

STATE OF FLORIDA

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OFFICE OF THE GENERAL COUNSEL  
KEITH C. HETRICK  
GENERAL COUNSEL  
(850) 413-6199

# Public Service Commission

May 5, 2021

Kaley Flynn, Director  
Rules Ombudsman in  
The Executive Office of the Governor  
Reg.Reform@eog.myflorida.com

SENT VIA E-MAIL

**Re: Docket No. 20200240-WS, Rule 25-30.460, F.A.C., Application for Miscellaneous Service Charges**

Dear Ms. Flynn:

The Florida Public Service Commission proposed the above-listed rule at its regular agenda conference on May 4, 2021. The Commission has determined that this rule will affect small businesses. Attached are copies of the following:

- The notice of the proposed rule, which was published in the May 5, 2021 edition of the Florida Administrative Register, as required by Section 120.54(3)(b)2.b.(I), Florida Statutes.
- The statement of estimated regulatory costs (SERC). The SERC concluded that the proposed rule amendments will not have an adverse effect on small business.
- The OFARR rulemaking notification form.

If there are any questions with respect to these rules, please contact me at [mduval@psc.state.fl.us](mailto:mduval@psc.state.fl.us).

Sincerely,

*/s/ Margo A. DuVal*  
Margo A. DuVal  
Senior Attorney

RECEIVED-FPSC  
2021 MAY -5 AM 11:58  
COMMISSION  
CLERK

Enclosures

cc: Office of the Commission Clerk

## Notice of Proposed Rule

### **PUBLIC SERVICE COMMISSION**

RULE NO.: RULE TITLE:

25-30.460 Application for Miscellaneous Service Charges

PURPOSE AND EFFECT: To add clarity and specificity to rule language and to update the rule to address the various miscellaneous service charges.

Docket No. 20200240-WS

SUMMARY: The rule identifies and defines the various miscellaneous service charges for which water and wastewater utilities may request the Commission's approval and addresses how the utilities may assess these charges.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency. The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment will not have an adverse impact on economic growth, business competitiveness, or small business, that it will not likely result in increased transactional costs to utilities required to comply with the rule, and that it is likely to result in cost reductions and administrative efficiencies.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based on the information contained in the SERC.

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.

RULEMAKING AUTHORITY: 350.127(2), 367.121, FS.

LAW IMPLEMENTED: 367.081, 367.121, 367.091, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Margo DuVal, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6076, mduval@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS: [TYPE AND STRIKE VERSION]

25-30.460 Application for Miscellaneous Service Charges.

(1) All water and wastewater utilities may apply for miscellaneous service charges: ~~and t~~These charges shall be included in each company's tariff. If a utility provides both water and wastewater services, only a single charge shall be assessed for each of the miscellaneous service charges identified in subsection (2). ~~and include rates for initial connections, normal reconnections, violation reconnections, and premises visit charges.~~

(2) The following identifies and defines miscellaneous service charges:

(a) A premises visit charge is levied when a service representative visits a premises to discontinue service for nonpayment of a due and collectible bill and the customer pays the service representative or otherwise makes satisfactory arrangements to pay the bill and service is not discontinued. A premises visit charge is also levied when a service representative visits a premises at the customer's request to (1) initiate service, (2) temporarily disconnect service, (3) reconnect service after a temporary discontinuance, or (4) assess a service issue and it is found to be the customer's responsibility. ~~Initial connection charges are levied for service initiation at a location where service did not exist previously.~~

~~(b) Normal reconnection charges are levied for transfer of service to a new customer account at a previously served location, or reconnection of service subsequent to a customer requested disconnection.~~

~~(b)(c) A v~~Violation reconnection is a charge that is levied prior to reconnection of an existing customer after discontinuance of service for cause according to subsection 25-30.320(2), F.A.C., ~~including a delinquency in bill payment.~~ Violation reconnection charges are at the tariffed rate for discontinuance of water service and actual cost

for discontinuation of wastewater service.

