

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

COMMISSION
CLERK

12 SEP 2

PM 1:30

RECEIVED-FPSC

DATE: September 21, 2012
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Kathryn G.W. Cowdery, Senior Attorney, Office of the General Counsel
RE: Docket No. 110313-PU; Rules 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, 25-7.084, Florida Administrative Code.

Please file the attached rule certification packet for Rules 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, 25-7.084, Florida Administrative Code, in the docket file listed above.

Thank you.

Attachment

DOCUMENT NUMBER-DATE

06365 SEP 21 12

FPSC-COMMISSION CLERK

COMMISSIONERS:
RONALD A. BRISÉ, CHAIRMAN
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



GENERAL COUNSEL
S. CURTIS KISER
(850) 413-6199

Public Service Commission

September 21, 2012

Ms. Liz Cloud
Florida Department of State
Administrative Code and Weekly Section
R. A. Gray Bldg., Suite 101
Tallahassee, FL 32399-0250

Via Hand-Delivery

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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Re: Rule Certification Packet for Rules 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, and 25-7.084, Florida Administrative Code.

PSC Docket 110313-PU

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rules 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, and 25-7.084, Florida Administrative Code, consisting of:

- (1) One compact disc containing the coded text of the rules;
- (2) One original and two copies of the signed rule certification form;
- (3) There are no materials incorporated by reference into these rules;
- (4) One original and two copies of the coded text of the rules, including the legal citations and history notes;
- (5) One original and two copies of the summary of the rules;
- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rules; and
- (7) One original and two copies of the summary of the hearings held on the rules.

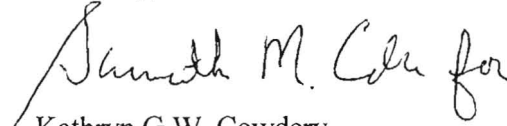
DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

Please let me know if you have any questions. The contact name and information for these rules are Kathryn G.W. Cowdery, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, 413-6216, kcowdery@psc.fl.state.us.

Sincerely,

A handwritten signature in cursive script that reads "Kenneth M. Cole for". The signature is written in black ink and is positioned above the typed name of the person it represents.

Kathryn G.W. Cowdery
Senior Attorney

Enclosures

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

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

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

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

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

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(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

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[] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

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 Nos.

25-7.062

25-7.064

25-7.065

25-7.066

25-7.070

25-7.084

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

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



ANN COLE

Commission Clerk _____

Title _____

Number of Pages Certified 5

25-7.062 Meter Testing Methods Test Records.

(1) All meter tests shall be performed by competent, trained personnel using approved methods and equipment.

(2)(1) Diaphragm meters with a test dial of five (5) cubic feet or less. The accuracy of customer meters of this type shall be determined by passing air from an accurate a standard bell type meter prover or a calibrated test meter at a rate of flow designated herein when ~~the liquid in the prover tank, the test~~ equipment, the atmosphere of the room and the meter to be tested are at practically the same temperature. The meter shall be tested at two rates of flow, viz: a check rate test which shall be at a rate of flow of approximately twenty percent (20%) of rated capacity, and also a one hundred percent (100%) of rated capacity or open run test. The average of the tests at the two rates of flow shall agree within one percent (1%) and the average error of the meter shall be considered to be the algebraic sum of twenty-five percent (25%) of the error indicated by open run test and seventy-five percent (75%) of the error indicated by the check rate test.

(3)(2) Other meters. Any utility furnishing large volume gas service through diaphragm type meters with a test dial of over five (5) cubic feet or other type meters such as turbine, rotary displacement, or orifice meters shall make provision for factory or other tests in accordance with manufacturer's recommendations and American Gas Association's Gas Measurement Manual: Meter Proving Part No. Twelve, 1978 edition.

Rulemaking Specific Authority 350.127(2), 366.05(1), 368.03, 368.05(2) FS. Law Implemented 366.05(1) and (3), 368.03, 368.05 FS. History—Repromulgated 1-8-75, Amended 5-4-75, 2-13-84, 8-4-85, Formerly 25-7.62, Amended x-x-12.

25-7.064 Periodic Meter Testing for Accuracy Tests.

