



FLORIDA
PUBLIC
SERVICE
COMMISSION

STATEMENT OF
AGENCY
ORGANIZATION
& OPERATIONS

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STATEMENT OF AGENCY ORGANIZATION & OPERATIONS*

TABLE OF CONTENTS

Commission Mission Statement	1
Commission Goals	1
Goals for Economic Regulation	1
Goals for Regulatory Oversight	1
Goals for Service Regulation and Consumer Assistance	1
Commission Organization	2
Commission Staff Organization	3
I. Office of the Executive Director	3
II. Office of the General Counsel	7
III. Office of Inspector General	7
Commission Operations	8
Principal Office and Contact Information	8
Designation of Agency Clerk	8
Conferences	8
Agenda Conferences	9
Internal Affairs Meetings	9
Copies of Agendas and Staff Recommendations	9
Record of Commission Actions	9
Commission Orders	10
Noticing of Address Files	10
Parties	12
Assignment of Formal Proceedings	13
Commission Notice of Public Utility Hearings and Proposed Agency Action	14
Variances and Waivers of Commission Rules	14
Filing Documents Electronically	14

*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 this mission by pursuing a number of goals:

GOALS FOR ECONOMIC REGULATION

- ◆ Streamline regulatory requirements 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 safe utility services at quality and reliability levels that comply with established industry standards and practices.
- ◆ Inform utility 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 determined in Chapter 350, Florida Statutes.

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.

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. Where only two Commissioners are assigned to a proceeding and they do not agree on a final decision, the Chairman of the Commission, 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 Commission carries on its work through two primary offices: The Office of the Executive Director and the Office of the General Counsel. The Offices of the Executive Director and the General Counsel are charged with implementing Chapters 350, 364, 366, 367, 368 and 427, Florida Statutes, and Sections 403.064, 403.501-403.539, and 403.9401-403.9425, Florida Statutes.

I. OFFICE OF THE EXECUTIVE DIRECTOR

The **Office of the Executive Director** (EXE) is responsible for directing, planning, and administering the overall activities of the Commission staff with the exception of the Office of the General Counsel. The Executive Director consults with and advises the Commissioners on regulatory, internal management, and budgetary matters and acts as an interagency liaison. The Deputy Executive Director assists the Executive Director in providing direction and leadership for the staff and is delegated full authority in his absence.

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

The **Division of Administrative Services** (ADM) oversees all financial transactions and maintains the Commission's accounting records, which are handled primarily in the Fiscal Services Section. The division coordinates and prepares the Commission's Legislative Budget Requests, monitors the operating and non-operating budgets, and prepares budget amendments as necessary. The Human Resources Section 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.

The division's Bureau of General Services manages the Facilities Management and Purchasing Section and the Imaging and Distribution Center. The bureau processes all agency purchasing, security and safety issues, leasing, surplus property, and fleet management. Administrative support is also provided in the areas of imaging, duplicating, mail distribution, audio-visual, hearing and conference room operations, telephones, and fax systems. Additionally, the division manages the agency-wide administrative procedures manual and forms inventory/tracking programs.

The **Division of Economic Regulation** (ECR) participates in formal and informal proceedings relating to the rates and earnings of rate base regulated companies in the electric, natural gas, and water and wastewater industries. The division has primary responsibility for processing requested rate changes and conducting earnings surveillance to ensure that regulated utilities are not exceeding their authorized rates of return. Rate change requests involve both base rate proceedings and annual cost recovery proceedings. The annual cost recovery proceedings address cost changes associated with fuel, conservation, environmental, and nuclear issues.

The division is the official custodian for electric, natural gas, water, and wastewater tariffs and receives and maintains copies of annual financial reports and periodic surveillance reports for rate base regulated companies. It also participates in formal and informal proceedings relating to electric utility territorial matters, storm hardening plans, and electric and natural gas depreciation studies.

The division additionally participates in formal and informal proceedings related to the Universal Service Fund, access charges, and arbitrations in the telecommunications industry.

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. RAD is responsible for implementing and enforcing energy policy enacted by the Florida Legislature and the U.S. Congress, which affects electric and gas utilities in Florida. RAD monitors and facilitates the development of competitive markets in the telecommunications industry. Additionally, RAD assesses the status and progress of competition within the telecommunications industry and analyzes policy relating to the adequacy, quality, and affordability of Florida's water resources. RAD also serves as a liaison with federal regulatory agencies, state agencies, and the Florida Energy and Climate Commission.

The Strategic Analysis Section assesses developing energy policies and prepares strategy alternatives for consideration by the Commission. This section participates in special studies concerning energy policy, develops discussion papers, and analyzes alternative regulatory approaches for energy policy. The section provides support to Commissioners for NARUC activities pertaining to climate control, conservation, and renewables, as well as technical support to other staff.

