

Commissioners:
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DIVISION OF APPEALS
DAVID E. SMITH
DIRECTOR
(904) 413-6245

Public Service Commission

January 21, 1997

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

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.

Dear Mr. Webb:

Enclosed are an original and two copies of the following materials concerning the above referenced proposed rule:

1. A copy of the rule.
2. A copy of the F.A.W. notice.
3. A statement of facts and circumstances justifying the proposed rule.
4. A federal standards statement.
5. A statement of estimated regulatory costs.

If there are any questions with respect to this rule, please do not hesitate to call on me.

Sincerely,

Richard C. Bellak
Associate General Counsel

ACK _____
 AFA _____
 APP _____
 CAF _____
 CMU _____
 CTR _____
 EAG _____
 LEG _____
 LIN _____
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 SEC _____
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Enclosures

DOCUMENT NUMBER-DATE

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1 25-6.049 Measuring Customer Service.

2 (1) All energy sold to customers, ~~except that sold under flat~~
3 ~~rate schedule,~~ shall be measured by commercially acceptable
4 measuring devices owned and maintained by the utility, except where
5 it is impractical to meter loads, such as street lighting,
6 temporary or special installations, in which case the consumption
7 may be calculated, or billed on demand or connected load rate or as
8 provided in the utility's filed tariff.

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

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

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

23 (5) (a) Individual electric metering by the utility shall be
24 required for each separate occupancy unit of new commercial
25 establishments, residential buildings, condominiums, cooperatives,

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~~struck-through~~ type are deletions from existing law.

1 marinas, and trailer, mobile home and recreational vehicle parks
2 for which construction is commenced after January 1, 1981. ~~This~~
3 ~~requirement shall apply whether or not the facility is engaged in~~
4 ~~a time sharing plan.~~ Individual electric meters shall not,
5 however, be required:

6 1. In those portions of a commercial establishment where the
7 floor space dimensions or physical configuration of the units
8 are subject to alteration, as evidenced by non-structural
9 element partition walls, unless the utility determines that
10 adequate provisions can be made to modify the metering to
11 accurately reflect such alterations;

12 2. For electricity used in central heating, ventilating and
13 air conditioning systems, or electric back up service to
14 storage heating and cooling systems;

15 3. For electricity used in specialized-use housing
16 accommodations such as hospitals, nursing homes, living
17 facilities located on the same premises as, and operated in
18 conjunction with, a nursing home or other health care facility
19 providing at least the same level and types of services as a
20 nursing home, convalescent homes, facilities certificated
21 under Chapter 651, Florida Statutes, college dormitories,
22 convents, sorority houses, fraternity houses, motels, hotels,
23 and similar facilities;

24 4. For separate, specially-designated areas for overnight
25 occupancy at trailer, mobile home and recreational vehicle

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1 parks and marinas where permanent residency is not
2 established, ~~and for marinas where living aboard is prohibited~~
3 ~~by ordinance, deed restriction, or other permanent means.~~

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

17 (b) For purposes of this rule:

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

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

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

8 2.3 The construction of a new commercial establishment,
9 residential building, marina, or trailer, mobile home or
10 recreational vehicle park shall be deemed to commence on the
11 date when the building structure permit is issued.

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

16 3.5 "Overnight Occupancy" means use of an occupancy unit for
17 a short term such as per day or per week where permanent
18 residency is not established.

19 4.6 The term "cost", as used herein means only those charges
20 specifically authorized by the electric utility's tariff,
21 including but not limited to the customer, energy, demand,
22 fuel, and conservation charges made by the electric utility
23 plus applicable taxes and fees to the customer of record
24 responsible for the master meter payments. The term does not
25 include late payment charges, returned check charges, the cost

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1 of the distribution system behind the master meter, the cost
2 of billing, and other such costs.

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

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

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

19 Specific Authority 366.05(1) FS.

20 Law Implemented 366.05(3) FS.

21 History--Amended 7-29-69, 11-26-80, 12-23-82, 12-28-83, Formerly
22 25-6 49, Amended 7-14-87, 10-5-88,_____.

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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

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).

Rule 25-6.049
Docket Nos. 951485-EU &
960020-EU

**STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE**

Time shares should be excepted from the rule requiring individual metering of apartment units because the brief period of time any individual time-share participant stays in the unit would make the conservation goals justifying individual metering irrelevant. The commercial rate applicable to master metering is believed to be appropriate to time shares, because they are more like hotels than residences in their usage patterns.

STATEMENT ON FEDERAL STANDARDS

There is no federal standard on the subject.

M E M O R A N D U M

September 23, 1996

TO: DIVISION OF APPEALS (BELLAK)
FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (HEWITT) *RBH - CRM*
SUBJECT: STATEMENT OF ESTIMATED REGULATORY COSTS FOR DOCKET NO. 951485-EU;
PROPOSED REVISIONS TO RULE 25-6.049, FAC, MEASURING CUSTOMER SERVICE

SUMMARY OF THE RULE

The current rule outlines the requirements for measuring customer consumption of electricity with meters. With certain exceptions such as specialized housing accommodations and transient facilities, individual meters are required for each customer.

The proposed rule amendments would add new and existing time-share facilities and marinas to the exception category.

ESTIMATED NUMBER AND DESCRIPTION OF INDIVIDUALS AND ENTITIES REQUIRED TO COMPLY

Electric Investor Owned Utilities (IOUs) would be required to allow master meter installations for time-share and marina operator customers. There are five IOUs regulated by the Commission in Florida.

DIRECT COSTS TO THE AGENCY AND OTHER STATE OR LOCAL GOVERNMENT ENTITIES

There should be no additional costs to the Commission except the ongoing regulatory costs of implementing and monitoring the rule amendments. Other state or local government entities should have no additional direct costs.

ESTIMATED TRANSACTIONAL COSTS TO INDIVIDUALS AND ENTITIES REQUIRED TO COMPLY

The IOUs should incur no additional costs to install master meters versus a series of individual meters for time-share units and marina boat slips, because IOUs would be compensated for the cost of conversion, including the undepreciated cost of existing distribution equipment. However, there may be some revenue loss if the master-metered customers are billed at a lower tariffed

rate than individually-metered customers are billed. The amount would depend on the difference in tariffed rates.

There could also be additional IOU paperwork costs to inform and prepare customer service personnel for offering the master meter option to qualifying customers. Ongoing, customer charge revenues would be less with a master meter. However, this would be offset by lower administrative costs for fewer billing and collecting accounts. Florida Power Corporation calculated in a November, 1993, Cost of Service Study that the average customer cost per bill was \$8.41 per month.

IMPACT ON SMALL BUSINESSES, SMALL COUNTIES, OR SMALL CITIES

No direct impact on small businesses is foreseen, as none of the affected utilities qualify as a small business as defined by s. 288.703 F.S. No direct impact is foreseen on small counties and cities as defined in s. 120.52, F.S. Therefore, there would be no need for tiered rule requirements. Small businesses which choose to install master meters would have reduced customer charges.

REASONABLE ALTERNATIVE METHODS

A broader expansion for the allowance of master meters was suggested in the petition for rule changes by MicroMeter. However, that expansion would be contrary to Commission policy that encourages conservation and would be a more costly alternative for the IOUs.

CBH:tf/e-meters