

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rule 25-4.113, )	DOCKET NO. 891195-PU
F.A.C., pertaining to Refusal or )	
Discontinuance of Service by )	ORDER NO. 23721
Company. )	
_____ )	ISSUED: 11-02-90

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 25-4.113, 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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FPSC-RECORDS/REPORTING

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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>
25-4.113	350.127, F.S.	364.03, 364.19, 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

1 25-4.113 Refusal or Discontinuance of Service by Company.

2 (1) As applicable, the utility may refuse or discontinue  
3 telephone service under the following conditions provided that,  
4 unless otherwise stated, the customer shall be given notice and  
5 allowed a reasonable time to comply with any rule or remedy any  
6 deficiency:

7 (a) For non-compliance with and/or violation of any State or  
8 municipal law, ordinance or regulation pertaining to telephone  
9 service..

10 (b) For the use of telephone service for any other property  
11 or purpose than that described in the application.

12 (c) For failure or refusal to provide the utility with a  
13 deposit to insure payment of bills in accordance with the  
14 utility's regulations.

15 (d) For neglect or refusal to provide reasonable access to  
16 the utility for the purpose of inspection and maintenance of  
17 equipment owned by the utility.

18 (e) For non-compliance with and/or violation of the  
19 Commission's regulations or the utility's rules and regulations on  
20 file with the Commission, provided five (5) working days' written  
21 notice is given before termination.

22 (f) For non-payment of bills for telephone service, provided  
23 that suspension or termination of service shall not be made  
24 without five (5) working days' written notice to the customer,  
25 except in extreme cases. The written notice shall be separate and

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~~struck-through~~ type are deletions from existing law.

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1 apart from the regular monthly bill for service.

2 (g) For purposes of paragraphs (e) and (f), "working day"  
3 means any day on which the utility's business office is open and  
4 the U.S. Mail is delivered.

5 (h) ~~g~~ Without notice in the event of customer use of  
6 equipment in such manner as to adversely affect the utility's  
7 equipment or the utility's service to others.

8 (i) ~~h~~ Without notice in the event of tampering with the  
9 equipment furnished and owned by the utility.

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

17 (2) In case of refusal to establish service, or whenever  
18 service is discontinued, the utility shall notify the applicant or  
19 customer in writing of the reason for such refusal or  
20 discontinuance.

21 (3) Service shall be initiated or restored when cause for  
22 refusal or discontinuance has been satisfactorily adjusted.

23 (4) The following shall not constitute sufficient cause for  
24 refusal of service to an applicant or customer:

25 (a) Delinquency in payment for service by a previous occupant

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1 of the premises, unless the current applicant or customer occupied  
2 the premises at the time the delinquency occurred and the previous  
3 customer continues to occupy the premises and such previous  
4 occupant shall benefit from such new service.

5 (b) Delinquency in payment for service by a present occupant  
6 who was delinquent at another address and subsequently joined the  
7 household of the subscriber in good standing.

8 (c) Delinquency in payment for separate telephone service of  
9 another subscriber in the same residence.

10 (d) Failure to pay for business service at a different  
11 location and a different telephone number shall not constitute  
12 sufficient cause for refusal of residence service or vice versa.

13 (e) Failure to pay for a service rendered by the utility  
14 which is not regulated by the Commission.

15 (f) Failure to pay the bill of another customer as guarantor  
16 thereof.

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

21 Proposed effective date is January 1, 1991.

22 Specific Authority: 350.127, P.S.

23 Law Implemented: 364.03, 364.19, P.S.

24 History: Revised 12/1/53, Amended 3/31/76, 10/25/84, 10/30/86.

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Rule 25-4.113  
Docket No. 891195-PU

SUMMARY OF RULE

The rule amendment changes the notice period for disconnection of telephone 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

Comments were received, and the Commission considered the rule at its public meeting on October 16, 1990. No substantive changes were adopted, but the Commission voted to make the rule effective January 1, 1991, consistent with the discontinuance of service rules in other industries (Rules 25-6.105; 25-7.089; and 25-30.320).

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Under the current version of Rule 25-4.113, telephone 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.