The Energy Resource Planning Section is responsible for docketed matters pertaining to demand-side conservation, supply-side generation, and transmission expansion. This section develops and implements conservation goals pursuant to the requirements of the Florida Energy and Efficiency Conservation Act (FEECA) and analyzes cost-effective utility programs designed to meet those goals. This 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), this section monitors the Planning and Operating Committees and the implementation of capacity and fuel emergency plans. This section also provides support to Commissioners for NARUC activities pertaining to nuclear waste disposal.

The Special Studies Section compiles, analyzes, and reports data pertaining to the status of competition in the telecommunications industry in Florida. This 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 Commis-

sion (FCC), 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 Intercarrier Services Section sets 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 incumbent local exchange companies (ILECs) and competitive local exchange companies (CLECs) that cannot be resolved by the parties and also resolves complaints of an interpretive nature pertaining to existing contracts. The section also processes ILEC, CLEC, and interexchange company (IXC) schedules of rates and terms, price list filings, and negotiated agreements.

The Certification and Enforcement Section processes all certification/registration filings, including new certificates/registrations, name changes, transfers, and cancellations for ILECs, CLECs, IXCs, pay telephone service (PATs) providers, alternative access vendor (AAVs), and shared tenant service (STS) providers. The section also monitors company compliance with various FPSC rules and initiates action if warranted.

The Market Practices Section processes cases involving area code relief, number conservation plans, reclaiming numbering resources from carriers that have failed to activate central office codes, numbering code denials, and cases that involve alleged barriers to entry. The section addresses issues related to local number portability and the Lifeline Assistance Program, including 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 **Office of Auditing and Performance Analysis** (APA) conducts audits and reviews in all industries.

The Performance Analysis Section audits utility performance and operations, investigates and documents current processes and results, 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 include performance analysis, electric reliability, service quality, service availability, systems analysis, construction projects, and consumer protection. Special investigations are conducted relating to allegations of utility fraud such as unethical sales to consumers. Wholesale service quality performance measures relating to the operations support systems (OSS) provided by AT&T, Verizon, and CenturyLink to CLECs are also reviewed by this section.

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. Auditors conduct examinations of utility-related financial and operating records and provide the FPSC with an independent verification of the supporting documentation for any statements or filings

made by the regulated companies. Financial audits are conducted in conjunction with the utilities' requests for rate increases through rate cases or the annual cost recovery clauses to ensure ratepayers only pay for prudently incurred expenses. For auditing purposes, this division operates out of three district offices: Tallahassee, Miami, and Tampa.

The **Division of Service, Safety and Consumer Assistance** (SSC) evaluates electric and gas safety, evaluates the service quality of telecommunications companies and the relay provider, conducts compliance investigations, and responds to consumer complaints. The division oversees Commission processes and assists in responding to surveys and questionnaires.

The Bureau of Safety's functions are performed out of 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 Service Quality conducts periodic on-site inspections of electric and telecommunications facilities, including the relay service provider. This bureau also resolves conflicts arising from changes in telecommunications service providers and identifies and addresses anti-competitive activities.

The Bureau of Consumer Assistance receives, processes, and resolves customer complaints and informal disputes between consumers 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) accepts official filings, maintains the official case files, coordinates the Commission's records management program, and issues all Commission orders and notices.

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

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 ensure that timely, accurate information regarding Commission decisions is disseminated to the public. Maintaining a familiarity on a broad array of dockets, issues, and related activities affecting ratepayers or having media interest, the office writes and distributes the agency's news releases. The office also coordinates site locations for customer service hearings and organizes consumer outreach and media at customer meetings and service hearings.

PIF staff implement annual outreach events (National Consumer Protection Week, 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, neighborhood meetings, and other venues; produces and edits a number of agency reports; manages the Commission's Resource Center; processes submissions to the Web site; and designs original artwork and layout for bulletins, brochures, reports, and special events.

II. OFFICE OF THE GENERAL COUNSEL

The Office of the 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 direction of the Commission. Reviews of procurement contracts; counsel to the Commission on personnel, contractual, public records, and other administrative legal matters; and mediation services to parties of Commission proceedings are also offered.

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, GCL is the liaison with the Florida Legislature on all matters affecting FPSC program areas and also serves as a liaison with federal regulatory agencies, state agencies, and the Florida Energy and Climate Commission.

III. OFFICE OF INSPECTOR GENERAL

The **Office of Inspector General** (OIG) is established by law to provide a central point for coordination of activities that promote accountability, integrity, and efficiency in government. Reporting directly to the Chairman, this office's major responsibilities include conducting audits and internal investigations, assessing the validity and reliability of data and information produced by the Commission, and monitoring corrective actions undertaken to address identified deficiencies. The office routinely reviews Commission programs to identify priorities for audits based on risk of fraud or nonperformance. Results of these audits are submitted to agency management to provide an objective basis to improve efficiency and effectiveness and help ensure that the Commission can achieve its mission and goals.

