

Bill No. CS for SB 1352

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	
5			
6			
7			
8			
9			
10			
11	Senator Klein moved the following amendment:		
12			
13	Senate Amendment (with title amendment)		
14	On page 3, lines 18 and 19, delete those lines		
15			
16	and insert:		
17	Section 2. <u>Section 1 of this act does not apply to</u>		
18	<u>rate cases that are pending on March 11, 1999.</u>		
19	Section 3. Subsection (7) of section 367.021, Florida		
20	Statutes, is amended to read:		
21	367.021 Definitions.--As used in this chapter, the		
22	following words or terms shall have the meanings indicated:		
23	(7) "Governmental authority" means a political		
24	subdivision, as defined by s. 1.01(8), or a regional water		
25	supply authority created pursuant to s. 373.1962, <u>or a</u>		
26	<u>nonprofit corporation formed for the purpose of acting on</u>		
27	<u>behalf of a political subdivision with respect to a water or</u>		
28	<u>wastewater facility.</u>		
29	Section 4. Section 367.022, Florida Statutes, is		
30	amended to read:		
31	367.022 Exemptions.--The following are not subject to		

Bill No. CS for SB 1352

Amendment No. ____

1 regulation by the commission as a utility nor are they subject
2 to the provisions of this chapter, except as expressly
3 provided:

4 (1) The sale, distribution, or furnishing of bottled
5 water.~~†~~

6 (2) Systems owned, operated, managed, or controlled by
7 governmental authorities, including water or wastewater
8 facilities operated by private firms under water or wastewater
9 facility privatization contracts as defined in s. 153.91, and
10 nonprofit corporations formed for the purpose of acting on
11 behalf of a political subdivision with respect to a water or
12 wastewater facility.~~†~~

13 (3) Manufacturers providing service solely in
14 connection with their operations.~~†~~

15 (4) Public lodging establishments providing service
16 solely in connection with service to their guests.~~†~~

17 (5) Landlords providing service to their tenants
18 without specific compensation for the service.~~†~~

19 (6) Systems with the capacity or proposed capacity to
20 serve 100 or fewer persons.~~†~~

21 (7) Nonprofit corporations, associations, or
22 cooperatives providing service solely to members who own and
23 control such nonprofit corporations, associations, or
24 cooperatives.~~†~~~~and~~

25 (8) Any person who resells water or wastewater service
26 at a rate or charge which does not exceed the actual purchase
27 price ~~of the water or wastewater thereof, if such person files~~
28 ~~at least annually with the commission a list of charges and~~
29 ~~rates for all water service sold, the source and actual~~
30 ~~purchase price thereof, and any other information required by~~
31 ~~the commission to justify the exemption; but such person is~~

Bill No. CS for SB 1352

Amendment No. ____

1 ~~subject to the provisions of s. 367.122.~~

2 (9) Wastewater treatment plants operated exclusively
3 for disposing of industrial wastewater.

4 (10) The sale of bulk supplies of desalinated water to
5 a governmental authority.

6 (11) Any person providing only nonpotable water for
7 irrigation purposes in a geographic area where potable water
8 service is available from a governmentally or privately owned
9 utility or a private well.

10 (12) The sale for resale of bulk supplies of water or
11 the sale or resale of wastewater services to a governmental
12 authority or to a utility regulated pursuant to this chapter
13 either by the commission or the county.

14 Section 5. Subsection (1) of section 367.071, Florida
15 Statutes, is amended to read:

16 367.071 Sale, assignment, or transfer of certificate
17 of authorization, facilities, or control.--

18 (1) No utility shall sell, assign, or transfer its
19 certificate of authorization, facilities or any portion
20 thereof, or majority organizational control without
21 determination and approval of the commission that the proposed
22 sale, assignment, or transfer is in the public interest and
23 that the buyer, assignee, or transferee will fulfill the
24 commitments, obligations, and representations of the utility.
25 However, a sale, assignment, or transfer of its certificate of
26 authorization, facilities or any portion thereof, or majority
27 organizational control may occur prior to commission approval
28 if the contract for sale, assignment, or transfer is made
29 contingent upon commission approval.

