BEFORE THE PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rules 25-6.022, 25-6.052, 25-6.056, 25-6.058, 25-6.059, 25-6.060, and 25-6.103, Florida Administrative Code.	DOCKET NO. 060121-EI ORDER NO. PSC-06-0507-FOF-EI ISSUED: June 14, 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 ADOPTION OF RULE AMENDMENTS

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted, without changes, the amendments to Rules 25-6.022, 25-6.052, 25-6.056, 25-6.058, 25-6.059, 25-6.060 and 25-6.203, Florida Administrative Code, relating to electric meter testing.

The rules were filed with the Department of State on June 13, 2006 and will be effective on July 3, 2006. A copy of the rules as filed with the Department is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission this 14th day of June, 2006.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(SEAL)

SMC

25-6.022 Record of Metering Devices and Metering Device Tests.

(1) For all types of utility-performed tests, a test record shall be made whenever a unit of metering equipment is tested, but need not be retained after the equipment is again tested unless the test is made in accordance with Rule 25-6.059 or Rule 25-6.060. When equipment accuracy testing is required under Rule 25-6.059 or Rule 25-6.060, any record of accuracy testing for disputed equipment that is on file at the time the customer request is made under Rule 25-6.059 or Rule 25-6.060 must be retained until the dispute is resolved. The record shall show information to identify the unit and its location; equipment with which the unit is associated; the date of the test; reason for the test; readings before and after the test; if the meter creeps, a statement as to the rate of creeping; a statement of the "as found" accuracy; indications showing that all required checks have been made; a statement of repairs made, if any; and identification of the person making the test. The completion of each test will signify the "as left" accuracy falls within the required limits specified in Rule 25-6.052, F.A.C., unless the meter is to be retired.

(2) Each utility shall keep a record for each unit of metering equipment showing the date the unit was purchased, if available; the utility's identification; associated equipment; essential name plate data; date of test; results of "as found" test; and location where installed with date of installation.

(3) Records of Test for Incoming Purchases. Regardless whether the newly purchased metering equipment is tested under a Random Sampling Plan approved pursuant to Rule 25-6.056, each utility shall maintain and make available to the Commission for each purchase of new meters and associated devices made during the calendar or fiscal year, the following information:

(a) Type of equipment, including manufacturer, model number, and any features which will subsequently be used to classify the units purchased into a population of units for in-service tests;

(b) The number of units purchased;

(c) The total number of units tested;

(d) The number of units tested measuring each percent registration recorded;

(e) Average percent registration;

(f) Standard deviation about the average percent registration (population or sample standard deviation);

(g) Results regarding whether the units tested meet the utility's acceptance criteria; and

(h) If a utility does not perform its tests for incoming purchases, the data provided by equipment manufacturers concerning units tested on a 100 percent basis by the manufacturer, with the manufacturer's test results used as a basis for acceptance testing, shall also be retained.

(4) Records of Periodic and Annual In-Service Meters Tests. Each utility shall maintain test records for each periodic and annual in-service test of electric meters and associated devices in such a manner that the information listed in paragraphs (4)(a) through (h) is readily available to the Commission on request. These data shall be maintained for units of metering equipment tested under approved Random Sampling Plans and for units tested under periodic testing programs, and shall be summarized on an annual basis.

(a) Type of equipment, including manufacturer, model number, and any features <u>that</u> ~~which~~ are currently used to classify the units tested into a population of units for in-service tests;

(b) The number of units in the population;

(c) The total number of units tested;

(d) The number of units tested measuring each percent registration recorded;

(e) Average percent registration;

(f) Standard deviation about the average percent registration (population or sample standard deviation);

(g) Results showing whether the units tested under an approved random sampling program meet the utility's acceptance criteria; and

(h) A statement of the action to be taken to make further tests or replace inaccurate units, when the units tested under an approved random sampling program do not meet the acceptance criteria.

