

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Proposed Amendment of) DOCKET NO. 920792-PU
Rule 25-4.113, F.A.C.)
Prohibiting Refusal or Dis-) ORDER NO. PSC-92-1067-NOR-PU
continuance of Service for)
Nonpayment of a Dishonored) ISSUED: 09/25/92
Check Service Charge Imposed)
by the Utility)
_____)
)

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-4.113, F.A.C., relating to refusal or discontinuance of service by company.

The attached Notice of Rulemaking will appear in the October 2, 1992 edition of the Florida Administrative Weekly.

If requested, a hearing will be held at the following time and place:

9:30 a.m., November 5, 1992
Room 122, Fletcher Building
101 East Gaines Street
Tallahassee, FL 32399-0850

Written requests for hearing and written comments or suggestions on the rule must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399, no later than October 23, 1992.

By ORDER of the Florida Public Service Commission this 25th day of September, 1992.



STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

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DOCUMENT NUMBER-DATE

11184 SEP 25 1992

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 920792-PU

RULE TITLE: RULE NO.:

Refusal or Discontinuance of Service by Company 25-4.113

PURPOSE AND EFFECT: The purpose in amending Rule 25-4.113 is to codify a Commission Order and policy prohibiting utilities that charge a dishonored check service charge pursuant to section 832.07(1)(a), F.S., from discontinuing service for failure to pay that extra charge.

SUMMARY: Rule 25-4.113 is amended to prohibit telecommunications companies from refusing or discontinuing service to a customer for nonpayment of a dishonored check service charge imposed by the utility.

RULEMAKING AUTHORITY: 350.127, 427.704(8), F.S.

LAW IMPLEMENTED: 364.03, 364.19, 427.704, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., November 5, 1992

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service

DOCUMENT NUMBER-DATE

11134 SEP 25 1992

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Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THIS RULE IS:

25-4.113 Refusal or Discontinuance of Service by Company.

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

(a) For noncompliance with ~~and~~/or violation of any state or municipal law, ordinance, or regulation pertaining to telephone service.

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

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

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

(e) For noncompliance with ~~and~~/or violation of the Commission's regulations or the utility's rules and regulations on file with the Commission, provided ~~five~~(5) working days' written notice is given before termination.

(f) For nonpayment of bills for telephone service, including the telecommunications access system surcharge referred

to in Rule 25-4.160(5), provided that suspension or termination of service shall not be made without ~~five~~(5) working days' written notice to the customer, except in extreme cases. The written notice shall be separate and apart from the regular monthly bill for service. A utility shall not, however, refuse or discontinue service for nonpayment of a dishonored check service charge imposed by the utility.

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

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

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

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

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

discontinuance.

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

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

(a) Delinquency in payment for service by a previous occupant of the premises, unless the current applicant or customer occupied the premises at the time the delinquency occurred and the previous customer continues to occupy the premises and such previous customer occupant shall benefit from such new service.

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

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

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

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

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

(g) Failure to pay a dishonored check service charge imposed by the utility.

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

Specific Authority: 350.127, 427.704(8), F.S.

Law Implemented: 364.03, 364.19, 427.704, F.S.

History: Revised 12/1/53, Amended 3/31/76, 10/25/84, 10/30/86, 1/1/91, 9/17/92.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Strong

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: 09/15/92

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 488-8371 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).