

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB's 178, 1514, and 1978

SPONSOR: Committee on Regulated Industries, Senators Brown-Waite, Klein, Cowin and others

SUBJECT: The Public Counsel/Water & Wastewater

DATE: April 13, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wimsett</u>	<u>Guthrie</u>	<u>RI</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>RC</u>	_____
3.	_____	_____	<u>FP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill allows the Public Counsel to provide legal representation for the people of the state in water and wastewater utility rate proceedings before counties.

This bill amends s. 350.0611, F.S.

II. Present Situation:

The Public Counsel represents the people of Florida in cases before the Public Service Commission regarding utility services. *See*, s. 350.0611, F.S. The Public Counsel may:

- recommend 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, and use all forms of discovery available to attorneys in civil actions;
- have access to and use all of the files, records, and data of the commission available to any other attorney representing parties in a proceeding before the commission;
- seek review of any determination, finding, or order of the commission;
- prepare and issue reports to the various branches of government; and
- appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the commission.

Under chapter 367, F.S., the Public Service Commission exercises jurisdiction over the economic regulation of investor-owned and private water and wastewater utilities, with the exception of those utilities that are regulated by counties that opted to retain regulatory jurisdiction. *See*, s. 367.171(8), F.S. Thirty-one of the sixty-seven county governments have chosen to retain

regulatory jurisdiction. Therefore, consumers in those thirty-one counties are not represented by the Office of the Public Counsel in water utility rate proceedings.

III. Effect of Proposed Changes:

The bill amends s. 350.0611, F.S., to allow the Public Counsel to provide legal representation for the people of the state in water and wastewater utility rate proceedings before counties.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Consumers of water and wastewater services in counties that have not ceded regulatory control to the Public Service Commission should benefit from expert representation by the Office of the Public Counsel.

C. Government Sector Impact:

Although the bill allows the Public Counsel to represent consumers in county rate case proceedings, the Office of the Public Counsel reports that no additional funds will be needed.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
