

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNICATIONS, ENERGY, AND PUBLIC UTILITIES

Senator Grimsley, Chair

Senator Hukill, Vice Chair

MEETING DATE: Tuesday, February 17, 2015

TIME: 2:00 —4:00 p.m.

PLACE: 301 Senate Office Building

MEMBERS: Senator Grimsley, Chair; Senator Hukill, Vice Chair; Senators Abruzzo, Bradley, Dean, Evers, Garcia, Gibson, and Sachs

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 288 Latvala (Similar H 219)	Utilities Regulation; Requiring the Florida Public Service Commission to hold public customer service meetings in certain service territories; requiring a person who lobbies a member of the Florida Public Service Commission Nominating Council to register as a lobbyist; requiring the Governor to remove from office any commissioner found to have violated the ex parte statute; requiring that money received by a utility for the development of demand-side renewable energy systems be used solely for that purpose, etc. CU 02/17/2015 Fav/CS AP	Fav/CS Yeas 7 Nays 0
2	SB 230 Dean (Similar H 81)	Public Utilities; Requiring that any proposed change in a public utility's billing cycle be approved by the Florida Public Service Commission by a specified period before the effective date of the change; requiring the commission to consider the public impact of a proposed change; prohibiting the extension of a billing cycle by more than a specified period; prohibiting a public utility from charging a consumer or user a higher rate in certain circumstances; providing an exception, etc. CU 02/17/2015 Favorable AGG FP	Favorable Yeas 7 Nays 0
3	SB 110 Hukill	Communications Services Taxes; Reducing the tax rate applied to the sale of communications services; reducing the tax rate applied to the retail sale of direct-to-home satellite services; revising the allocation of tax revenues received, etc. CU 02/17/2015 Fav/CS FT AP	Fav/CS Yeas 7 Nays 0
4	Presentation by the Public Service Commission on Utility Regulation and Ratemaking		Presented

Other Related Meeting Documents

COMMITTEE MEETING EXPANDED AGENDA

Communications, Energy, and Public Utilities

Tuesday, February 17, 2015, 2:00 —4:00 p.m.

SUMMARY OF AMENDMENTS
TO
SB 288

Amendment # 1 By Senator Bradley Barcode 291132 lines 118 – 146	The amendment specifies that the ex parte prohibition applies only to proceedings under ss. 120.569 and 120.57, F.S. (those in which a party has a substantial affected interest); decreases the time period between a communication and when a proceeding is initiated from one year to 180 days; applies the prohibition to educational programs and conferences, and provides additional requirements as to a commissioner's communications during these events; and provides that for the Governor to remove a commissioner from office for a violation, the ex parte communication must be done willfully and knowingly.
Amendment #2 By Senator Bradley Barcode 973916 lines 241 – 242	The amendment creates an exemption to the requirement that all changes to tariffs be approved by a vote of the commission to allow an administrative change without approval that does not substantially change the meaning or operation of the tariff.
Amendment #3 By Senator Bradley Barcode 530344 lines 257 – 260	The amendment provides that the requirement that money received by a utility for implementation of Florida Energy Efficiency and Conservation Act measures to encourage development of demand-side renewable energy systems be used solely for such purposes include related administrative costs.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Communications, Energy, and Public Utilities

BILL: CS/SB 288

INTRODUCER: Communications, Energy and Public Utilities and Senator Latvala

SUBJECT: Utilities Regulation

DATE: February 18, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	CU	Fav/CS
2.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 288:

- Requires the Florida Public Service Commission (PSC or commission) to meet in utilities' service territories and to stream all meetings live;
- Requires a person who lobbies the Florida Public Service Commission Nominating Council to register as a legislative lobbyist;
- Requires each PSC commissioner to complete annual ethics training;
- Expands the existing ex parte prohibition to all meetings and educational conferences;
- If the Public Counsel participated as a party in the relevant PSC proceeding as a party and is not a party to a settlement agreement, prohibits submission of the settlement agreement to the PSC and prohibits the PSC from approving the settlement agreement;
- Prohibits imposing a higher rate for increased electricity use which is due solely to an extended billing period;
- Establishes a limitation on the total deposit that may be demanded from an electricity customer;
- Requires each utility to assist customers in getting the most advantageous rate;
- Requires the Commission to approve all tariffs and tariff changes; and
- Requires that money received for demand-side renewable energy be used for that purpose.

II. Present Situation:

In recent months, a number of complaints have arisen against regulated electric utilities and involving the PSC. The following is both general background information and background information specific to individual complaints.

Florida Public Service Commission

Appointment

The Florida Public Service Commission (PSC or commission) is a five-member body that has economic regulation authority over electric and water utilities that meet specified criteria. The members are appointed to four-year terms.¹ Appointment is a three-step process:

- applicants are interviewed by the Florida Public Service Commission Nominating Council, which must nominate to the Governor no fewer than three persons for each vacancy;
- the Governor selects one of the nominated applicants for appointment to each vacant position; and
- each appointee is then subject to confirmation by the Senate.²

The Florida Public Service Commission Nominating Council (council) is a 12-member panel with:

- Six members appointed by and serving at the pleasure of the President of the Senate, including three members of the Senate, one of whom must be a member of the minority party, and
- Six members appointed by and serving at the pleasure of the Speaker of the House of Representatives, including three members of the House of Representatives, one of whom must be a member of the minority party.

Council members have four-year terms, except that legislator members serve two-year terms concurrent with the two-year elected terms of House members. Council meetings are subject to public records and public meetings law.

PSC Jurisdiction

With electric utilities, the commission has economic regulation authority over each “public utility,” which is defined to mean every person or legal entity supplying electricity to or for the public within this state, but to expressly exclude both a rural electric cooperative and a municipality or any agency thereof.³

For water and wastewater utilities, the statutes grant the commission exclusive jurisdiction over each utility with respect to its authority, service, and rates.⁴ However, after 10 continuous years under the jurisdiction of the commission, a county can opt-out of commission jurisdiction by resolution or ordinance, in which case, the county regulates the rates of all utilities in within its boundaries.⁵ The commission has exclusive jurisdiction over all utility systems whose service

¹ Section 350.01, F.S.

² Section 350.031, F.S.

³ Section 366.02(1), F.S.

⁴ Section 367.011, F.S.

⁵ Section 367.171, F.S.

transverses county boundaries, whether the counties involved are jurisdictional or nonjurisdictional, except for utility systems that are subject to, and remain subject to, interlocal utility agreements in effect as of January 1, 1991, that create a single governmental authority to regulate the utility systems whose service transverses county boundaries. The commission has jurisdiction in 37 counties and counties have jurisdiction in 30 counties.⁶ Jurisdiction is divided as listed in the following table.

Jurisdictional Counties (37)	Non-Jurisdictional Counties (30)
Alachua	Baker
Bradford	Bay
Brevard	Calhoun
Broward	Citrus
Charlotte	Collier
Clay	Columbia
Duval	Dade
Escambia	Desoto
Franklin	Dixie
Gadsden	Flagler
Gulf	Gilchrist
Hardee	Glades
Highlands	Hamilton
Jackson	Hendry
Lake	Hernando
Lee	Hillsborough
Levy	Holmes
Manatee	Indian River
Marion	Jefferson
Martin	Lafayette
Monroe	Leon
Nassau	Liberty
Okaloosa	Madison
Okeechobee	Santa Rosa
Orange	Sarasota
Osceola	Suwanee
Palm Beach	Taylor
Pasco	Union
Pinellas	Wakulla
Polk	Walton
Putnam	
Seminole	
St. Johns	
St. Lucie	
Sumter	
Volusia	

⁶ <http://www.psc.state.fl.us/utilities/waterwastewater/wawtextchart.pdf>

Jurisdictional Counties (37)	Non-Jurisdictional Counties (30)
Washington	

PSC Commissioner Standards of Conduct

1. Generally

Section 350.041, F.S., provides the statutory standards of conduct for PSC commissioners, which prohibit them from:

- accepting anything from any public utility regulated by the commission or any business entity that has specified relationships with such a public utility, with exceptions for attendance at conferences and associated meals and events in accordance with specified conditions,
- accepting any form of employment with or engaging in any business activity with any public utility regulated by the commission or any business entity that has specified relationships with such a public utility,
- having any financial interest, other than shares in a mutual fund, in any public utility regulated by the commission or any business entity that has specified relationships with such a public utility,
- accepting anything from a party in a proceeding currently pending before the commission,
- serving in specified capacities with any political party,
- making any public comment regarding the merits of any proceeding pending before the commission,
- conducting himself or herself in an unprofessional manner at any time during the performance of his or her official duties, and
- soliciting anything of value, directly or indirectly, from any public utility regulated by the commission or any business entity that has specified relationships with such a public utility or from any party appearing in a proceeding considered by the commission in the last 2 years.

Additionally, the statute requires each commissioner to avoid impropriety in all of his or her activities and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the commission. The standards contain no training requirements.

The Commission on Ethics is to accept and investigate any alleged violations of these standards and to provide the Governor and the Florida Public Service Commission Nominating Council with a report of its findings and recommendations. The Governor is authorized to enforce the findings and recommendations.

2. Ex Parte Communications

Section 350.042, F.S., provides for ex parte communications involving commissioners.⁷ The statute prohibits a commissioner from initiating or considering ex parte communications concerning the merits, threat, or offer of reward in any proceeding other than a rulemaking proceeding, a declaratory statement proceeding, workshops, or internal affairs meetings. It also

⁷ In this context, an ex parte communication is a communication between a commissioner and a party or other interested person, including a person's attorney, that was neither on the record nor on reasonable prior notice to all parties and that relates to the merits of a proceeding.

prohibits an individual from discussing ex parte with a commissioner the merits of any issue that he or she knows will be filed with the commission within 90 days. These provisions do not apply to commission staff.

The section does not apply to oral communications or discussions in scheduled and noticed open public meetings of educational programs or of a conference or other meeting of an association of regulatory agencies.

The Commission on Ethics is to investigate sworn complaints of violations of this section. If the Commission on Ethics finds that there has been a violation by a PSC commissioner, it is to provide the Governor and the Florida Public Service Commission Nominating Council with a report of its findings and recommendations. The Governor is authorized to enforce the findings and recommendations.

Public Counsel and Settlement Agreements

Section 350.0611, F.S., provides the duties and powers of the Public Counsel. The duty is to provide legal representation for the people of the state in proceedings before the commission and in proceedings before counties that have jurisdiction over water and wastewater utilities, and the powers are those necessary to carry out this duty, including the power:

- To recommend to the commission or the counties, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission or the counties and urge therein any position which he or she deems to be in the public interest, and
- In any proceeding in which he or she has participated as a party, to seek review of any determination, finding, or order of the commission or the counties, or of any hearing examiner designated by the commission or the counties, in the name of the state or its citizens.

The question of whether the commission is authorized to approve a non-unanimous settlement agreement over Public Counsel's objection was recently determined by the Florida Supreme Court.⁸

The case resulted from an application by Florida Power & Light (FPL) for a rate increase which was filed with the commission on March 19, 2012. The Office of Public Counsel (OPC) and others intervened in the case opposing the rate increase. Shortly thereafter, FPL negotiated a settlement with the Florida Industrial Power Users Group (FIPUG), South Florida Hospital and Healthcare Association (SFHHA), and Federal Executive Agencies (FEA). In July, FPL first presented OPC with the negotiated settlement.

On August 15, 2012, the signatories to the settlement agreement – FPL, FEA, FIPUG, and SFHHA – filed joint motions to suspend the procedural schedule and approve the settlement agreement. OPC filed motions to suspend the hearing schedule and to consider the settlement agreement on the merits. The commission denied the requests and proceeded with the hearing as scheduled, holding full evidentiary hearings on August 20–24 and August 27–31, 2012.

⁸ *Citizens of the State of Florida vs. Florida Public Service Commission*, 146 So.3d 1143 (Fla. 2014).

On August 30, 2012, during the hearing, the commission announced on the record that the hearing would reconvene on September 27, 2012, to discuss the proposed settlement agreement. At the September 27, 2012, hearing, the commission determined that the proposed settlement agreement raised five new disputed issues of material fact supplemental to the disputed issues presented in the initial petition and scheduled a hearing to take additional testimony limited to the five new disputed issues of fact for November 19–21, 2012.

The formal hearing reconvened on November 19, 2012, and concluded on November 20, 2012. On December 13, 2012, the commission held a special agenda conference to rule upon the merits of the proposed settlement agreement. After the commission voiced its concern with some items, the commission recessed to give all the parties an opportunity to engage in further settlement negotiations. When presented with the modified settlement agreement, the commission found that it satisfied all of the commission's concerns, that it established fair, just, and reasonable rates, and that it was in the public interest. The final order on January 14, 2013, memorialized this finding and incorporated the approved settlement.