(1)(a) Each gas utility may formulate a statistical sampling plan for the purpose of periodically testing for accuracy installed diaphragm type positive displacement gas service meters having a capacity

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rating of 250 cfh or less measured at the manufacturer's specification for one-half (1/2) inch pressure differential. Such sampling plan shall be subject to approval by the Commission's Bureau Division of Auditing and Safety prior to implementation.

(b) All meters installed of the above type and size not included in an approved Random Sampling Plan shall be periodically removed, inspected and tested for accuracy at least once every one hundred twenty (120) months.

(2) Meters having a capacity rating of 250 cfh through 2500 cfh measured at the manufacturer's specifications for one half (1/2) inch pressure differential shall be field tested or shop tested for accuracy in accordance with American Gas Association's Gas Measurement Manual: Meter Proving Part No. Twelve, 1978 edition at least once every one hundred twenty (120) months.

(3) Meters above 2500 cfh capacity rating measured at the manufacturer's specifications for one half (1/2) inch differential shall be field tested or shop tested for accuracy in accordance with manufacturer's recommendations and American Gas Association's Gas Measurement Manual: Meter Proving Part No. Twelve, 1978 edition, at least every sixty (60) months.

(4) An instrument or auxiliary device used in conjunction with any gas meter to correct the metered volume for pressure or temperature shall be adjusted to an accuracy level to assure that the combined accuracy of the instrument or auxiliary device, or both, and the associated meter does not exceed one percent (1%) error fast or one two percent (1%) (2%) error slow. Each instrument and auxiliary device shall be checked at least the same test interval as prescribed for the associated meter to insure and verify the performance.

Rulemaking Specific Authority 350.127(2), 366.05(1), 368.03, 368.05(2) FS. Law Implemented 366.05(1) and (3), 368.03, 368.05 FS. History—Repromulgated 1-8-75, Amended 5-4-75, 5-27-76, 2-13-84, Formerly 25-7.64, Amended x-x-12.

25-7.065 Meter Test by Request.

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

(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 the cost of testing, such deposit shall not exceed the following for each test:

(a) Meters with a capacity rating of 250 cfh or less – \$34.00 dollars;

(b) Meters with a capacity rate of over 250 cfh through 2500 cfh – \$85.00 dollars;

(c) Meters with a capacity rating over 2500 cfh – \$129.00 dollars. If the meter is found to be more than two percent (2%) fast, the deposit shall be refunded, but if found to be less than or equal to two percent (2%) fast ~~below this accuracy 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 and a written report, giving the results of the test, shall be furnished 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 Gas Association Gas Measurement Manual, Meter Proving Part No. Twelve, 1978 edition. Where appropriate, the meter may be field tested. The customer shall be responsible for all the costs to the utility associated with a meter test by an independent meter testing facility. The utility shall provide a detailed estimate of such costs and may require payment of such costs prior to the actual meter test. If the meter is found to be running fast in excess of the limits established by these rules, such costs shall be

refunded, but if within the allowable limits, the utility may retain 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.

Rulemaking Specific Authority 350.127(2), 366.05(1), 368.03, 368.05(2) FS. Law Implemented 366.05(1), (3), and (4), 368.03, 368.05 FS. History—Amended 10-20-73, Repromulgated 1-8-75, Amended 5-4-75, 10-11-83, 2-13-84, Formerly 25-7.65, Amended _____.

25-7.066 Meter Test – Refereed Disputes Referee.

(1) In the event of a dispute, upon request ~~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 and witnessed ~~or supervised as soon as practicable~~ 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 written 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 by the utility.

Rulemaking Specific Authority 350.127(2), 366.05(1), 368.03, 368.05(2) FS. Law Implemented 366.05(3) and (5), 366.08, 368.03, 368.05 FS. History—Amended 10-20-73, Repromulgated 1-8-75, 5-4-75, Formerly 25-7.66, Amended _____.

25-7.070 Sealing Meters.

All meters tested for installation shall be sealed at the time of the test by the meter personnel ~~meterman~~ performing the test. The seal shall be of a type that will ensure detection of tampering. Those utilities using

a compression type lead seal shall have as a sealing tool a device furnished with a die, which shall bear the initials of the utility. Utilities using a snap tin type seal shall have the seal stamped in a similar manner.

Rulemaking Specific Authority 366.05(1), 350.127(2), 368.03, 368.05(2) FS. Law Implemented 366.05(3), 368.03, 368.05 FS. History—New 2-13-84, Formerly 25-7.70, Amended _____.

