

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rule 25-7.0851,
F.A.C., Backbilling, and adoption of Rule 25-
7.0852, F.A.C., Unauthorized Use Relating to
Gas Utilities.

DOCKET NO. 120258-GU
ORDER NO. PSC-12-0655-NOR-GU
ISSUED: December 14, 2012

The following Commissioners participated in the disposition of this matter:

RONALD A. BRISÉ, Chairman
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-7.0851, Florida Administrative Code, and to adopt Rule 25-7.0852, Florida Administrative Code, relating to Backbilling and Unauthorized Use.

The attached Notice of Rulemaking appeared in the December 13, 2012, edition of the Florida Administrative Register. If timely requested, a hearing will be held at a time and place to be announced in a future notice. Written requests for hearing and written comments on the rules must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than January 3, 2013.

By ORDER of the Florida Public Service Commission this 14th day of December, 2012.



ANN COLE
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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FPSC-COMMISSION CLERK

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-7.0851: Backbilling

25-7.0852: Unauthorized Use of Gas

PURPOSE AND EFFECT: Rule 25-7.0851 is amended to include overbilling by the gas utilities. New Rule 25-7.0852 is proposed to address unauthorized usage, where service has been obtained fraudulently.

Docket No. 120258-GU

SUMMARY: Rule 25-7.0851 is amended to address both overbillings and underbillings by gas utilities. Rule 25-7.0852 addresses unauthorized use of gas service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC .

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

RULEMAKING AUTHORITY: 367.121, F.S.

LAW IMPLEMENTED: 367.121, F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082, cmiller@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-7.0851 Underbillings and Overbillings Backbilling.

(1) A utility may not backbill customers for any period greater than 12 months for any undercharge in billing which is the result of the utility's mistake. The utility shall allow the customer to pay for the unbilled service over the same time period as the time period during which the underbilling occurred or some other mutually agreeable time period. The utility shall not recover in a ratemaking proceeding any lost revenues which inure to the utility's detriment on account of this provision.

(2) In the event of overbillings, the utility shall refund the overcharge to the customer for the period during which the overcharge occurred, based on available records. If commencement of the overcharging cannot be fixed, then an estimate of the overcharge shall be made, based on past consumption, and refunded to the customer. The amount and period of the adjustment shall be based on the available records. The refund shall not include any part of a minimum charge.

ORDER NO. PSC-12-0655-NOR-GU
DOCKET NO. 120258-GU
PAGE 3

(3) In the event of an overbilling, the customer may elect to receive the refund as a credit to future billings or as a one-time credit.

Specific Authority 367.121 FS. Law Implemented 367.121 FS. History--New 5-8-91, Amended _____.

Rule 25-7.0852 Unauthorized Use

(1) In the event of unauthorized or fraudulent use or meter tampering, the utility shall bill the customer on an estimate of the gas used, based on the customer's past consumption.

Specific Authority 367.121 F.S. Law Implemented 367.121 F.S. History- New _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Elizabeth Draper

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 38, Number 10, March 9, 2012.

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