

Commissioners:  
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JULIA L. JOHNSON



DIVISION OF APPEALS  
DAVID E. SMITH  
DIRECTOR  
(904) 488-7464

# Public Service Commission

September 27, 1993

Mr. Carroll Webb  
Joint Administrative Procedures  
Committee  
120 Holland Building  
Tallahassee, Florida 32399

Re: DOCKET NO. 930633-PU, RULE NO. 25-22.032(4), F.A.C.

Dear Mr. Webb:

The Commission has approved the amendment of Rule 25-22.032(4), F.A.C., without changes.

The rule does not have an impact on small business.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. E. Wyrough".

WILLIAM E. WYROUGH  
Associate General Counsel

WEW

Enclosure  
adp93633.cjp

cc: Steve Tribble, Director,  
Div. Records & Reporting

DOCUMENT NO. 93-0485

10413 SEP 28 1993

1 25-22.032 Customer Complaints.

2 (1) Any customer of a utility regulated by this Commission  
3 may file a complaint with the Division of Consumer Affairs whenever  
4 he has an unresolved dispute with the utility regarding his  
5 electric, gas, telephone, water, or wastewater service. The  
6 complaint may be communicated orally or in writing. Upon receipt  
7 of the complaint a staff member designated by the Director of the  
8 Division shall notify the utility of the complaint and request a  
9 response. The response should explain the utility's actions in the  
10 disputed matter and the extent to which those actions were  
11 consistent with the utility's tariffs and procedures, applicable  
12 state laws, and Commission rules, regulations, and orders.

13 (2) The designated staff member shall investigate the  
14 complaint and attempt to resolve the dispute informally. To that  
15 end, the staff member may request the parties to provide copies of  
16 bills, billing statements, field reports, written documents, or  
17 other information in their possession which may be necessary to  
18 resolve the dispute. The staff member may perform such tests,  
19 on-site inspections, and reviews of utility records as he considers  
20 appropriate and may request the utility to collect data and to  
21 perform tests which are necessary to aid in the resolution of the  
22 dispute.

23 (3) As soon as possible the staff member shall propose a  
24 resolution of the complaint based on his findings, applicable state  
25 laws, the utility's tariffs, and Commission rules, regulations, and

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1 possession which may be relevant to the complaint and may specify  
2 the form in which such information is to be provided;

3 (b) Request a customer to provide any information in the  
4 customer's possession which is necessary to prove any facts the  
5 customer may assert in support of his position;

6 (c) Direct the utility to conduct meter tests and  
7 inspections, diversion of service inspections, and other tests the  
8 appointed staff member deems necessary or appropriate;

9 (d) Question the parties directly regarding all matters  
10 related to the case.

11 (6) At the conference, the parties shall have the opportunity  
12 to present information, orally or in writing, in support of their  
13 positions. During the conference, the appointed staff member may  
14 encourage the parties to discuss and resolve their dispute. The  
15 Commission shall be responsible for tape-recording, but not  
16 transcribing, the informal conference. A party may arrange for  
17 transcription at his own expense.

18 (7) The appointed staff member may permit any party to file,  
19 following the conference, further information, documentation, or  
20 arguments. The opposing party shall have an opportunity to file a  
21 response.

22 (8) If a settlement is not reached, then within 20 days  
23 following the informal conference or the last post-conference  
24 filing, the appointed staff member shall submit a recommendation to  
25 the Commission and shall mail copies of the recommendation to the

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1 parties. The Commission shall dispose of the matter at the next  
2 available agenda conference by issuing a notice of proposed agency  
3 action or by setting the matter for hearing pursuant to section  
4 120.57, Florida Statutes. The Commission may permit the parties to  
5 respond to the recommendation at the agenda conference.

6 (9) At any point during the complaint proceedings, a party  
7 has the right to be represented by an attorney or other qualified  
8 representative. For purposes of this rule a qualified  
9 representative may be any person the party chooses, unless the  
10 Commission sets the matter for hearing. At such hearing the  
11 parties must be represented by an attorney or Class B practitioner  
12 as provided for in Rule 25-22.008 or may represent themselves.  
13 Each party shall be responsible for his own expenses in the  
14 handling of the complaint.

15 (10) During the pendency of the complaint proceedings, a  
16 utility shall not discontinue service to a customer because of an  
17 unpaid disputed bill. However, the utility may require the  
18 customer to pay that part of a bill which is not in dispute. If  
19 the parties cannot agree as to the amount in dispute, the staff  
20 member will make a reasonable estimate to establish an interim  
21 disputed amount until the complaint is resolved. If the customer  
22 fails to pay the undisputed portion of the bill the utility may  
23 discontinue the customer's service pursuant to Commission rules.

24 (11) At any time the parties may agree to settle their  
25 dispute. If a settlement is reached, the parties or their

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1 representatives shall file with the Division of Consumer Affairs a  
2 written statement to that effect. The statement shall indicate  
3 that the settlement is binding on both parties and that the parties  
4 waive any right to further review or action by the Commission. The  
5 Division shall, if the complaint has been docketed, submit the  
6 statement to the Commission for approval. If the complaint has not  
7 been docketed, then the Division shall acknowledge the statement of  
8 settlement by letter to the parties.

9 Specific Authority: 120.53(1), 350.127(2), F.S.

10 Law Implemented: 120.53(1), 120.57, 120.59(4), F.S.

11 History: New 1/3/89, Amended \_\_\_\_\_.

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