

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed repeal of Rule 25-10.026, F.A.C., Location and Preservation of Records; and Rule 25-10.111, F.A.C., Customer Billing. | DOCKET NO. 100380-WS
ORDER NO. PSC-10-0630-NOR-WS
ISSUED: October 22, 2010

The following Commissioners participated in the disposition of this matter:

NANCY ARGENZIANO, Chairman
LISA POLAK EDGAR
NATHAN A. SKOP
ART GRAHAM
RONALD A. BRISÉ

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to repeal Rules 25-10.026 and 25-10.111, Florida Administrative Code, relating to Location and Preservation of Records and Customer Billing.

The attached Notice of Rulemaking will appear in the October 29, 2010 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 rules must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than November 19, 2010.

By ORDER of the Florida Public Service Commission this 22nd day of October, 2010.

ANN COLE
Commission Clerk

By: Dorothy E. Menasco
Dorothy E. Menasco
Chief Deputy Commission Clerk

(SEAL)

LAH

DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

Rule No.: RULE TITLE

25-10.026: Location and Preservation of Records

25-10.111: Customer Billing

PURPOSE AND EFFECT: The purpose of both rule repeals is to eliminate redundant provisions which are no longer in use. These rules have been superseded by new sections in Chapter 25-30.

Docket No. 100380-WS

SUMMARY: Rule 25-10.026, F.A.C. requires water and wastewater utilities to maintain records in accordance with the NARUC system of accounts and to maintain those records in an office within the State of Florida. All provisions of this rule have been included within the newer Rules 25-30.115, F.A.C., Uniform System of Accounts for Water and Wastewater Utilities and 25-30.110, F.A.C., Records and Reports; Annual Reports. Rule 25-10.111, F.A.C., requires water and wastewater utilities to bill customers at regular intervals; contains various provisions for prorating less than full bill amounts; and requires a minimum of 20 days before a bill is considered delinquent. All of the provisions of this rule have been subsumed by Rule 25-30.335, F.A.C., Customer Billing. Repeal of Rules 25-10.026 and 25-10.111 will prevent confusion or conflict with the more detailed rules in Chapter 25-30, and will eliminate redundant provisions which are no longer in use.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule repeals will benefit the Commission and customers by decreasing the number of rules and eliminate any confusion over redundant rules. Small businesses and water and wastewater utilities will benefit by the elimination of confusion over redundant rules and from the reduction of costs due to complying with redundant rules and reviewing obsolete rules.

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

SPECIFIC AUTHORITY: 367.121, FS

LAW IMPLEMENTED: 367.121(9), FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard

Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6770 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lorena A. Holley, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6197 or lholley@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-10.026 Location and Preservation of Records.

~~(1) All records that a utility is required to keep, by reason of these or other rules prescribed by the Commission, shall be kept at the office or offices of the utility within this State, unless otherwise authorized by the Commission. Such records shall be open for inspection by authorized representatives of the Commission at any and all reasonable hours.~~

~~(2) All records shall be preserved in accordance with the NARUC "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities."~~

~~Specific Authority 367.121 FS. Law Implemented 367.121(9) FS. History—Amended 9-12-74, Formerly 25-10.26, Repealed _____.~~

25-10.111 Customer Billing.

~~(1) Bills shall be rendered at regular intervals and shall show at least the billing period covered; identification of the applicable rate schedule; the amount of the bill and, as applicable, gross and/or net billing, and/or discount or penalty, and final discount or penalty date. When there is good reason for doing so, estimated bills may be submitted. If bill is estimated, it shall be so marked.~~

~~(2) Whenever for any reason the period of service for which a bill is rendered is less than fifty percent (50%) of the normal billing period, the charges applicable to such service, including minimum charges, shall be pro-rated in the proportion that the actual number of service days bears to a thirty (30) day month, except that:~~

~~(a) Opening bills need not be rendered but may be carried over to and included in the next regular monthly billing.~~

~~(b) For service taken under flat rate schedules, fifty percent (50%) of the normal charges may be applied.~~

~~(c) The practices employed by the utility in this regard shall have uniform application to all customers.~~

~~(3) Bills shall not be considered delinquent prior to the expiration of twenty (20) days from the date of mailing or delivery by the utility.~~

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Specific Authority 367.121(1) FS. Law Implemented 367.111(1), 367.121 FS. History—Amended 9-14-74, 5-21-79, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lorena A. Holley, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 35, Number 43, October 30, 2009