(i) The information regarding units tested during the year but not tested under a Random Sampling Plan or a periodic testing program need not be maintained as listed in paragraphs (4)(a) through (h) or be summarized on an annual basis.

Specific Authority 366.05(1) FS.

Law Implemented 366.05(1), (3), 366.04(2)(f) FS.

History–Amended 7-29-69, Formerly 25-6.22, Amended 5-19-97,_____.

25-6.052 Accuracy Requirements and Test ~~Procedures~~ Plans for ~~and Accuracies of Consumption~~ Metering Devices.

(1) Definitions.

(a) "Electronic Meter." Any meter that measures electric demand or energy and displays registration using electronic components only.

(b) "Mechanical Meter." Any meter that measures electric demand or energy and displays registration using mechanical components rather than electronic or solid-state components.

(c) "Lagged Demand (or Thermal Demand) Meter." Any meter that indicates demand by means of thermal or mechanical devices having an approximately exponential response.

(d) "Registration Error." The variation in kilowatts or kilowatt-hours from the true value measured by a standard or reference device.

(e) "Meter Type." A combination of design and construction that forms a unique method of measurement of the consumption of electricity. For example, electromechanical, thermal, solid state, hybrid, etc.

(2)~~(1)~~ Accuracy Requirements for Watthour Meters. The performance of an in-service watthour meter shall be acceptable when the meter does not creep and the average registration error does not exceed plus or minus two percent. ~~percentage registration is not more than 102 percent nor less than 98 percent, calculated~~ Meter registration error shall be determined in accordance with Rule 25-6.058(1), F.A.C.

(3)~~(2)~~ Accuracy Requirements for Demand Meters and Registers.

(a) The performance of a mechanical or lagged demand meter or register shall be acceptable when the ~~error of~~ registration error does not exceed four percent in terms of full-scale value~~, when tested~~ at any point between 25 percent and 100 percent of full-scale value. Meter registration error shall be determined in accordance with Rule 25-6.058(2)(a).

(b) The performance of an electronic demand meter or register shall be acceptable when the ~~error of~~ registration error does not exceed two percent of reading~~, when tested~~ at any point between 10 percent and 100 percent of ~~full scale value~~ test amperes. Meter registration error shall be determined in accordance with Rule 25-6.058(2)(b).

(c) Demand meters shall indicate zero under no-load conditions.

(4)~~(3)~~ Meter Equipment Test Procedures.

(a) The test of any unit of metering equipment shall consist of a comparison of its accuracy with the accuracy of a standard.

(b) Watthour meters and associated devices shall be tested for accuracy and adjusted in accordance with American National Standard for Electric Meters, Code for Electricity Metering (ANSI C12.1 – 20011995), which is incorporated herein by reference.

(c) Electronic ~~Totally solid-state~~ meters that compute demand from watthour meter registration and programmed demand algorithms shall be tested and adjusted in accordance with ANSI C12.1 – 20011995. Demand registration need not be tested, provided the meter has been inspected to contain the correct demand algorithm whenever watthour registration is tested.

(5)~~(4)~~ Test Plans ~~Procedures~~.

(a) Each utility shall submit its test plan ~~procedures~~ for review and approval for all types of metering equipment, including:

1. Single-phase watthour meters;

2. Polyphase watthour meters;

3. Demand meters;

4. Pulse initiating meters;

5. Pulse recorders;

6. Time-of-use meters; and

7. Instrument Transformers.

(b) Test plans ~~procedures~~ shall contain the following for each type of metering device covered:

1. Adjustment limits;

2. Test points;

3. Test duration;

4. Type of test – single-phase test, polyphase test, etc.; and

5. Description of the general steps involved.

(c) Any changes to a previously approved test plan ~~procedure~~ must be submitted to the Commission's Division of Economic Regulation for approval. Adding a meter type to a previously approved test plan ~~procedure~~ is a change that ~~which~~ requires approval.

