

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Amendment to  
Rule 25-30.320, F.A.C., Refusal  
or Discontinuance of Service

DOCKET NO. 980903-WS  
ORDER NO. PSC-98-1096-NOR-WS  
ISSUED: August 14, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-30.320, Florida Administrative Code, relating to refusal or discontinuance of service.

The attached Notice of Rulemaking will appear in the August 21, 1998 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held a time and place to be announced in a future notice. 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, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than September 11, 1998.

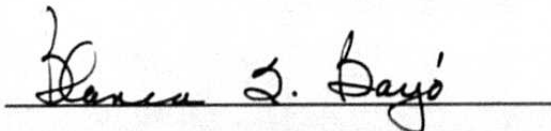
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FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 14th  
day of August, 1998.

A handwritten signature in black ink, reading "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director  
Division of Records & Reporting

( S E A L )

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 980903-WS

RULE TITLE: RULE NO.:

Refusal or Discontinuance of Service 25-30.320

PURPOSE AND EFFECT: To amend the current rule to authorize water utilities under Commission jurisdiction to discontinue service for nonpayment of bills for municipal sewer service under the circumstances specifically provided in section 159.18(2), Florida Statutes.

SUMMARY: Revises Rule 25-30.320 to authorize a utility to discontinue water service for nonpayment of municipal sewer service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The recommended rule change may reduce costs to utilities and the Commission by eliminating the need for proceedings to waive the rule. Because invoking this rule amendment is predicated on a voluntary agreement between the utility and the municipality, neither party is expected to incur any additional cost in complying with the rule amendment. Billing and collection agreements could result in an additional source of income for the utility and could lower the cost of billing, collection and discontinuance of service for the municipality.

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Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), 367.121, FS.

LAW IMPLEMENTED: 367.081, 367.111, 367.121, FS.

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 TIME, DATE, AND PLACE THAT WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THE PROPOSED RULE IS: 25-30.320 Refusal or Discontinuance of Service.

(1) - (2)(f) No Change.

(g) For nonpayment of bills, including nonpayment of municipal sewer service under circumstances specifically provided in section 159.18(2), F.S., or noncompliance with the utility's rules and regulations in connection with the same or a different type or a

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different class of utility service furnished to the same customer at the same premises by the same or affiliated utility only after there has been a diligent attempt to have the customer comply, including at least 5 working days' written notice to the customers. Such notice shall be separate and apart from any bill for service. For purposes of this subsection, "working day" means any day on which the utility's office is open and the U.S. Mail is delivered. A utility shall not, however, refuse or discontinue service for nonpayment of a dishonored check service charge imposed by the utility.

(h) - (6) (d) No Change.

Specific Authority: 350.127(2), 367.121, F.S.

Law Implemented: 367.081, 367.111, 367.121, F.S.

History: Amended 9/12/74, 4/3/80, formerly 25-10.74, 25-10.074, Amended 11-9-86, 1-1-91, 1-11-93, 11-30-93.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ralph Von Fossen

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:  
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: August 4, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

Volume 24, Number 19, May 8, 1998

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if

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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 (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).