

By the Committee on Utilities & Communications and  
 Representative Rojas

1                                   A bill to be entitled  
 2           An act relating to water and wastewater;  
 3           amending s. 367.022, F.S.; clarifying an  
 4           exemption for resellers from regulation as a  
 5           utility by the Public Service Commission;  
 6           amending 367.0814, F.S.; authorizing the  
 7           commission to authorize the collection of  
 8           interim rates under certain circumstances;  
 9           providing criteria; authorizing the commission  
 10          to require collection of certain rate  
 11          differentials; providing for finalization of  
 12          interim rates under certain circumstances;  
 13          providing for refund of certain rate  
 14          differentials under certain circumstances;  
 15          amending s. 367.082, F.S.; clarifying a  
 16          procedure relating to a withdrawal of a request  
 17          for rate relief during the pendency of a rate  
 18          case; providing an effective date.

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

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 22           Section 1. Subsection (8) of section 367.022, Florida  
 23 Statutes, is amended to read:

24           367.022 Exemptions.--The following are not subject to  
 25 regulation by the commission as a utility nor are they subject  
 26 to the provisions of this chapter, except as expressly  
 27 provided:

28           (8) Any person who resells water or wastewater service  
 29 at a rate or charge which does not exceed the actual purchase  
 30 price of the water or wastewater ~~thereof, if such person files~~  
 31 ~~at least annually with the commission a list of charges and~~

1 ~~rates for all water service sold, the source and actual~~  
2 ~~purchase price thereof, and any other information required by~~  
3 ~~the commission to justify the exemption; but such person is~~  
4 ~~subject to the provisions of s. 367.122.~~

5 Section 2. Section 367.0814, Florida Statutes, is  
6 amended to read:

7 367.0814 Rates and charges; requests for staff  
8 assistance in changing.--

9 (1) The commission may establish rules by which a  
10 water or wastewater utility whose gross annual revenues are  
11 \$150,000 or less may request and obtain staff assistance for  
12 the purpose of changing its rates and charges. A utility may  
13 request staff assistance by filing an application with the  
14 commission.

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

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

24 (4) The commission may, upon its own motion, or upon  
25 petition from the regulated utility, authorize the collection  
26 of interim rates until the effective date of the final order.  
27 Such interim rates may be based upon a test period different  
28 from the test period used in the request for permanent rate  
29 relief. To establish interim relief, there must be a  
30 demonstration that the operation and maintenance expenses  
31 exceed the revenues of the regulated utility, and interim

1 rates shall not exceed the level necessary to cover operation  
2 and maintenance expenses as defined by the Uniform System of  
3 Accounts for Class C Water and Wastewater Utilities (1996) of  
4 the National Association of Regulatory Utility Commissioners.

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

10 (6)(4) The utility, in requesting staff assistance,  
11 shall agree to accept the final rates and charges approved by  
12 the commission unless the final rates and charges produce less  
13 revenue than the existing rates and charges.

14 (7)(5) In the event of a protest or appeal by a party  
15 other than the utility, the commission may provide for  
16 temporary rates subject to refund with interest.

17 (8)(6) If a utility becomes exempt from commission  
18 regulation or jurisdiction during the pendency of a  
19 staff-assisted rate case, the request for rate relief is  
20 deemed to have been withdrawn. Interim rates, if previously  
21 approved, shall become final. Temporary rates, if previously  
22 approved, must be discontinued, and any money collected  
23 pursuant to the temporary rates, or the difference between  
24 temporary and interim rates, if previously approved, must be  
25 refunded to the customers of the utility with interest.

26 (8)(7) The commission may by rule establish standards  
27 and procedures whereby rates and charges of small utilities  
28 may be set using criteria other than those set forth in s.  
29 367.081(1), (2)(a), and (3).

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

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367.082 Interim rates; procedure.--

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

Section 4. This act shall take effect upon becoming a law.

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HOUSE SUMMARY

Clarifies an exemption for resellers from regulation as a utility by the Public Service Commission. Authorizes the commission to authorize the collection of interim rates until a final order is effective and authorizes the commission to require collection of the difference between interim rates and previously authorized rates. Provides for finalization of interim rates and for refunding of the difference between temporary rates and interim rates.

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.