

By Senator Cowin

11-1458A-00

See HB 367

1 A bill to be entitled
2 An act relating to water and wastewater
3 systems; amending s. 350.0611, F.S.; requiring
4 the Public Counsel to provide legal
5 representation in proceedings before counties
6 under certain circumstances; amending s.
7 367.0816, F.S.; requiring rate reductions at
8 the conclusion of a rate case expense recovery
9 period; requiring the Public Service Commission
10 to make specified adjustments when a utility is
11 acquired by another utility; providing an
12 effective date.

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

16 Section 1. Section 350.0611, Florida Statutes, is
17 amended to read:

18 350.0611 Public Counsel; duties and powers.--It shall
19 be the duty of the Public Counsel to provide legal
20 representation for the people of the state in proceedings
21 before the commission and in proceedings before counties
22 pursuant to s. 367.171(8). The Public Counsel shall have such
23 powers as are necessary to carry out the duties of his or her
24 office, including, but not limited to, the following specific
25 powers:

26 (1) To recommend to the commission, by petition, the
27 commencement of any proceeding or action or to appear, in the
28 name of the state or its citizens, in any proceeding or action
29 before the commission and urge therein any position which he
30 or she deems to be in the public interest, whether consistent
31 or inconsistent with positions previously adopted by the

1 commission, and utilize therein all forms of discovery
2 available to attorneys in civil actions generally, subject to
3 protective orders of the commission which shall be reviewable
4 by summary procedure in the circuit courts of this state.†

5 (2) To have access to and use of all files, records,
6 and data of the commission available to any other attorney
7 representing parties in a proceeding before the commission.†

8 (3) In any proceeding in which he or she has
9 participated as a party, to seek review of any determination,
10 finding, or order of the commission, or of any hearing
11 examiner designated by the commission, in the name of the
12 state or its citizens.†

13 (4) To prepare and issue reports, recommendations, and
14 proposed orders to the commission, the Governor, and the
15 Legislature on any matter or subject within the jurisdiction
16 of the commission, and to make such recommendations as he or
17 she deems appropriate for legislation relative to commission
18 procedures, rules, jurisdiction, personnel, and functions.†

19 (5) To appear before other state agencies, federal
20 agencies, and state and federal courts in connection with
21 matters under the jurisdiction of the commission, in the name
22 of the state or its citizens.

23 Section 2. Section 367.0816, Florida Statutes, is
24 amended to read:

25 367.0816 Recovery of rate case expenses.--The amount
26 of rate case expense determined by the commission pursuant to
27 the provisions of this chapter to be recovered through a
28 public utilities rate shall be apportioned for recovery over a
29 period of 4 years. At the conclusion of the recovery period,
30 the rate of the public utility shall be reduced immediately by
31 the amount of rate case expense previously included in rates.