~~(c)(d) A convenience charge is levied when a utility bill is paid by debit or credit card. Premises Visit Charge is levied when a service representative visits a premises at the customer's request for complaint resolution and the problem is found to be the customer's responsibility.~~

~~(d)(e) An investigation of meter tampering charge is levied when an investigation reveals evidence of unauthorized connection to, or tampering with, the utility's meter or equipment, pursuant to paragraph 25-30.320(2)(j), F.A.C. Premises Visit Charge (in lieu of disconnection) is levied when a service representative visits a premises for the purpose of discontinuing service for nonpayment of a due and collectible bill and does not discontinue service because the customer pays the service representative or otherwise makes satisfactory arrangements to pay the bill.~~

~~(e) A late payment charge is levied when a customer is delinquent in paying a bill for service, pursuant to subsection 25-30.335(4), F.A.C.~~

~~(f) A non-sufficient funds charge is levied when a customer's payment is refused by the drawee because of lack of funds, lack of credit, or lack of an account, pursuant to Section 68.065, F.S.~~

~~(2) A utility may request an additional charge ("after hours charge") for overtime when the customer requests that the service be performed after normal hours. The after hours charge may be at the same rate specified for the existing charge during normal working hours. If the utility seeks a charge other than the normal working hours charge, the utility must file cost support.~~

~~(3) A utility may apply for after hours charges for a premises visit charge or violation reconnection charge to account for the overtime when the customer requests that the service be performed after normal business hours.~~

~~Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.081, 367.121, 367.091 FS. History—New 11-30-93, Amended \_\_\_\_\_.~~

NAME OF PERSONS ORIGINATING PROPOSED RULE: Shannon Hudson, Terence Bethea

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 4, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 46, Number 138, July 16, 2020.

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-**

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**DATE:** October 23, 2020

**TO:** Margo A. DuVal, Senior Attorney, Office of the General Counsel

**FROM:** Sevini K. Guffey, Public Utility Analyst III, Division of Economics *SKG*

**RE:** **Statement of Estimated Regulatory Costs** for the Proposed Adoption of Rule 25-30.460, Florida Administrative Code (F.A.C.), Application for Miscellaneous Service Charges

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Commission staff is proposing revisions to Rule 25-30.460, F.A.C., Application for Miscellaneous Service Charges. The rule is applicable to all water and wastewater utilities that are under the Commission's jurisdiction. The purposes of these proposed rule revisions are to provide clarity to definitions of the various miscellaneous service charges, and to make interpretation and application of this rule more consistent and clear. The proposed revisions are discussed in detail in the staff recommendation. The proposed revisions will enable the utilities to interpret and apply the rule in a consistent manner, and also provide clarity about the miscellaneous service charges, which in turn is expected to result in reduced number of customer inquiries to the utilities and to the Commission regarding miscellaneous charges.

The attached Statement of Estimated Regulatory Costs (SERC) addresses the economic impacts and considerations required pursuant to Section 120.541, Florida Statutes (F.S.). Commission staff issued a SERC data request on August 10, 2020 to all Commission regulated water and wastewater utilities. Two utilities responded; on September 3, 2020, Florida Utility Services 1, LLC responded with a suggested revision to add "permanent disconnection" to rule paragraph (2)(a). On September 9, 2020, Indiantown Company filed a letter stating that they will not be responding to the SERC data request, as Indiantown Company will transfer its ownership to the Village of Indiantown.<sup>1</sup>

The SERC analysis indicates that the proposed rule amendments will not likely increase regulatory costs, including any transactional costs or have an adverse impact on business competitiveness, productivity, or innovation in excess of \$1 million in the aggregate within five years of implementation. The proposed rule amendments would not potentially have adverse impacts on small businesses, would have no implementation cost to the Commission or other state and local government entities, and would have no impact on small cities or counties.

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<sup>1</sup> Document No. 06132-2020, filed on September 8, 2020 and Document No. 06222-2020 filed on September 9, 2020.

No regulatory alternatives were submitted pursuant to Section 120.541(1)(g), F.S. The SERC concludes that none of the impacts/cost criteria established in Sections 120.541(2)(a), (c), (d), and (e), F.S., will be exceeded as a result of the proposed rule revisions.

cc: SERC File

FLORIDA PUBLIC SERVICE COMMISSION  
STATEMENT OF ESTIMATED REGULATORY COSTS  
Rule 25-30.460, F.A.C., Application for Miscellaneous Service Charges

1. Will the proposed rule have an adverse impact on small business? [120.541(1)(b), F.S.] (See Section E., below, for definition of small business.)