(d) Review of Proposed Test Plans ~~Procedures~~. Except where a utility has requested a formal ruling by the Commission, the Division of Economic Regulation shall within 90 days after submission review each utility's proposed test plan ~~procedures~~ to determine whether it satisfies ~~they satisfy~~ the criteria set forth in paragraphs (5)~~(4)~~(a) and (b) above and shall notify the utility in writing of its decision accepting or rejecting the proposed plan ~~procedures~~. If a proposed plan ~~procedure~~ is rejected, the written notice of rejection shall state clearly the reasons for rejecting the proposed plan ~~procedure~~. If a utility's proposed plan ~~procedure~~ is rejected, the utility shall submit a revised plan ~~procedure~~ to the Commission within 60 days after receiving the notice of rejection. Where a utility has requested staff review of its plan ~~procedures~~ and a plan ~~procedure~~ has been rejected, the utility may petition the Commission for approval of the plan ~~procedure~~. ~~If a utility has not submitted a satisfactory procedure within six months following the submission of the initially proposed procedure, the Commission may prescribe by order a procedure for the utility.~~

Specific Authority 366.05(1) FS.

Law Implemented 366.05(3) FS.

History–Amended 7-29-69, Formerly 25-6.52, Amended 5-19-97,_____.

25-6.056 Metering Device Test Plans.

(1) The test of any unit of metering equipment shall consist of a comparison of its accuracy with a standard of known accuracy. Units not meeting the accuracy or other requirements of Rule 25-6.052, F.A.C., at the time of the test shall be corrected to meet such requirements and adjusted to within the required accuracy as close to 100 percent accurate as practicable or their use discontinued.

(2) All metering device tests shall be retained in accordance with ~~by the utility and made available to the Commission pursuant to~~ Rule 25-6.022, F.A.C.

(3) New instrument transformers shall be tested in accordance with subsection (5) of this rule ~~before initial installation~~. Instrument transformers that ~~which~~ have been removed from service shall be tested prior to reinstallation if the reason for removal, physical appearance, or record of performance gives cause to doubt its reliability.

(4) All metering equipment listed in Rule ~~paragraph~~ 25-6.052(5)~~(4)~~(a), F.A.C., shall be tested:

(a) Before initial and each successive installation, either by the utility or the manufacturer, with the exception of units of metering equipment that ~~which~~ are statistically sample tested by the utility under an approved Random Sampling Plan; and

(b) When they are suspected by the utility of being inaccurate or damaged.

(5) Acceptance Testing. Tests for all new units of metering equipment may be performed according to one of three plans:

(a) On a 100 percent basis, with testing performed by the utility;

(b) On a statistically sampled basis under an approved Random Sampling Plan, with testing performed by the utility; or

(c) On a 100 percent basis, with testing performed by the manufacturer and the test results for each unit provided by the manufacturer and maintained by the utility.

(6) Within each population specified in an approved sampling plan or periodic test plan of mechanical or lagged demand meters, or other metering devices for which acceptability is stated in terms of full-scale value, each device shall have the same class amperage and class voltage.

(7)~~(6)~~ In-Service Testing.

(a) In-service metering devices may be sample tested under an approved Random Sampling Plan.

(b) In-service metering devices that ~~which~~ are not included in an approved Random Sampling Plan shall be tested periodically. The periodic testing schedule for equipment not included in an approved Random Sampling Plan must be approved by the Commission.

(8)~~(7)~~ Random Sampling Plans Submitted for Approval.

~~(a) Commission-approved Random Sampling Plans may be used to accept or reject shipments of newly purchased equipment and to estimate the average accuracy of equipment in service.~~

(a)~~(b)~~ Random Sampling Plans published by the United States Department of Defense or by The American Society for Quality Control, or any other sampling plans that ~~which~~ have been approved by the Commission prior to the effective date of this rule need not be re-approved for the types of equipment for which they were approved.

(b)~~(c)~~ Each Random Sampling Plan submitted for approval shall include, at a minimum, the following information:

1. Plans to more closely monitor populations of equipment in service for which estimates indicate accuracy problems, to determine if units in the population need to be adjusted or replaced (in-service sampling plans).

