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CERTIFICATION OF

PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES

COMMISSION CLERK

FILED WITH THE DEPARTMENT OF STATE

I do hereby certify:

/x/ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

/x/ (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

/x/ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

// (a) Are filed not more than 90 days after the notice; or

// (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

// (c) Are filed more than 90 days after the notice, but not less than 21 days nor

IMP more than 45 days from the date of publication of the notice of change; or

OM

TR /x/ (d) Are filed more than 90 days after the notice, but not less than 14 nor more

CR than 45 days after the adjournment of the final public hearing on the rule; or

CL

PC // (e) Are filed more than 90 days after the notice, but within 21 days after the

CA date of receipt of all material authorized to be submitted at the hearing; or

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// (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

// (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

// (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

// (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

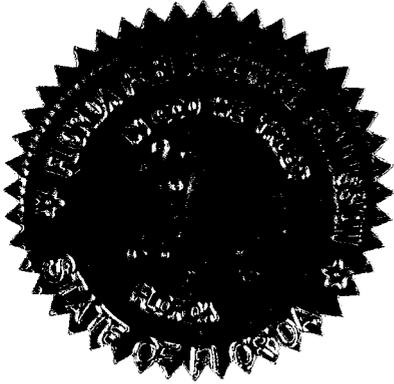
Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No.

25-6.049

Under the provision of subparagraph 120.54(3)(e)6., F.S., the rule takes effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



LDH

Blanca S. Bayo

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

Number of Pages Certified

1 25-6.049 Measuring Customer Service.

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

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

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

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

17 (5)(a) Individual electric metering by the utility shall be required for each separate
18 occupancy unit of new commercial establishments, residential buildings, condominiums,
19 cooperatives, marinas, and trailer, mobile home and recreational vehicle parks. However,
20 individual metering shall not be required for any such occupancy unit for which a construction
21 permit was issued before, and which has received master-metered service continuously since,
22 ~~is commenced after~~ January 1, 1981. In addition, individual electric meters shall not,
23 ~~however,~~ be required:

24 1-(a) In those portions of a commercial establishment where the floor space
25 dimensions or physical configuration of the units are subject to alteration, as evidenced by

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from existing law.

1 non-structural element partition walls, unless the utility determines that adequate provisions
2 can be made to modify the metering to accurately reflect such alterations;

3 ~~2.~~(b) For electricity used in central heating, ventilating and air conditioning systems,
4 or electric back up service to storage heating and cooling systems;

5 ~~3.~~(c) For electricity used in specialized-use housing accommodations such as
6 hospitals, nursing homes, living facilities located on the same premises as, and operated in
7 conjunction with, a nursing home or other health care facility providing at least the same level
8 and types of services as a nursing home, convalescent homes, facilities certificated under
9 Chapter 651, Florida Statutes, college dormitories, convents, sorority houses, fraternity
10 houses, ~~metels, hotels,~~ and similar facilities;

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

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

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

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1 (g) For condominiums that meet the following criteria:

2 1. The declaration of condominium requires that at least 95 percent of the units are
3 used solely for overnight occupancy as defined in subparagraph (8)(b) of this rule;

4 2. A registration desk, lobby and central telephone switchboard are maintained; and,

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

8 (6) Master-metered condominiums

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

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

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1 (c) Upon request and reasonable notice by the utility, the utility shall be allowed to
2 inspect the condominium to collect evidence needed to determine whether the condominium is
3 in compliance with this rule.

4 (d) Failure to comply - If a condominium is master metered under the exemption in
5 this rule and subsequently fails to meet the criteria contained in subsection 5(g), or the
6 customer fails to make the annual attestation required by subsection (6)(b), then the utility
7 shall promptly notify the customer that the condominium is no longer eligible for master-
8 metered service. If the customer does not respond with clear evidence to the contrary within
9 30 days of receiving the notice, the customer shall individually meter the condominium units
10 within six months following the date on the notice. During this six month period, the utility
11 shall not discontinue service based on failure to comply with this rule. Thereafter, the
12 provisions of Rule 25-6.105 apply.

