal Affairs Meetings

Internal Affairs meetings are held to discuss matters that are not docketed and that relate to the Commission's organization, functions, management, operations, finances, intra- and intergovernmental affairs, and for special presentations. Meeting notices are published in the *Florida Administrative Weekly* and are also announced on the Commission's Web site (select the **Conferences & Meeting Agendas** tab and then select **Internal Affairs Agendas**).

Copies of Agendas and Staff Recommendations

The Commission Conference agendas are prepared by the Commission at least seven days prior to the conference date and are sent to parties and interested individuals on the mailing list. Agendas are available from the agency's Web site, www.floridapsc.com by selecting the **Conferences & Meeting Agendas** tab and then selecting **Schedule of Commission Conferences**, followed by either **Current Online Agendas** or **Conference Date**.

Copies of staff recommendations for items on the agenda are available at no cost from the Commission's Web site by selecting the **Conferences & Meeting Agendas** tab, followed by **Commission Conferences of the FPSC**. Other applicable materials are available from the docket (select **Clerk's Office, Dockets**, and write in the docket number) or may be obtained from the CLK upon request and payment of the applicable copying fee. Parties to a proceeding are entitled to one copy of the staff recommendation filed in the proceeding at no cost.

Record of Commission Actions

The Office of Commission Clerk records and maintains all official actions of the Commission. The minutes for Commission Conferences and Internal Affairs are open to public inspection at the Commission's office in Tallahassee during regular office hours.

Minutes of past Commission Conferences are also available from the Commission's Web site, www.floridapsc.com, by selecting the **Conferences & Meeting Agendas** tab, **Schedule of Commission Conferences**, followed by **Current Online Agendas** or **Minutes of Past Commission Conferences**. Transcripts of the Commission Conferences are available by selecting the **Conferences & Meeting Agendas** tab, **Schedule of Commission Conferences**, and **Current Online Agendas** from the applicable docket.

Commission Orders

Orders issued by the Commission are maintained by the Commission Clerk and may be viewed on the Commission's Web site, www.floridapsc.com, by selecting the **Clerk's Office** tab, and then selecting **Orders**. Type the specific order number and select **Search Orders**, or type the specific order title and **Search Orders**.

The ability to search by related key words (specific words, terms, and phrases) and common and colloquial words are available from the **Advanced Search** feature on the home page of the Commission's Web site. Orders within this database may be searched using logical search terms in common usage, by terms also contained within the text of the orders, or by descriptive information about the order that may not be specifically contained within the order. From the category drop-down selection on the **Advanced Search** feature for Orders, the search may optionally be further restricted.

The Commission Clerk assists the public in obtaining information pertaining to Commission orders, and orders are available for public inspection at the Commission's office in Tallahassee during regular office hours.

Noticing of Address Files

The Office of Commission Clerk (CLK) keeps a main noticing address file for distributing Commission workshop and rulemaking notices and, where appropriate, other notices and orders. The office also maintains an individual noticing address file for each docket for distributing Commission notices and orders issued in that docket.

(1) Main File. The main noticing address file contains a single name, address, and telephone number for each utility subject to Commission jurisdiction, the Public Counsel, the clerk of each Board of County Commissioners, and the chief executive officer of each municipality. This file also contains a name, address, and telephone number for each person who requests in writing to be included in the file of one or more of the following mailing lists:

- a. Notices of Commission workshops
- b. Notices of proposed rulemaking
- c. Copies of Commission notices of hearings and orders initiating industry-wide nonrule proceedings. Any person seeking to be on this list shall specifically state how his or her substantial interests may be affected by Commission action in the categories of interest. (For instance, a customer's rates or service may be affected, or a regulated utility's rates or service may be affected.) Absent such a showing, a person will not be included on this list.

(2) Industry Categories. The three lists described in (1) a.-c. are further subdivided into the following categories:

- Electric
- Natural Gas
- Telecommunications
- Water and Wastewater

(3) Noticing. Individuals seeking to be included in the main noticing address file must file a written request with the CLK. The request must state the name, address, and telephone number to be included in the file, as well as the lists and categories in which the person desires to be included. Those individuals entitled to practice before the Commission under Rule 28-106.106, Florida Administrative Code (F.A.C.), may request inclusion in the file as representatives of their clients. A request for inclusion in the rulemaking list does not constitute a request for a notice of change to a proposed rule under Section 120.54(3)(d), F.S.