2. A statement of the plan's statistical design and the rationale for using the plan in lieu of testing 100 percent of the units in the population.

3. A precise statement of the plan's null hypothesis and alternative hypotheses, the probability of committing Type I error and Type II error, and the criteria for accepting or rejecting the null hypothesis.

(c)~~(d)~~ "Variables" sampling plans may use either the "known variability" or the "unknown variability" acceptance criteria. The acceptance criteria shall be appropriately modeled. Variables sampling plans shall use the population standard deviation to measure variability unless the proposed plan is accompanied by adequate justification for using another parameter.

(9)~~(8)~~ The analysis of a proposed Random Sampling Plan, or a proposed periodic in-service testing schedule where applicable, shall include assessments of the plan's ability to detect the presence of inaccurate equipment, the economy of testing only a sample of the units in the population, the impact of having inaccurate units used for billing purposes, the number of units in the population, and the historical performance of the type of equipment covered by the proposed plan.

(10)~~(9)~~ Approval of Sampling Plans and In-Service Testing Schedules. All utilities subject to this rule shall submit to the Commission's Division of Economic Regulation a proposed Random Sampling Plan for each population of metering devices for which it intends to use a random sampling plan for acceptance testing or for in-service testing, and a proposed

periodic testing schedule for each population of metering devices for which it does not submit a proposed in-service random sampling plan. Sampling plans and in-service testing schedules must be reviewed and approved pursuant to subsection (11) of this rule prior to their use.

(11)~~(10)~~ Review of Proposed Test Plan. As used in this subsection, the word "plan" includes periodic testing schedules as well as Random Sampling Plans. Except where a utility has requested a formal ruling by the Commission, the Division of Economic Regulation shall within 90 days after submission review each utility's plan to determine whether it satisfies the criteria set forth in subsections (8)~~(7)~~ and (9)~~(8)~~ above and shall notify the utility in writing of its decision accepting or rejecting the proposed plan. If a proposed plan is rejected, the written notice of rejection shall state clearly the reasons for rejecting the proposed plan. If a utility's proposed plan is rejected, the utility shall submit a revised plan to the Commission within 60 days after receiving the notice of rejection. Where a utility has requested staff review of its plan and the plan has been rejected, the utility may petition the Commission for approval of the initially proposed plan. ~~If a utility has not submitted a satisfactory plan within six months following the submission of the initially proposed plan, the Commission may prescribe by order a plan for the utility.~~

Specific Authority 366.05(1) FS.

Law Implemented 366.05(3) FS.

History–New 7-29-69, Amended 4-13-80, Formerly 25-6.56, Amended 5-19-97,_____.

25-6.058 Determination of Average Meter Registration Error.

~~Whenever a metering installation is tested and found to exceed the accuracy limits, the average error shall be determined in one of the following ways:~~

(1) Average Meter Registration Error for Watthour Registers.

(a)~~(1)~~ If the metering installation is used to measure a load which has practically constant characteristics, such as a street-lighting load, the meter shall be tested under similar conditions of load and the registration error ~~accuracy~~ of the meter "as found" shall be considered as the average meter error ~~accuracy~~.

(b)~~(2)~~ If a single-phase metering installation is used on a varying load, the average registration error shall be determined by ~~in~~ one of the following methods. ~~ways:~~ The utility shall select the method that best fits the customer's usage pattern.

1.~~(a)~~ The weighted algebraic average of the error at approximately 10 percent and at 100 percent of the rated test amperes for the meter, the latter being given a weight of four times the former;

2.~~(b)~~ The simple average of the error at approximately 10 percent and at approximately 100 percent of the rated test amperes of the meter, each being given an equal weight; or

3.~~(c)~~ A single point, when calculating the error of an electronic ~~a totally solid-state~~ meter, and the single point is an accurate representation of the error over the load range of the meter.

