

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Amendment of Rule 25- ) DOCKET NO. 930633-PU  
22.032(4), F.A.C., Customer ) ORDER NO. PSC-93-1485-FOF-PU  
Complaints, to Eliminate ) ISSUED: October 12, 1993  
Mandatory Informal Conference. )  
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NOTICE OF ADOPTION OF RULE AMENDMENT

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted the amendment to Rule 25-22.032, F.A.C., relating to customer complaints without change.

The rule amendment was filed with the Department of State on October 8, 1993 and will be effective on October 28, 1993. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission this 12th day of October, 1993.

  
STEVE TRIBBLE, Director  
Division of Records & Reporting

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25-22.032 Customer Complaints.

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

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

(3) As soon as possible the staff member shall propose a resolution of the complaint based on his findings, applicable state laws, the utility's tariffs, and Commission rules, regulations, and orders. The proposed resolution may be communicated to the parties orally or in writing. Upon request, either party shall be entitled to a written copy of the proposed resolution, which shall be delivered by first-class mail.

(4) If a party objects to the proposed resolution, he may file a request for an informal conference on the complaint. The request shall be in writing and should be filed with the Division of Consumer Affairs within 30 days after the proposed resolution is mailed or personally communicated to the parties. Upon receipt of the request the Director of the Division may shall appoint a staff member to conduct the informal conference or the Director may make a recommendation to the Commission for dismissal based on a finding that the complaint states no basis for relief under the Florida Statutes, Commission rules or orders, or the applicable tariffs. If a conference is granted tThe appointed staff member shall have had no prior contact with the complaint. After consulting with the parties, the appointed staff member shall issue a written notice to the parties setting forth the procedures to be employed, the dates by which written materials are to be filed, and the time and place for the informal conference, which shall be held

in the service area, or such other convenient location to which the parties agree, no sooner than 10 days following the notice.

(5) In conjunction with conducting the informal conference, the appointed staff member may:

(a) Require the utility to provide any information in its possession which may be relevant to the complaint and may specify the form in which such information is to be provided;

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

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

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

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

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

(8) If a settlement is not reached, then within 20 days following the informal conference or the last post-conference filing, the appointed staff member shall submit a recommendation to the Commission and shall mail copies of the recommendation to the parties. The Commission shall dispose of the matter at the next available agenda conference by issuing a notice of proposed agency action or by setting the matter for hearing pursuant to section 120.57, Florida Statutes. The Commission may permit the parties to respond to the recommendation at the agenda conference.

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

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

(11) At any time the parties may agree to settle their dispute. If a settlement is reached, the parties or their representatives shall file with the Division of Consumer Affairs a written statement to that effect. The statement shall indicate that the settlement is binding on both parties and that the parties waive any right to further review or action by the Commission. The Division shall, if the complaint has been docketed, submit the statement to the Commission for approval. If the complaint has not been docketed, then the Division shall acknowledge the statement of settlement by letter to the parties.

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

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

History: New 1/3/89, Amended 10/28/93.