

FLORIDA PUBLIC SERVICE COMMISSION
ATTACHMENT A
2021 REGULATORY PLAN

LAWS CREATING OR MODIFYING DUTIES OR AUTHORITY
SECTION 120.74(1)(a), F.S.

Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
Section 119.07(9), F.S., provides that after receiving a request to inspect or copy a record, an agency may not respond by filing a declaratory relief action against the requester to determine whether the record is a public record, confidential or exempt. (S0400; Ch. 2021-173, Laws of Florida)	No	N/A	N/A	Applies to all agencies. The statute is specific as to the public record exemption and is self executing.
Section 119.071(1)(f), F.S., amends the general exemption from inspection or copying of public records concerning certain data processing software. (S7028; Ch. 2021-105, Laws of Florida)	No	N/A	N/A	Applies to all agencies. The statute is specific as to the public record exemption and is self executing.
Section 119.071(4)(d)2.u., F.S., General exemption from inspection or copying of public records; exempts personal information of certain staff of certified domestic violence centers. (S0068; Ch. 2021-48, Laws of Florida)	No	N/A	N/A	Applies to all agencies. The statute is specific as to the public record exemption and is self executing.

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Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
Section 119.071(5)(k), F.S., exemption from inspection or copying of public records for information held by an agency if service member submits specified request and statement to the agency, expired pursuant to its own terms, eff. Oct. 2, 2020. (S0310; Ch. 2021-52, Laws of Florida)	No	N/A	N/A	Applies to all agencies. The Commission has no rules concerning this exemption and therefore its expiration requires no rulemaking.
Section 119.0715, F.S., is created to exempt trade secrets held by agencies from public record requirements; provides that an agency employee is not liable for the release of certain records. (H1055; Ch. 2021-223, Laws of Florida)	No	N/A	N/A	Applies to all agencies. The statute is specific as to all requirements and is self executing
Section 120.80(13)(g), F.S., exempts from legislative ratification requirements those rules adopted by the Commission to implement Sections 366.04(8) and (9) and 366.97, F.S., concerning pole attachments. (S1944; Ch. 2021-191, Laws of Florida)	No	N/A	N/A	The statute is specific as to all requirements and is self executing.
Section 282.319, F.S., creates the Florida Cybersecurity Advisory Council under DMS and requires a PSC representative to serve as a member of the council. (H1297; Ch. 2021-234, Laws of Florida)	No	N/A	N/A	The statute is specific as to all requirements and is self executing.

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Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
Section 286.101, F.S., An act relating to foreign influence; requires state agencies to disclose certain gifts or grants received from any foreign source. (H7017; Ch. 2021-76, Laws of Florida)	No	N/A	N/A	Applies to all agencies. The statute is specific as to all requirements and is self executing.
Section 288.860, F.S., International cultural agreements, prohibits state agencies from participating in certain agreements or accepting certain grants from a foreign country of concern. (H7017; Ch. 2021-76, Laws of Florida)	No	N/A	N/A	Applies to all agencies. The statute is specific as to all requirements and is self executing.
Section 350.01, F.S., exempts from public records and public meetings requirements of 286.011 and 24(b), Art. I of the State Constitution, those portions of a hearing conducted by the Commission containing proprietary confidential business information that is confidential or exempt from Section 119.07(1) under Sections 364.183, 366.093, 367.156, or 368.108, F.S. (H1311; Ch. 2021-72, Laws of Florida)	No	N/A	N/A	The statute is specific as to all requirements and is self executing, and therefore rulemaking is not necessary to implement the statute.

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SECTION 120.74(1)(a), F.S.

Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
Section 366.02, F.S., defines terms relevant to pole attachment provisions in Sections 366.04 and 366.97, F.S. (S1944; Ch. 2021-191, Laws of Florida)	No	N/A	N/A	The statute provides specific definitions and is self executing, and therefore rulemaking is not necessary to implement the statute.
Section 366.04(8), F.S., concerning certain pole attachments, requires the Commission to regulate rates, charges, terms and conditions and to hear and resolve complaints. (S1944; Ch. 2021-191, Laws of Florida)	Yes. The Commission is required to adopt procedural rules.	08/17/21	No later than 01/01/22	N/A
Section 366.04(9), F.S., requires the Commission to regulate the safety, vegetation management, repair, replacement, maintenance, relocation, emergency response, and storm restoration for certain poles of communication services providers; addresses confidentiality. (S1944; Ch. 2021-191, Laws of Florida)	Yes. The Commission is required to adopt rules to implement this section.	No later than 11/01/21	No later than 04/01/22	N/A

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Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
Section 366.097, F.S., Redundant poles and transfer of ownership, provides that upon petition by a pole owner or an attaching entity, the PSC may issue orders enforcing this section which do not expressly relate to circuit court jurisdiction. (S1944; Ch. 2021-191, Laws of Florida)	No	N/A	N/A	The statute is specific as to the Commission's authority and is self executing, and therefore rulemaking is not necessary to implement the statute.
Section 366.8255. F.S., establishes certain wastewater reuse system costs as an environmental compliance cost and eligible for electric utilities to seek approval to recover such costs through the environmental cost recovery clause. (H1051; Ch. 2021-222, Laws of Florida)	No	N/A	N/A	The statute is specific as to the Commission's authority and is self executing, and therefore rulemaking is not necessary to implement the statute.
Section 366.91, F.S., Renewable energy, is amended to authorize the Commission to approve cost recovery by a gas public utility for certain contracts for purchase of renewable natural gas. (S0896; Ch. 2021-178, Laws of Florida)	No	N/A	N/A	The statute is specific and contains all necessary requirements for cost recovery, and therefore rulemaking is not necessary to implement the statute.

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SECTION 120.74(1)(a), F.S.

Laws	Rulemaking Necessary	Notice of Rule Development Published	Expected Date of Notice of Proposed Rule	Reason Why Rulemaking Is Not Necessary
Section 366.92(2)(b), F.S., amends the definition of “renewable energy” to include renewable natural gas as defined in Section 366.91, F.S. (2021). (S0896; Ch. 2021-178, Laws of Florida)	No	N/A	N/A	The statute provides a specific definition and therefore rulemaking is not necessary to implement the statute.
Section 381.00316, F.S., prohibits a governmental entity from requiring persons to provide any documentation certifying COVID-19 vaccination or post-infection recovery to gain access to, entry upon, or service from the governmental entity’s operations; provides for fines. (S2006; Ch. 2021-008, Laws of Florida)	No	N/A	N/A	The statute imposes specific requirements and does not give the Commission any rulemaking authority.

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LAWS NOT CREATING OR MODIFYING DUTIES OR AUTHORITY
SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 120.52, F.S.	To consider whether to repeal Rule 25-22.107, F.A.C., Plan for Making Orders Available to the Public, and move to the Commission's Statement of Agency Organization and Operations
Section 120.53, F.S.	<p>To consider whether to repeal Rule 25-22.100, F.A.C., Authority, and move to the Commission's Statement of Agency Organization and Operations</p> <p>To consider whether to repeal Rule 25-22.101, F.A.C., Purpose, and move to the Commission's Statement of Agency Organization and Operations</p> <p>To consider whether to repeal Rule 25-22.1035, F.A.C., Official Reporter for Final Orders, and move to the Commission's Statement of Agency Organization and Operations</p> <p>To consider whether to repeal Rule 25-22.104, F.A.C., Numbering of Orders, and move to the Commission's Statement of Agency Organization and Operations</p> <p>To consider whether to repeal Rule 25-22.105, F.A.C., Electronic Database of Orders and Other Records, and move to the Commission's Statement of Agency Organization and Operations</p>
Section 120.569, F.S.	To amend or repeal Rule 25-22.033, F.A.C., Communications Between Commission Employees and Parties, to eliminate language that duplicates language in the Commission's Administrative Procedures Manual, Uniform Rules of Procedure, and Section 120.66, F.S.
Section 120.57, F.S.	To amend or repeal Rule 25-22.033, F.A.C., Communications Between Commission Employees and Parties, to eliminate language that duplicates language in the Commission's Administrative Procedures Manual, Uniform Rules of Procedure, and Section 120.66, F.S.
Section 350.042, F.S.	To amend or repeal Rule 25-22.033, F.A.C., Communications Between Commission Employees and Parties, to eliminate language that duplicates language in the Commission's Administrative Procedures Manual, Uniform Rules of Procedure, and Section 120.66, F.S.
Section 350.115, F.S.	To amend Rule 25-6.0142, F.A.C., Uniform Retirement Units for Electric Utilities, to update the Code of Federal Regulations reference in subsection (1) and to include a link to the F.A.C. website for the List of Retirement Units that is incorporated by reference in subsection (3)