(c)~~(3)~~ If a polyphase metering installation is used on a varying load, the average registration error shall be determined by ~~in~~ one of the following methods. ~~ways:~~ The utility shall select the method that best fits the customer's usage pattern.

1.~~(a)~~ The weighted algebraic average of its error at light load (approximately 10 percent rated test amperes) given a weight of one, its error at heavy load (approximately 100 percent rated test amperes) and 100 percent power factor given a weight of four, and at heavy load (approximately 100 percent rated test amperes) and 50 percent lagging power factor given a weight of two; or

2.~~(b)~~ A single point, when calculating the error of an electronic ~~a totally solid state~~ meter, and the single point is an accurate representation of the error over the load range of the meter.

(2) Average Meter Registration Error for Demand Registers.

(a) For mechanical or lagged demand meters, registration error shall be determined by testing the meter at both 40 percent and 80 percent of its full-scale value, as read on the reference or standard meter, or as near to these two points as practicable. The following two formulas shall be used to estimate the kilowatt error of the meter at 25 percent of full scale and at 100 percent of full scale:

$$E_{25} = [E_{80} - E_{40}]/[R_{80} - R_{40}]*[R_{25} - R_{40}] + E_{40}$$

$$E_{100} = [E_{80} - E_{40}]/[R_{80} - R_{40}]*[R_{100} - R_{40}] + E_{40}$$

where:

R_{25} and R_{100} denote the kilowatt readings on the reference meter at 25 percent and 100 percent of the full scale value of the meter being tested, respectively;

R_{40} and R_{80} denote the kilowatt readings on the reference meter at 40 percent and 80 percent of the full scale value of the meter being tested, respectively;

E_{40} is the difference in kilowatts between the reference reading (R_{40}) and the reading on the meter being tested;

E_{80} is the difference in kilowatts between the reference reading (R_{80}) and the reading on the meter being tested;

E_{25} is the estimated kilowatt error corresponding to R_{25}; and

E_{100} is the estimated kilowatt error corresponding to R_{100}.

The greater of these two estimated kilowatt errors, E_{25} or E_{100}, shall be expressed as a percentage of the full-scale value of the meter being tested to determine if the meter meets the accuracy requirement of Rule 25-6.052(3)(a).

(b) For electronic demand meters, demand registration need not be separately tested provided the meter has been inspected to contain the correct demand algorithm whenever watthour registration is tested.

Specific Authority 366.05(1) FS.

Law Implemented 366.05(3) FS.

History–New 7-29-69, Formerly 25-6.58, Amended 5-19-97,_____.

25-6.059 Meter Test by Request.

(1) Upon request of a customer, the utility shall, without charge, make a test of the accuracy of the meter in use at his premises provided that the meter has not been tested by the utility or the Commission within twelve (12) months previous to such request. This may be a shop test.

(2) Should any customer request a meter test more frequently than provided for in subsection (1) of this rule, the utility may require a deposit to defray costs of testing, such deposit not to exceed ~~fifteen dollars ($15.00)~~ one hundred dollars ($100.00) for each test. If the meter is found to be running fast in excess of the allowable limit the deposit shall be refunded, but if the meter is below the allowable limit, the deposit may be retained by the utility as a service charge for conducting the test.

(3) If the customer so desires, he or his authorized representative shall have the privilege of witnessing the test. A written report giving the results of the test shall be furnished to the customer upon request.

(4) At the request of the customer, the utility shall make arrangements for a meter test to be conducted by an independent meter testing facility of the customer's choosing. The customer shall be responsible for negotiating and paying to the independent meter testing facility any fee charged for such a test. Such independent meter testing facilities shall, at a minimum, conform to the requirements of the American National Standard for Electric Metering, Code for Electricity Metering, ~~Seventh Edition~~ (ANSI C12.1 2001~~1982~~), which is incorporated herein by reference. Where appropriate, the meter may be field tested. The customer shall be responsible for all the costs incurred by ~~to~~ the utility related to ~~associated with~~ a meter test by an independent ~~meter~~ testing facility. The utility shall provide a detailed estimate of ~~such~~ costs the utility expects to incur related to the meter test and may require payment of such costs prior to the actual meter test. The customer shall provide to the utility a detailed estimate of charges from the independent testing facility for the meter test prior to the actual test. If the meter is found to be running fast in excess of the limits established by these rules, any payment collected by the utility related to the meter test ~~such costs~~ shall be refunded, but if the meter is found to be within the ~~allowable~~ limits established by these rules, the utility may retain any payments collected by the utility related to the meter test ~~the costs~~.