(4) Purging of Main Address File. Section 283.55, F.S., requires that the CLK periodically purge its mailing list. No later than March 1 of every odd-numbered year, the CLK transmits to all people listed in the main file under the lists described in (1) a.-c. a written request to confirm the name, address, and telephone number on file and the types of notices to be received. Anyone failing to respond by April 30 is automatically purged from the list.

(5) **Addresses of Regulated Companies.** Each regulated company, as defined in Section 350.111, F.S., must, in writing, provide the office with a single official mailing address to be placed in the main noticing address file. Unless a company representative has previously provided an alternative address in a docket, the Commission is obliged only to transmit its orders, notices, and other documents (such as regulatory assessment fee notices and annual report forms) to the official address. The Commission may, solely as a courtesy, transmit documents to additional addresses. Initial pleadings served by parties shall be transmitted to the official address on file. When a regulated company has filed a document in a docket that shows the name and address of counsel or other official representative different from the official mailing address, the new address will replace the official address, and all subsequent docket documents will be transmitted to the new address. Official company representatives may request a modification to a regulated company's information by selecting **Utility Regulation** and choosing the appropriate file under **Change of Company Information** from the Commission's Web site. Change of company information should be reported as soon as a change occurs. This completed form should be mailed or faxed to the CLK.

(6) **Docket File.** Individual docket mailing address files are maintained as part of each docket file and contain the name, address, e-mail address, fax number, and telephone number of each party of record, or its representative, and each person requesting copies of notices and orders issued in that docket and qualifying under this subsection. A person, other than a party of record, who wants to be included in this file must file a written request with the Commission Clerk. The request should state the name, address, and telephone number the person seeks to have placed in the file and, except for rulemaking dockets, shall state specifically how his or her substantial interests may be affected by Commission action in that docket. (For instance, the docket may affect a customer's rates or service or may have a potential effect on other utilities in similar circumstances.) Without a sufficient explanation, a person will not be included in the docket noticing address file. Individuals entitled to represent other parties before the Commission under Rule 28-106.106, F.A.C., may request inclusion in the file as representatives of their clients.

(7) **Change of Name, Address, or Telephone Number.** Each person included in the main noticing address file or in any docket noticing address file shall, in writing, notify the office (and any parties of record in a docketed matter) of any change in name, address, e-mail address, fax number, or telephone number as soon as a change occurs. Any notice, order, or other document served on the name and address on file prior to the date of receipt of such written notification will be considered properly served.

(8) The Commission Clerk may grant that requests be placed in the main file under (1) c. or in a docket noticing address file. The Chairman will rule on all such requests that have been denied.

Parties

The Commission staff may participate as a party in any proceeding. Their primary duties are to represent the public interest and see that all relevant facts and issues are clearly brought before the Commission for consideration.

In cases assigned to the Division of Administrative Hearings (DOAH), the Commission staff represents the public interest and is neither in favor of nor against any particular party, unless the Commission is enforcing rules or statutes through a show cause or similar proceeding, or unless the Commission is a respondent at the DOAH. Staff is not a party in interest and has no substantial interests that may be affected by the proceeding. The Commission staff's role is to assist in developing evidence to ensure a complete record so that all relevant facts and issues are presented to the fact finder. Any position that staff has prior to the hearing is preliminary; final positions are based upon review of the complete record. When advocating a position, Commission staff may testify and offer exhibits, which are subject to cross-examination to the same extent as evidence offered by any other party.

Assignment of Formal Proceedings

(1) Formal proceedings may be assigned by the Chairman to panels of two, three, or five Commissioners; to DOAH; or to an individual Commissioner for hearings as provided in Section 350.01, F.S. The assignment of proceedings shall be accomplished at the earliest practicable time, but no later than 45 days after a case is docketed. Assignment of cases to panels of two or three Commissioners shall be done randomly, unless the Chairman determines otherwise, for good cause shown in a particular case. If a Commissioner becomes unavailable after assignment, that Commissioner must notify the Chairman, who shall reassign the case as soon as possible.

