

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Amendment of
Rule 25-6.049, F.A.C., Measuring
Customer Service, by 38 Tenants
of Record at Dunedin Beach
Campground

DOCKET NO. 970647-EU
ORDER NO. PSC-97-0763-FOF-EU
ISSUED: June 27, 1997

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING

ORDER DENYING PETITION TO INITIATE RULEMAKING

BY THE COMMISSION:

By Petition dated March 4, 1997, and filed with the Office of Public Counsel, residents of Dunedin Beach Campground requested a waiver of Rule 25-6.049(5)(a), Florida Administrative Code. By letter filed May 27, 1997, Mr. Earle C. Bartell, a Campground resident and one of the original petitioners, wrote the Division of Appeals requesting that the Commission either amend rule 25-6.049 or waive it. Dunedin Beach Campground is a 195 site Recreational Vehicle (RV) park in Dunedin, Florida, served by Florida Power Corporation (FPC). Thirty-eight of the sites are individually metered, and the remaining 157 sites are master metered. All of the petitioners reside at individually metered sites.

We shall treat Mr. Bartell's letter as a petition to initiate rulemaking under Section 120.54(7)(a), Florida Statutes.

The petitioners argue they are being discriminated against because the other 157 master metered lots are not required to pay the higher rates, surcharges, and minimum monthly power charge the individually metered residents must pay. In addition, unlike the individually metered residents, the master metered residents are not required to pay a reconnect fee when service is disconnected for a short period of time. In order to redress this alleged discrimination, Mr. Bartell requested us to initiate rulemaking and propose the attached amendments to Rule 25-6.049, Florida Administrative Code.

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As it is currently written, Rule 25-6.049 grandfathers condominiums, cooperatives, marinas, and trailer, mobile home, and RV parks from the individual meter requirement if construction is commenced prior to January 1, 1981. This exemption is clearly defined and easily verified. The attached amendments urged by Mr. Bartell would create murkiness in a well defined area since we have no expertise to determine what circumstances would be beyond the control of the developer. Moreover, it is now over 16 years since the grandfather exemption became available. This significant lapse in time would make it difficult to determine what circumstances were beyond the developer's control. Confusion would also surround what constitutes a planned development for purposes of the exemption.

Furthermore, the 38 individually metered residents have no right to a particular rate because it would lower their bill. In re: Petition to Initiate Changes Relating to Rule 25-6.049, F.A.C., Measuring Customer Service, by microMETER Corporation, Order No. PSC-97-0074-FOF-EU, 97 F.P.S.C. 1: 450, 452 (1997). As discussed in our order denying microMETER's petition to initiate rulemaking concerning the same rule, taking the individually metered customers off of the residential rate creates a mismatch between costs and revenues. Extending the exemption as suggested by the petitioners would obviate the policy reason for the rule, which is to encourage energy conservation.

Based on the assertions in the petitioners' correspondence, the 38 individually metered residents are not being unduly discriminated against. They appear to be permanent residents taking service under FPC's residential rate, as do other residential customers throughout the state.

For the reasons discussed above, we deny the petition to initiate rulemaking to amend Rule 25-6.049 as attached. We decline ruling upon the petition to waive the requirements of Rule 25-6.049(5)(a) until the notice period required by Section 120.542(6), Florida Statutes, has expired.

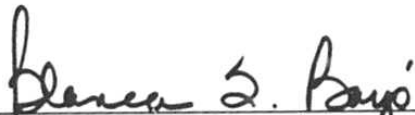
It is therefore

ORDERED by the Florida Public Service Commission that the petition to initiate rulemaking to amend Rule 25-6.049, Florida Administrative Code, as attached, is denied. It is further

ORDERED this docket shall remain open.

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BY ORDER of the Florida Public Service Commission, this 27th
day of June, 1997.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

ATTACHMENT

25-6.049 Measuring Customer Service.

(1) All energy sold to customers shall be measured by commercially acceptable measuring devices owned and maintained by the utility, except where it is impractical to meter loads, such as street lighting, temporary or special installations, in which case the consumption may be calculated, or billed on demand or connected load rate or as provided in the utility's filed tariff.

(2) When there is more than one meter at a location the metering equipment shall be so tagged or plainly marked as to indicate the circuit metered. Where similar types of meters record different quantities, (kilowatt-hours and reactive power, for example), metering equipment shall be tagged or plainly marked to indicate what the meters are recording.

