

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by James F. ) DOCKET NO. 920764-EU  
Soldini To Initiate )  
Rulemaking To Revise ) ORDER NO. PSC-92-1110-FOF-EU  
Rule 25-6.097, F.A.C., )  
Customer Deposits. ) ISSUED: 10/05/92  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, CHAIRMAN  
J. TERRY DEASON  
BETTY EASLEY  
SUSAN F. CLARK  
LUIS J. LAUREDO

ORDER DENYING PETITION TO INITIATE RULEMAKING

BY THE COMMISSION:

Mr. Soldini wrote the Florida Public Service Commission regarding his concern with the Florida Power and Light (FPL) guarantor contract and his desire to see revisions to Rule 25-6.097 on Customer Deposits. For purposes of having the Commission address the matter, the request is being treated as a petition to initiate rulemaking.

Mr. Soldini objected to the open-ended liability of the guarantor contract and requested that some limitations be placed on the guarantor contracts. He expressed concern that the guarantor contract in FPL Form 876 allowed his son to "run up any bill imaginable" without immediately notifying the guarantor. He concluded that FPL might hold him liable for all arrears and court costs, etc. accrued.

Section 120.54(5), Florida Statutes, provides that any person having a substantial interest in an agency rule may petition the agency to adopt or amend a rule. The agency must initiate rulemaking or deny the petition with a written statement of the reasons for denial.

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DISCUSSION

At the September 15, 1992 agenda, an extensive discussion of this matter took place, and again at the September 29, 1992 agenda.

It is the Commission's understanding that guarantors are already provided information on third party notification or Double Notice Payment Protection Plans. Thus, Mr. Soldini's concern about his son running up any bill imaginable without receiving notification seems unwarranted. In addition, the Commission's understanding of the guarantor responsibility is that the guarantor does indeed take on the responsibility for the customers' actions or inactions in paying the utility bill.

In addition, FPL voluntarily offered to amend the guarantor contract, FPL Form 876, to expressly provide for third party notification.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the petition for rulemaking is denied based on the above discussion. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission this 5th day of OCTOBER \_\_, 1992.

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearings or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or sewer utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.