COMMISSION OPERATIONS

PRINCIPAL OFFICE AND CONTACT INFORMATION

The principal 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 information about how to obtain publications, documents, forms, applications for certificates, and other information are (850) 413-6100 and www.floridapsc.com/about/contact/index.aspx. The Public Service Commission 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 14 for complete instructions). 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) 413-7118 or e-mailed to Clerk@psc.state.fl.us.

CONFERENCES

Anyone desiring a conference with the Commissioners or Commission staff regarding matters that have 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.

AGENDA CONFERENCES

The Commission makes decisions and votes on docketed items at agenda conferences. Agenda conferences usually take place on the first and third Tuesdays of each month at the Commission's office in Tallahassee. They may take place at other times and in other places as necessary. Agenda conferences are noticed in the *Florida Administrative Weekly* at least seven days in advance and are also announced on the Commission's Web site (select the **Agendas and Hearings** tab and then select **Schedule of Agenda Conferences**). Generally, the Commission conducts its public business at agenda 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 agenda 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. Notices of the meetings are published in the *Florida Administrative Weekly* and are also announced on the Commission's Web site (select the **Agendas & Hearings** tab and then select **Internal Affairs Agendas**).

COPIES OF AGENDAS AND STAFF RECOMMENDATIONS

(1) 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 Web site <http://www.floridapsc.com> by selecting the **Agenda & Hearings** tab and then selecting **Schedule of Agenda Conferences**, followed by either **Current Online Agendas** or **Conference Date**.

(2) Copies of staff recommendations for items on the agenda are available at no cost from the Commission's Web site by selecting the **Agendas & Hearings** tab and then selecting **Agendas of Commission Conferences**. Records of Commission actions are also available from the docket (by selecting **Dockets & Filings** and the docket number) or may be obtained from the Office of Commission Clerk 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 agenda conference and internal affairs are open to public inspection at the Commission's office in Tallahassee during regular office hours.

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

COMMISSION ORDERS

Orders issued by the Commission are maintained by the Office of Commission Clerk and may be viewed on the Commission's Web site, www.floridapsc.com, by selecting the **Dockets & Filings** tab, and then selecting **Orders**. (Type the specific order number and select **Search Orders**, or type the specific docket title "Search Orders" and select the **Document Filing Index**. 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 main search page of the Commission's Web site. Orders within this database may be searched using logical search terms that are in common usage, that are 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 Office of Commission Clerk assists 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) 413-7118. Additionally, orders are open for public inspection at the Commission's office in Tallahassee during regular office hours.

NOTICING OF ADDRESS FILES

The Office of Commission Clerk maintains a main noticing address file for distributing Commission workshop and rulemaking notices and, where appropriate, other notices and orders. The office also keeps 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
- ◆ Practice and Procedure

(3) Noticing. Individuals seeking to be included in the main noticing address file must file a written request with the Office of Commission Clerk. 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, may request inclusion in the file as representatives of their client. 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), Florida Statutes.

(4) Purging of Main Address File. Section 283.55, Florida Statutes, requires that the Office of Commission Clerk periodically purge its mailing list. No later than March 1 of every odd-numbered year, the Office of Commission Clerk 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 who fails 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, Florida Statutes, must, in writing, provide the office with a single official mailing address to be placed in the main noticing address file. Except in a docket where a company representative has previously provided an alternative address, 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. All documents from that docket served on the regulated company 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 **Change of Company Information** from the Commission's Web site. This completed form should be mailed or faxed to the Office of Commission Clerk.

(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 this office. 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, Florida Administrative Code, may request inclusion in the file as representatives of their client.

(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. 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, Florida Statutes. 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), Florida Statutes, 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), Florida Statutes. Applicants, petitioners, or eligible parties filing a pleading and 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 or 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), Florida Statutes, 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

To obtain information about variances and waivers of Commission rules, contact Ann Cole, Commission Clerk, Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; telephone number (850) 413-6770.

Petitions seeking such variances or waivers must be filed with the Commission Clerk in the manner set forth in Rule 28-104.002, Florida Administrative Code.

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 **Dockets and Filings** and **Electronic Filing** from the Commission's Web site.

Questions concerning the requirements and/or requests for a copy of the current requirements can be directed to the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; telephone number (850) 413-6770.

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

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. The official copy of an electronically filed document is the copy received and printed by the Office of Commission Clerk, document-stamped, and filed in the docket.
- f. Electronically filed documents are public records and will be published on the Commission's local area network and its Internet Web site. Confidentiality is waived for any information in documents submitted for electronic filing. The Commission does not accept filings submitted by facsimile (fax) transmission.