13 (7) When a structure or building is converted from individual metering to master
14 metering, or from master metering to individual metering, the customer shall be responsible
15 for the costs incurred by the utility for the conversion. These costs shall include, but not be
16 limited to, any remaining undepreciated cost of any existing distribution equipment which is
17 removed or transferred to the ownership of the customer, plus the cost of removal or
18 relocation of any distribution equipment, less the salvage value of any removed equipment.

19 ~~(b)~~(8) For purposes of this rule:

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

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

4 3-(b) "Overnight Occupancy" means use of an occupancy unit for a short term such as
5 per day or per week where permanent residency is not established.

6 4. ~~The term "cost", as used herein means only those charges specifically authorized by~~
7 ~~the electric utility's tariff, including but not limited to the customer, energy, demand, fuel, and~~
8 ~~conservation charges made by the electric utility plus applicable taxes and fees to the customer~~
9 ~~of record responsible for the master meter payments. The term does not include late payment~~
10 ~~charges, returned check charges, the cost of the distribution system behind the master meter,~~
11 ~~the cost of billing, and other such costs.~~

12 (6)(9)(a) Where individual metering is not required under Subsection (5) and master
13 metering is used in lieu thereof, reasonable apportionment methods, including sub-metering
14 may be used by the customer of record or the owner of such facility solely for the purpose of
15 allocating the cost of the electricity billed by the utility. The term "cost" as used herein means
16 only those charges specifically authorized by the electric utility's tariff, including but not
17 limited to the customer, energy, demand, fuel, conservation, capacity and environmental
18 charges made by the electric utility plus applicable taxes and fees to the customer of record
19 responsible for the master meter payments. The term does not include late payment charges,
20 returned check charges, the cost of the customer-owned distribution system behind the master
21 meter, the customer of record's cost of billing the individual units, and other such costs.

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

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

4 Specific Authority 366.05(1) FS.

5 Law Implemented 366.05(1), ~~366.05(3)~~, 366.80, 366.81, and 366.82, FS.

6 History--Amended 7-29-69, 11-26-80, 12-23-82, 12-28-83, Formerly 25-6.49, Amended
7 7-14-87, 10-5-88, 3/23/97, _____.

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SUMMARY OF RULE

The amendments create an exception for occupancy units in certain new and existing residential condominiums that operate like hotels and motels from the requirement to be individually metered for their electricity usage. The amendment sets forth criteria that must be met to qualify for the exception, and provides for ongoing certification that the criteria continue to be met. The amendments provide that all costs associated with conversion to master metering from individual meters, and if the criteria fail to continue to be met, from master metering to individual meters, shall be borne by the customer.

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SUMMARY OF HEARINGS ON THE RULE

Following publication of the proposed amendments, a request for hearing was timely received on June 21, 2006. The public hearing was held September 6, 2006. The Commission considered the objection of one person to certain criteria which must be met to qualify for the exception, as well as statements supporting the rule amendments from affected electrical utilities. The objection had previously been presented to the Commission, and had been considered when the Commission initially decided to propose amendments to the rule.

At the conclusion of the hearing, the Commission voted to adopt the amendments as proposed, without changes.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-6.049, Florida Administrative Code, pertains to measuring electric service of customers. Paragraph 5(a) of the current rule requires that condominium units be individually metered by the utility. Individual metering is intended to promote energy conservation.

Over the last 8 years, the Commission has granted 10 waivers of Rule 25-6.049 for condominiums that are operated like hotels, referred to as “resort condominiums” or “condotels”. The waivers allowed resort condominiums to be master metered, provided the development complied with certain conditions imposed by the Commission.

These amendments to Rule 25-6.049 are intended to bring the existing rule into compliance with Commission policy as established by the rule waivers granted over the last 8 years, by enumerating the criteria that must be met for a resort condominium to qualify for master metering under the rule.