The OPC appealed the commission's decision, arguing that the commission erred by approving a non-unanimous negotiated settlement agreement over OPC's objection. More specifically, OPC argued that:

- Section 350.0611, F.S., which sets forth OPC's powers, is not an exhaustive list;
- Chapter 366, F.S., which provides for PSC regulation of electric utilities, provides that it is to be liberally construed for the accomplishment of protecting the public welfare;
- OPC must be treated differently from other intervenors as it has a unique status created by the statutes and recognized by the court in its statement in *Mayo* that "special conditions pertain in cases where public counsel has intervened. This is a consequence of the statutory nexus between the file and suspend procedures and the role prescribed for public counsel in rate regulation. Public counsel was authorized to represent the citizens of the State of Florida in rate proceedings of this type. That office was created with the realization that the citizens of the state cannot adequately represent themselves in utility matters, and that the rate-setting function of the Commission is best performed when those who will pay utility rates are represented in an adversary proceeding by counsel at least as skilled as counsel for the utility company."⁹; and
- "[u]nless the Court reverses the Final Order, the effect will be to marginalize the participation of 'the public's advocate' as the petitioning utility could bypass [the] OPC's opposition through the expedient of offering a revenue concession to a willing intervenor."¹⁰

The court agreed that the statutory list of OPC's powers is not meant to be an exhaustive list and that the statutes on regulation of electric utilities are to be liberally construed for the accomplishment of protecting the public welfare. However, "related statutory provisions must be read together to achieve a consistent whole"¹¹ and "further, '[w]here possible, courts must give

⁹ *Citizens v. Mayo*, 333 So.2d 1, 6-7 (Fla. 1976).

¹⁰ *Citizens of the State of Florida vs. Florida Public Service Commission*, at 1153.

¹¹ *Citizens of the State of Florida vs. Florida Public Service Commission*, at 1151, citing *Raymond James Fin. Serv., Inc. v. Phillips*, 126 So.3d 186, 191 (Fla. 2013) (quoting *Heart of Adoptions, Inc. v. J.A.*, 963 So.2d 189, 199 (Fla. 2007)).

full effect to all statutory provisions and construe related statutory provisions in harmony with one another.”¹²

The PSC is an arm of the legislative branch and is to perform its duties independently.¹³ Additionally, the commission has exclusive jurisdiction to fix fair, just, and reasonable rates of electric utilities.¹⁴ Thus, the plain language of the statutes clearly provides that the commission independently determines rates of public utilities subject to the statutory requirements and this authority is not conditioned on the OPC's approval or absence of the OPC's objections.¹⁵ Further, adoption of OPC's argument that its powers include the ability to preclude the commission from approving a settlement agreement over the OPC's objection would render the statutory language in chapters 350 and 366 inconsistent.¹⁶

As to settlement agreements, the statutes provide for informal disposition of the rate proceeding by stipulation, agreed settlement, or consent order “[u]nless precluded by law.”¹⁷ Chapters 350 and 366, pertaining to the commission and public utilities respectively, do not prohibit the commission from approving a negotiated settlement to resolve a rate-making proceeding.¹⁸ Also, in *Jaber*,¹⁹ this court held that the commission's approval of a non-unanimous settlement agreement did not violate intervenor's due process rights because “the record shows that the appellant presented arguments in opposition to the settlement during the agenda conference” in which the appellant was allowed thirty minutes to present its views in opposition to the settlement agreement.²⁰ Thus, the Commission is not clearly precluded by statute or case law from approving non-unanimous settlements.²¹

OPC argued that *Mayo* recognized that it has special status and that special conditions pertain in cases where it has intervened, status that will be marginalized if the Final Order is not reversed. The court found these arguments to be without merit.²² Ultimately, the commission's actions are conditioned by statute (rates set must be fair, just, and reasonable) and its actions are subject to judicial review – the commission cannot simply accept any settlement agreement devoid of record support as in the public interest.²³ Moreover, none of the actions taken by the commission in this case will preclude the OPC from fully representing the public's interest in future cases because the OPC was able to “urge therein any position which he or she deem[ed] to be in the public interest” in this rate-making proceeding.²⁴ Finally, the fact situation of *Mayo* was completely different and the holding was not intended to extend to the factual circumstances

¹² *Id.*

¹³ *Citizens of the State of Florida vs. Florida Public Service Commission*, at 1150, citing section 350.001, Florida Statutes, *Pub. Serv. Comm'n v. Bryson*, 569 So.2d 1253, 1254 (Fla. 1990) (noting that “the legislature granted the [Commission] exclusive jurisdiction over matters respecting the rates and service of public utilities.”); *Chiles v. Pub. Serv. Comm'n Nominating Council*, 573 So.2d 829, 832 (Fla. 1991) (“[R]ate-making by the [Commission] is a legislative function.”).

¹⁴ *Id.*, citing sections 366.04(1) and 366.06(1), F.S.

¹⁵ *Id.*

¹⁶ *Id.*, at 1151.

¹⁷ *Id.*, at 1150, citing section 120.57(4), Florida Statutes (2012).

¹⁸ *Id.*

¹⁹ *South Florida Hospital and Healthcare Ass'n v. Jaber*, 887 So.2d 1210, 1212 (Fla. 2004).

²⁰ *Citizens of the State of Florida vs. Florida Public Service Commission*, at 1150.

²¹ *Id.*

²² *Id.*, at 1153.

²³ *Id.*

²⁴ *Id.*

present here.²⁵ In Mayo, OPC was unable to cross-examine Gulf Power witnesses or present any direct evidence contradictory to the data supplied by Gulf Power because it indicated it was not prepared due to the commission's notice of hearing specifying such facets of the hearing would be held at a later date.²⁶ As a result, the commission issued an order granting Gulf Power a rate increase without OPC ever being provided an opportunity to introduce evidence.²⁷ Here, the OPC fully represented citizens in ten days of hearings regarding FPL's petition for a rate increase and also fully participated in hearings regarding the proposed settlement agreement by submitting prefiled testimony, participating in discovery, presenting evidence in opposition to the settlement agreement, and filing post-hearing briefs.²⁸ Thus, the OPC was not precluded from zealously representing citizens, but was provided multiple opportunities to urge the public's position on FPL's petition and subsequent settlement agreement.²⁹

Electric Utilities

1. Extended Billing Period and Tiered Rates

Public utilities are allowed to use tiered billing, in which a higher rate is charged for higher levels of use, as a way to encourage conservation. They also are allowed to vary their billing period from the standard month-long period. Recently a utility adjusted its billing period for one billing cycle “as part of an ongoing process started in May 2013 to streamline the company’s routes for meter-reading throughout central and northern Florida.”³⁰ As a result of the extended billing period, some customers’ total usage for the extended billing period increased such that a tiered rate was applicable, even though their average daily use did not increase during that period. After many complaints, the utility agreed to refund all increased charges.³¹

2. Public Utility Deposits

Section 366.05, F.S, provides for the powers of the PSC including the power to prescribe fair and reasonable rates and charges. Based in part on this authority, the commission has adopted a rule on customer deposits.³² As to the amount of the deposit, the rule requires each public utility’s tariff to contain the utility’s specific criteria for determining the amount of initial deposit. After a customer has had continuous service for a period of 23 months, has established a satisfactory payment record, and has not done any of a list of actions or non-actions which disqualify it for a refund, the utility must:

- Refund a residential customer’s deposits, and
- At its option, either refund or pay the higher rate of interest³³ for nonresidential deposits.

²⁵ *Id.*, at 1151.

²⁶ *Id.*, at 1152

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ Jim Turner, *Duke Energy called to explain billing change*, Tallahassee Democrat, August 25, 2014, <http://www.tallahassee.com/story/news/politics/2014/08/25/duke-energy-called-explain-billing-change/14594563/>

³¹ Ivan Penn, *Duke Energy refunds \$1.7 million to customers because of meter issue*, Tampa Bay Times, September 10, 2014, <http://www.tampabay.com/news/business/energy/duke-energy-refunds-17-million-to-customers-because-of-meter-issue/2197029>

³² Rule 25-6.097, F.A.C.

³³ This higher interest rate is three percent instead of the usual two percent. In all cases the interest is simple interest, not compounded.

The rule also allows for an increase in the deposit amount:

(3) New or additional deposits. *A utility may require, upon reasonable written notice of not less than thirty (30) days, a new deposit, where previously waived or returned, or additional deposit, in order to secure payment of current bills.* Such request shall be separate and apart from any bill for service and shall explain the reason for such new or additional deposit, *provided, however, that the total amount of the required deposit shall not exceed an amount equal to twice the average charges for actual usage of electric service for the twelve month period immediately prior to the date of notice.* In the event the customer has had service less than twelve months, then the utility shall base its new or additional deposit upon the average actual monthly usage available.

The phrase “an amount equal to twice the average charges for actual usage of electric service for the twelve month period immediately prior to the date of notice” is ambiguous; however, it has consistently been interpreted and implemented to mean that the total amount of the deposit required by the utility may not exceed twice the average bill for the immediately preceding twelve months.³⁴

Recently there have been complaints that a utility was demanding deposit increases in excess of the rules.³⁵

3. Most Advantageous Rate

Utilities have different customer classes and a variety of rates applicable within each class based on usage amounts and patterns. Recently there were complaints that a utility was billing some customers using rates that were inappropriately high.³⁶

Florida Energy Efficiency and Conservation Act

Sections 366.80-366.83 and 403.519, F.S., are the “Florida Energy Efficiency and Conservation Act.” Section 366.82, F.S., provides for setting efficiency and conservation goals and establishing plans and programs to meet the overall goals. This section was amended in 2008 to require the commission to adopt appropriate goals for increasing the development of demand-side renewable energy systems. The term “demand-side renewable energy” means a system located on a customer’s premises generating thermal or electric energy using Florida renewable

³⁴ See, e.g., *Pantry Pride Enterprises, Inc. v. Florida Power & Light Company*, 1982 Fla. PUC LEXIS 607, Florida Public Service Commission (June 4, 1982); *In re: Complaint of Sears, Roebuck and Company against Florida Power & Light Company and motion to compel FPL to continue electric service and to cease and desist demands for deposit pending final decision regarding complaint*, 2006 Fla. PUC LEXIS 241 Florida Public Service Commission (May 9, 2006); *In re: Complaint of Kmart Corporation against Florida Power & Light Company and motion to compel FPL to continue electric service and to cease and desist demands for deposit pending final decision regarding complaint*, 2006 Fla. PUC LEXIS 242 Florida Public Service Commission (May 9, 2006); and *In re: Complaint of Frederick Smalakoff against Progress Energy Florida, Inc. concerning alleged improper billing*, 2013 Fla. PUC LEXIS 70 Florida Public Service Commission (March 13, 2013).

³⁵ Mitch Perry, *Pinellas Republican state lawmakers say the gloves are off regarding Duke Energy and the PSC*, Creative Loafing Tampa Bay, September 30, 2014, <http://cltampa.com/politicalanimal/archives/2014/09/30/pinellas-republican-state-lawmakers-say-the-gloves-are-off-regarding-duke-energy-and-the-psc#.VNEFL00cTJJ>

³⁶ Mike Deeson, *Duke bills small businesses, churches at higher rate*, WTSP News, October 8, 2014, <http://www.wtsp.com/story/news/investigations/2014/10/07/duke-energy-billing-customers/16866407/>

energy resources and primarily intended to offset all or part of the customer's electricity requirements provided such system does not exceed 2 megawatts.

To implement this requirement, the PSC created a five-year solar pilot project, and each year the utilities collected money for these purposes. At the most recent goal-setting hearings, the utilities proposed ending the project early, and there was concern about what they might do with remaining funds.

III. Effect of Proposed Changes:

Florida Public Service Commission – Meetings

Section 1 amends s. 350.01, F.S., which establishes the Florida Public Service Commission (PSC or commission) and provides for its proceedings. The bill requires that the commission hold at least one public customer service meeting per year in the service territory of each public utility regulated by the commission which supplies electricity. Additionally, it must hold a public customer service meeting in the service territory of each water or wastewater utility that is subject to regulation under chapter 367, F.S., if at least 10 percent of the customers of that utility file a written request. The meeting must be held within a reasonable time after receipt of the request.

Finally, the bill requires that specified meetings be streamed live on the Internet, with a recorded copy of the meeting available afterward on the commission's web page. This requirement applies to:

- Each meeting, including an internal affairs meeting, workshop, hearing, or proceeding that is attended by two or more commissioners, and
- Each meeting, workshop, hearing, or proceeding at which a decision is made which concerns the rights or obligations of any person.

Florida Public Service Commission – Appointment

Section 2 amends s. 350.031, F.S., which creates the Florida Public Service Commission Nominating Council and provides its duties and procedures. The bill recognizes that the purpose of the council is to select nominees to be appointed to an arm of the legislative branch of government and requires a person who lobbies a member of the council, whether a legislator or nonlegislator, to register as a legislative lobbyist pursuant to s. 11.045, F.S., and comply with the requirements of that section.

This will require the person to:

- Make a separate registration each principal represented,
- Include a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal which identifies the principal's main business,
- State the extent of any direct business association or partnership with any current member of the Legislature,
- Preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation,

- Through his or her lobbying firm, file a compensation report for each calendar quarter during any portion of which the person was registered to represent a principal,
- Refrain from making, directly or indirectly, any expenditure to the benefit of any council member, and
- Be subject to a prohibition against knowingly failing to disclose any material fact required by this section or rules, or knowingly providing false information on any report required by this section or rules, with a violation of the prohibition a noncriminal infraction punishable by a fine not to exceed \$5,000.

