

MEMORANDUM

January 16, 1997

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2:35

TO : DIVISION OF RECORDS & REPORTING

FPSC-RECORDS/REPORTING

FROM : RICHARD C. BELLAK, ASSOCIATE GENERAL COUNSEL

RCB

RE : DOCKET NOS. 951485-EU - PETITION TO INITIATE CHANGES
RELATING TO RULE 25-6.049, F.A.C., AND 960020-EU -
PETITION TO INITIATE RULEMAKING TO AMEND RULE 25-6.049,
F.A.C., MEASURING CUSTOMER SERVICE BY VISTANA MANAGEMENT,
LTD.

10 pgs 0560-NDR

Attached please find a Notice of Rulemaking for distribution
by your office.

Industry distribution is:

- Electric (EI)
- Electric (EM)
- Electric (EC)
- Gas (GU)
- Gas (GS)
- Gas Pipeline (GP)
- Telephone (TL)
- Telephone (TI)
- Telephone (TC)
- Telephone (TS)
- Telephone (TX)
- Telephone Alternate Access Vendors (TA)
- Water and Wastewater (WAW)

ok
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faxed - 57
mailed - 2

951485
960020
faxed - 130
mailed - 21

This document has the following priority:

- Must be issued today.
- Must be issued within 48 hours.
- Must be issued within 5 working days.

H 86249.MRD

Attachment

cc: File

W. Terrell

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to Initiate)	DOCKET NO. 951485-EU
Changes Relating To Rule 25-)	
6.049, F.A.C., Measuring)	
Customer Service by micrometer)	
Corporation.)	
<hr/>		
In Re: Petition to Initiate)	DOCKET NO. 960020-EU
Rulemaking to Amend Rule 25-)	ORDER NO. PSC-97-0060-NOR-EU
6.049, F.A.C., Measuring)	ISSUED: January 17, 1997
Customer Service, by Vistana)	
Management, Ltd.)	
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The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
SUSAN P. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-6.049, Florida Administrative Code, relating to Measuring Customer Service.

The attached Notice of Rulemaking will appear in the January 24, 1997 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at the following time and place:

Florida Public Service Commission
9:30 a.m., February 20, 1997
Betty Easley Conference Center
Room 152, 4075 Esplanade Way
Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than February 14, 1997.

DOCUMENT NUMBER-DATE

00598 JAN 17 97

FPSC-RECORDS/REPORTING

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DOCKETS NOS. 951485-EU, 960020-EU
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By ORDER of the Florida Public Service Commission, this 17th
day of January, 1997.

BLANCA S. BAYÓ, Director
Division of Records & Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

RCB

FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NOS. 951485-EU & 960020-EU

RULE TITLE: RULE NO. :
Measuring Customer Service 25-6.049

PURPOSE AND EFFECT: Adds time share plans and marinas as exceptions to the requirement for individual metering of electric power consumption. Also deletes some unnecessary language.

SUMMARY: 25-6.049(1): The phrase "except that sold under flat rate schedule" is deleted.

25-6.049(5) (a): The sentence, "This requirement shall apply whether or not the facility is engaged in a time sharing plan" is deleted.

25-6.049(5) (a) (4): The phrase "and marinas" is added. The phrase "and for marinas where living aboard is prohibited by ordinance, deed restriction, or other permanent means" is deleted.

25-6.049(5) (a) (5): Adds new language excepting time shares from individual metering requirements, and provides for reimbursement by the customer to the utility for costs of conversion to master metering.

25-6.049(5) (b) 2 and 3: Consistent with the exception just described, these subsections concerning time-shares are deleted and the remaining paragraphs are re-numbered.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No additional costs are expected other than the possibility of additional paperwork costs to utilities of informing and preparing customer

service personnel for offering the master meter option to qualifying customers.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 366.05(1) FS.

LAW IMPLEMENTED: 366.05(3) FS.

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.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., February 20, 1997

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:
Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.049 Measuring Customer Service.

(1) All energy sold to customers, ~~except that sold under flat rate schedule,~~ shall be measured by commercially acceptable

measuring devices owned and maintained by the utility, except where it is impractical to meter loads, such as street lighting, temporary or special installations, in which case the consumption may be calculated, or billed on demand or connected load rate or as provided in the utility's filed tariff.

(2) When there is more than one meter at a location the metering equipment shall be so tagged or plainly marked as to indicate the circuit metered. Where similar types of meters record different quantities, (kilowatt-hours and reactive power, for example), metering equipment shall be tagged or plainly marked to indicate what the meters are recording.

(3) Meters which are not direct reading shall have the multiplier plainly marked on the meter. All charts taken from recording meters shall be marked with the date of the record, the meter number, customer, and chart multiplier. The register ratio shall be marked on all meter registers. The watt-hour constant for the meter itself shall be placed on all watt-hour meters.