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SECTION 120.74(1)(b), F.S.

Laws	Intent of Rulemaking
Section 350.121, F.S.	To amend paragraph (4)(a) of Rule 25-22.006, F.A.C., Confidential Information, to change the number of copies required to be filed to be consistent with current filing requirements
Section 364.183, F.S.	To amend paragraph (4)(a) of Rule 25-22.006, F.A.C., Confidential Information, to change the number of copies required to be filed to be consistent with current filing requirements
Section 366.03, F.S.	To amend Rule 25-6.109, F.A.C., Refunds, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal
Section 366.04, F.S.	To amend Rule 25-14.012, F.A.C., Accounting for Postretirement Benefits Other Than Pensions, to remove references to obsolete accounting standards
Section 366.04(1), F.S.	To amend Rule 25-6.109, F.A.C., Refunds, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal
Section 366.04(2), F.S.	To amend Rule 25-6.0435, F.A.C., Interim Rate Relief, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal To amend Rule 25-6.109, F.A.C., Refunds, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal
Section 366.04(8), F.S.	To adopt procedural rules to implement Section 366.04(8), F.S. (2021), that requires the Commission to regulate and enforce rates, charges, terms, and conditions for pole attachments through the resolution of complaints between pole owners and attaching entities
Section 366.04(9), F.S.	To adopt rules to implement Section 366.04(9), F.S. (2021), that requires the Commission to regulate the safety, vegetation management, repair, replacement, maintenance, relocation, emergency response, and storm restoration requirements for poles of communication services providers
Section 366.041, F.S.	To amend Rule 25-6.0142, F.A.C., Uniform Retirement Units for Electric Utilities, to update the Code of Federal Regulations reference in subsection (1) and to include a link to the F.A.C. website for the List of Retirement Units that is incorporated by reference in subsection (3)

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Laws	Intent of Rulemaking
Section 366.05, F.S.	<p>To adopt Rule 25-6.04355, F.A.C., Effective Date of Approved Rates and Charges for Investor-Owned Electric Utilities, to address when a utility’s approved rates and charges are effective and when the utility may begin applying approved rates and charges to a customer’s bill for service rendered</p> <p>To adopt Rule 25-7.0405, F.A.C., Effective Date of Approved Rates and Charges for Investor-Owned Natural Gas Utilities., to address when a utility’s approved rates and charges are effective and when the utility may begin applying approved rates and charges to a customer’s bill for service rendered</p> <p>To repeal Rule 25-14.004, F.A.C., Effect of Parent Debt on Federal Corporate Income Tax, as obsolete</p> <p>To amend Rule 25-14.013, F.A.C., Accounting for Deferred Income Taxes Under SFAS 109, to remove references to obsolete accounting standards and replace references to obsolete standards with specific requirements</p> <p>To amend Rule 25-14.014, F.A.C., Accounting for Asset Retirement Obligations Under SFAS 143, to remove references to obsolete accounting standards</p>
Section 366.06, F.S.	<p>To amend Rule 25-6.0142, F.A.C., Uniform Retirement Units for Electric Utilities, to update the Code of Federal Regulations reference in subsection (1) and to include a link to the F.A.C. website for the List of Retirement Units that is incorporated by reference in subsection (3)</p> <p>To amend Rule 25-6.0435, F.A.C., Interim Rate Relief, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p> <p>To adopt Rule 25-6.04355, F.A.C., Effective Date of Approved Rates and Charges for Investor-Owned Electric Utilities, to address when a utility’s approved rates and charges are effective and when the utility may begin applying approved rates and charges to a customer’s bill for service rendered</p> <p>To amend Rule 25-6.109, F.A.C., Refunds, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p> <p>To amend Rule 25-7.040, F.A.C., Interim Rate Relief, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p>

