

The Florida Senate  
**HOUSE MESSAGE SUMMARY**

---

Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

---

[2016h0491.hms]

BILL: CS/CS/CS HB 491, Engrossed 1 (CS/CS/CS SB 534)

INTRODUCER: Regulatory Affairs Committee; Finance and Tax Committee; Energy and Utilities Subcommittee; and Reg. Smith (Appropriations Committee; Communications Energy and Public Utilities Committee; Environmental Preservation and Conservation Committee; and Senator Hays)

SUBJECT: Water and Wastewater

DATE: March 11, 2016

---

**I. Amendments Contained in Message:**

**Senate Amendment 1 - 291762** (body with title)

**Senate Amendment 2 - 108966** (body with title)

**II. Summary of Amendments Contained in Message:**

**Senate Amendment 1** provides criteria for the PSC to use to decide whether to disallow a rate case expense when the criteria are specifically raised in writing by the Public Counsel, an intervenor, or PSC staff.

The amendment directs the PSC to make specific findings of fact, supported by competent, substantial evidence, for each criterion and the extent to which each criterion benefits customers if the criteria are contested in an evidentiary proceeding.

The amendment allows the PSC to allocate benefits between customers and shareholders, owners, or affiliates and to disallow rate case expense in accordance with specific findings of fact.

The House refused to concur with this amendment.

**Senate Amendment 2** specifies that a utility, rather than a public utility, may not earn a rate of return on the unamortized balance of a rate case expense.

The amendment revises language created in the bill to authorize, rather than require, the PSC to award rate case expenses for attorney fee or fees of other outside consultants for costs incurred after the protest or appeal in certain circumstances.

The House concurred with this amendment.