(5) The utility may, at its discretion, conduct its own test of the meter in conformance with the testing standards established by these rules. In the event that separate tests of the same meter conflict as to whether the meter meets the accuracy standards established by these rules, at the request of the utility or the customer, the Commission will resolve the matter.

(6) For equipment tested under this rule, any previous accuracy test result on record at the time the meter test is requested must be retained in accordance with Rule 25-6.022.

Specific Authority 366.05(1) FS.

Law Implemented 366.05(4), (5), 366.05(3) FS.

History–New 7-29-69, Amended 10-11-83, Formerly 25-6.59,_____.

25-6.060 Meter Test - Referee.

(1) In the event of a dispute, upon written application to the Commission by any customer, a test of the customer's meter will be made by the utility as soon as practicable. Said test will be supervised by a representative of the Commission.

(2) A meter shall in no way be disturbed after the utility has received notice that application has been made for such referee test unless a representative of the Commission is present or unless authority to do so is first given in writing by the Commission or by the customer.

(3) A report of the results of the test will be made by the Commission to the customer.

(4) For equipment tested under this rule, any previous accuracy test result on record at the time the meter test is requested must be retained in accordance with Rule 25-6.022.

Specific Authority 366.05(1) FS.

Law Implemented 366.05(3) FS.

History–New 7-29-69, Formerly 25-6.60,_____.

25-6.103 Adjustment of Bills for Meter Error.

(1) For mechanical or lagged demand meters, the error at the customer's average billing demand over the refund period shall be used to determine the amount to refund or backbill the customer. This error shall be determined by testing the meter at both 40 percent and 80 percent of meter full scale value, as read on the standard or reference meter, or as near to these two points as is practicable. The following formula shall be used to estimate the kilowatt error of the meter at the customer's average billing demand:

$E_{avg} = [E_{80} - E_{40}]/[M_{80} - M_{40}]*[M_{avg} - M_{40}] + E_{40}$

where:

M_{avg} denotes the customer's average billing demand over the refund period;

M_{40} and M_{80} denote the kilowatt readings on the meter being tested when the reference meter is at 40 percent and 80 percent of the full-scale value of the meter being tested, respectively;

E_{40} and E_{80} denote the kilowatt errors on the meter being tested corresponding to M_{40} and M_{80}, respectively; and

E_{avg} denotes the estimated kilowatt error at the customer's average billing demand.

The kilowatt error so determined, E_{avg}, shall be expressed as a percentage, P, of the reference meter reading corresponding to the average billing demand. This percentage shall be used to determine the corrected billing demand for each month of the refund period. A correction factor, C.F., will be applied to the original billing demand for each month in the refund/backbill period to determine the corrected billing demand for each month as follows:

C.F. * Original Billing Demand = Corrected Billing Demand

where:

C.F. = [1/(1+P)]

and P is the percentage error of E_{avg} relative to the reference meter reading corresponding to the average billing demand over the refund/backbill period.

(2) For watthour and electronic demand meters, the percentage error to be used for refunds and backbills shall be the same percentage calculated when tested for watthour registration as set forth in Rules 25-6.058(1) and 25-6.058(2)(b), respectively. A correction factor, C.F., will be applied to the original billing demand/energy for each month in the

refund/backbill period to determine the corrected billing demand/energy for each month as follows:

C.F. * Original Billing Demand/Energy = Corrected Billing Demand/Energy

where:

C.F. = [1/(1+P)]

and P is the percentage error calculated according to Rule 25-6.058(1) for watthour meters and Rule 25-6.058(2)(b) for electronic demand meters.