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Laws	Intent of Rulemaking
Section 366.06, F.S. (Cont.)	<p>To adopt Rule 25-7.0405, F.A.C., Effective Date of Approved Rates and Charges for Investor-Owned Natural Gas Utilities, to address when a utility's approved rates and charges are effective and when the utility may begin applying approved rates and charges to a customer's bill for service rendered</p> <p>To amend Rule 25-7.091, F.A.C., Refunds, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p>
Section 366.07, F.S.	To amend Rule 25-6.109, F.A.C., Refunds, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal
Section 366.071, F.S.	<p>To amend Rule 25-6.0435, F.A.C., Interim Rate Relief, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p> <p>To amend Rule 25-6.109, F.A.C., Refunds, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p> <p>To amend Rule 25-7.040, F.A.C., Interim Rate Relief, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p> <p>To amend Rule 25-7.091, F.A.C., Refunds, to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p>
Section 366.093, F.S.	To amend paragraph (4)(a) of Rule 25-22.006, F.A.C., Confidential Information, to change the number of copies required to be filed to be consistent with current filing requirements
Section 366.82, F.S.	To amend Rule 25-17.0021, F.A.C., Goals for Electric Utilities, to update rule requirements
Section 367.071, F.S.	To amend Rule 25-30.0371, F.A.C., Acquisition Adjustments, to update the rule to address current industry practices
Section 367.081, F.S.	To amend Rule 25-30.0371, F.A.C., Acquisition Adjustments, to update the rule to address current industry practice

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Laws	Intent of Rulemaking
Section 367.081, F.S. (Cont.)	<p>To amend Rule 25-30.360, Refunds, F.A.C., to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p> <p>To amend Rule 25-30.433, F.A.C., Rate Case Proceedings, to update rule requirements</p> <p>To amend Rule 25-30.445, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding, to reduce the number of paper copies required to be filed and clarify requirements</p>
Section 367.0812, F.S.	<p>To amend Rule 25-30.433, F.A.C., Rate Case Proceedings, to update rule requirements</p> <p>To amend Rule 25-30.445, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding to reduce the number of paper copies required to be filed and clarify requirements</p>
Section 367.0814, F.S.	<p>To amend Rule 25-30.360, Refunds, F.A.C., to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p> <p>To amend Rule 25-30.433, F.A.C., Rate Case Proceedings, to update rule requirements</p> <p>To amend Rule 25-30.455, F.A.C., Staff Assistance in Rate Cases, to clarify rule requirements</p> <p>To amend Rule 25-30.456, F.A.C., Staff Assistance in Alternative Rate Setting, to clarify rule requirements</p>
Section 367.082, F.S.	<p>To amend Rule 25-30.360, Refunds, F.A.C., to recognize alternative publications to obtain interest rates rather than sole reliance on the Wall Street Journal</p>
Section 367.0822, F.S.	<p>To amend Rule 25-30.433, F.A.C., Rate Case Proceedings, to update rule requirements</p>