25-7.084 Meter Readings.

(1) Each service meter shall be clearly marked to indicate the units registered. Unless special circumstances warrant, meters shall be read at monthly intervals on the approximate corresponding day of each meter-reading period. When there is good reason for doing so, estimated bills may be submitted.

(2) When an electronic meter reading is used to determine volumes consumed, the customer's bill may be rendered from data received electronically, ~~however, the mechanical counter of the metering device shall be read monthly.~~ When available, both corrected and uncorrected total volumetric readings shall be recorded.

Rulemaking Specific Authority 350.127(2), 366.05(1), 368.03, 368.05(2) FS. Law Implemented 366.05(1), 368.03, 368.05 FS. History—Repromulgated 1-8-75, Amended 5-4-75, Formerly 25-7.84, Amended 10-10-95, _____ xx-xx-xx.

SUMMARY OF THE RULES

Rule 25-7.062, Meter Test Records, is amended to remove the equipment requirement also proposed for elimination in Rule 25-7.061, F.A.C., and substitute use of an accurate test meter, and to change the title to "Meter Testing Methods."

Rule 25-7.064, Periodic Meter Tests, is amended to reflect that not all testing is periodic, but that some testing is conducted pursuant to sampling plans. The rule is also amended to clarify that the intent of conducting the testing is to test for meter accuracy. In addition, the rule is amended to change the responsible division name to Service, Safety, Consumer Assistance.

Rule 25-7.065, Meter Test by Request, is amended to state specifically that a deposit may be retained by a utility if a meter is "found to be more than two percent slow." In addition, the rule is amended to eliminate the requirement that requests for test be made in writing.

Rule 25-7.066, Meter Test --Referee, is amended to change the title to "Meter Test - Dispute" and to add language clarifying that Commission staff will witness tests. In addition, the rule is amended to require that for equipment tested, any previous accuracy test result on record must be retained. The rule is also amended to eliminate the requirement that a request for a meter test be made in writing, and to require that the test be made by the utility as soon as practicable.

Rule 25-7.070, Sealing Meters, is amended to delete the term "meterman" and replace it with "meter personnel."

Rule 25-7.084, Meter Readings, is amended to remove the requirement that mechanical counters on meters be read monthly, and to add to the phrase "electronic meter" the word "reading."

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULES

Rule 25-7.062, Meter Test Records, is amended to remove the obsolete equipment requirement also proposed for elimination in Rule 25-7.061, F.A.C., to clarify language for meter accuracy, and to change the title to reflect the purpose of the rule.

Rule 25-7.064, Periodic Meter Tests, is amended to reflect that not all testing is periodic, but that some testing is conducted pursuant to sampling plans. The rule is also amended to clarify that the intent of conducting the testing is to test for meter accuracy, and to change the "two percent (2%) error slow" to one percent, which matches the current standard in Rule 25-7.063 required for new gas meters installed. In addition, the rule is amended to change the responsible division name to the current correct title.

Rule 25-7.065, Meter Test by Request, is amended to allow other methods of request for test in addition to written requests. This change allows for internet, e-mail, fax, or other methods of request for a meter test. The rule is also amended to add language to eliminate confusion over slow meter non-refund accuracy limit. The slow meter explanation now matches the fast meter wording to help clarify the circumstances under which there would be no refund.

Rule 25-7.066, Meter Test --Referee, is amended to change the title to represent accurately the purpose of the rule and to add language clarifying that the Commission staff will witness tests. This change is consistent with the electric Meter Test Dispute Rule 25-6.060, F.A.C., as amended.

Rule 25-7.070, Sealing Meters, is amended to delete the term "meterman" and replace it with "meter personnel" in order to remove obsolete language describing the person doing the work.

Rule 25-7.084, Meter Readings, is amended to remove the obsolete requirement that mechanical counters on meters be read monthly. Because meters may now be read remotely, the requirement of reading mechanical counters monthly is obsolete and would cause unnecessary expense. The rule is also amended to add language to clarify that the rule is referring to electronic remote meter reading.

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SUMMARY OF ANY HEARINGS HELD ON THE RULES

No timely request for a hearing was received by the agency, and no hearing was held.

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