

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Proposed revisions to Rule 25-6.049, F.A.C., Measuring Customer Service. || DOCKET NO. 050152-EU
|| ORDER NO. PSC-06-0400-NOR-EU
|| ISSUED: May 11, 2006

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW

NOTICE OF RULEMAKING

BY THE COMMISSION:

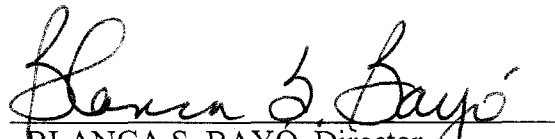
NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-6.049, Florida Administrative Code, relating to measuring customer service.

The attached Notice of Rulemaking will appear in the May 19, 2006 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at a time and place to be announced in a future notice.

Written requests for hearing and written comments or suggestions on the rule must be received by the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than June 9, 2006.

By ORDER of the Florida Public Service Commission this 11th day of May, 2006.


BLANCA S. BAYO, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

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FPSC-COMMISSION CLERK

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NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 050152-EU

RULE TITLE:

RULE NO.:

Measuring Customer Service

Measuring Customer Service

PURPOSE AND EFFECT: The Commission has granted several waivers of the individual metering requirements of Rule 25-6.049, F.A.C., for condominiums that operate in a manner similar to hotels and motels. The Commission is now proposing rule language to create an exemption for these types of facilities.

SUMMARY: The amendment would eliminate the requirement that the occupancy units in certain new and existing residential condominiums and cooperatives that operate like hotels and motels be individually metered for their electricity usage.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The SERC concluded that there should be no negative impact on regulated utilities, the agency, small businesses, cities or county. These entities should benefit as the amendments made the rule clearer.

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), F.S.

LAW IMPLEMENTED: 366.05(1), ~~366.05(3)~~, 366.80, 366.81 and 366.82, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE

SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, 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 SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE THESE PROPOSED RULE IS:

Lawrence D. Harris, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6245.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.049 Measuring Customer Service.

(1) – (4) No change.

(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. However, individual metering shall not be required for any such occupancy unit for which a construction permit was issued before, and which has received master-metered service continuously since, is commenced after January 1, 1981. In addition, individual electric meters shall not, however, be required:

~~1.~~(a) (1) through (2) renumbered as (a) through (b). No change;

~~3.~~(c) 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;

(d) For lodging establishments such as hotels, motels, and similar facilities which are rented, leased, or otherwise provided to guests by an operator providing overnight occupancy as defined in subparagraph (8)(b).

~~4~~(e) For separate, specially-designated areas for overnight occupancy, as defined in subparagraph (8)(b), at trailer, mobile home and recreational vehicle parks and marinas where permanent residency is not established.

~~5~~(f) For new and existing time-share plans, provided that all of the occupancy units which are served by the master meter or meters are committed 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.~~

(g) For condominiums that meet the following criteria:

1. The declaration of condominium requires that at least 95 percent of the units are used solely for overnight occupancy as defined in subparagraph (8)(b) of this rule;
2. A registration desk, lobby and central telephone switchboard are maintained; and,

3. A record is kept for each unit showing each check-in and check-out date for the unit, and the name (s) of the individual(s) registered to occupy the unit between each check-in and check-out date.

(6) Master-metered condominiums

(a) Initial Qualifications - In addition to the criteria in subsection (5)(g), in order to initially qualify for master-metered service, the owner or developer of the condominium, the condominium association, or the customer must attest to the utility that the criteria in subsection (5)(g) and in this subsection have been met, and that any cost of future conversion to individual metering will be the responsibility of the customer, consistent with paragraph (7) of this rule. Upon request and reasonable notice by the utility, the utility shall be allowed to inspect the condominium to collect evidence needed to determine whether the condominium is in compliance with this rule. If the criteria in subsection (5)(g) and in this subsection are not met, then the utility shall not provide master-metered service to the condominium.

(b) Ongoing Compliance - The customer shall attest annually, in writing, to the utility that the condominium meets the criteria for master metering in subsection (5)(g). The utility shall establish the date that annual compliance materials are due based on its determination of the date that the criteria in subsections (5)(g) and (6)(a) were initially satisfied, and shall inform the customer of that date before the first annual notice is due. The customer shall notify the utility within 10 days if, at any time, the condominium ceases to meet the requirements in subsection (5)(g).

(c) Upon request and reasonable notice by the utility, the utility shall be allowed to inspect the condominium to collect evidence needed to determine whether the condominium is in

compliance with this rule.

(d) Failure to comply - If a condominium is master metered under the exemption in this rule and subsequently fails to meet the criteria contained in subsection 5(g), or the customer fails to make the annual attestation required by subsection (6)(b), then the utility shall promptly notify the customer that the condominium is no longer eligible for master-metered service. If the customer does not respond with clear evidence to the contrary within 30 days of receiving the notice, the customer shall individually meter the condominium units within six months following the date on the notice. During this six month period, the utility shall not discontinue service based on failure to comply with this rule. Thereafter, the provisions of Rule 25-6.105 apply.

(7) When a structure or building is converted from individual metering to master metering, or from master metering to individual metering, the customer shall be responsible for the costs incurred by the utility for the conversion. These costs shall include, but not be limited to, any remaining 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)~~(8) For purposes of this rule:

~~1.~~ (a) No change.

~~2.~~ 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.

~~3.~~(b) No change.

~~4.~~ 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)(9)(a) Where individual metering is not required under Subsection (5) 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. 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, conservation, capacity and environmental 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 customer-owned distribution system behind the master meter, the customer of record's cost of billing the individual units, and other such costs.

(b) – (c) No change.

Specific Authority: 366.05(1) FS.

Law Implemented: 366.05(1), ~~366.05(3)~~, 366.80, 366.81, and 366.82, 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, 3/23/97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Connie Kummer

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:

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Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: May 2, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 31,
Number 48, December 2, 2005.