

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rule 25-30.320, ) DOCKET NO. 891195-PU  
 F.A.C., pertaining to Refusal or )  
 Discontinuance of Service. ) ORDER NO. 23296  
 )  
 ) ISSUED: 8-3-90

NOTICE OF RULEMAKING

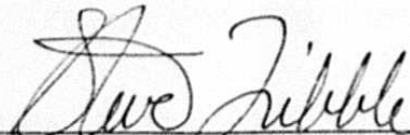
NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-30.320, F.A.C., relating to Refusal or Discontinuance of Service.

The attached Notice of Rulemaking will appear in the August 10, 1990, edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Friday, September 21, 1990  
 Room 122, Fletcher Building  
 101 East Gaines Street  
 Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rule must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399, no later than August 31, 1990.

By Direction of the Florida Public Service Commission,  
 this 3rd day of AUGUST, 1990.



STEVE TRIBBLE, Director  
 Division of Records & Reporting

( S E A L )

DES

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DOCUMENT NUMBER-DATE

07011 AUG -3 1990

FPSC-RECORDS/REPORTING

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FLORIDA PUBLIC SERVICE COMMISSION

Division of Appeals

DOCKET NO. 891195-PU

RULE TITLE:

RULE NO.:

Refusal or Discontinuance of Service

25-30.320

PURPOSE AND EFFECT: The purpose of the rule amendment is to assure that customers have sufficient notice and the opportunity to contact the water and sewer company before disconnection of service. The rule extends the notice period from five calendar days to five working days.

SUMMARY: The rule amendment changes the notice period for disconnection of water and sewer service from five calendar days to five working days and defines the term "working day" as a day on which the utility's business office is open and mail is delivered.

RULEMAKING AUTHORITY: 367.121, F.S.

LAW IMPLEMENTED: 367.081, 367.121, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THIS RULE: Based on the companies' estimated increases in costs, this rule amendment will have an impact on billing and noticing costs. One utility estimated that the rule amendment would require modification of computer software which would cost up to \$2500. Three other companies identified increases in annual expenses relating to additional noticing requirements totaling \$11,540.

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The rule amendment is not expected to result in any increased costs to the agency. Benefits from decreased consumer complaints relating to disconnection of service are not quantifiable.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:  
TIME AND DATE: 9:30 A.M., September 21, 1990

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE RULE IS:

25-30.320 Refusal or Discontinuance of Service.

(1) Until adequate facilities can be provided, a utility may refuse to serve an applicant if, in the best judgment of the utility, it does not have adequate facilities, and/or supply to render the service applied for, or if the service is of character that is likely to affect unfavorably service to other customers.

(2) As applicable, the utility may refuse or discontinue service under the following conditions provided that, unless otherwise stated, the customer shall be given notice and allowed a reasonable time to comply with any rule or remedy any deficiency:

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(a) For noncompliance with and/or violation of any state or municipal law or regulation governing such utility service.

(b) For failure or refusal of the customer to correct any deficiencies or defects in his piping and/or equipment which are reported to him by the utility.

(c) For the use of utility service for any other property or purpose than that described in the application;

(d) For failure or refusal to provide adequate space for the meter and/or service equipment of the utility.

(e) For failure or refusal to provide the utility with a deposit to insure payment of bills in accordance with the utility's regulation.

(f) For neglect or refusal to provide reasonable access to the utility for the purpose of reading meters or inspection and maintenance of equipment owned by the utility.

(g) For nonpayment of bills or noncompliance with utility's rules and regulations in connection with the same or a different type or a different class of utility service furnished to the same customer at the same premises by the same or affiliated utility only after there has been a diligent attempt to have the customer comply, including at least five (5) working days' written notice to the customers. Such notice shall be separate and apart from any bill for service. For purposes of this subsection, "working day" means any day on which the utility's business office is open and the U.S. Mail is delivered.

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(h) Without notice in the event of a condition known to the utility to be hazardous.

(i) Without notice in the event of tampering with regulators, valves, piping, meter or other facilities furnished and owned by the utility.

(j) Without notice in the event of unauthorized or fraudulent use of service. Whenever service is discontinued for fraudulent use of such service, the utility, before restoring service, may require the customer to make at his own expense all changes in piping or equipment necessary to eliminate illegal use and to pay an amount reasonably estimated as the deficiency in revenue resulting from such fraudulent use.

(3) Service shall be restored when cause for discontinuance has been satisfactorily adjusted.

(4) In case of refusal to establish service, or whenever service is discontinued, the utility shall notify the applicant or customer in writing of the reason for such refusal or discontinuance and of his right of appeal to the Commission.

(5) The following shall not constitute sufficient cause for refusal of service to an applicant or customer:

(a) Delinquency in payment for service by a previous occupant of the premises unless such previous occupant will receive benefit from such service.

(b) Failure to pay for appliances or equipment purchased from the utility.

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(c) Failure to pay for a different class of service, except where two or more classes of service are rendered to the same customer at the same premises.

(d) Failure to pay the bill of another customer as guarantor thereof.

(6) No utility shall discontinue service to any customer, between 12:00 noon on a Friday and 8:00 a.m. the following Monday or between 12:00 noon on the day preceding a public holiday and 8:00 a.m. the next working day; provided, however, that this prohibition shall not apply when:

(a) Discontinuance is requested by or agreed to by the customer; or

(b) A hazardous condition exists; or

(c) Meters or other utility-owned facilities have been tampered with; or

(d) Service is being obtained fraudulently or is being used for unlawful purposes.

Specific Authority: 367.121, F.S.

Law Implemented: 367.081, 367.121, F.S.

History: Amended 9/12/74, 4/3/80, formerly 25-10.74, Transferred from 25-10.074 and Amended 11/9/86.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Hanna, Division of Consumer Affairs

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE:  
Florida Public Service Commission

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DATE PROPOSED RULE APPROVED: July 17, 1990

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.