Yes

No

If the answer to Question 1 is "yes", see comments in Section E.

2. Is the proposed rule likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after implementation of the rule? [120.541(1)(b), F.S.]

Yes

No

If the answer to either question above is "yes", a Statement of Estimated Regulatory Costs (SERC) must be prepared. The SERC shall include an economic analysis showing:

A. Whether the rule directly or indirectly:

(1) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)1, F.S.]

Economic growth

Yes  No

Private-sector job creation or employment

Yes  No

Private-sector investment

Yes  No

(2) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)2, F.S.]

Business competitiveness (including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets)

Yes  No

Productivity

Yes  No

Innovation

Yes  No

(3) Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule? [120.541(2)(a)3, F.S.]

Yes

No

Economic Analysis: The purposes of the proposed revisions to Rule 25-30.460, F.A.C., are to provide clarity in the definitions of the various miscellaneous service charges, and to make interpretation and application of this rule more consistent and clear. The proposed changes will provide greater clarity to customers and utilities in defining their various miscellaneous service charges and make interpretation and application of the rule more straightforward.

The reduced utility time required to appropriately interpret and apply the rule in a rate case process would result in rate cases being processed in a more efficient and cost-effective manner, which translates to less rate case expenses being passed on to customers. Additionally, the clarity of the rule could result in fewer customer inquiries to the Commission and to the utilities.

B. A good faith estimate of: [120.541(2)(b), F.S.]

(1) The number of individuals and entities likely to be required to comply with the rule.

131 Commission regulated water and wastewater utilities will be required comply with this rule.

(2) A general description of the types of individuals likely to be affected by the rule.

Types of individuals to be affected by the rule will be the approximate 111,176 water customers and 74,009 wastewater customers of the Commission regulated water and wastewater utilities.

C. A good faith estimate of: [120.541(2)(c), F.S.]

(1) The cost to the Commission to implement and enforce the rule.

None. To be done with the current workload and existing staff.

Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

(2) The cost to any other state and local government entity to implement and enforce the rule.

- None. The rule will only affect the Commission.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(3) Any anticipated effect on state or local revenues.

- None.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

D. A good faith estimate of the transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rule. "Transactional costs" include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used, procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring or reporting, and any other costs necessary to comply with the rule. [120.541(2)(d), F.S.]

- None. The rule will only affect the Commission.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

E. An analysis of the impact on small businesses, and small counties and small cities: [120.541(2)(e), F.S.]

(1) "Small business" is defined by Section 288.703, F.S., as an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.



- No adverse impact on small business.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(2) A "Small City" is defined by Section 120.52, F.S., as any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. A "small county" is defined by Section 120.52, F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

- No impact on small cities or small counties.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

F. Any additional information that the Commission determines may be useful.  
[120.541(2)(f), F.S.]

- None.

Additional Information:

G. A description of any regulatory alternatives submitted and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule. [120.541(2)(g), F.S.]

- No regulatory alternatives were submitted.
- A regulatory alternative was received from
  - Adopted in its entirety.
  - Rejected. Describe what alternative was rejected and provide a statement of the reason for rejecting that alternative.

Office of Fiscal Accountability and Regulatory Reform  
Rulemaking Notification

(Executive Order 11-211 requires agencies must submit all rulemaking notices to OFARR at least 1 week prior to publication)

To: Kaley Flynn, Director

Submitted By: Name, Title: Margo A. DuVal, Senior Attorney  
Agency, Board: Florida Public Service Commission  
Phone Number: 850-413-6076

Re: Rulemaking Notification for:

Rule Number: 25-30.460 Rule Title: Application for Miscellaneous Service Charges

Rule Summary: This rule identifies and defines the various miscellaneous service charges for which water and wastewater utilities may request the Commission’s approval and addresses how the utilities may assess these charges.

List EACH rule separately. Add tables as needed.

Date: [Date request sent to 5/5/2021 OFARR] Date of anticipated 5/5/2021 publication:

Does this rule qualify for Rules Ombudsman review in accordance with section 120.54(3)(b), F.S.? [X] Yes [ ] No

Please complete this form when submitting rulemaking notification to the Office of Fiscal Accountability and Regulatory Reform (OFARR) pursuant to Executive Order 11-211 and Directive published on November 11, 2019. If any information or documents are missing, the notification will be returned without review. OFARR will indicate what is missing, and the completed notification must be resubmitted.

