

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** February 21, 2018

**TO:** All Interested Persons; Office of Public Counsel; All Water and Wastewater Utilities

**FROM:** Kathryn G.W. Cowdery, Senior Attorney, Office of the General Counsel

**RE:** Docket No. 20170222-WS - Proposed Amendment of Rules 25-30.130, Record of Complaints, and 25-30.355, Complaints, F.A.C.

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On February 7, 2018, the Commission issued a Notice of Staff Rule Development Workshop for a workshop to be held on March 1, 2018, in the above-named docket. Attached as referenced in that Notice are the draft rules to be discussed at the March 1, 2018 workshop.

The purpose of this workshop is for staff to receive comments from interested persons concerning the draft rules. In particular, staff would like to receive any comments on whether the draft rules will increase regulatory costs or have an adverse impact on small business. Please come to the workshop prepared to address the questions in Staff's Third Data Request set out below. If you are unable to attend the workshop, please file your written comments by March 1, 2018, in the above-named docket, Docket No. 20170222-WS, with the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, or via the Commission's e filing web portal: (<http://www.floridapsc.com/ClerkOffice/EFilingRequirements>).

If you have any questions, please contact Kathryn G.W. Cowdery, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 at (850)413-6216, [kcowdery@psc.state.fl.us](mailto:kcowdery@psc.state.fl.us).

### Staff's Third Data Request

- 1) Revised draft Rule 25-30.355(1), F.A.C., requires your utility to acknowledge verbally or in writing, the receipt of any customer complaint or contact (emphasis added) no later than three days of the utility's receipt of the complaint or contact. Revised draft Rule 25-30.355(4), F.A.C., defines the term "contact" to mean a request for clarification or information from the utility made by a customer by telephone call, by e-mail, letter, at the utility's place of business, or on the utility's website form as to the utility's charges, facilities, or service, that may require action by the utility. The acknowledgement also requires the utility to specify if any additional action, including type of action to be taken on the issue(s) raised by the customer.

- a) Do you anticipate the draft revision will result in your company making business process changes to manage the complaint or contact acknowledgement within the required time frame?
  - b) If the answer to a) is affirmative, please provide a cost estimate per year for the next five years and show how the estimates were derived.
- 2) Is your utility a “small business” as defined by Section 288.703, Florida Statutes? The statutes define a small business as an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

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**25-30.130 Record of Complaints.**

(1) Each utility shall maintain a record of all complaints ~~each signed, written complaint~~ received by the utility from any of that utility's customers.

~~(2) Each~~ The record shall show include the name and address of the complainant; the nature of the complaint; the date received; the result of any ~~the~~ investigation; the disposition of the complaint; and the date of ~~the disposition of the complaint~~. The word "complaint" as used in this rule is defined in subsection 25-30.355(3), F.A.C.

(2) Notwithstanding the requirements of paragraph 25-30.110(1)(a), F.A.C., utilities shall maintain a record of each complaint for a minimum of five years from the date of receipt and shall provide a copy of records of complaints to the Commission upon Commission staff's request. Documentation relating to customer complaints processed under Rule 25-22.032, F.A.C., shall be retained as set forth in paragraph 25-22.032(10)(a), F.A.C.

*Rulemaking Authority 350.127(2), 367.0812(5), 367.121(1) FS. Law Implemented 367.0812(1), 367.111, 367.121(1) FS. History—New 9-12-74, Formerly 25-10.30, 25-10.030, Amended 11-10-86, \_\_\_\_\_.*

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1       **25-30.355 Complaints.**

2       (1) A utility shall give a customer verbal or written acknowledgement of the utility's  
3 receipt of any customer complaint or contact no later than three days of such contact. The  
4 utility shall specify in its acknowledgement whether any additional action, including the type  
5 of action, will be taken on the issue(s) raised by the customer. ~~make a full and prompt~~  
6 ~~acknowledgement and investigation of all customer complaints and shall respond fully and~~  
7 ~~promptly to all customer requests.~~

8       (2) A utility shall investigate a complaint and give the customer a verbal or written  
9 response no later than 15 days after receipt of such complaint.

10       ~~(3)~~(2) ~~For the purpose of this rule~~ The word "complaint" as used in this rule means shall  
11 mean an objection made to the utility by a the customer by telephone call, by mail, by letter, at  
12 the utility's place of business, or on the utility's website form as to the utility's charges,  
13 facilities or service; that where the disposal of the complaint requires action by on the part of  
14 the utility.

15       ~~(3) Replies to inquiries by the Commission's staff shall be furnished within fifteen (15)~~  
16 ~~days from the date of the inquiry and shall be in writing, if requested.~~

17       (4) The word "contact" as used in this rule means a request for clarification or information  
18 made to the utility by a customer by telephone call, by e-mail, letter, at the utility's place of  
19 business, or on the utility's website form as to the utility's charges, facilities, or service, that  
20 may require action by the utility.

21       (5) Each utility shall have a procedure for receiving and responding to emergency calls 24  
22 hours a day. Examples of emergencies shall include reports of water or wastewater main  
23 breaks or conditions caused by utility-owned facilities where property damage or personal  
24 injury is reasonably foreseeable.

25 *Rulemaking Authority 350.127(2), 367.0812(5), 367.121(1) FS. Law Implemented*

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1 367.0812(1), 367.111, 367.121(1) FS. History—New 9-12-74, Formerly 25-10.70, 25-10.070,  
2 Amended 11-10-86, \_\_\_\_\_.

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