(3)~~(1)~~ Over-registering ~~Fast~~ meters. Whenever a meter tested is found to have an error in excess of the plus tolerance allowed in Rule 25-6.052, F.A.C., the utility shall refund to the customer the amount billed in error as determined by subsection (1) or subsection (2) of this rule ~~Rule 25-6.058, F.A.C.,~~ for one half the period since the last test, said one half period shall not exceed twelve (12) months; except that if it can be shown that the error was due to some cause, the date of which can be fixed, the overcharges shall be computed back to but not beyond such date based upon available records. The refund shall not include any part of any minimum charge.

(4)~~(2)~~ Under-registering ~~Slow~~ meters.

(a) ~~Except as provided by this paragraph,~~ A~~a~~ utility may backbill in the event that a meter is found to be under-registering ~~slow, non-registering or partially registering~~. A utility may not backbill for any period greater than twelve (12) months ~~from the date it notifies a customer that his or her meter is slow, non-registering or partially registering~~. If it can be ascertained that the meter was under-registering ~~slow, non-registering or partially registering~~ for less than twelve (12) months ~~prior to notification~~, then the utility may backbill only for the lesser period of time. In any event, the customer may extend the payments of the backbill over the same amount of time for which the utility issued the backbill. ~~Nothing in this subsection shall be construed to~~

~~limit the application of Rule 25-6.104, F.A.C., or prohibit a utility from backbilling for four years pursuant to subsection (5) of this rule.~~

(b) Nothing in subsection (4)(a) of this rule shall be construed to limit the application of Rule 25-6.104, or prohibit a utility from backbilling for four years pursuant to subsection (7) of this rule.

(c)~~(b)~~ Whenever a meter is tested and not subject to Rule 25-6.104 or subsection 25-6.105(5), F.A.C., and is found to have an error in excess the minus tolerance allowed by Rule 25-6.052, F.A.C., the utility may bill the customer an amount equal to the unbilled error as determined by subsection (1) or subsection (2) of this rule. ~~Rule 25-6.058, F.A.C., in accordance with this subsection. In order to determine the amount of undercharge, the recorded consumption shall be adjusted using the amount of error found by the meter to determine the correct consumption and the customer's bills in question shall be recalculated and computed to the actual bills rendered~~. If the utility has required a deposit for a meter test as permitted under subsection (2) of Rule 25-6.059~~(2)~~, F.A.C., the customer may be billed only for that portion of the unbilled error which is in excess of the deposit retained by the utility.

(5)~~(c)~~ In the event of a non-registering meter or a meter for which the test results are inconclusive ~~partially registering meter, unless the provisions of subsection (3) of this rule apply~~, the utility may bill the customer on an estimate based on previous bills for similar usage or on other sources of available data provided.

~~(3) It shall be understood that when a meter is found to be in error in excess of the prescribed limits, the figure to be used for calculating the amount of refund or charge in subsection (1) or paragraph (2)(b) above shall be that percentage of error as determined by the test.~~

(6)~~(4)~~ Creeping. Whenever a meter, upon proper testing, is found to have a registration error due to "creep" in excess of the tolerance allowed by Rule 25-6.052, F.A.C., the error shall be calculated by timing the rate of "creeping" and assuming that the creeping affected the registration of the meter for 25% of the time, unless a more accurate estimate of the percentage of time the meter should have been inactive can be obtained.

(7)~~(5)~~ Where a utility determines that a service location has not previously been properly metered through errors of an electrical contractor, the utility may backbill for up to four years from the date of notice to the customer that the error has been discovered.

The customer may extend the payments of the backbill over the same amount of time for which the utility issued the backbill.

Specific Authority 366.05(1) FS.

Law Implemented 366.03, 366.041(1), 366.05(1), (3), (4), 366.06(1) FS.

History–New 7-29-69, Amended 4-13-80, 5-3-82,_____.