30 Section 6. Section 367.0816, Florida Statutes, is
31 amended to read:

Bill No. CS for SB 1352

Amendment No. ____

1 367.0816 Recovery of rate case expenses.--The amount
2 of rate case expense determined by the commission pursuant to
3 the provisions of this chapter to be recovered through a
4 public utilities rate shall be apportioned for recovery over a
5 period of 4 years. ~~At the conclusion of the recovery period,~~
6 ~~the rate of the public utility shall be reduced immediately by~~
7 ~~the amount of rate case expense previously included in rates.~~

8 Section 7. Section 367.0814, Florida Statutes, is
9 amended to read:

10 367.0814 Rates and charges; requests for staff
11 assistance in changing.--

12 (1) The commission may establish rules by which a
13 water or wastewater utility whose gross annual revenues are
14 \$150,000 or less may request and obtain staff assistance for
15 the purpose of changing its rates and charges. A utility may
16 request staff assistance by filing an application with the
17 commission.

18 (2) The official date of filing is established as 30
19 days after official acceptance by the commission of the
20 application. If a utility does not remit a fee, as provided
21 by s. 367.145, within 30 days after acceptance, the commission
22 may deny the application. The commission has 15 months after
23 the official date of filing within which to issue a final
24 order.

25 (3) The provisions of s. 367.081(1), (2)(a), and (3)
26 shall apply in determining the utility's rates and charges.

27 (4) The commission may, upon its own motion, or upon
28 petition from the regulated utility, authorize the collection
29 of interim rates until the effective date of the final order.
30 Such interim rates may be based upon a test period different
31 from the test period used in the request for permanent rate

Bill No. CS for SB 1352

Amendment No. ____

1 relief. To establish interim relief, there must be a
2 demonstration that the operation and maintenance expenses
3 exceed the revenues of the regulated utility, and interim
4 rates shall not exceed the level necessary to cover operation
5 and maintenance expenses as defined by the Uniform System of
6 Accounts for Class C Water and Wastewater Utilities (1996) of
7 the National Association of Regulatory Utility Commissioners.

8 (5) The commission may require that the difference
9 between the interim rates and the previously authorized rates
10 be collected under bond, escrow, letter of credit, or
11 corporate undertaking subject to refund with interest at a
12 rate ordered by the commission.

13 (6)(4) The utility, in requesting staff assistance,
14 shall agree to accept the final rates and charges approved by
15 the commission unless the final rates and charges produce less
16 revenue than the existing rates and charges.

17 (7)(5) In the event of a protest or appeal by a party
18 other than the utility, the commission may provide for
19 temporary rates subject to refund with interest.

20 (8)(6) If a utility becomes exempt from commission
21 regulation or jurisdiction during the pendency of a
22 staff-assisted rate case, the request for rate relief is
23 deemed to have been withdrawn. Interim rates, if previously
24 approved, shall become final. Temporary rates, if previously
25 approved, must be discontinued, and any money collected
26 pursuant to the temporary rates, or the difference between
27 temporary and interim rates, if previously approved, must be
28 refunded to the customers of the utility with interest.

29 (9)(7) The commission may by rule establish standards
30 and procedures whereby rates and charges of small utilities
31 may be set using criteria other than those set forth in s.

Bill No. CS for SB 1352

Amendment No. ____

1 367.081(1), (2)(a), and (3).

2 Section 8. Subsection (7) of section 367.082, Florida
3 Statutes, is amended to read:

4 367.082 Interim rates; procedure.--

5 (7) If a utility becomes exempt from commission
6 regulation ~~or jurisdiction~~ during the pendency of a rate case,
7 the request for rate relief pending before the commission is
8 deemed to have been withdrawn. Interim rates, if previously
9 approved, must be discontinued, and any money collected
10 pursuant to interim rate relief must be refunded to the
11 customers of the utility with interest.

12

13 (Redesignate subsequent sections.)

14

15

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

17 And the title is amended as follows:

18 On page 1, line 14, after the semicolon,

19

20 insert:

21 amending s. 367.021, F.S.; redefining the term
22 "governmental authority"; amending s. 367.022,
23 F.S.; eliminating the annual report requirement
24 for exempt resellers; providing for an
25 additional exemption; amending s. 367.071,
26 F.S.; authorizing specified transactions before
27 Public Service Commission approval; amending s.
28 367.0816, F.S.; removing provisions requiring
29 rate-case expense reductions at the conclusion
30 of the recovery period; amending 367.0814,
31 F.S.; authorizing the commission to authorize

Bill No. CS for SB 1352

Amendment No. ____

1 the collection of interim rates under certain
2 circumstances; providing criteria; authorizing
3 the commission to require collection of certain
4 rate differentials; providing for finalization
5 of interim rates under certain circumstances;
6 providing for refund of certain rate
7 differentials under certain circumstances;
8 amending s. 367.082, F.S.; clarifying a
9 procedure relating to a withdrawal of a request
10 for rate relief during the pendency of a rate
11 case;

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31