PSC Commissioner Standards of Conduct – Generally

Section 3 amends s. 350.041, F.S., on Commissioners' standards of conduct to require that beginning January 1, 2016, each commissioner must annually complete 4 hours of ethics training that addresses, at a minimum, s. 8, Art. II of the State Constitution on ethics in government, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation, if the required subjects are covered.

PSC Commissioner Standards of Conduct – Ex Parte Communications

Section 4 amends s 350.042, F.S., which provides for ex parte communications involving commissioners. The statute currently prohibits a commissioner from initiating or considering ex parte communications concerning any proceeding other than a rulemaking proceeding, a declaratory statement proceeding, workshops, or internal affairs meetings, and prohibits an individual from discussing ex parte with a commissioner the merits of any issue that he or she knows will be filed with the commission within 90 days. The bill specifies that the prohibition applies to a proceeding under ss. 120.569 or 120.57 (proceedings in which a party has a substantial affected interest involved) and expands the current 90-day language to 180 days.

The bill recognizes the value of having commissioners attend educational programs, conferences, and meetings of an association of regulatory agencies, and provides requirements for attendance and participation in such meetings that are intended to avoid a violation of the ex parte prohibition. While participating in these meetings, a commissioner must refrain from commenting on or discussing the subject matter of any proceeding covered by the prohibition and must use reasonable care to ensure that the content of a meeting in which the commissioner participates is not designed to address or create a forum to influence the commissioner on the subject matter of any such proceeding.

The bill requires the Governor to remove from office any commissioner found by the Commission on Ethics to have willfully and knowingly violated this section.

Public Counsel and Settlement Agreements

Section 5 amends s. 350.0611, F.S., on powers and duties of the Public Counsel. The bill prohibits submission of a settlement agreement to the PSC, and prohibits the PSC from

approving a settlement agreement, if the Public Counsel participated as a party in the relevant PSC proceeding as a party and is not a party to the settlement.

This appears to be in reaction to the *Citizens of the State of Florida, etc., v. Florida Public Service Commission* case discussed in the Present Situation section above. Read in isolation, this section could be taken to codify OPC's arguments in that case. However, part of the Florida Supreme Court's reasoning in that case was that:

- The PSC is an arm of the legislative branch and is to perform its duties independently; that the commission has exclusive jurisdiction to fix electric utilities' rates; and thus, the plain language of the statutes clearly provides that the commission independently determines rates of public utilities and this authority is not conditioned on the OPC's approval or absence of the OPC's objections; and
- The statutes must be interpreted and applied, to the extent possible, with consistency, in harmony, and to give full effect to all, and that it was not possible to apply OPC's argument consistently and with harmony with the PSC's statutory sole authority to independently perform its duties.

Because the bill does change the PSC's independent, exclusive authority and would continue this statutory inconsistency, the bill must intend something else.

The reasonable interpretation seems to be that if the OPC does not agree to a settlement agreement the PSC must proceed as if there were no proposed settlement agreement, holding full evidentiary hearings, hearing pleadings that designate all relief sought, and hearing evidence to substantiate that each item of that relief meets the relevant statutory requirements. This would ensure that all of OPC's concerns are adequately addressed, thereby better protecting the citizens of the State of Florida, while maintaining the PSC's independent authority and the full, consistent, harmonious effect of each statute.

Electric Utilities – Extended Billing Period and Tiered Rates, Deposits, and Most Advantageous Rate

Section 6 amends s. 366.05, F.S., which provides for the powers of the PSC, including the power to prescribe fair and reasonable rates and charges. The bill adds prohibitions and limitations relating to these rates and charges:

- If the commission grants a public utility the authorizes both to charge tiered rates based upon levels of usage and to vary the billing period, the utility may not charge a customer a higher rate because of an increase in usage attributable to an extension of the billing period.
- Notwithstanding any commission rule to the contrary, a utility may not charge or receive a deposit in excess of the following amounts:
 - For an existing customer, the total deposit cannot exceed the total charges for 2 months of average actual usage, calculated by adding the monthly charges from the 12-month period immediately before the date any change in the deposit amount is sought, dividing this total by 12, and multiplying the result by 2.³⁷
 - For a new customer, the amount may not exceed 2 months of projected charges, calculated using the process specified in subparagraph 1. Once a new customer has had continuous service for a 12-month period, the amount of the deposit shall be recalculated,

³⁷ This appears to codify current PSC practice.

- using actual usage data. Any difference between the projected and actual amounts must be resolved by the customer paying any additional amount due or the utility returning any overcharge.
- If a utility has more than one rate for any customer class, it must notify each customer in that class of the available rates and explain how the rate is charged to the customer. If a customer contacts the utility seeking assistance in selecting the most advantageous rate, the utility must provide good faith assistance to the customer. The customer is responsible for charges for service calculated under the selected rate.
 - New tariffs and changes to an existing tariff, other than an administrative change that does not substantially change the meaning or operation of the tariff, must be approved by vote of the commission.

Florida Energy Efficiency and Conservation Act

Section 7 amends s. 366.82, F.S., to require that money received by a utility for implementation of measures to encourage development of demand-side renewable energy systems be used solely for that purpose.

Technical Matters and Effective Date

Sections 8, 9, and 10 amend s. 403.537, F.S., on determination of need for transmission line and s. 403.9422, F.S., on determination of need for natural gas transmission pipeline, for the purpose of incorporating the amendment made by this act to s. 350.01, F.S., and amend s. 350.043, F.S., on enforcement and interpretation of ethics statutes for the purpose of incorporating the amendment made by this act to ss. 350.031, 350.041, and 350.042, F.S.

Section 11 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Public utilities' ratepayers:

- Will be protected against imposition of higher, tiered rates in situations where total usage over the extended billing cycle was high enough for imposition of the tiered rate, but the average daily usage during that period did not increase;
- Will be better protected against imposition of deposits in excess of the amount currently allowed by rule, two months' average, actual usage; and
- When they have to choose among multiple potentially-applicable rates, will be better able to obtain the most advantageous rate.

People who lobby the Florida Public Service Commission Nominating Council will incur costs to register as a legislative lobbyist.

C. Government Sector Impact:

The PSC:

- Will incur costs to meet in utilities' service territories and to stream all meetings live;
- Will, presumably, bear the cost (the amount of which is unknown) for each commissioner to complete annual ethics training; and
- May incur costs to review proposed changes to billing cycles.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 350.01, 350.031, 350.041, 350.042, 350.0611, 366.05, and 366.82.

This bill reenacts the following sections of the Florida Statutes for the purpose of incorporating amendments made to other statutes: 403.537, 403.9422, and 350.043.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/SB 288 by Communications, Energy, and Public Utilities on February 17, 2015:

- Specifies that the ex parte prohibition applies only to proceedings under ss. 120.569 and 120.57, F.S. (those in which a party has a substantial affected interest);
- Decreases the time period between a communication and when a proceeding is initiated from one year to 180 days;

- Applies the prohibition to educational programs and conferences, and providing additional requirements as to a commissioner's communications during these events; and
- Provides that for the Governor to remove a commissioner from office for an ex parte violation, the ex parte communication must be done willfully and knowingly.

It also creates an exemption to the requirement that all changes to tariffs be approved by a vote of the commission to allow an administrative change that does not substantially change the meaning or operation of the tariff without approval.

B. Amendments:

None.



291132

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2015	.	
	.	
	.	
	.	

The Committee on Communications, Energy, and Public Utilities
(Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 118 - 146

and insert:

350.042 Ex parte communications.—

(1) A commissioner should accord to every person who is
legally interested in a proceeding, or the person's lawyer, full
right to be heard according to law, and, except as authorized by
law, shall neither initiate nor consider ex parte communications
concerning the merits, threat, or offer of reward in any



291132

proceeding under s. 120.569 or s. 120.57 which is currently
pending before the commission or which he or she knows or
reasonably expects will be filed with the commission within 180
days after the date of any such communication, other than a
proceeding under s. 120.54 or s. 120.565, workshops, or internal
affairs meetings. An ~~No~~ individual may not ~~shall~~ discuss ex
parte with a commissioner the merits of any issue that he or she
knows will be filed with the commission within 180 ~~90~~ days. The
~~provisions of~~ This subsection does ~~shall~~ not apply to commission
staff.

(3) (a) The Legislature finds that it is important to have
commissioners who are educated and informed on regulatory
policies and developments in science, technology, business
management, finance, law, and public policy which are associated
with the industries that the commissioners regulate, and the
Legislature also finds that it is in the public interest for
commissioners to become educated and informed on these matters
through active participation in meetings that are scheduled by
the sponsoring organization, such as sessions, programs, or
conferences, which are duly noticed and open to the public.

(b) As used in this subsection, the term "active
participation" or the term "participating in" includes, but is
not limited to, attending or speaking at educational sessions,
participating in organization governance by attending meetings,
serving on committees, or in leadership positions, participating
in panel discussions, and attending meals and receptions
associated with such events that are open to all attendees.

(c) The prohibition in subsection (1) remains in effect at
all times at such meetings wherever located. While participating



291132

in such meetings, a commissioner shall:

1. Refrain from commenting on or discussing the subject matter of any proceeding under s. 120.569 or s. 120.57 which is currently pending before the commission or which he or she knows or reasonably expects will be filed with the commission within 180 days after the meeting; and

2. Use reasonable care to ensure that the content of the educational session or other session in which the commissioner participates is not designed to address or create a forum to influence the commissioner on the subject matter of any proceeding under s. 120.569 or s. 120.57 which is currently pending before the commission or which he or she knows or reasonably expects will be filed with the commission within 180 days after the meeting ~~This section shall not apply to oral communications or discussions in scheduled and noticed open public meetings of educational programs or of a conference or other meeting of an association of regulatory agencies.~~

(7)

(b) If the Commission on Ethics finds that there has been a violation of this section by a public service commissioner, it shall provide the Governor and the Florida Public Service Commission Nominating Council with a report of its findings and recommendations. The Governor shall remove from office a commissioner who willfully and knowingly violates this section and is authorized to enforce the findings and recommendations of the Commission on Ethics, pursuant to part III of chapter 112.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:



291132

69 Delete lines 15 - 26
70 and insert:
71 350.042, F.S.; revising the prohibition against ex
72 parte communication to apply to any matter that a
73 commissioner knows or reasonably expects will be filed
74 within a certain timeframe; providing legislative
75 intent; defining terms; applying the prohibition
76 against ex parte communications to specified meetings;
77 requiring the Governor to remove from office any
78 commissioner found to have willfully and knowingly
79 violated the ex parte communications



973916

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2015	.	
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	.	
	.	

The Committee on Communications, Energy, and Public Utilities
(Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 241 - 242
and insert:

(e) New tariffs and changes to an existing tariff, other
than an administrative change that does not substantially change
the meaning or operation of the tariff, must be approved by vote
of the commission.

===== T I T L E A M E N D M E N T =====



973916

11 And the title is amended as follows:
12 Delete lines 41 - 42
13 and insert:
14 selection; requiring that the commission approve new
15 tariffs and certain changes to existing tariffs;
16 amending s.



530344

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/18/2015	.	
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	.	
	.	

The Committee on Communications, Energy, and Public Utilities
(Bradley) recommended the following:

Senate Amendment

Delete lines 257 - 260
and insert:
efficiencies within the user base. Money received by a utility
for implementation of measures to encourage development of
demand-side renewable energy systems shall be used solely for
such purposes, including related administrative costs.

By Senator Latvala

20-00475A-15

2015288__

A bill to be entitled

An act relating to utilities regulation; amending s. 350.01, F.S.; requiring the Florida Public Service Commission to hold public customer service meetings in certain service territories; requiring that specified meetings, workshops, hearings, or proceedings of the commission be streamed live and recorded copies be made available on the commission's web page; amending s. 350.031, F.S.; requiring a person who lobbies a member of the Florida Public Service Commission Nominating Council to register as a lobbyist; reenacting and amending s. 350.041, F.S.; requiring public service commissioners to annually complete ethics training; providing applicability; amending s. 350.042, F.S.; expanding the prohibition against ex parte communication to apply to any type of proceeding, workshop, or internal affairs meeting and to any matter that the commissioner or other person knows or reasonably expects will be filed within a certain timeframe; deleting an exemption from this prohibition for oral communications or discussions in scheduled and noticed open public meetings of educational programs or of a conference or other meeting of an association of regulatory agencies; requiring the Governor to remove from office any commissioner found to have violated the ex parte statute; amending s. 350.0611, F.S.; authorizing the Public Counsel to be a party to settlement agreements in any proceeding before the commission in which he or

20-00475A-15

2015288__

30 she has participated as a party; prohibiting a
31 settlement agreement to which the Public Counsel is
32 not a party from being submitted to or approved by the
33 Florida Public Service Commission; amending s. 366.05,
34 F.S.; limiting the use of tiered rates in conjunction
35 with extended billing periods; limiting deposit
36 amounts; requiring a utility to notify each customer
37 if it has more than one rate for any customer class;
38 requiring the utility to provide good faith assistance
39 to the customer in determining the best rate;
40 assigning responsibility to the customer for the rate
41 selection; requiring that the commission approve a
42 tariff and a change to an existing tariff; amending s.
43 366.82, F.S.; requiring that money received by a
44 utility for the development of demand-side renewable
45 energy systems be used solely for that purpose;
46 reenacting ss. 403.537 and 403.9422, F.S., relating to
47 determination of need for electric and natural gas
48 transmission lines, respectively; reenacting s.
49 350.043, F.S., relating to the enforcement and
50 interpretation of laws relating to the commission;
51 providing an effective date.

