

Bill No. CS for SB 1352

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	
5	<hr/>		
6			
7			
8			
9			
10	<hr/>		
11	Senator Klein moved the following amendment:		
12			
13	Senate Amendment (with title amendment)		
14	On page 3, between lines 19 and 20,		
15			
16	insert:		
17	Section 3. Section 367.022, Florida Statutes, is		
18	amended to read:		
19	367.022 Exemptions.--The following are not subject to		
20	regulation by the commission as a utility nor are they subject		
21	to the provisions of this chapter, except as expressly		
22	provided:		
23	(1) The sale, distribution, or furnishing of bottled		
24	water.†		
25	(2) Systems owned, operated, managed, or controlled by		
26	governmental authorities, including wastewater facilities		
27	operated by private firms under wastewater facility		
28	privatization contracts as defined in s. 153.91.†		
29	(3) Manufacturers providing service solely in		
30	connection with their operations.†		
31	(4) Public lodging establishments providing service		

Bill No. CS for SB 1352

Amendment No. ____

1 solely in connection with service to their guests.†

2 (5) Landlords providing service to their tenants
3 without specific compensation for the service.†

4 (6) Systems with the capacity or proposed capacity to
5 serve 100 or fewer persons.†

6 (7) Nonprofit corporations, associations, or
7 cooperatives providing service solely to members who own and
8 control such nonprofit corporations, associations, or
9 cooperatives.† and

10 (8) Any person who resells water or wastewater service
11 at a rate or charge which does not exceed the actual purchase
12 price thereof, ~~if such person files at least annually with the~~
13 ~~commission a list of charges and rates for all water service~~
14 ~~sold, the source and actual purchase price thereof, and any~~
15 ~~other information required by the commission to justify the~~
16 ~~exemption; but such person is subject to the provisions of s.~~
17 ~~367.122.~~

18 (9) Wastewater treatment plants operated exclusively
19 for disposing of industrial wastewater.

20 (10) The sale of bulk supplies of desalinated water to
21 a governmental authority.

22 (11) Any person providing only nonpotable water for
23 irrigation purposes in a geographic area where potable water
24 service is available from a governmentally or privately owned
25 utility or a private well.

26 (12) The sale for resale of bulk supplies of water to
27 a governmental authority or to a utility regulated pursuant to
28 this chapter either by the commission or the county.

29 Section 4. Section 367.0814, Florida Statutes, is
30 amended to read:

31 367.0814 Rates and charges; requests for staff

Bill No. CS for SB 1352

Amendment No. ____

1 assistance in changing.--

2 (1) The commission may establish rules by which a
3 water or wastewater utility whose gross annual revenues are
4 \$150,000 or less may request and obtain staff assistance for
5 the purpose of changing its rates and charges. A utility may
6 request staff assistance by filing an application with the
7 commission.

8 (2) The official date of filing is established as 30
9 days after official acceptance by the commission of the
10 application. If a utility does not remit a fee, as provided
11 by s. 367.145, within 30 days after acceptance, the commission
12 may deny the application. The commission has 15 months after
13 the official date of filing within which to issue a final
14 order.

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

17 (4) The commission may, upon its own motion or upon
18 petition from the regulated utility, authorize the collection
19 of interim rates until the effective date of the final order.
20 The interim rates may be based upon a test period different
21 from the test period used in the request for permanent rate
22 relief. To establish interim relief, there must be a
23 demonstration that the operation and maintenance expenses
24 exceed the revenues of the regulated utility, and interim
25 rates may not exceed the level necessary to cover operation
26 and maintenance expenses as defined by the NARUC System of
27 Accounts.

28 (5) The commission may require that the difference
29 between the interim rates and the previously authorized rates
30 be collected under bond, escrow, letter of credit, or
31 corporate undertaking, subject to refund with interest at a

Bill No. CS for SB 1352

Amendment No. ____

1 rate ordered by the commission.

2 (6)(4) The utility, in requesting staff assistance,
 3 shall agree to accept the final rates and charges approved by
 4 the commission unless the final rates and charges produce less
 5 revenue than the existing rates and charges.

6 (7)(5) In the event of a protest or appeal by a party
 7 other than the utility, the commission may provide for
 8 temporary rates subject to refund with interest.

9 (8)(6) If a utility becomes exempt from commission
 10 regulation ~~or jurisdiction~~ during the pendency of a
 11 staff-assisted rate case, the request for rate relief is
 12 deemed to have been withdrawn. Interim rates, if previously
 13 approved, become final. Temporary rates, if previously
 14 approved, must be discontinued, and any money collected
 15 pursuant to the temporary rates, or the difference between
 16 temporary and interim rates, if previously approved, must be
 17 refunded to the customers of the utility with interest.

18 (9)(7) The commission may by rule establish standards
 19 and procedures whereby rates and charges of small utilities
 20 may be set using criteria other than those set forth in s.
 21 367.081(1), (2)(a), and (3).

22 Section 5. Subsection (7) of section 367.082, Florida
 23 Statutes, is amended to read:

24 367.082 Interim rates; procedure.--

25 (7) If a utility becomes exempt from commission
 26 regulation ~~or jurisdiction~~ during the pendency of a rate case,
 27 the request for rate relief pending before the commission is
 28 deemed to have been withdrawn. Interim rates, if previously
 29 approved, must be discontinued, and any money collected
 30 pursuant to interim rate relief must be refunded to the
 31 customers of the utility with interest.

Bill No. CS for SB 1352

Amendment No. ____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

(Redesignate subsequent sections.)

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

And the title is amended as follows:

On page 1, line 14, after the semicolon

insert:

amending s. 367.022, F.S.; eliminating an
annual report to the Public Service Commission
by an exempt utility; amending s. 367.0814,
F.S.; authorizing interim rate relief in
staff-assisted rate cases; providing for
interim or temporary rates when a utility
becomes exempt during the pendency of a case;
amending s. 367.082, F.S.; conforming an
inconsistent provision;