(3) Meters which are not direct reading shall have the multiplier plainly marked on the meter. All charts taken from recording meters shall be marked with the date of the record, the meter number, customer, and chart multiplier. The register ratio shall be marked on all meter registers. The watt-hour constant for the meter itself shall be placed on all watt-hour meters.

(4) Metering equipment shall not be set "fast" or "slow" to compensate for supply transformer or line losses.

(5) (a) Individual electric metering by the utility shall be required for each separate occupancy unit of new commercial establishments, residential buildings, condominiums, cooperatives, marinas, and trailer, mobile home and recreational vehicle parks for which construction is commenced after January 1, 1981. Individual electric meters shall not, however, be required:

1. In those portions of a commercial establishment where the floor space dimensions or physical configuration of the units are subject to alteration, as evidenced by non-structural element partition walls, unless the utility determines that adequate provisions can be made to modify the metering to accurately reflect such alterations;
2. For electricity used in central heating, ventilating and air conditioning systems, or electric back up service to storage heating and cooling systems;
3. For electricity used in specialized-use housing accommodations such as hospitals, nursing homes, living facilities located on the same premises as, and operated in conjunction with, a nursing home or other health care facility providing at least the same level and types of services as a nursing home, convalescent homes, facilities certificated under Chapter 651, Florida

Statutes, college dormitories, convents, sorority houses, fraternity houses, motels, hotels, and similar facilities;

4. For separate, specially-designated areas for overnight occupancy at trailer, mobile home and recreational vehicle parks and marinas where permanent residency is not established.
5. For new and existing time-share plans, provided that all of the occupancy units which are served by the master meter or meters are committed to a time-share plan as defined in Section 721, Florida Statutes, and none of the occupancy units are used for permanent occupancy. When a time-share plan is converted from individual metering to master metering, the customer must reimburse the utility for the costs incurred by the utility for the conversion. These costs shall include, but not be limited to, the undepreciated cost of any existing distribution equipment which is removed or transferred to the ownership of the customer, plus the cost of removal or relocation of any distribution equipment, less the salvage value of any removed equipment.
6. In recreational vehicle parks constructed prior to January 1, 1981, where completion of the park in line

with original approved plans was delayed until after January 1, 1981, by circumstances beyond the park owners control, i.e., County sewer systems incomplete, etc.

(b) For purposes of this rule:

1. "Occupancy unit" means that portion of any commercial establishment, single and multi-unit residential building, or trailer, mobile home or recreational vehicle park, or marina which is set apart from the rest of such facility by clearly determinable boundaries as described in the rental, lease, or ownership agreement for such unit.
2. The construction of a new commercial establishment, residential building, marina, or trailer, mobile home or recreational vehicle park shall be deemed to commence on the date when the building structure permit is issued. These provisions shall be waived in those cases of RV park completion's after January 1, 1981, provided the original approved plan was defined accordingly. See subsection (5)(a)6.
3. "Overnight Occupancy" means use of an occupancy unit for a short term such as per day or per week where permanent residency is not established.

4. The term "cost", as used herein means only those charges specifically authorized by the electric utility's tariff, including but not limited to the customer, energy, demand, fuel, and conservation charges made by the electric utility plus applicable taxes and fees to the customer of record responsible for the master meter payments. The term does not include late payment charges, returned check charges, the cost of the distribution system behind the master meter, the cost of billing, and other such costs.

(6) (a) Where individual metering is not required under Subsection (5) (a) and master metering is used in lieu thereof, reasonable apportionment methods, including sub-metering may be used by the customer of record or the owner of such facility solely for the purpose of allocating the cost of the electricity billed by the utility. In those instances of RV park completion's after January 1, 1981, the apportionment method currently used on the prior built sites shall be implemented in a uniform and non-discriminatory manner on all those sites built to the original approved plan after January 1, 1981.

(b) Any fees or charges collected by a customer of record for electricity billed to the customer's account by the utility, whether based on the use of sub-metering or any other allocation

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method, shall be determined in a manner which reimburses the customer of record for no more than the customer's actual cost of electricity.

(7) Each utility shall develop a standard policy governing the provisions of sub-metering as provided for herein. Such policy shall be filed by each utility as part of its tariffs. The policy shall have uniform application and shall be nondiscriminatory.

Specific Authority 366.05(1) FS.

Law Implemented 366.05(3) FS.

History--Amended 7-29-69, 11-26-80, 12-23-82, 12-28-83, Formerly 25-6.49, Amended 7-14-87, 10-5-88, 3-23-97.