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. Subsections (8), (9), and (10) are added to
56 section 350.01, Florida Statutes, to read:

57 350.01 Florida Public Service Commission; terms of
58 commissioners; vacancies; election and duties of chair; quorum;

20-00475A-15

2015288__

proceedings.—

(8) At least annually, the commission shall hold a customer service meeting, open to the public, in the service territory of each public utility regulated by the commission which supplies electricity.

(9) The commission shall hold a customer service meeting, open to the public, in the service territory of each water or wastewater utility that is subject to regulation under chapter 367, upon receipt of a written request signed by at least 10 percent of the customers of that utility. Such meeting shall be scheduled within a reasonable time after receipt of the request.

(10) Each meeting, including an internal affairs meeting, workshop, hearing, or proceeding that is attended by two or more commissioners and each meeting, workshop, hearing, or proceeding at which a decision is made which concerns the rights or obligations of any person, shall be streamed live on the Internet, and a recorded copy of such meeting, workshop, hearing, or proceeding must be made available on the commission's web page.

Section 2. Subsection (10) is added to section 350.031, Florida Statutes, to read:

350.031 Florida Public Service Commission Nominating Council.—

(10) In keeping with the purpose of the council, which is to select nominees to be appointed to an arm of the legislative branch of government, a person who lobbies a member of the council, legislator or nonlegislator, must register as a lobbyist pursuant to s. 11.045 and comply with the requirements of that section.

20-00475A-15

2015288__

Section 3. Present subsection (3) of section 350.041, Florida Statutes, is reenacted and amended, and a new subsection (3) is added to that section, to read:

350.041 Commissioners; standards of conduct.—

(3) ETHICS TRAINING.—Beginning January 1, 2016, a commissioner must annually complete 4 hours of ethics training that addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation, if the required subjects are covered.

(4) COMMISSION ON ETHICS.—~~(3)~~The Commission on Ethics shall accept and investigate any alleged violations of this section pursuant to the procedures contained in ss. 112.322-112.3241. The Commission on Ethics shall provide the Governor and the Florida Public Service Commission Nominating Council with a report of its findings and recommendations. The Governor is authorized to enforce the findings and recommendations of the Commission on Ethics, pursuant to part III of chapter 112. A public service commissioner or a member of the Florida Public Service Commission Nominating Council may request an advisory opinion from the Commission on Ethics, pursuant to s. 112.322(3)(a), regarding the standards of conduct or prohibitions set forth in this section and ss. 350.031, 350.04, and 350.042.

Section 4. Subsections (1) and (3) and paragraph (b) of subsection (7) of section 350.042, Florida Statutes, are amended

20-00475A-15

2015288__

117 to read:

118 350.042 Ex parte communications.—

119 (1) A commissioner should accord to every person who is
120 legally interested in a proceeding, or the person's lawyer, full
121 right to be heard according to law, and, except as authorized by
122 law, shall neither initiate nor consider ex parte communications
123 concerning the merits, threat, or offer of reward in any
124 proceeding currently pending before the commission or which he
125 or she knows or reasonably expects will be filed with the
126 commission within 1 year after the date of any such
127 communication ~~other than a proceeding under s. 120.54 or s.~~
128 ~~120.565, workshops, or internal affairs meetings.~~ An No
129 individual may not ~~shall~~ discuss ex parte with a commissioner
130 the merits of any issue that he or she knows will be filed with
131 the commission within 1 year ~~90 days~~. ~~The provisions of This~~
132 subsection does ~~shall~~ not apply to commission staff.

133 (3) This section does ~~shall~~ not apply to oral
134 communications or discussions in scheduled and noticed open
135 public meetings of the commission ~~educational programs or of a~~
136 ~~conference or other meeting of an association of regulatory~~
137 ~~agencies.~~

138 (7)

139 (b) If the Commission on Ethics finds that there has been a
140 violation of this section by a public service commissioner, it
141 shall provide the Governor and the Florida Public Service
142 Commission Nominating Council with a report of its findings and
143 recommendations. The Governor shall remove from office a
144 commissioner who violates this section and is authorized to
145 enforce the findings and recommendations of the Commission on

20-00475A-15

2015288__

Ethics, pursuant to part III of chapter 112.

Section 5. Section 350.0611, Florida Statutes, is amended to read:

350.0611 Public Counsel; duties and powers.—It shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the commission and in proceedings before counties pursuant to s. 367.171(8). The Public Counsel shall have such powers as are necessary to carry out the duties of his or her office, including, but not limited to, the following specific powers:

(1) To recommend to the commission or the counties, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission or the counties and urge therein any position which he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission or the counties, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission or the counties which shall be reviewable by summary procedure in the circuit courts of this state;

(2) To have access to and use of all files, records, and data of the commission or the counties available to any other attorney representing parties in a proceeding before the commission or the counties;

(3) In any proceeding before the commission in which he or she has participated as a party, to be a party to a settlement agreement. If he or she is not a party to the settlement

20-00475A-15

2015288__

175 agreement, it may not be submitted to or approved by the
176 commission;

177 (4)~~(3)~~ In any proceeding in which he or she has
178 participated as a party, to seek review of any determination,
179 finding, or order of the commission or the counties, or of any
180 hearing examiner designated by the commission or the counties,
181 in the name of the state or its citizens;

182 (5)~~(4)~~ To prepare and issue reports, recommendations, and
183 proposed orders to the commission, the Governor, and the
184 Legislature on any matter or subject within the jurisdiction of
185 the commission, and to make such recommendations as he or she
186 deems appropriate for legislation relative to commission
187 procedures, rules, jurisdiction, personnel, and functions; and

188 (6)~~(5)~~ To appear before other state agencies, federal
189 agencies, and state and federal courts in connection with
190 matters under the jurisdiction of the commission, in the name of
191 the state or its citizens.

192 Section 6. Subsection (1) of section 366.05, Florida
193 Statutes, is amended to read:

194 366.05 Powers.—

195 (1)(a) In the exercise of such jurisdiction, the commission
196 shall have power to prescribe fair and reasonable rates and
197 charges, classifications, standards of quality and measurements,
198 including the ability to adopt construction standards that
199 exceed the National Electrical Safety Code, for purposes of
200 ensuring the reliable provision of service, and service rules
201 and regulations to be observed by each public utility; to
202 require repairs, improvements, additions, replacements, and
203 extensions to the plant and equipment of any public utility when

20-00475A-15

2015288__

reasonably necessary to promote the convenience and welfare of the public and secure adequate service or facilities for those reasonably entitled thereto; to employ and fix the compensation for such examiners and technical, legal, and clerical employees as it deems necessary to carry out the provisions of this chapter; and to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(b) If the commission authorizes a public utility to charge tiered rates based upon levels of usage and to vary the billing period, the utility may not charge a customer a higher rate because of an increase in usage attributable to an extension of the billing period.

(c) Notwithstanding any commission rule to the contrary, a utility may not charge or receive a deposit in excess of the amounts specified in subparagraphs 1. and 2.

1. For an existing customer, the total deposit cannot exceed the total charges for 2 months of average actual usage, calculated by adding the monthly charges from the 12-month period immediately before the date any change in the deposit amount is sought, dividing this total by 12, and multiplying the result by 2.

2. For a new customer, the amount may not exceed 2 months of projected charges, calculated using the process specified in subparagraph 1. Once a new customer has had continuous service for a 12-month period, the amount of the deposit shall be recalculated, using actual usage data. Any difference between the projected and actual amounts must be resolved by the customer paying any additional amount due or the utility returning any overcharge.

20-00475A-15

2015288__

233 (d) If a utility has more than one rate for any customer
234 class, it must notify each customer in that class of the
235 available rates and explain how the rate is charged to the
236 customer. If a customer contacts the utility seeking assistance
237 in selecting the most advantageous rate, the utility must
238 provide good faith assistance to the customer. The customer is
239 responsible for charges for service calculated under the
240 selected rate.

241 (e) New tariffs and changes to an existing tariff must be
242 approved by vote of the commission.

243 Section 7. Subsection (2) of section 366.82, Florida
244 Statutes, is amended to read:

245 366.82 Definition; goals; plans; programs; annual reports;
246 energy audits.—

247 (2) The commission shall adopt appropriate goals for
248 increasing the efficiency of energy consumption and increasing
249 the development of demand-side renewable energy systems,
250 specifically including goals designed to increase the
251 conservation of expensive resources, such as petroleum fuels, to
252 reduce and control the growth rates of electric consumption, to
253 reduce the growth rates of weather-sensitive peak demand, and to
254 encourage development of demand-side renewable energy resources.
255 The commission may allow efficiency investments across
256 generation, transmission, and distribution as well as
257 efficiencies within the user base. Money received by a utility
258 for implementation of measures to encourage development of
259 demand-side renewable energy systems shall be used solely for
260 such purpose.

261 Section 8. For the purpose of incorporating the amendment

20-00475A-15

2015288__

made by this act to section 350.01, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 403.537, Florida Statutes, is reenacted to read:

403.537 Determination of need for transmission line; powers and duties.—

(1)(a) Upon request by an applicant or upon its own motion, the Florida Public Service Commission shall schedule a public hearing, after notice, to determine the need for a transmission line regulated by the Florida Electric Transmission Line Siting Act, ss. 403.52-403.5365. The notice shall be published at least 21 days before the date set for the hearing and shall be published by the applicant in at least one-quarter page size notice in newspapers of general circulation, and by the commission in the manner specified in chapter 120, by giving notice to counties and regional planning councils in whose jurisdiction the transmission line could be placed, and by giving notice to any persons who have requested to be placed on the mailing list of the commission for this purpose. Within 21 days after receipt of a request for determination by an applicant, the commission shall set a date for the hearing. The hearing shall be held pursuant to s. 350.01 within 45 days after the filing of the request, and a decision shall be rendered within 60 days after such filing.

Section 9. For the purpose of incorporating the amendment made by this act to section 350.01, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 403.9422, Florida Statutes, is reenacted to read:

403.9422 Determination of need for natural gas transmission pipeline; powers and duties.—

20-00475A-15

2015288__

(1)(a) Upon request by an applicant or upon its own motion, the commission shall schedule a public hearing, after notice, to determine the need for a natural gas transmission pipeline regulated by ss. 403.9401-403.9425. Such notice shall be published at least 45 days before the date set for the hearing and shall be published in at least one-quarter page size in newspapers of general circulation and in the Florida Administrative Register, by giving notice to counties and regional planning councils in whose jurisdiction the natural gas transmission pipeline could be placed, and by giving notice to any persons who have requested to be placed on the mailing list of the commission for this purpose. Within 21 days after receipt of a request for determination by an applicant, the commission shall set a date for the hearing. The hearing shall be held pursuant to s. 350.01 within 75 days after the filing of the request, and a decision shall be rendered within 90 days after such filing.

Section 10. For the purpose of incorporating the amendment made by this act to sections 350.031, 350.041, and 350.042, Florida Statutes, in a reference thereto, section 350.043, Florida Statutes, is reenacted to read:

350.043 Enforcement and interpretation.—Any violation of s. 350.031, s. 350.04, s. 350.041, s. 350.042, or s. 350.0605 by a commissioner, former commissioner, former employee, or Public Service Commission Nominating Council member shall be punishable as provided in ss. 112.317 and 112.324. The Commission on Ethics is hereby given the power and authority to investigate complaints of violation of this chapter in the manner provided in part III of chapter 112, as if this section were included in

20-00475A-15

2015288__

320 that part. A commissioner may request an advisory opinion from
321 the Commission on Ethics as provided by s. 112.322(3)(a).

322 Section 11. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Communications, Energy, and Public Utilities

BILL: SB 230

INTRODUCER: Senator Dean

SUBJECT: Public Utilities

DATE: January 20, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	CU	Favorable
2.			AGG	
3.			FP	

I. Summary:

SB 230 prohibits a public utility from charging a higher rate based on an increase in energy usage when that increased usage is attributable solely to an extension in the billing cycle. It also prohibits a public utility from making any change in a billing cycle without obtaining approval from the Florida Public Service Commission (PSC) at least one month before the effective date of the change. In reviewing a proposed billing cycle change, the PSC must consider the impact on the public. It cannot approve more than a seven-day extension of a billing cycle.

These provisions do not apply to a change in a billing cycle necessitated by a state of emergency declared by the Governor.

II. Present Situation:

Section 366.05, F.S., provides the powers of the Florida Public Service Commission (PSC or commission) including the power to prescribe fair and reasonable rates and charges.