(2) When a case is assigned for hearing to a panel of Commissioners, the hearing and deciding panels are identical unless a Commissioner becomes unavailable. If a Commissioner becomes unavailable, the Chairman makes a reassignment. If a case is assigned to a DOAH Administrative Law Judge or an individual Commissioner for a hearing, the case must be assigned to the full Commission for decision.

(3) If a proceeding is assigned for hearing to a panel of two or three Commissioners, to a DOAH Administrative Law Judge, or to an individual Commissioner, upon motion of a Commissioner or upon petition of those individuals described in Section 350.01(6), F.S., a majority of the Commission may decide that the full Commission should hear the case.

(4) Petitions seeking to have the full Commission sit in a particular case may be filed, as authorized by Section 350.01(6), F.S. Applicants, petitioners, or eligible parties desiring a hearing before the full Commission must specify so in their initial pleading.

Other individuals eligible to make such a request must do so within 15 days from the notice of filing of the application, petition, or rendition of an order suspending proposed rates or of an order initiating a proceeding, whichever occurs first. In each case, these petitions or requests shall be disposed of by a majority of the Commission. Failure to file pleadings timely and in the manner specified may be considered just cause for denial.

(5) In cases filed pursuant to the provisions of Sections 364.05(5), 366.06(3), or 367.081(6), F.S., the initial decision whether to suspend all or part of the rates as filed will be made by the full Commission before determining whether a hearing is required.

(6) Assigning a proceeding to a panel does not prevent the delegation of prehearing conferences or similar procedural matters to a single member of the panel.

Commission Notice of Public Utility Hearings and Proposed Agency Action

(1) Notice of public hearings other than rulemaking hearings are given by the Commission to the clerk of the Board of County Commissioners of each county affected, the chief executive officer of each municipality in the area affected, all parties of record, and all individuals who have requested notice of the proceedings.

(2) A notice of hearing and a summary of the subject matter is published by the Commission in the *Florida Administrative Weekly*. The summary is drawn and notice given as required by the provisions of the statute under which relief is sought, if applicable, but is not published less than 14 days prior to the hearing.

(3) When the Commission determines that the health, safety, or welfare of the public requires an emergency hearing, notice may be given to those parties listed in Subsection (1) by any procedure that is fair under the circumstances and necessary to protect the public interest.

(4) The Commission may publish notice of its proposed agency action in the *Florida Administrative Weekly* or newspapers of general circulation in the area affected by its action. Any such publication may be used in establishing the date of receiving notice.

Variances and Waivers of Commission Rules

Petitions seeking such variances or waivers must be filed with the Commission Clerk in the manner set forth in Rule 28-104.002, F.A.C. To obtain information about variances and waivers of Commission rules, contact Ann Cole, Commission Clerk.

Filing Documents Electronically

Filings by electronic transmission are accepted in accordance with the Commission's Electronic Filing Requirements, which can be accessed directly at www.floridapsc.com/dockets/e-filings/index.aspx or by selecting **Clerk's Office** and **Electronic Filing Requirements** on the Commission's Web site. Questions concerning the requirements and/or requests for a copy of the current requirements can be directed to the CLK.

The party submitting a document for filing by electronic transmission acknowledges and agrees:

- The original physically signed document will be retained by that party for the duration of the proceeding and any subsequent appeal or subsequent proceeding in that cause, and that the party will produce it upon request by the Commission or other parties.
- The party submitting the filing is responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the office as a result.
- The filing date for an electronically transmitted document will be the date the office receives the complete document. A document received after 5:00 p.m. on a business day or on a non-business day will be considered officially filed as of 8:00 a.m. on the following business day.
- The Commission does not have the authority to grant an extension of time for certain jurisdictional filings, including motions for reconsideration and notices of appeal.
- The official copy of an electronically filed document is the copy received and printed by the CLK, document-stamped, and filed in the docket.
- Electronically filed documents are public records and will be published on the Commission's local area network and its Web site. Confidentiality is waived for any information in documents submitted for electronic filing. The Commission does not accept filings submitted by fax.