

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Adoption of Rule 25-7.0851,)
 F.A.C., pertaining to backbilling)
 by gas utilities.)

DOCKET NO. 900296-GU
 ORDER NO. 24426
 ISSUED: 4/24/91

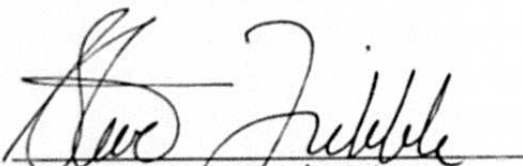
NOTICE OF ADOPTION OF RULE

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted Rule 25-7.0851, F.A.C., relating to backbilling by gas utilities without change.

The rule was filed with the Secretary of State on April 19, 1991 and will be effective on May 9, 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
24th day of APRIL, 1991.


 STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

MCB

adp70851.cjp

DOCUMENT NUMBER-DATE

03932 APR 24 1991

FSC-RECORDS/REPORTING

ORDER NO. 24426
 DOCKET NO. 900296-GU
 PAGE 2

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.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the

RECEIVED
 APR 19 1970
 DEPARTMENT OF STATE
 WASHINGTON, D.C.

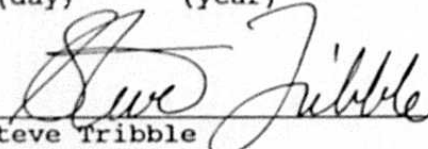
ORDER NO. 24426
DOCKET NO. 900296-GU
PAGE 3

undersigned agency by and upon their filing with the Department of State.

	Specific Rulemaking Authority	Law Being Implemented, Interpreted or Made Specific
<u>Rule No.</u>	<u>367.121 F. S.</u>	<u>367.121, F. S.</u>
25-7.0851		

Under the provision of paragraph 120.54(13)(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: _____
(month) (day) (year)



Steve Tribble

Director, Division of Records & Reporting
Title

Number of Pages Certified

(S E A L)
adp70851

FILED
91 APR 18 PM 12:01
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

ORDER NO. 24426
DOCKET NO. 900296-GU
PAGE 4

Rule 25-7.0851
Docket No. 900296-GU

SUMMARY OF RULE

Proposed Rule 25-7.0851, F.A.C., limits backbilling by natural gas utilities to 12 months in instances where the billing error was the fault of the utility. The rule also provides that a utility must allow the customer to pay for the backbilling over the same time period as the time for which the customer was backbilled, or over some other mutually acceptable time. The rule prohibits a utility from recovering any lost revenues resulting from the application of the rule in any ratemaking proceeding.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested on this rule.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Although the Commission has had rules in place which dictate the manner in which electric, water and wastewater, and telephone utilities may backbill customers for undercharges arising from the utilities' mistakes, it does not have a similar rule for natural gas utilities. This rule promulgates procedures for backbilling which are similar to those already established for other regulated industries. The rule prohibits backbilling for any period greater than 12 months where the utility has mistakenly undercharged customer.

91 APR 18 PM 12:01
FILED
STATE OF FLORIDA
TALLAHASSEE, FLORIDA