Public utilities¹ are allowed to use tiered billing, in which a higher rate is charged for higher levels of use, as a way to encourage conservation. They also are allowed to vary their billing period from the standard month-long period. Recently a utility adjusted its billing period for one billing cycle “as part of an ongoing process started in May 2013 to streamline the company’s routes for meter-reading throughout central and northern Florida.”² The extended billing period meant that some customers’ total usage for the extended billing period increased such that a

¹ The term “public utility,” is defined to mean every person or legal entity supplying electricity to or for the public within this state, expressly excluding both a rural electric cooperative and a municipality or any agency thereof. Section 366.02(1), F.S.

² Jim Turner, *Duke Energy called to explain billing change*, Tallahassee Democrat, August 25, 2014, <http://www.tallahassee.com/story/news/politics/2014/08/25/duke-energy-called-explain-billing-change/14594563/>

tiered rate was applicable, even though their average daily use did not increase during that period. After many complaints, the utility agreed to refund all increased charges.³

III. Effect of Proposed Changes:

The bill amends section 366.05, F.S., on powers of the PSC. It prohibits a public utility from charging a higher rate based on an increase in energy usage when that increased usage is attributable solely to an extension in the billing cycle. It also prohibits a public utility from making any change in a billing cycle without obtaining approval from the Florida Public Service Commission (PSC) at least one month before the effective date of the change. In reviewing a proposed billing cycle change, the PSC must consider the impact on the public. It cannot approve more than a seven-day extension of a billing cycle.

The bill states: “These provisions do not apply to a change in a billing cycle necessitated by a state of emergency declared by the Governor.” The effect of this exclusion is unclear. One possibility is that it may simply exempt a change in billing cycle resulting from a declared state of emergency from the requirement of obtaining approval at least one month before the effective date of the change. Alternatively, it may fully exempt from the prohibition any application of tiered rates resulting from a declared emergency, even if the increased usage is due solely to the extended billing period. Additionally, the specific language of the exemption may preempt PSC review under its current, general authority over rates and billing.

The bill takes effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

³ Ivan Penn, *Duke Energy refunds \$1.7 million to customers because of meter issue*, Tampa Bay Times, September 10, 2014, <http://www.tampabay.com/news/business/energy/duke-energy-refunds-17-million-to-customers-because-of-meter-issue/2197029>.

B. Private Sector Impact:

Public utilities' ratepayers will be protected against imposition of higher, tiered rates in situations where total usage over the extended billing cycle was high enough for imposition of the tiered rate, but the average daily usage during that period did not increase. A public utility may find it more difficult to change a billing cycle, and may incur costs by being required to file a request for approval each time with the commission. Such costs would be passed on to its ratepayers.

C. Government Sector Impact:

The PSC may incur costs to review proposed billing cycle changes.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 366.05 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Dean

5-00159B-15

2015230__

A bill to be entitled
An act relating to public utilities; amending s.
366.05, F.S.; requiring that any proposed change in a
public utility's billing cycle be approved by the
Florida Public Service Commission by a specified
period before the effective date of the change;
requiring the commission to consider the public impact
of a proposed change; prohibiting the extension of a
billing cycle by more than a specified period;
prohibiting a public utility from charging a consumer
or user a higher rate in certain circumstances;
providing an exception; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (12) is added to section 366.05,
Florida Statutes, to read:

366.05 Powers.—

(12) A proposed change in a public utility's billing cycle
must be approved by the commission at least 1 month before the
effective date of the change. In reviewing a proposal, the
commission shall consider the public impact of the proposed
change. The commission may not approve more than a 7-day
extension of a billing cycle. An increase in energy usage
attributable solely to an extension may not result in the
charging of a higher rate to a consumer or user. This subsection
does not apply to a change in a billing cycle which is
necessitated by a state of emergency declared by the Governor.

Section 2. This act shall take effect July 1, 2015.

SUMMARY OF AMENDMENTS TO SB 110

Amendment # 1

By Senator Hukill

Barcode 445494

strike all

- Reduces the state portion of the communications services tax (CST) rate by 3.6 percent, from 6.65 percent to 3.05 percent, and the tax rate on direct-to-home satellite services, from 10.8 percent to 7.2 percent.
- Makes conforming changes to the combined billing rate for CST and gross receipts tax by reducing it by 3.6 percent (from 6.8 percent to 3.2 percent).
- Delays the implementation of the distribution for direct-to-home satellite services revenues to August 1, 2015 and for the remaining tax revenue received from the CST to September 1, 2015.
- Reduces the percentage of direct-to-home satellite CST tax revenues allocated to the state from 63 percent to 44.5 percent to ensure that local governments continue to receive the same amount of distributions as they receive under current law.
- Revises the following distributed amounts:
 - Increases to 9.0739 percent from 8.8854 percent the amount remitted by a sales tax dealer located within a participating county that is transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.
 - Increases to 0.0976 percent from 0.0956 percent of the available proceeds that are to be transferred to the Local Government Half-cent Sales Clearing Trust Fund for emergency distribution.
 - Increases to 2.1039 percent from 2.0603 percent of the available proceeds that are to be transferred to the Revenue Sharing Trust Fund for counties.
 - Increases to 1.3803 percent from 1.3517 percent of the available proceeds that are transferred to the Revenue Sharing Trust Fund for municipalities.
- Revises the effective date clause to reflect the different implementing dates in the act and changes the effective date to July 1, 2015 from upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Communications, Energy, and Public Utilities

BILL: CS/SB 110

INTRODUCER: Communications, Energy and Public Utilities Committee and Senator Hukill

SUBJECT: Communications Services Taxes

DATE: February 18, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Caldwell	Caldwell	CU	Fav/CS
2.			FT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 110 reduces the state portion of the communications services tax (CST) rate by 3.6 percent from 6.65 percent to 3.05 percent, and the tax rate on direct-to-home satellite services, from 10.8 percent to 7.2 percent and makes conforming changes to the CST rates when billing for various communications services is combined. The bill changes the distribution percentages of direct-to-home satellite CST revenue to ensure that local governments continue to receive the same amount of revenue as they receive under current law. The bill also increases the distribution percentages of the CST revenue to various local government trust funds to ensure that local governments continue to receive the same amount of revenue as they receive under current law. Finally, the bill provides for delayed allocation implementation for the distribution of direct-to-home satellite tax revenues and other communications services tax revenues to match the corresponding receipt of remittances of the lower taxes.

The Revenue Estimating Conference has not developed an estimate for the decrease in revenues if CST rates are decreased by 3.6 percent.

II. Present Situation:

Chapter 202, F.S., provides for the tax on communication services, including telecommunications (both wireline and mobile), cable, direct-to-home satellite and related services. The communications services tax includes a state tax rate of 6.65 percent and a state

gross receipts tax rate of 2.52 percent for a combined rate of 9.17 percent. In addition, local governments may impose a local tax rate of up to 7.12 percent.

Direct-to-home satellite service is taxed at a rate of 10.8 percent and is also subject to the 2.37 percent gross receipts tax. The local tax does not apply to these services. However, the state tax on direct-to-home satellite is higher than the state tax on other communication services, for a total tax rate of 13.17 percent. The amount of tax collected from the additional tax is distributed to local governments.

A portion of the state taxes collected – including taxes collected on direct-to-home satellite service – are deposited into the General Revenue Fund. A portion of those deposits is distributed to local governments. Gross receipts tax collections are deposited into the Public Education Capital Outlay and Debt Service Trust Fund and are used for the capital funding of public schools, community colleges, and universities.

III. Effect of Proposed Changes:

Section 1 amends s. 202.12(1)(a) and (b), F.S., by reducing the state CST rate by 3.6 percent. The general rate is reduced from 6.65 percent to 3.05 percent and the rate on direct-to-home satellite is reduced from 10.8 percent to 7.2 percent.

Sections 2 and 4 amends ss. 202.12001 and 203.001, F.S., by making conforming changes to the statutes that authorize a communications services dealer to collect a combined rate that includes both the CST and the gross receipts tax to reflect this 3.6 percent reduction in the communications services tax.

Section 3 amends s. 202.18, F.S., to reduce the percentage of direct-to-home satellite CST tax revenues allocated to the state from 63 percent to 44.5 percent to ensure that local governments continue to receive the same amount of distributions as they receive under current law. The allocations become effective August 1, 2015, which is when the new allocated amounts will be available for distribution.

Section 5 amends s. 212.20, F.S., to increase the percentages of allocations from all remaining CST revenues that are distributed to the Local Government Half-cent Sales Tax Clearing Trust Fund and the Revenue Sharing Trust Fund for Counties and for Municipalities to ensure that local governments continue to receive the same amount of distributions as they receive under current law. The allocations become effective September 1, 2015, which is when the new allocated amounts will be available for distribution.

Section 6 provides that the act applies to taxable transactions included on bills for communications services that are dated on or after July 1, 2015.

Section 7 provides that the bill takes effect July 1, 2015, except as otherwise provided in the act.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue or reduce the percentage of a state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The committee substitute reduces the CST by 3.6 percent, thereby reducing revenue to the state (General Revenue), but adjusts the allocation rates for local governments so that local government revenues will not be affected.

B. Private Sector Impact:

Communications services customers will pay a reduced amount of state communications services tax.

C. Government Sector Impact:

The Revenue Estimating Conference has not developed an estimate for the decrease in general revenues if the CST rate is decreased by 3.6 percent.¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

202.12, 202.12001, 202.18, 203.001

¹ The Revenue Estimating Conference estimated that a 2 percent decrease in the CST rate for the state portion will decrease General Revenue by \$86.9 million in the 2015-2016 fiscal year, with a negative \$231.7 million recurring impact on General Revenue. The bill will also reduce local governments' revenues by \$11.2 million in the 2015-2016 fiscal year, with a negative \$29.9 million recurring impact on local governments. The committee substitute reduces the CST rate by 3.6 percent.

This bill substantially amends the following sections of the Florida Statutes: 202.12, 202.12001, 202.18, 203.001, and 212.20.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

The committee substitute for SB 110:

- Reduces the state portion of the communications services tax (CST) rate by 3.6 percent, from 6.65 percent to 3.05 percent, and the tax rate on direct-to-home satellite services, from 10.8 percent to 7.2 percent.
- Makes conforming changes to the combined billing rate for CST and gross receipts tax by reducing it by 3.6 percent, from 6.8 percent to 3.2 percent.
- Delays the implementation of the distribution for direct-to-home satellite services revenues to August 1, 2015 and for the remaining tax revenue received from the CST to September 1, 2015.
- Reduces the percentage of direct-to-home satellite CST tax revenues allocated to the state from 63 percent to 44.5 percent to ensure that local governments continue to receive the same amount of distributions as they receive under current law.
- Revises the following distributed amounts:
 - Increases to 9.0739 percent from 8.8854 percent the amount remitted by a sales tax dealer located within a participating county that is transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.
 - Increases to 0.0976 percent from 0.0956 percent of the available proceeds that are to be transferred to the Local Government Half-cent Sales Clearing Trust Fund for emergency distribution.
 - Increases to 2.1039 percent from 2.0603 percent of the available proceeds that are to be transferred to the Revenue Sharing Trust Fund for counties.
 - Increases to 1.3803 percent from 1.3517 percent of the available proceeds that are transferred to the Revenue Sharing Trust Fund for municipalities.
- Revises the effective date clause to reflect the different implementing dates in the act and changes the effective date to July 1, 2015 from upon becoming a law.

B. Amendments:

None.



445494

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2015	.	
	.	
	.	
	.	

The Committee on Communications, Energy, and Public Utilities
(Hukill) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (a) and (b) of subsection (1) of
section 202.12, Florida Statutes, are amended to read:

202.12 Sales of communications services.—The Legislature
finds that every person who engages in the business of selling
communications services at retail in this state is exercising a
taxable privilege. It is the intent of the Legislature that the



445494

tax imposed by chapter 203 be administered as provided in this chapter.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction, and ~~the tax~~ is due and payable as follows:

(a) Except as otherwise provided in this subsection, at the ~~a~~ rate of 3.05 ~~6.65~~ percent applied to the sales price of the communications service that ~~which~~:

1. Originates and terminates in this state, or

2. Originates or terminates in this state and is charged to a service address in this state,

when sold at retail, computed on each taxable sale for the purpose of remitting the tax due. The gross receipts tax imposed by chapter 203 shall be collected on the same taxable transactions and remitted with the tax imposed by this paragraph. If no tax is imposed by this paragraph due to the exemption provided under ~~by reason of~~ s. 202.125(1), the tax imposed by chapter 203 shall nevertheless be collected and remitted in the manner and at the time prescribed for tax collections and remittances under this chapter.

(b) At the rate of 7.2 ~~10.8~~ percent applied to ~~on~~ the retail sales price of any direct-to-home satellite service received in this state. The proceeds of the tax imposed under this paragraph shall be accounted for and distributed in accordance with s. 202.18(2). The gross receipts tax imposed by chapter 203 shall be collected on the same taxable transactions and remitted with the tax imposed by this paragraph.

