

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rule 25-7.089,) F.A.C., pertaining to Refusal or) Discontinuance of Service by) Utility.) <hr/>	DOCKET NO. 891195-PU ORDER NO. 23718 ISSUED: 11-02-90
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NOTICE OF ADOPTION OF RULE AMENDMENT

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted the amendments to Rule 25-7.089, F.A.C., relating to Refusal or Discontinuance of Service by Company, without changes.

The rule amendment was filed with the Secretary of State on October 31, 1990, and will be effective on January 1, 1991. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By Direction of the Florida Public Service Commission, this
2nd day of NOVEMBER, 1990.



 STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

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DOCUMENT NUMBER-DATE

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

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), 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 paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;

(a) And 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 within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(e) Are filed within 21 days after the date the transcript was received by this agency.

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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.

<u>Rule No.</u>	<u>Specific Law Rulemaking Authority</u>	<u>Being Implemented, Interpreted or Made Specific</u>
25-7.089	366.05, F.S.	366.05(1), F.S.

Under the provision of paragraph 120.54(12)(a), 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: January 1, 1991
(month) (day) (year)

Steve Tribble
Director, Division of Records & Reporting
Title

Number of Pages Certified

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1 25-7.089 Refusal or Discontinuance of Service by Utility.

2 (1) Until adequate facilities can be provided a utility may
3 refuse to serve an applicant if, in the best judgment of the
4 utility, it does not have adequate facilities and/or supply of gas
5 to render the service applied for, or if the service is of a
6 character that is likely to affect unfavorably service to other
7 customer.

8 (2) If the utility refuses service for any reason specified
9 in this subsection, the utility shall notify the applicant for
10 service as soon as practicable, pursuant to subsection (5), of the
11 reason for refusal of service. If the utility will discontinue
12 service, the utility shall notify the customer at least five (5)
13 working days prior to discontinuance that service will cease
14 unless the deficiency is corrected in compliance with the
15 utility's regulations, resolved through mutual agreement, or
16 successfully disputed by the customer. The five-day notice
17 provision does not apply to paragraphs (h)(i) or (j). In all
18 instances involving refusal or discontinuance of service the
19 utility shall advise in its notice that persons dissatisfied with
20 the utility's decision to refuse or discontinue service may
21 register their complaint with the utility's customer relations
22 personnel and to the Florida Public Service Commission at
23 1-800-342-3552 which is a toll free number. As applicable, each
24 utility may refuse or discontinue service under the following
25 conditions:

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- 1 (a) For non-compliance with or violation of any State or
- 2 municipal law or regulation governing gas service.
- 3 (b) For failure or refusal of the customer to correct any
- 4 deficiencies or defects in his piping or appliances which are
- 5 reported to him by the utility.
- 6 (c) For the use of gas for any other property or purpose than
- 7 that described in the application.
- 8 (d) For failure or refusal to provide adequate space for the
- 9 meter and service equipment of the utility.
- 10 (e) For failure or refusal to provide the utility with a
- 11 deposit to insure payment of bills in accordance with the
- 12 utility's regulations provided that written notice, separate and
- 13 apart from any bill for service, be given the customer.
- 14 (f) For neglect or refusal to provide reasonable access to
- 15 the utility for the purpose of reading meters or inspection and
- 16 maintenance of equipment owned by the utility provided that
- 17 written notice, separate and apart from any bill for service, be
- 18 given the customer.
- 19 (g) For nonpayment of bills or noncompliance with the
- 20 utility's rules and regulations, and only after there has been a
- 21 diligent attempt to have the customer comply, including five (5)
- 22 working days' written notice to the customer, such notice being
- 23 separate and apart from any bill for service. For purposes of
- 24 this subsection, "working day" means any day on which the
- 25 utility's business office is open and the U.S. Mail is delivered.

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1 Upon request of the customer, the utility shall give a copy of the
2 notice of discontinuance to a designated third party in the
3 service area of the utility.

4 (h) Without notice in the event of a condition known to the
5 utility to be hazardous.

6 (i) Without notice in the event of tampering with regulators,
7 valves, meters or other facilities furnished and owned by the
8 utility.

9 (j) Without notice in the event of unauthorized or fraudulent
10 use of service. Whenever service is discontinued for fraudulent
11 use of service, the utility, before restoring service, may require
12 the customer to make at his own expense all changes in piping or
13 equipment necessary to eliminate illegal use and to pay an amount
14 reasonably estimated as the deficiency in revenue resulting from
15 such fraudulent use.

16 (3) Service shall be restored when cause for discontinuance
17 has been satisfactorily adjusted.

18 (4) When service has been discontinued for proper cause, the
19 utility may charge a reasonable fee to defray cost of restoring
20 service provided such change is set out in its approved tariff on
21 file with the Commission.

22 (5) In case of refusal to establish service, or whenever
23 service is discontinued, the utility shall notify the applicant or
24 customer in writing of the reason for such refusal or
25 discontinuance.

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1 (6) The following shall not constitute sufficient cause for
2 refusal or discontinuance of service to an applicant or customer.

3 (a) Delinquency in payment for service by a previous occupant
4 of the premises unless such previous occupant will receive benefit
5 from such service.

6 (b) Failure to pay for appliances purchased from the utility.

7 (c) Failure to pay for a different type of utility service,
8 such as electricity or water.

9 (d) Failure to pay for a different class of service.

10 (e) Failure to pay the bill of another customer as guarantor
11 thereof.

12 (7) No utility shall discontinue service to any noncommercial
13 customer between 12:00 noon on a Friday and 8:00 a.m. the
14 following Monday or between 12:00 noon on the
15 day preceding a holiday and 8:00 a.m. the next working day unless
16 such discontinuance is at the request of the customer or is
17 necessary in the interest of safety. Holiday as used in this
18 subsection shall mean New Years Day, Memorial Day, July 4, Labor
19 Day, Thanksgiving Day, and Christmas Day.

20 (8) Each utility shall submit, as a tariff item, a procedure
21 for discontinuance of service when that service is medically
22 essential.

23 Proposed effective date is January 1, 1991.

24 Specific Authority: 366.05 F.S.

25 Law Implemented: 366.05(1) F.S.

History: Amended 10/20/73, 12/15/73, 1/8/75, 5/4/75, 1/3/77,
11/26/80, 9/29/82, formerly 25-7.89.

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Rule 25-7.089
Docket No. 891195-PU

SUMMARY OF RULE

The rule amendment changes the notice period for disconnection of gas service from five calendar days to five working days and defines the term "working day" as a day on which the utility's business office is open and mail is delivered.

SUMMARY OF HEARINGS ON THE RULE

The Commission considered Rule 25-7.089 at its October 16, 1990, public meeting. No substantive changes were made, but the Commission voted to make the rule effective January 1, 1991, to be consistent with the discontinuance of service rules for other industries (Rule 25-4.113; 25-6.105; and 25-30.320) which were proposed at the same time.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Under the current version of Rule 25-7.089, gas utilities may terminate service upon five-days' written notice to non-paying customers. Since the five-day period starts to run upon mailing of the notice, if the fifth day fell on a weekend or holiday, the customer might not have received actual notice until the time had run, and on a day when the utility's business office was closed. These circumstances have lead to many customer complaints at the Florida Public Service Commission. The rule amendment improves the situation by making the notice period five working days, thereby assuring that the fifth day is one on which the customer will be able to get the notice by mail and have an opportunity to contract the utility business office.