(4) Metering equipment shall not be set "fast" or "slow" to compensate for supply transformer or line losses.

(5)(a) Individual electric metering by the utility shall be required for each separate occupancy unit of new commercial establishments, residential buildings, condominiums, cooperatives, marinas, and trailer, mobile home and recreational vehicle parks for which construction is commenced after January 1, 1981. ~~This~~

~~requirement shall apply whether or not the facility is engaged in a time sharing plan.~~ Individual electric meters shall not, however, be required:

1. In those portions of a commercial establishment where the floor space dimensions or physical configuration of the units are subject to alteration, as evidenced by non-structural element partition walls, unless the utility determines that adequate provisions can be made to modify the metering to accurately reflect such alterations;
2. For electricity used in central heating, ventilating and air conditioning systems, or electric back up service to storage heating and cooling systems;
3. For electricity used in specialized-use housing accommodations such as hospitals, nursing homes, living facilities located on the same premises as, and operated in conjunction with, a nursing home or other health care facility providing at least the same level and types of services as a nursing home, convalescent homes, facilities certificated under Chapter 651, Florida Statutes, college dormitories, convents, sorority houses, fraternity houses, motels, hotels, and similar facilities;
4. For separate, specially-designated areas for overnight occupancy at trailer, mobile home and recreational vehicle parks and marinas where permanent residency is not

~~established, and for marinas where living aboard is prohibited by ordinance, deed restriction, or other permanent means.~~

5. For new and existing time-share plans, provided that all of the occupancy units which are served by the master meter or meters are committee to a time-share plan as defined in Section 721, Florida Statutes, and none of the occupancy units are used for permanent occupancy. When a time-share plan is converted from individual metering to master metering, the customer must reimburse the utility for the costs incurred by the utility for the conversion. These costs shall include, but not be limited to, the undepreciated cost of any existing distribution equipment which is removed or transferred to the ownership of the customer, plus the cost of removal or relocation of any distribution equipment, less the salvage value of any removed equipment.

(b) For purposes of this rule:

1. "Occupancy unit" means that portion of any commercial establishment, single and multi-unit residential building, or trailer, mobile home or recreational vehicle park, or marina which is set apart from the rest of such facility by clearly determinable boundaries as described in the rental, lease, or ownership agreement for such unit.

~~2. "Time sharing plan" means any arrangement, plan, scheme, or similar device, whether by membership, agreement, tenancy in~~

~~common, sale, lease, deed, rental agreement, license, or right to use agreement or by any other means, whereby a purchaser, in exchange for a consideration, receives a right to use accommodations or facilities, or both, for a specific period of time less than a full year during any given year, but not necessarily for consecutive years, and which extends for a period of more than three years.~~

~~2.3-~~ The construction of a new commercial establishment, residential building, marina, or trailer, mobile home or recreational vehicle park shall be deemed to commence on the date when the building structure permit is issued.

~~4. The individual metering requirement is waived for any time sharing facility for which construction was commenced before December 23, 1982, in which separate occupancy units were not metered in accordance with subsection (5)(a).~~

~~3.5-~~ "Overnight Occupancy" means use of an occupancy unit for a short term such as per day or per week where permanent residency is not established.

~~4.6-~~ The term "cost", as used herein means only those charges specifically authorized by the electric utility's tariff, including but not limited to the customer, energy, demand, fuel, and conservation charges made by the electric utility plus applicable taxes and fees to the customer of record responsible for the master meter payments. The term does not

include late payment charges, returned check charges, the cost of the distribution system behind the master meter, the cost of billing, and other such costs.

(6)(a) Where individual metering is not required under Subsection (5)(a) and master metering is used in lieu thereof, reasonable apportionment methods, including sub-metering may be used by the customer of record or the owner of such facility solely for the purpose of allocating the cost of the electricity billed by the utility.

(b) Any fees or charges collected by a customer of record for electricity billed to the customer's account by the utility, whether based on the use of sub-metering or any other allocation method, shall be determined in a manner which reimburses the customer of record for no more than the customer's actual cost of electricity.

(7) Each utility shall develop a standard policy governing the provisions of sub-metering as provided for herein. Such policy shall be filed by each utility as part of its tariffs. The policy shall have uniform application and shall be nondiscriminatory.

Specific Authority 366.05(1) FS.

Law Implemented 366.05(3) FS.

History--Amended 7-29-69, 11-26-80, 12-23-82, 12-28-83, Formerly 25-6.49, Amended 7-14-87, 10-5-88,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Wheeler

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NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: October 8, 1996

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:
November 22, 1996.

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.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 413-6770 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).