Section 2. Section 202.12001, Florida Statutes, is amended



445494

to read:

202.12001 Combined rate for tax collected pursuant to ss. 202.12(1)(a) and 203.01(1)(b).—In complying with ss. 1-3, ch. 2010-149, Laws of Florida, the dealer of communication services may collect a combined rate of 3.2 6.8 percent, composed ~~comprised~~ of the 3.05 6.65 percent and 0.15 percent rates required by ss. 202.12(1)(a) and 203.01(1)(b)3., respectively, if as long as the provider properly reflects the tax collected with respect to the two provisions as required in the return to the department ~~of Revenue~~.

Section 3. Effective August 1, 2015, subsection (2) of section 202.18, Florida Statutes, is amended to read:

202.18 Allocation and disposition of tax proceeds.—The proceeds of the communications services taxes remitted under this chapter shall be treated as follows:

(2) The proceeds of the taxes remitted under s. 202.12(1)(b) shall be allocated ~~divided~~ as follows:

(a) The portion of the such proceeds which constitutes gross receipts taxes, imposed at the rate prescribed in chapter 203, shall be deposited as provided by law and in accordance with s. 9, Art. XII of the State Constitution.

(b) Forty-four and one-half ~~Sixty-three~~ percent of the remainder shall be allocated to the state and distributed pursuant to s. 212.20(6), except that the proceeds allocated pursuant to s. 212.20(6)(d)2. shall be prorated to the participating counties in the same proportion as that month's collection of the taxes and fees imposed pursuant to chapter 212 and paragraph (1)(b).

(c)1. During each calendar year, the remaining portion of



445494

the ~~such~~ proceeds shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund. Seventy percent of such proceeds shall be allocated in the same proportion as the allocation of total receipts of the half-cent sales tax under s. 218.61 and the emergency distribution under s. 218.65 in the prior state fiscal year. Thirty percent of such proceeds shall be distributed pursuant to s. 218.67.

2. The proportion of the proceeds allocated based on the emergency distribution under s. 218.65 shall be distributed pursuant to s. 218.65.

3. In each calendar year, the proportion of the proceeds allocated based on the half-cent sales tax under s. 218.61 shall be allocated to each county in the same proportion as the county's percentage of total sales tax allocation for the prior state fiscal year and distributed pursuant to s. 218.62.

4. The department shall distribute the appropriate amount to each municipality and county each month at the same time that local communications services taxes are distributed pursuant to subsection (3).

Section 4. Section 203.001, Florida Statutes, is amended to read:

203.001 Combined rate for tax collected pursuant to ss. 202.12(1)(a) and 203.01(1)(b).—In complying with ss. 1-3, ch. 2010-149, Laws of Florida, the dealer of communication services may collect a combined rate of 3.2 6.8 percent, composed ~~comprised~~ of the 3.05 6.65 percent and 0.15 percent rates required by ss. 202.12(1)(a) and 203.01(1)(b)3., respectively, if as long as the provider properly reflects the tax collected with respect to the two provisions as required in the return to



445494

the Department of Revenue.

Section 5. Effective September 1, 2015, paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 9.0739 ~~8.8854~~ percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less \$5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2.,



445494

0.0976 ~~0.0956~~ percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.1039 ~~2.0603~~ percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3803 ~~1.3517~~ percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal



445494

year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute \$166,667 monthly to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than \$416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in



445494

this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.1162(5) or s. 288.11621(3).

c. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made after certification and before July 1, 2000.

e. The department shall distribute up to \$83,333 monthly to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise, or up to \$166,667 monthly to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. Monthly distributions begin 60 days after such certification or July 1, 2016, whichever is later, and continue for not more than 20 years to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise or not more than 25 years to each certified applicant as defined in s. 288.11631 for a facility used by more



445494

than one spring training franchise. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.11631(3).

f. Beginning 45 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been approved by the Legislature and certified by the Department of Economic Opportunity under s. 288.11625 or upon a date specified by the Department of Economic Opportunity as provided under s. 288.11625(6)(d), the department shall distribute each month an amount equal to one-twelfth of the annual distribution amount certified by the Department of Economic Opportunity for the applicant. The department may not distribute more than \$7 million in the 2014-2015 fiscal year or more than \$13 million annually thereafter under this sub-subparagraph.

7. All other proceeds must remain in the General Revenue Fund.

Section 6. This act applies to taxable transactions included on bills for communication services which are dated on or after July 1, 2015.

Section 7. Except as otherwise provided in this act, this act shall take effect July 1, 2015.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled



445494

243 An act relating to taxes; amending s. 202.12, F.S.;
244 reducing the tax rate applied to the sale of
245 communications services; reducing the tax rate applied
246 to the retail sale of direct-to-home satellite
247 services; amending s. 202.12001, F.S.; conforming
248 rates to the reduction of the communications services
249 tax; amending s. 202.18, F.S.; revising the allocation
250 of tax revenue received from the communications
251 services tax; amending s. 203.001, F.S.; conforming
252 rates to the reduction of the communications services
253 tax; amending s. 212.20, F.S.; revising the
254 distributions of tax revenue received from the sales
255 and use tax, communications services tax, and gross
256 receipts tax; providing applicability; providing
257 effective dates.

By Senator Hukill

8-00127-15

2015110__

A bill to be entitled
An act relating to communications services taxes;
amending s. 202.12, F.S.; reducing the tax rate
applied to the sale of communications services;
reducing the tax rate applied to the retail sale of
direct-to-home satellite services; amending s.
202.12001, F.S.; conforming rates to the reduction of
the communications services tax; amending s. 202.18,
F.S.; revising the allocation of tax revenues
received; amending s. 203.001, F.S.; conforming rates
to the reduction of the communications services tax;
providing applicability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraphs (a) and (b) of subsection (1) of
section 202.12, Florida Statutes, are amended to read:

202.12 Sales of communications services.—The Legislature
finds that every person who engages in the business of selling
communications services at retail in this state is exercising a
taxable privilege. It is the intent of the Legislature that the
tax imposed by chapter 203 be administered as provided in this
chapter.

(1) For the exercise of such privilege, a tax is levied on
each taxable transaction, ~~and the tax~~ is due and payable as
follows:

(a) Except as otherwise provided in this subsection, at the
~~a~~ rate of 4.65 ~~6.65~~ percent applied to the sales price of the
communications service that ~~which~~:

8-00127-15

2015110__

1. Originates and terminates in this state, or
2. Originates or terminates in this state and is charged to a service address in this state,

when sold at retail, computed on each taxable sale for the purpose of remitting the tax due. The gross receipts tax imposed by chapter 203 shall be collected on the same taxable transactions and remitted with the tax imposed by this paragraph. If no tax is imposed by this paragraph due to the exemption provided under ~~by reason of~~ s. 202.125(1), the tax imposed by chapter 203 shall nevertheless be collected and remitted in the manner and at the time prescribed for tax collections and remittances under this chapter.

(b) At the rate of 8.8 ~~10.8~~ percent applied to ~~on~~ the retail sales price of any direct-to-home satellite service received in this state. The proceeds of the tax imposed under this paragraph shall be accounted for and distributed in accordance with s. 202.18(2). The gross receipts tax imposed by chapter 203 shall be collected on the same taxable transactions and remitted with the tax imposed by this paragraph.

Section 2. Section 202.12001, Florida Statutes, is amended to read:

202.12001 Combined rate for tax collected pursuant to ss. 202.12(1)(a) and 203.01(1)(b).—In complying with ss. 1-3, ch. 2010-149, Laws of Florida, the dealer of communication services may collect a combined rate of 4.8 ~~6.8~~ percent, composed ~~comprised~~ of the 4.65 ~~6.65~~ percent and 0.15 percent rates required by ss. 202.12(1)(a) and 203.01(1)(b)3., respectively, if as long as the provider properly reflects the tax collected

8-00127-15

2015110__

with respect to the two provisions as required in the return to the department ~~of Revenue~~.

Section 3. Subsection (2) of section 202.18, Florida Statutes, is amended to read:

202.18 Allocation and disposition of tax proceeds.—The proceeds of the communications services taxes remitted under this chapter shall be treated as follows:

(2) The proceeds of the taxes remitted under s. 202.12(1)(b) shall be allocated ~~divided~~ as follows:

(a) The portion of the ~~such~~ proceeds which constitutes gross receipts taxes, imposed at the rate prescribed in chapter 203, shall be deposited as provided by law and in accordance with s. 9, Art. XII of the State Constitution.

(b) Fifty-four and one-half ~~Sixty-three~~ percent of the remainder shall be allocated to the state and distributed pursuant to s. 212.20(6), except that the proceeds allocated pursuant to s. 212.20(6)(d)2. shall be prorated to the participating counties in the same proportion as that month's collection of the taxes and fees imposed pursuant to chapter 212 and paragraph (1)(b).

(c)1. During each calendar year, the remaining portion of the ~~such~~ proceeds shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund. Seventy percent of such proceeds shall be allocated in the same proportion as the allocation of total receipts of the half-cent sales tax under s. 218.61 and the emergency distribution under s. 218.65 in the prior state fiscal year. Thirty percent of such proceeds shall be distributed pursuant to s. 218.67.

2. The proportion of the proceeds allocated based on the

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emergency distribution under s. 218.65 shall be distributed pursuant to s. 218.65.

3. In each calendar year, the proportion of the proceeds allocated based on the half-cent sales tax under s. 218.61 shall be allocated to each county in the same proportion as the county's percentage of total sales tax allocation for the prior state fiscal year and distributed pursuant to s. 218.62.

4. The department shall distribute the appropriate amount to each municipality and county each month at the same time that local communications services taxes are distributed pursuant to subsection (3).

Section 4. Section 203.001, Florida Statutes, is amended to read:

203.001 Combined rate for tax collected pursuant to ss. 202.12(1)(a) and 203.01(1)(b).—In complying with ss. 1-3, ch. 2010-149, Laws of Florida, the dealer of communication services may collect a combined rate of 4.8 ~~6.8~~ percent, composed ~~comprised~~ of the 4.65 ~~6.65~~ percent and 0.15 percent rates required by ss. 202.12(1)(a) and 203.01(1)(b)3., respectively, if ~~as long as~~ the provider properly reflects the tax collected with respect to the two provisions as required in the return to the Department of Revenue.

Section 5. This act applies to taxable transactions included on bills for communication services which are dated on or after January 1, 2016.

Section 6. This act shall take effect upon becoming a law.

How Electric Utilities' Revenue and Rates are Established

Presentation to the

Florida Senate Committee on Communications, Energy, and Public Utilities



Jim Dean

Director, Division of Economics
Florida Public Service Commission
Tuesday, February 17, 2015

Regulatory Compact

- Rate regulation occurs for essential services that are provided by monopoly firms.
- Government protects the interests of both the consumer and the supplier.
- In return, the supplier has rights and responsibilities.



Regulatory Compact

➤ **Utility's Rights:**

- Territorial boundaries are defined to provide service
- Can charge rates to recover the prudent costs of service
- Entitled to an opportunity to earn a fair and reasonable return on investments

➤ **Utility's Responsibilities:**

- Must provide safe and reliable service
- Obligation to serve all customers in the defined territory
- May not unduly discriminate in providing service or charging rates
- May not build unnecessary facilities or incur costs for unnecessary services
- Must open books to regulators



Methods for Changing Rates

- The Annual Cost Recovery Clauses
- General Rate Base Proceedings



Cost Recovery Clauses

- Base rate cases typically can take up to a year to complete.
- The Commission has authority to allow certain expenses that can vary year-to-year to be recovered through annual adjustment clauses.
- Formal hearings held annually to determine prudence of requested expenses.
- These include:
 - ✓ Fuel costs, including purchased power
 - ✓ Conservation program costs
 - ✓ Nuclear pre-construction costs
 - ✓ Environmental compliance costs
 - ✓ Storm costs



Rate Base and Rate of Return

- Rate Base = the net investment in facilities, equipment, and other property necessary to provide utility service minus accrued depreciation.
- Rate of Return = (r) the % return earned, or allowed to be earned, on the utility's rate base including a return on equity and recovery of debt expense.
- Utility systems are capital intensive industries with long lived assets of 40-60 years. Once costs are deemed prudent, cost recovery is permitted.
- During a rate case, “base rates” are changed and are fixed until the next rate case.



Revenue Requirement

- Base rates are set to permit a utility to recover its costs, or Revenue Requirement, and have the opportunity to earn a fair rate of return on its capital investments for a test year.

- Formula:



- Revenue Requirement, $RR = O + T + d + r(V-D)$

O = Operating Expenses (O&M, Personnel, Administration, etc.)

