

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of:

DOCKET NO. 20170222-WS

PROPOSED AMENDMENT OF
RULES 25-30.130, RECORD OF
COMPLAINTS, AND 25-30.355,
COMPLAINTS, F.A.C.

_____ /

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 2

COMMISSIONERS
PARTICIPATING: CHAIRMAN JULIE I. BROWN
COMMISSIONER ART GRAHAM
COMMISSIONER RONALD A. BRISÉ
COMMISSIONER DONALD J. POLMANN
COMMISSIONER GARY F. CLARK

DATE: Tuesday, December 12, 2017

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: ANDREA KOMARIDIS
Court Reporter and
Notary Public in and for
the State of Florida at Large

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1 P R O C E E D I N G S

2 CHAIRMAN BROWN: Moving on to Item 2.

3 MS. COWDERY: Commissioners, Item 2 is a
4 proposed amendment of two water and wastewater
5 utility rules, the record of complaints rule, and
6 the complaint rule.7 Staff recommends that the record of complaints
8 rule be amended to require each water and
9 wastewater utility to maintain a record of all
10 complaints received, instead of only signed written
11 complaints.12 Staff recommends that the rule be amended to
13 require utilities to maintain a record of each
14 complaint for a minimum of five years instead of
15 the current three, and to provide a copy of the
16 record of complaints to the Commission upon
17 Commission staff's request.18 Staff recommends that the complaints rule be
19 amended to specify that a complaint is an objection
20 made to the utility by a customer by telephone
21 call, e-mail, letter, or the utility's website
22 form, to require a utility to investigate each
23 complaint and respond to the customer within 15
24 working days, and to have a procedure for
25 received-ly -- receiving and promptly responding to

1 the emergency calls 24 hours a day.

2 Finally, as required by statute, staff
3 recommends that the Commission certify these
4 amended rules as minor violation rules, which is
5 how they are currently classified.

6 Staff is available to answer any questions.

7 CHAIRMAN BROWN: Thank you, Ms. Cowdery. I do
8 have a question regarding the 15 working days --

9 MS. COWDERY: Yes.

10 CHAIRMAN BROWN: -- response time. How did
11 staff derive that? So, that -- that equals
12 basically three weeks.

13 MS. COWDERY: Uh-huh. That's -- that's --
14 we -- we got that from looking at 25-22.032, which
15 is the general complaint rule of the Commission.
16 And there's a 15-day response time there.

17 CHAIRMAN BROWN: 15 days, though; not 15
18 working days.

19 MS. COWDERY: I -- we also had a response from
20 one utility talking about the working days, and we
21 decided that would be a better approach.

22 CHAIRMAN BROWN: So, the understanding, based
23 on this rule, the company -- a utility does not
24 have to even respond to a customer complaint
25 within -- within that window. It -- three weeks,

1 they don't even have to respond, acknowledgment,
2 receiving it, that they're working on it?

3 MS. COWDERY: We don't have that in the rule.
4 Part of the issue that we looked at is if -- when
5 we considered putting a provision in along those
6 lines, is a lot of -- if somebody calls in, there
7 was confusion as far as, well, is it good enough to
8 say we've responded on the phone or do they have to
9 have an additional response by e-mail. And we just
10 decided that this would, you know -- this would do
11 it.

12 CHAIRMAN BROWN: What do the electric
13 companies do? What's the rule on the electric
14 companies for responding to com- -- customer
15 complaints.

16 MS. COWDERY: I'm thinking. I don't think we
17 have a specific time frame under the general
18 complaint rule for them. It's only once you get
19 into a -- a more-formal type of complaint that we
20 have that provision.

21 One of -- one of the ideas, I think, behind
22 these complaint rules is it's supposed to be in
23 sort of a more-informal method of resolving
24 complaints that we want the utilities to try to
25 informally take care of things with their customers

1 as opposed to the more-general complaint role.
2 Once they -- if they have a problem and can't
3 resolve it, then it comes to the --

4 CHAIRMAN BROWN: I understand. It's just that
5 Subsection 1 of that rule provides that the utility
6 must make a prompt acknowledgment and
7 investigation.