1. Proposed Rulemaking Activity:

- [ ] Notice of Development of Rulemaking – Attach the proposed Notice. If no text is available, give a detailed explanation of the rulemaking, including why it is necessary.
- [X] Notice of Proposed Rule – Attach the proposed Notice, “Is a SERC Required” Checklist, and SERC (if required), all materials incorporated by reference, and all forms referenced or required by the rule.
- [ ] Notice of Emergency Rule – Attach the proposed Notice. Explain fully why emergency rulemaking is appropriate.
- [ ] Notice of Change – Attach the proposed Notice. Be sure the text is coded correctly according to Rule 1B-30.003(5)(f), F.A.C. Explain why a change is required. Attach any correspondence from JAPC or the public. If no documents exist, summarize any public comment the agency has received or public hearings/workshops the agency has held.
- [ ] Notice of Withdrawal – Attach the proposed Notice. Explain why it is necessary to withdraw the rulemaking. Include any JAPC correspondence.

Office of Fiscal Accountability and Regulatory Reform  
Rulemaking Notification

(Executive Order 11-211 requires agencies must submit all rulemaking notices to OFARR at least 1 week prior to publication)

Other – Attach the proposed Notice. Include detailed information about the rulemaking.

2. Is this rulemaking included in the agency’s Annual Regulatory Plan (ARP)?  Yes  No

3a. Does each amendment or new rule:

Rule Number:  Rule Title:

Increase Fees? Yes  No  N/A

Increase Regulation? (I.E., Yes  No  N/A

Additional Licensure, Continuing Education Requirements, etc.)

List EACH rule separately. Add tables as needed.

3b. For each new rule, the following information is required:

Rule Number:  Rule Title:

Statute Authorizing Rulemaking:  Statutory language authorizing rulemaking authority:

Statute Mandating Rulemaking:  Statutory language requiring rulemaking:

New rule is due to a Legislative change occurring within the past 24 months: Yes  No  Provide chapter law and effective date

List each rule separately. Add tables as needed.

4. Has the agency received any public comment about this rulemaking since the last rulemaking notification?

Yes  No

If yes, please summarize the comment and the agency’s position regarding the comment (i.e. has made or intends to make changes based on the comment, disagrees with the comment, etc.) and attach any documents.

5. Has the agency received any comment from JAPC since the last rulemaking notification?

Yes  No

**Office of Fiscal Accountability and Regulatory Reform**  
**Rulemaking Notification**

*(Executive Order 11-211 requires agencies must submit all rulemaking notices to OFARR at least 1 week prior to publication)*

If yes, please summarize the comment and attach any documents.

**For Notice of Proposed Rules Only**

**6. Describe the public need for the proposed rule and an explanation of how the proposed rule will address that need.**

See attached SERC.

**7. Has the agency received, been made aware of, or contemplated/reviewed any lower cost regulatory alternatives (LCRA)?**

Yes  No

If yes, describe in detail what action the agency took in response to the LCRA. If no, please explain.

**8. Summarize qualitative and quantitative *benefits* of the proposed rule. Benefits may include but are not limited to: productivity, efficiency, employment and accessibility, enhancement of health and safety, and protection of the environment.**

See attached SERC.

**Office of Fiscal Accountability and Regulatory Reform**  
**Rulemaking Notification**

*(Executive Order 11-211 requires agencies must submit all rulemaking notices to OFARR at least 1 week prior to publication)*

**9. Summarize qualitative and quantitative costs of the proposed rule. Costs may include but are not limited to: cost to government in administering the regulation, costs to businesses and professionals in complying with the regulation, adverse effects on the economy, private markets, health, safety and the environment.**

See attached SERC.

**10. Does the proposed rule include a sunset provision (not to exceed five years)?**

Yes  No

If no, please detail why and attach any supplemental documentation.

This rule implements Sections 367.081, 367.121, and 367.091, F.S., is an important ratemaking and service rule for water and wastewater utilities and their customers, and does not require a sunset provision.