T = Taxes (corporate income taxes + other taxes)

d= Annual Depreciation Expense

r = % Overall Rate of Return (weighted-average cost of capital)

V = Gross Investment

D = Accumulated Depreciation (sum of past "d")



Key Supreme Court Cases

- In 1923, in *Bluefield Water Works v. Public Service Commission of West Virginia*, the Supreme Court ruled that:
 - A public utility is entitled to rates that allow it to earn a return on the value of the plant and equipment it owns
 - While the public utility has no right to profits from speculative ventures

- In 1944, in *FPC v. Hope Natural Gas*, the Supreme Court ruled that:
 - From the investor or company perspective, prices are set such that there be enough revenue for operating expenses and to cover the costs of capital and debt expenses
 - Additionally, the return to equity owners should be commensurate with returns on firms with similar risks and to allow the utility to maintain its ability to attract capital



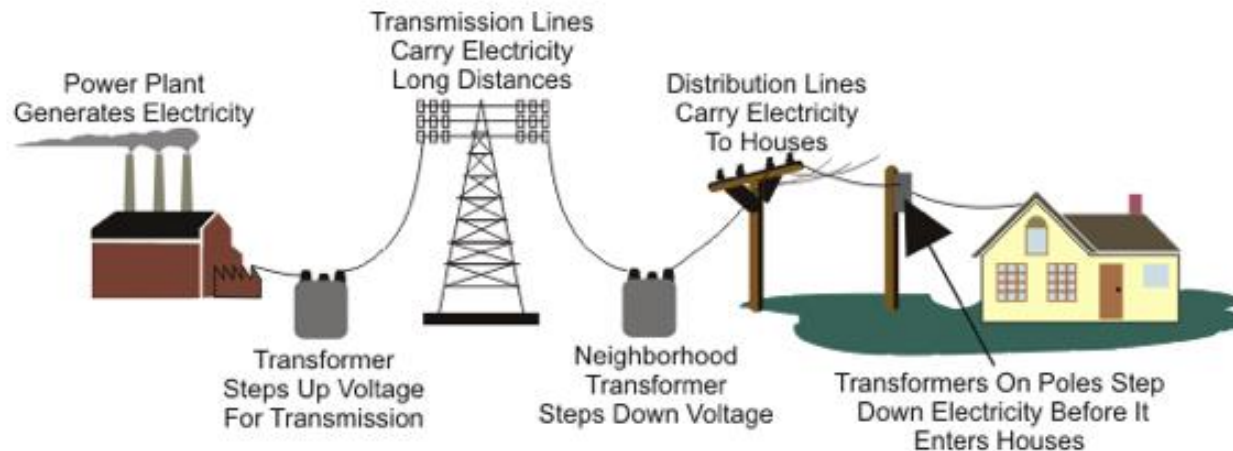
The Electric Rate Case Process

- Any substantially affected party can intervene and the Office of Public Counsel intervenes on behalf of the customers.
- The Commission conducts hearings in the territory of the affected utility to take public testimony on the quality of service.
- The rate case is conducted as a Chapter 120 hearing process—sworn testimony, witnesses, and post hearing filings.
- All aspects of the revenue requirement equation can be disputed and the return on equity is always at issue.
- After the Commission votes, the order changing rates is effective in 30 days.



Basic Components of Electricity Production and Delivery

- Generation, Transmission, and Distribution comprise the basic elements (operating functions) of the electric industry
 - Generation is the initial source where electricity is “produced.”
 - Transmission is the high-voltage system of wires that transports electricity over long distances.
 - Distribution is a low-voltage delivery area where electricity is delivered to final customers.



The Need for Generation, Transmission, and Distribution

- Both instantaneous customer demand (or “load”) and generation capacity (potential supply) are measured in megawatts (MW) or kilowatts (kW).
- Energy measured in kilowatt-hours or megawatt-hours is the amount of demand over a given unit of time (daily, monthly, yearly).
- Because electricity cannot effectively be stored, and because power supplied must match demand (load) at every instant, there must be enough generation capacity to meet the maximum instantaneous demand regardless of when it occurs.
- In addition, transmission and distribution systems must be designed to carry electricity under high load conditions.



Steps in Designing Rates

- Develop estimate of how many kilowatt-hours will be sold during the test period. These are called “billing determinants.”
- Classify costs as to function and determine if they are fixed or variable costs.
- Try to assign fixed costs on demand (kW) basis and assign variable costs on energy (kWH).
- The industry practice is to use “cost of service” assignment of costs to each homogenous class of customer to reflect the actual cost to serve that class.



How are Rate Classes Determined?

- Customers are grouped together into a rate class based on common energy use characteristics (meter type, demand size, voltage level)
- Residential: Single Family and multi-family dwellings
- General Service or Commercial Class: small, medium, large (usually based on kW demand and/or voltage level)
- Industrial Rate Class
- Other rate classes: Street Lighting, Irrigation, Water Pumping, Standby Service



Fundamental Rate Elements

➤ Demand Charge:

- Measured in dollars per kW of monthly metered customer billing demand (maximum demand during the month). Mainly designed to recover fixed costs.

➤ Energy Charge:

- Measured in dollars per kWh of monthly customer energy usage. Mainly designed to recover variable costs.

➤ Customer Charge:

- Measured in dollars per customer per month. Mainly designed to recover directly assignable costs.

Each of the above could be segmented by season and/or time of use



Post Rate Case Monitoring

- Once new rates are established utilities file monthly surveillance reports and staff evaluates if the utility is over or under earning based on reported Return on Equity (ROE).
- If the utility is overearning, the utility can be called in for a rate case to lower rates. Likewise, if it's earnings are below the authorized ROE, the utility can petition to increase its rates.
- Earnings can change due to change in sales, change in debt cost, new or unpredictable regulatory costs, and change in customer consumption patterns.
- In all cases, rates must be adjusted to meet the Hope and Bluefield standards.





THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Communications, Energy, and Public Utilities, *Chair*
Agriculture
Appropriations
Appropriations Subcommittee on Health
and Human Services
Health Policy
Transportation

JOINT COMMITTEES:

Joint Administrative Procedures Committee
Joint Legislative Budget Commission

SENATOR DENISE GRIMSLEY

Deputy Majority Leader
21st District

February 17, 2015

The Honorable Dorothy Hukill, Vice Chair
Senate Committee on Communications, Energy, and Public Utilities
Room 337 Knott Building
404 S. Monroe Street
Tallahassee, Florida 32399-1100

Dear Chair Hukill:

I respectfully request permission to be excused from our committee meeting today, February 17, 2015. I have the flu.

Sincerely,

A handwritten signature in black ink that reads "Denise Grimsley". The signature is fluid and cursive.

Denise Grimsley
Senator, District 21

cc: Diana Caldwell, Staff Director
Kim Bonn, Administrative Assistant

Dg/mm

REPLY TO:

- ☐ 205 South Commerce Avenue, Suite A, Sebring, Florida 33870 (863) 386-6016
- ☐ 212 East Stuart Avenue, Lake Wales, Florida 33853 (863) 679-4847
- ☐ 306 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5021

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Finance and Tax, *Vice Chair*
Appropriations Subcommittee on Health and Human
Services
Communications, Energy, and Public Utilities
Community Affairs
Fiscal Policy
Regulated Industries

JOINT COMMITTEE:

Joint Legislative Auditing Committee, *Chair*

SENATOR JOSEPH ABRUZZO

Minority Whip
25th District

February 16th, 2015

The Honorable Denise Grimsley
The Florida Senate
306 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairwoman Grimsley:

Please accept this letter as a formal request to excuse myself from the Committee on Communications, Energy, and Public Utilities on Tuesday, February 17th. Due to the very recent birth of my first child I am unable to attend this week's committee meetings.

Please let me know if I can provide you with any further information related to this matter. Thank you in advance for your understanding.

Sincerely,

A handwritten signature in black ink, appearing to be "JA" or "Joseph Abruzzo" in a stylized cursive script.

Joseph Abruzzo

Cc: Diana Caldwell, Staff Director

REPLY TO:

- ☐ 12300 Forest Hill Boulevard, Suite 200, Wellington, Florida 33414-5785 (561) 791-4774 FAX: (888) 284-6495
- ☐ 110 Dr. Martin Luther King, Jr. Boulevard, Belle Glade, Florida 33430-3900 (561) 829-1410
- ☐ 222 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Finance and Tax, *Chair*
Communications, Energy, and Public Utilities,
Vice Chair
Appropriations
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR DOROTHY L. HUKILL

8th District

December 12, 2014

The Honorable Denise Grimsley
337 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

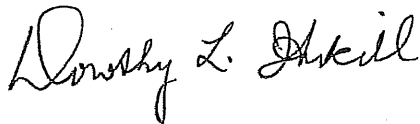
Re: Senate Bill 110 – Communications Services Taxes

Dear Chairwoman Grimsley:

Senate Bill 110, relating Communications Services Taxes has been referred to the Communications, Energy, and Public Utilities committee. I am requesting your consideration on placing SB 110 on your next agenda. Should you need any additional information please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,



Dorothy L. Hukill, District 8

cc: Diana Caldwell, Staff Director of the Committee on Communications, Energy and Public Utilities
Kim Bonn, Administrative Assistant of the Committee on Communications, Energy and Public Utilities

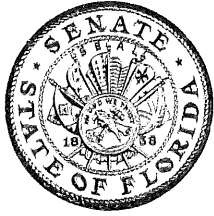
REPLY TO:

☐ 209 Dunlawton Avenue, Unit 17, Port Orange, Florida 32127 (386) 304-7630 FAX: (888) 263-3818
☐ Ocala City Hall, 110 SE Watula Avenue, 3rd Floor, Ocala, Florida 34471 (352) 694-0160

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Environmental Preservation and
Conservation, *Chair*
Agriculture, *Vice Chair*
Appropriations Subcommittee on General
Government
Children, Families, and Elder Affairs
Community Affairs
Ethics and Elections

SENATOR CHARLES S. DEAN, SR.

5th District

January 15, 2015

The Honorable Denise Grimsley
306 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Grimsley,

I respectfully request you place Senate Bill 230, relating to Public Utilities, on your Communications, Energy, and Public Utilities Committee agenda at your earliest convenience.

If you have any concerns, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in black ink that reads "Charles S. Dean". The signature is fluid and cursive.

Charles S. Dean
State Senator District 5

cc: Diana Caldwell, Staff Director

REPLY TO:

- ☐ 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- ☐ 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- ☐ 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on
Transportation, Tourism, and Economic
Development. *Chair*
Appropriations
Commerce and Tourism
Governmental Oversight and Accountability
Regulated Industries
Rules

SENATOR JACK LATVALA

20th District

January 19, 2015

The Honorable Senator Denise Grimsley, Chair
Senate Committee on Communications, Energy, and Public Utilities
337 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Grimsley:

I respectfully request consideration of Senate Bill 288 regarding Utilities Regulation. I would greatly appreciate the opportunity to present this legislation to the Committee on Communications, Energy, and Public Utilities as soon as possible.

This bill would establish tougher regulations for Florida investor-owned electric utility companies and more accountability for the Florida Public Service Commission (PSC).

If you have any questions regarding this legislation, please contact me. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jack Latvala".

Jack Latvala
State Senator
District 20

Cc: Diana Caldwell, Staff Director; Kim Bonn, Administrative Assistant

REPLY TO:

- ☐ 26133 U.S. Highway 19 North, Suite 201, Clearwater, Florida 33763 (727) 793-2797 FAX: (727) 793-2790
- ☐ 408 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: www.flsenate.gov

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

288
Bill Number (if applicable) _____

Topic _____

Ex parte
Amendment
Amendment Barcode (if applicable) _____

Name Jon Moyle

Job Title _____

Address 118 N. Gadsden St

Phone 681 3828

Street

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

FIPUG - FLA. Industrial Power Users Group

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-17-2015
Meeting Date

SB 288

Bill Number (if applicable)

530 344

Amendment Barcode (if applicable)

Topic Energy

Name Susan Olickman

Job Title Florida Director

Address PO Box 310

Street

Indian Rocks Bch FL 33785

City

State

Zip

Phone 727-7429003

Email susan@clean

energy.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Southern Alliance for Clean Energy

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

TAB 1

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/15

Meeting Date

5B288

Bill Number (if applicable)

Topic Transparency

Amendment Barcode (if applicable)

Name Jason Smith

Job Title Cable Splicer

Address 6603 E Chelsea St
Street

Phone 813-626-5136

Tampa FL 33610
City State Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing IBEW 824

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/15

Meeting Date

288

Bill Number (if applicable)

Topic UTILITIES REGULATION

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 1674 UNIVERSITY PKWY #295

Street

SARASOTA

City

FL

State

34243

Zip

Phone 941-323-2404

Email cullenasp@aol.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/15
Meeting Date

288
Bill Number (if applicable)

Topic PSC

Amendment Barcode (if applicable)

Name JACK McRAY

Job Title _____

Address 200 W. COCCO H 304
Street

Phone 408-577-5147

FLH FL 32301
City State Zip

Email jmurray@seaf.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing AARP

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/15
Meeting Date

SB 288
Bill Number (if applicable)

Topic PSC

Amendment Barcode (if applicable)

Name Randy Miller

Job Title Ex Vice President

Address 227 S. ADAMS ST

Phone 222-4082

TALLAHASSEE, FL 32301
City State Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLORIDA RETAIL FEDERATION

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

8-17-15

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 288

Bill Number (if applicable)

Topic PSC

Amendment Barcode (if applicable)

Name Debbie Rumberger

Job Title Legislative Liaison

Address Beck Co

Phone 850. 222-6545

Street

City

League of Women Voters FL

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-17-2015

Meeting Date

SB 288

Bill Number (if applicable)

Topic

Energy - PSC

Amendment Barcode (if applicable)

Name

Susan Glickman

Job Title

Florida Director

Address

PO Box 310

Phone

7277429003

Street

Indian Rocks Bch FL 33785

Email

Susan@Clean

City

State

Zip

Energy.org

Speaking:

☒ For

☐ Against

☐ Information

Waive Speaking:

☐ In Support

☒ Against

(The Chair will read this information into the record.)

