

1 **25-9.050 Application and Scope.**

2 ~~(1) The following rules apply only to municipal electric utilities and rural electric cooperatives~~

3 ~~and prescribe the procedure to be followed by such utilities in submitting documentation of:~~

4 ~~(a) Rate Schedules~~

5 ~~(b) Contracts and Agreements~~

6 ~~(2) Upon acceptable showing by the utility, the Commission may waive or modify, as to that~~

7 ~~utility, the provisions of any rule herein contained, except when such provisions are fixed by~~

8 ~~statute.~~

9 ~~(3) No deviation from these rules shall be permitted unless authorized in writing by the~~

10 ~~Commission.~~

11 *Rulemaking Authority 366.05(1) FS. Law Implemented 366.04(2)(b) FS. History—New 8-9-79,*

12 *Formerly 25-9.50, Repealed _____.*

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1 **25-9.051 Definitions.**

2 For the purposes of Rules 25-9.051 through 25-9.071, F.A.C., ~~these rules~~ the following
3 definitions shall apply:

4 (1) "Commission" refers to the Florida Public Service Commission.

5 (2) "Utility" applies to the municipal electric utilities and rural electric cooperatives subject to
6 the jurisdiction of this Commission pursuant to Section 366.04(2), F.S. ~~except where a~~
7 ~~different meaning clearly appears from the context.~~

8 (3) "Rate" refers to the price or charge for utility service.

9 (4) "Rate schedules" refer to the rate for a particular classification of service and the
10 provisions necessary for billing, including all special terms and conditions under which
11 service shall be furnished at such rate or charge.

12 (5) "Contracts and agreements" refer to the special contracts entered into by the utility for the
13 sale of electricity to consumers in a manner or subject to provisions not specifically covered
14 by its submitted rate schedules.

15 (6) "Documentation" ~~refers~~ applies to the assembled volume containing the materials required
16 by Rules 25-9.054 through 25-9.071, F.A.C. ~~rate schedules, contracts and agreements and~~
17 ~~other materials required by these rules.~~

18 (7) "Rate structure" refers to the classification system used in justifying different rates ~~and,~~
19 ~~more specifically, to the rate relationship between various customer classes, as well as the rate~~
20 ~~relationship between members of a customer class.~~

21 (8) "Customer class" refers to any group of customers distinguishable from other customers by
22 load, consumption or other characteristic.

23 *Rulemaking Authority 366.05(1) FS. Law Implemented 366.04(2)(b) FS. History—New 8-9-79,*
24 *Amended 5-3-83 _____, Formerly 25-9.51.*

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1 **25-9.052 General Filing Submittal Instructions.**

2 (1) Each utility shall ~~submit to the Commission~~ file with the Commission documentation as
3 defined in Rule 25-9.051(6), F.A.C. ~~documentation of all territory and customers served by it.~~

4 (2) All supplements, revisions, modifications or changes to the documentation shall be filed
5 with the Commission Clerk submitted to the Commission in quadruplicate and in the form
6 prescribed herein at least 30 days prior to ~~final~~ adoption by the utility. All materials filed with
7 the Commission Clerk submitted to the Commission pursuant to subsection (1) of this rule
8 will be reviewed for compliance with Rules 25-9.051 through 25-9.071, F.A.C., and retained
9 in the Commission's files. After review, a letter indicating the Commission receipt of or
10 comments on the utility's proposed rate structure will be transmitted to the utility. The
11 comment letter may contain a request for data or explanation of the basis for any change in the
12 utility's rate structure.

13 (3) All documentation filed with the Commission Clerk shall be accompanied by a list of the
14 materials being filed. After reviewing Commission comments and adopting a final rate
15 structure, the utility shall submit the adopted rate structure to the Commission, along with any
16 response to the Commission's comment letter. The Commission will acknowledge these
17 filings.

18 (4) When a utility's documentation reflects a proposed change in rate structure, the utility shall
19 provide information that shall include utility-specific costs to support the change in rate
20 structure. In the event the Commission determines that the rate structure of a utility may not
21 be fair, just and reasonable, the Commission may initiate appropriate proceedings to prescribe
22 a rate structure that is fair, just and reasonable. In so doing the Commission may, among other
23 things, consider the cost of providing service to each customer class, as well as the rate
24 history, value of service and experience of the utility, the consumption and load characteristics
25 of the various classes of customers and the public acceptance of rate structures. The following

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1 ~~principles may also be considered: simplicity, freedom from controversy, rate stability,~~
2 ~~fairness in apportioning costs, avoidance of undue discrimination and encouragement of~~
3 ~~efficiency.~~
4 ~~(5) All documented materials filed with the Commission shall be accompanied by a letter~~
5 ~~listing the sheets being transmitted. The filing shall be acknowledged if the letter is sent in~~
6 ~~duplicate with a request for acknowledgement.~~
7 *Rulemaking Authority 366.05(1) FS. Law Implemented 366.04(2)(b) FS. History—New 8-9-79,*
8 *Amended 5-3-83, _____. Formerly 25-9.52.*

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1 **25-9.053 Filing and Evaluation of Filings Submittals.**

2 (1) In evaluating a utility rate structure filing, the Commission shall consider whether the rate
3 structure proposed by the utility: (a) is cost based; (b) has historical precedent; (c) embodies
4 pricing concepts previously reviewed and approved by the Commission; and (d) is not unduly
5 discriminatory. Each letter transmitting a utility's proposed documentation in which any
6 change in rate structure is proposed shall be accompanied by supporting information in
7 sufficient detail as to allow the Commission to determine the derivation of all rate structure
8 modifications. The supporting information shall consist of either a utility-specific cost study or
9 an analysis of utility-specific cost and operating data prepared using a methodology previously
10 approved by the Commission for any comparable utility. All additional relevant information
11 deemed necessary by the Commission shall be submitted in addition to the above request.

12 ~~(2) If the utility does not submit such supporting information the Commission shall evaluate~~
13 ~~the proposed change in rate structure on the basis of cost and operating data from one or more~~
14 ~~comparably situated public electric utilities which the Commission determines to be most~~
15 ~~similar to the filing utility. Data from the comparable utilities shall be considered in~~
16 ~~conjunction with all submitted information which is specific to the filing utility.~~

17 (2)(3) After review of the utility's proposed change in rate structure, staff will send written
18 notification to the utility indicating: (a) administrative approval of the documentation filed by
19 the utility; (b) a request for data or explanation of the basis for any change in the utility's rate
20 structure; or (c) how the proposed rate structure is inconsistent with the criteria listed in
21 subsection (1) of this rule.

22 (3)(4) If the Commission finds that the utility's proposed rate structure is inconsistent with the
23 criteria listed in subsection (1) of this rule, the Commission will issue a comment letter to the
24 utility. Upon receipt of the comment letter, the utility shall file a statement justifying its
25 proposed rate structure. If the Commission finds that the utility cannot justify its proposed

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1 rate structure, the Commission shall prescribe a rate structure for the utility that is consistent
2 with the criteria in subsection (1) of this rule.
3 *Rulemaking Authority 366.05(1) FS. Law Implemented 366.04(2)(b), FS. History—New 8-9-79,*
4 *Formerly 25-9.53, Amended 1-17-93, _____.*
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