8 MS. COWDERY: Uh-huh.

9 CHAIRMAN BROWN: 15 working days is not
10 prompt --

11 MS. COWDERY: Uh-huh.

12 CHAIRMAN BROWN: -- by any means. I -- I
13 think it's a little excessive. Did we get com- --
14 comments or feedback from Office of Public Counsel
15 on this issue?

16 MS. COWDERY: They didn't give us any comments
17 that were -- you know, that they had a problem with
18 that.

19 CHAIRMAN BROWN: Commissioner Polmann.

20 COMMISSIONER POLMANN: Thank you, Madam
21 Chairman.

22 I absolutely agree with -- with the Chairman's
23 comment. You know, if there's a -- a water issue,
24 waiting three weeks seems a long time, and to the
25 specific language, full and prompt acknowledgment

1 and investigation.

2 MS. COWDERY: Uh-huh.

3 COMMISSIONER POLMANN: I -- I do appreciate
4 the record keeping because we've -- we have
5 issues -- we've had issues being aware, being
6 informed in our decision-making about the
7 complaints.

8 And to my recollection, we've had some
9 difficulty understanding the number and the nature
10 of the complaints. So, I support that -- the idea
11 of the record keeping. I think that's very
12 helpful, but -- but the response times, I think
13 we've also had issue.

14 MS. COWDERY: Uh-huh.

15 COMMISSIONER POLMANN: And you know, when
16 people have concerns about their water, it -- it
17 becomes very important to them, very emotional
18 and -- and by the time it gets to us, it's --

19 MS. COWDERY: We --

20 COMMISSIONER POLMANN: It's way past the
21 problem for -- for the customer, now. The
22 reference -- Madam Chairman, I appreciate the
23 reference back to electric, but I think it's --
24 it's a very personal issue --

25 CHAIRMAN BROWN: Uh-huh.

1 COMMISSIONER POLMANN: -- for -- for the water
2 customers. So, I -- I'm not sure how to
3 resolve this -- I mean, what -- what we can do here
4 today. So, I'll just --

5 CHAIRMAN BROWN: Well, we can defer it, but
6 I -- I would like to hear from other Commissioners.
7 And if Office of Public Counsel would like to come
8 up here and address any concerns they have with the
9 proposal, we would welcome that as well.

10 Commissioner Clark.

11 COMMISSIONER CLARK: Yeah, just a question for
12 clarification, Madam Chair.

13 The -- the rule currently reads that there is
14 a response required within 15 days. Is there a
15 differentiation between the actual investigation
16 and the resolution of the complaint, and the
17 response to the customer? Are these two times
18 differentiated?

19 MS. COWDERY: I think that the idea is they
20 would investigate and respond -- that that would --
21 it would be the same thing; that they are -- you
22 know, they -- they should have some type of a
23 response at that point.

24 I suppose, if they weren't able to get a
25 complete resolution, at least they would be

1 responding to the -- the customer within the 15
2 working days.

3 COMMISSIONER CLARK: My concern is that you
4 have an issue, as -- as Dr. Polmann pointed out,
5 that may require an immediate resolution that's
6 being pushed out for a period of time.

7 If you could differentiate and say that any
8 problems to be resolved immediately or responded to
9 in an appropriate time manner, and then the
10 customers' response, giving them the final
11 resolution, what we have -- what conclusions we
12 have drawn or what we're going to resolve -- do to
13 resolve the problem -- the 15 days isn't an issue
14 with me there, but the response time is an issue.

15 CHAIRMAN BROWN: Absolutely. I -- I agree.
16 Mr. Kelly, welcome.

17 MR. KELLY: Good morning, Madam Chairman and
18 Commissioners.

19 One of the reasons -- and I -- maybe this
20 will address Commissioner Polmann's question. If
21 you look in Sub 3, when it's an emergency, they
22 have to respond -- promptly respond, as I
23 understand it, right away. So, I think this may be
24 what Commissioner Clark was getting to.

25 The reason we didn't raise a big issue about

1 the 15 days is because, my understanding was, if
2 it's an emergency for somebody -- you know,
3 water -- a water main breaking or gushing down the
4 street or somebody's house flood- -- if it's truly
5 an emergency, the utility has got to respond right
6 away.

7 If it is something like a billing issue,
8 something like that that's a non-emergency -- some
9 of the smaller utilities -- what they expressed to
10 me was, when they are one- or two-men or women
11 companies, they don't have the ability -- they
12 generally will use a -- an answering machine or --
13 or something. And they have indicated to me that
14 what they do is -- is it may take them a day or two
15 to respond, if it's not an emergency.