Representing

Southern Alliance for Clean Energy

Appearing at request of Chair:

☐ Yes

☒ No

Lobbyist registered with Legislature:

☒ Yes

☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

2/17/2015
Date

288
Bill Number

Name Brian Pitts

Phone 727/897-9291

Address 1119 Newton Ave S

E-mail justice2jesus@yahoo.com

Street

St Petersburg

FL

33705

City

State

Zip

Job Title Trustee

Speaking: ☒ For ☐ Against ☐ Information

Appearing at request of Chair ☐

Subject _____

Representing Justice-2-Jesus

Lobbyist registered with Legislature: ☐ Yes ☒ No

Pursuant to s. 11.061, *Florida Statutes*, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.

THE FLORIDA SENATE
APPEARANCE RECORD

TAB 2

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/15

Meeting Date

SB230

Bill Number (if applicable)

Topic Billing

Amendment Barcode (if applicable)

Name Jason Smith

Job Title Cable Splicer

Address 6030 E. Chelsea St

Street

Phone 813-626-5136

Tampa FL 33610

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing IBEW 824

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/15
Meeting Date

230
Bill Number (if applicable)

Topic PUBLIC UTILITIES

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 1674 UNIVERSITY PKWY #296
Street

Phone 941.323.2404

SARASOTA FL 34243
City State Zip

Email cullenasea@aol.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/15
Meeting Date

230
Bill Number (if applicable)

Topic PUBLIC UTILITIES

Amendment Barcode (if applicable)

Name JACK McRAY

Job Title _____

Address 200 W. COLLEGE ST, # 304
Street

Phone 407-577-5127

TLH FL 32301
City State Zip

Email jmcray@aar-p.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing AARP

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/2015
Meeting Date

Topic _____

Bill Number 230
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St. Petersburg FL 33705
City State Zip

E-mail justice2jesus@yahoo.com

Speaking: ☒ For ☐ Against ☒ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/15
Meeting Date

110
Bill Number (if applicable)

445494
Amendment Barcode (if applicable)

Topic CST

Name Amber Hughes

Job Title Legislative Advocate

Address PO Box 1757
Street

Phone 850-701-3621

Tall. FL 32302
City State Zip

Email ahughes@hughes

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

Amendment.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/15

Meeting Date

110

Bill Number (if applicable)

44594 DG

Amendment Barcode (if applicable)

Topic CST

Name DAVIN SUGGS

Job Title Fiscal Policy Director

Address 100 S Monroe St

Street

Tallahassee

City

FL

State

32301

Zip

Phone (850) 922-3000

Email dsuggs@fl-connection.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Association of Counties

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/16/15

Meeting Date

110

Bill Number (if applicable)

445494

Amendment Barcode (if applicable)

Topic SB 110 - AMENDMENT - CST

Name DAVIN J. SUGGS

Job Title FISCAL POLICY DIRECTOR

Address 100 S. MONROE ST

Street

Tallahassee

City

FL

State

32301

Zip

Phone ^{850.} 922-4300

Email dsuggs@fl-counties.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Association of Counties

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 110

Bill Number (if applicable)

Meeting Date

RIKELDER TER

Topic

CST

Amendment Barcode (if applicable)

Name

Marc Reichelderfer

Job Title

Address

Street

City

State

Zip

Phone

Email

PO Box 10666

205 2022

Tallahassee

FL

32302

Marc@LSIFL.com

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Satellite Broadcasting & Comm Assoc

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-17-2015

Meeting Date

110

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brian Pitts

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/15
Meeting Date

SB 110
Bill Number (if applicable)

Topic TEL

Amendment Barcode (if applicable)

Name Skylar Zander

Job Title Deputy State Director

Address 200 W College Ave
Street

Phone 850.728.4522

Tallahassee FL 32301
City State Zip

Email szander@Alpha.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Americans for Prosperity

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB/10

Bill Number (if applicable)

2/17
Meeting Date

Amendment Barcode (if applicable)

Topic CST

Name Doug Mannheimer

Job Title Army

Address 215 S. Monroe St Suite 400

Street

City

Tallahassee Fl.

State

Zip

32301

Phone

850 519-1716

Email

dmannheimer@broadandcassel.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

Sprint

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/15

Meeting Date

SB 110

Bill Number (if applicable)

Topic Communications Services Taxes

Amendment Barcode (if applicable)

Name Tim Nungesser

Job Title Legislative Director

Address 110 E. Jefferson St.

Phone 850-445-5369

Street

Tallahassee

FL

32301

City

State

Zip

Email tim.nungesser@nfib.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing National Federation of Independent Business (NFIB)

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/15

Meeting Date

110

Bill Number (if applicable)

Topic

CST

Amendment Barcode (if applicable)

Name

Charles Dudley

Job Title

General Counsel- FL Cable Telecom. Assoc.

Address

108 S. Monroe St.

Phone

681 0024

Street

City

Tallahassee

State

Zip

32301

Email

cdudley@flpartners.com

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

FL Cable Telecomm. Assoc.

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/15

Meeting Date

Topic CST

Bill Number SB 110
(if applicable)

Name Brewster Bevis

Amendment Barcode _____
(if applicable)

Job Title Senior Vice President

Address 516 N. Adams St
Street
Tallahassee FL 32301
City State Zip

Phone 224-7173

E-mail bbevis@aif.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17

Meeting Date

SB 110

Bill Number (if applicable)

Topic EST

Amendment Barcode (if applicable)

Name Woody Simmons

Job Title VP Govt Affairs

Address 106 E. College Ave

Phone 222-6304

Street

Tallahassee FL 32301

City

State

Zip

Email Woodrow.Simmons@verizon.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Verizon Communications

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17
Meeting Date

58110
Bill Number (if applicable)

Topic CST

Amendment Barcode (if applicable)

Name Jim Smith

Job Title Director

Address _____
Street

Phone 2125901

City

State

Zip

Email James.Smith@CenturyLink

Speaking: ☒ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing CenturyLink

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-17-15

Meeting Date

SB110

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Gary R. Dudgee

Job Title

Address 641 Forest Cair

Street

Phone 850-509-4993

City

Tallahassee, FL

State

32312

Zip

Email Gary.R.Dudgee@ecoria.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing T-Mobile

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-17-2015

Meeting Date

110

Bill Number (if applicable)

Topic Communications Services Tax

Amendment Barcode (if applicable)

Name Kurt Wenner

Job Title Vice President of Research

Address 106 N. Bronough

Phone 850-222-5052

Street

Tallahassee

FL

32301

Email kwenner@floridataxwatch.org

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida TaxWatch

Appearing at request of Chair: ^{Vice} ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/15
Meeting Date

110
Bill Number (if applicable)

Topic CST

Amendment Barcode (if applicable)

Name Carolyn Johnson

Job Title Policy Director

Address 136 S Bronaugh St

Phone 521-1235

Street

Tallahassee

City

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/15

Meeting Date

110

Bill Number (if applicable)

Topic SB 110 / CST

Amendment Barcode (if applicable)

Name Jeff Woodburn

Job Title Policy Director

Address EOG Plaza - US Capitol

Phone 850-717-9510

Street

Tallahassee

FL

32399

City

State

Zip

Email jeff.woodburn@leg.state.fl.us

A.C.S

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Gov. Rick Scott

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

TAB 3

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/15

Meeting Date

SB110

Bill Number (if applicable)

Topic CST Reduction

Amendment Barcode (if applicable)

Name J.C. Flores

Job Title VP Gov. Affairs

Address 150 S. Monroe St.

Phone 850-577-7700

Street

Tallahassee

City

FL

State

32312

Zip

Email JCF323@dot.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing AT&T

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

APPEARANCE RECORD

Sen Colson?

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/15

Meeting Date

SB 110

Bill Number (if applicable)

Topic School funding via Communications Serv tax

Amendment Barcode (if applicable)

Name Jason Smith

Job Title Cable Splicer

Address 6030 E Chelsea St

Phone 813-626-5136

Street

Tampa FL 33610

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing IBEW 824

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-17-15

Meeting Date

Bill Number (if applicable)

Topic Presentation on Rate Design

Amendment Barcode (if applicable)

Name JAMES DEAN

Job Title Dir., Division of Economics

Address 2540 Shumard Oak Blvd.

Phone

Street

Tallahassee FL

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Public Service Comm

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

CourtSmart Tag Report

Room: SB 301
Caption: Senate Communications, Energy, and Public Utilities

Type:
Judge:

Started: 2/17/2015 2:01:58 PM
Ends: 2/17/2015 3:34:03 PM **Length:** 01:32:06

2:02:03 PM Meeting Called to order by Senator Hukill
2:02:08 PM Roll Call
2:03:31 PM SB 288 Utilities Regulation
2:03:44 PM Senator Latvala on SB 288
2:10:53 PM Question from Senator Sachs
2:12:14 PM Amendment 291132 by Senator Bradley
2:13:16 PM Question from Senator Sachs
2:14:20 PM Response from Senator Latvala
2:15:44 PM Followup from Senator Sachs
2:16:33 PM Response from Senator Latvala
2:17:04 PM Question from Senator Dean
2:18:00 PM Response from Senator Latvala
2:19:01 PM John Moyle representing FIPUG
2:21:16 PM Amendment Adopted
2:21:35 PM Senator Latvala on Amendment 973916
2:22:06 PM Vote on Amendment
2:22:15 PM Amendment adopted
2:22:35 PM Senator Latvala on Amendment 530344
2:23:11 PM Susan Glickman Representing Southern Alliance for clean Energy on Amendment 530344
2:24:01 PM Senator Latvala
2:24:22 PM Amendment withdrawn by senator Bradley
2:24:45 PM Jason Smith, cable splicer
2:24:51 PM David Cullen, Sierra Club
2:25:02 PM Jack McRay, AARP
2:25:07 PM Randy Miller, FL Retail Federation
2:25:12 PM Debbie Romberger, League of Women Voters
2:25:32 PM Susan Glickman representing Southern Alliance for Clean Energy
2:28:33 PM Senator Garcia
2:29:17 PM Senator Sachs
2:30:21 PM Senator Latvala
2:32:21 PM Roll call
2:32:36 PM Bill Reported Favorably
2:32:55 PM Senator Dean on SB 230
2:34:32 PM Roll on SB 230
2:34:50 PM SB 230 Reported Favorably as a CS
2:35:17 PM Senator Hukill on SB 110
2:37:04 PM Amendment 445494
2:38:23 PM Question from Senator Garcia
2:39:08 PM Strike All Adopted
2:39:28 PM JC Flores representing AT&T Florida
2:39:52 PM Woody Simmons Representing Verizon Communications
2:40:58 PM Charles Dudley representing FL Cable Telecommunications Assoc.
2:41:46 PM Tim Nungesser representing NFIB
2:42:19 PM Brewster Bevis Representing Assoc. Industries of Florida
2:43:13 PM Carolyn Johnson Representing Florida Chamber of Commerce
2:43:59 PM Kurt Wenner representing Florida Taxwatch
2:45:08 PM Question from Senator Gibson
2:45:54 PM Jim Smith
2:46:18 PM Doug Mannheimer representing Sprint
2:46:52 PM Brian Pitts Representing Justice 2 Jesus
2:48:37 PM Senator Gibson
2:49:14 PM Jason Smith representing IBEW 824

2:50:28 PM	Closing from Senator Hukill
2:52:28 PM	Roll on SB 110
2:52:51 PM	SB 110 Reported Favorably
2:53:18 PM	Presentation from Jim Dean Representing PSC
3:04:26 PM	Question from Senator Bradley
3:05:45 PM	Response from Jim Dean
3:07:32 PM	Question from Senator Bradley
3:07:44 PM	Response from Jim Dean
3:08:15 PM	Presentation Continued
3:09:30 PM	Question from Senator Gibson
3:09:55 PM	Response from Jim Dean
3:10:03 PM	Follow-up From Senator Gibson
3:10:22 PM	Response from Jim Dean
3:10:55 PM	Question from Senator Hukill
3:11:03 PM	Response from Jim Dean
3:12:21 PM	Presentation Continued
3:21:53 PM	Question from Senator Bradley
3:22:59 PM	Response from Jim Dean
3:24:08 PM	Follow-up from Senator Bradley
3:24:41 PM	Response from Jim Dean
3:27:51 PM	Senator Gibson
3:28:59 PM	Response from Jim Dean
3:30:30 PM	Senator Gibson
3:31:00 PM	Question from Senator Hukill
3:31:19 PM	Response from Jim Dean
3:32:06 PM	Senator Hukill
3:32:11 PM	Response From Jim Dean
3:33:26 PM	Conclusion of Presentation
3:33:54 PM	Meeting Adjourned