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Laws	Intent of Rulemaking
Section 367.0822, F.S. (Cont.)	<p>To amend Rule 25-30.445, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding, to reduce the number of paper copies required to be filed and clarify requirements</p> <p>To amend Rule 25-30.446, F.A.C., Notice of and Public Information for Application for Limited Proceeding Rate Increase, to replace paper copy notification requirements with electronic access to documents and to clarify rule language</p>
Section 367.083, F.S.	To amend Rule 25-30.025, F.A.C., Official Date of Filing, to change the person responsible for determining the official date of filing
Section 367.091, F.S.	To amend Rule 25-30.4345, F.A.C., Notice of Requests for New or Revised Service Availability Charges or Policies and Notice of Requests for Allowance for Funds Prudently Invested (AFPI) Charges, to update public inspection requirements concerning on-line access to documents
Section 367.101, F.S.	<p>To amend Rule 25-30.4345, F.A.C., Notice of Requests for New or Revised Service Availability Charges or Policies and Notice of Requests for Allowance for Funds Prudently Invested (AFPI) Charges, to update public inspection requirements concerning on-line access to documents</p> <p>To amend Rule 25-30.565, F.A.C., Application for Approval of New or Revised Service Availability Policy or Charges, to reduce the number of paper copies required to be filed, and replace public inspection paper copies with electronic access to the application</p>
Section 367.111, F.S.	To amend Rule 25-30.4345, F.A.C., Notice of Requests for New or Revised Service Availability Charges or Policies and Notice of Requests for Allowance for Funds Prudently Invested (AFPI) Charges, to update public inspection requirements concerning on-line access to documents
Section 367.121, F.S.	<p>To repeal Rule 25-14.004, F.A.C., Effect of Parent Debt on Federal Corporate Income Tax, as obsolete</p> <p>To amend Rule 25-14.012, F.A.C., Accounting for Postretirement Benefits Other Than Pensions, to remove references to obsolete accounting standards</p> <p>To amend Rule 25-14.013, F.A.C., Accounting for Deferred Income Taxes Under SFAS 109, to remove references to obsolete accounting standards and replace references to obsolete standards with specific requirements</p>

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Laws	Intent of Rulemaking
Section 367.121, F.S. (Cont.)	<p>To amend Rule 25-14.014, F.A.C., Accounting for Asset Retirement Obligations Under SFAS 143, to remove references to obsolete accounting standards</p> <p>To amend Rule 25-30.0371, F.A.C., Acquisition Adjustments, to update rule to address current industry practices</p> <p>To amend Rule 25-30.117, F.A.C., Accounting for Pension Costs, to remove references to obsolete accounting standards and replace references to obsolete standards with specific requirements</p> <p>To amend Rule 25-30.445, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding to reduce the number of paper copies required to be filed and clarify requirements</p> <p>To amend Rule 25-30.446, F.A.C., Notice of and Public Information for Application for Limited Proceeding Rate Increase, to replace paper copy notification requirements with electronic access to documents and to clarify rule language</p>
Section 367.1213, F.S.	To amend Rule 25-30.433, F.A.C., Rate Case Proceedings, to update rule requirements
Section 367.145, F.S.	To amend Rule 25-30.445, F.A.C., General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding to reduce the number of paper copies required to be filed and clarify requirements
Section 367.156, F.S.	To amend paragraph (4)(a) of Rule 25-22.006, F.A.C., Confidential Information, to change the number of copies required to be filed to be consistent with current filing requirements
Section 368.03, F.S.	To amend Rule 25-12.005, F.A.C., Codes and Standards Adopted, to reflect current 49 CFR parts 191, 192, and 199
Section 368.05, F.S.	To amend Rule 25-12.005, F.A.C., Codes and Standards Adopted, to reflect current 49 CFR parts 191, 192, and 199
Section 368.108, F.S.	To amend paragraph (4)(a) of Rule 25-22.006, F.A.C., Confidential Information, to change the number of copies required to be filed to be consistent with current filing requirements

FLORIDA PUBLIC SERVICE COMMISSION
ATTACHMENT C
2021 REGULATORY PLAN

UPDATES TO 2020 REGULATORY PLAN – SECTION 120.74(1)(c), F.S..

The Commission has no laws or updates to the 2020 Regulatory Plan to report pursuant to Section 120.74(1)(c), F.S.