16 If it's an emergency -- again, I -- they say
17 they respond.

18 CHAIRMAN BROWN: Well, a day or two is not
19 three weeks. And I think three -- even responding
20 within 15 working days goes against the intent of
21 this rule, which provides for prompt recognition,
22 acknowledgment, and investigation.

23 MR. KELLY: Sure. Well, I -- Commissioner, we
24 certainly don't have any problems with -- with
25 whatever the Commission does, if you decide to

1 reduce that. I -- you asked me -- I was telling
2 you why we didn't raise this big -- we -- we
3 submitted comments, and they were taken in
4 consideration in some of this language by staff and
5 were actually adopted here and in -- in some other
6 rules that we were dealing with at the same time.

7 But the reason -- I'm just telling you -- we
8 didn't raise such a big issue with the 15 days was
9 because it -- it's my understanding it's talking
10 about non-emergency issues.

11 CHAIRMAN BROWN: Okay. Thank you.

12 Commissioner Polmann?

13 COMMISSIONER POLMANN: Thank you, Madam
14 Chairman. I -- if I understand Commissioner
15 Clark's comment, I would support segregating the
16 acknowledgment from the investigation.

17 And -- and to Mr. Kelly's point, clearly
18 there's a distinction between an emergency and
19 other types of complaints, be it a secondary water-
20 quality issue or -- or billing issue. And it would
21 be in the utility's best interest to respond to an
22 emergency. So, I don't -- I don't see any issue
23 with that.

24 To the extent that we can separate the
25 acknowledgment, I think it's appropriate for a

1 utility to respond in very short period of time to
2 an acknowledgment; not necessarily within 24
3 hours --

4 CHAIRMAN BROWN: Right.

5 COMMISSIONER POLMANN: -- but within -- within
6 a couple of -- a few days, whether they're using an
7 answering machine or whatever the case may be.

8 I -- I don't think it's -- I don't think it's
9 a good idea to just leave the customer hanging.
10 That's a non-responsive utility, in my mind. Now,
11 they can determine the timeliness of -- of the
12 response, depending on the nature of the complaint.

13 Thank you.

14 CHAIRMAN BROWN: Thank you. I think
15 Commissioner Clark's proposal is a good one, too.

16 We're going to go ahead and give staff time --
17 we're going to defer this item, give staff time to
18 address that because it's also in -- under the
19 definition of complaint, as well, and see how we
20 can conform what we discussed here into the next
21 recommendation. So, we'll defer it until February.
22 Is that --

23 MS. COWDERY: Okay.

24 CHAIRMAN BROWN: -- reasonable?

25 MS. COWDERY: That's fine.

1 MR. HETRICK: Madam Chair?

2 CHAIRMAN BROWN: Yes.

3 MR. HETRICK: If I might ask a question, for
4 the number of days, we had 15 working days here.
5 Is -- is it the Commission's intention to go to a
6 15 just days or seven days or --

7 CHAIRMAN BROWN: We didn't talk about that,
8 but I'll open it up because Commissioner Clark gave
9 a good proposal.

10 So, Commissioner Clark?

11 COMMISSIONER CLARK: I would advocate for 15
12 days, period.

13 CHAIRMAN BROWN: And then, with regard to
14 acknowledgment of a complaint, Commissioner Clark?

15 COMMISSIONER CLARK: Probably, I would look
16 at -- three to five would be my suggestion. Three
17 probably would be where I would lean.

18 CHAIRMAN BROWN: Uh-huh.

19 MR. HETRICK: And -- and I would recommend, if
20 that's the only issue that you have here, you can
21 amend this today.

22 CHAIRMAN BROWN: We're not going to do that.

23 MR. HETRICK: Okay.

24 CHAIRMAN BROWN: We're going to give staff an
25 opportunity to see if there's other places that

1 this is applicable. So, we'll to defer it to
2 February.

3 MS. COWDERY: Okay.

4 CHAIRMAN BROWN: Thank you.

5 MS. COWDERY: Sounds good. Thank you.

6 (Agenda item concluded.)

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DATED THIS 21st day of December, 2017.



ANDREA KOMARIDIS
NOTARY PUBLIC
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