

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Revision to Rule 25-30.335, Customer
Billing, Revision to Rule 25-30.350,
Backbilling, Adoption of Rule 25-30.351,
Unauthorized Use, F.A.C.

DOCKET NO. 120246-WS
ORDER NO. PSC-13-0156-NOR-WS
ISSUED: April 12, 2013

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 Rules 25-30.335 and 25-30.350, and to adopt Rule 25-30.351, Florida Administrative Code, relating to water and wastewater customer billing, backbilling, and unauthorized use.

The attached Notice of Rulemaking appeared in the April 11, 2013 edition of the Florida Administrative Register. The attached Notice of Correction appeared in the April 12, 2013 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 May 2, 2013.

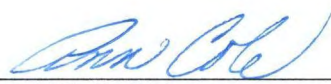
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FPSC-COMMISSION CLERK

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By ORDER of the Florida Public Service Commission this 12th day of April, 2013.



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.

CM

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NOS.: RULE TITLES:

25-30.335 Customer Billing

25-30.350 Backbilling

25-30.351 Unauthorized Use

PURPOSE AND EFFECT: The purpose of amendments to Rule 25-30.335, F.A.C., is to provide customers with contact information and explanations when their bills are estimated, and to discourage use of estimated bills. The purpose of amendments to Rule 25-30.350, F.A.C., is to clarify the process for water and wastewater companies to follow when there are overbillings or underbillings. The purpose of new Rule 25-30.351, F.A.C., is to clarify the process for situations when a customer has fraudulent or unlawful use of the services.

Docket No. 120246-WS

SUMMARY: Rule 25-30.335, F.A.C., requires bill statements to prominently show the word "Estimated" on the bill. The utility is obligated to timely correct problems within the utility's control causing the need to estimate bills. The utility must provide the customer with contact information in certain circumstances. The utility must maintain records, for a minimum of two years, detailing the number, frequency and causes of estimated bills. Rule 25-30.350, F.A.C., is renamed to Underbilling and Overbilling. A new process is set out for both underbillings and overbillings. Rule 25-30.351, F.A.C., describes a process for billing for unauthorized use.

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 SERC examined the factors required by Section 120.541, F.S., and concluded that the rule amendments will not have an adverse impact on economic growth, business competitiveness, or small business. Each rule is expected to have minimal impact on the Commission's costs of rule implementation and enforcement. No other state or local government entities' costs are impacted by the rule. The rules should have minimal or no impact on small business. 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: 350.127(2), 367.121 FS.

LAW IMPLEMENTED: 367.091, 367.121 FS.

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:

25-30.335 Customer Billing.

(1) Except as provided in this rule, a utility shall render bills to customers at regular intervals, and each bill shall indicate: the billing period covered; the applicable rate schedule; beginning and ending meter reading; the amount of the bill; the delinquent date or the date after which the bill becomes past due; and any authorized late payment charge.

(2) When a utility is unable to obtain an actual meter read, estimated bills may be provided.

(a) If the utility estimates a bill, the bill statement shall prominently show the word "Estimated" on the face of the bill. If the utility estimates the bill, the utility shall indicate on the bill that the amount owed is an estimated amount.

(b) The utility is obligated to timely correct any problems within the utility's control causing the need to estimate bills. In no event shall a utility provide an estimated bill to any one customer more than four times in any 12-month period due to circumstances that are within the utility's control and service obligations.

(c) Upon issuance of a second estimated bill in a 6 month period, the utility shall provide the customer with an explicit written explanation for the estimation, along with the utility contact information and the Commission toll-free complaint number, 1(800)342-3552.

(d) The utility shall maintain records, for a minimum of two years, detailing the number, frequency, and causes of estimated bills, which shall be made available upon request to the Commission or to any party to a rate proceeding for the utility.

(3) through (7) No change.

~~(8) In the event of unauthorized use of service by a customer, a utility may bill the customer on a reasonable estimate of the service taken. In addition, the utility may assess a fee to defray the cost of restoring service to such a customer provided that the fee is specified in the utility's tariff.~~

(9) If a utility utilizes the base facility and usage charge rate structure and does not have a Commission authorized vacation rate, the utility shall bill the customer the base facility charge regardless of whether there is any usage.

Rulemaking Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.091, 367.121 FS. History—Amended 9-14-74, 6-21-79, Formerly 25-10.97, 25-10.097, Amended 11-10-86, 11-30-93, _____.

25-30.350 Underbillings and Overbillings for Water and Wastewater Service 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.

(a) The utility shall allow the customer to pay for the unbilled service over the same time period as the time period during which the under billing 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.

(b) The revised bill shall be calculated on a monthly basis, assuming uniform consumption during the month(s) subject to underbilling, based on the individual customer's average usage for the time period covered by the underbilling. The monthly bills shall be recalculated by applying the tariff rates in effect for that time period. The customer shall be responsible for the difference between the amount originally billed and the recalculated bill. All calculations used to arrive at the rebilled amount shall be made available to the customer upon the customer's request.

(2) In the event of an overbilling, the utility shall refund the overcharge to the customer, based on available records. If the commencement date of the overbilling cannot be determined, then an estimate of the overbilling shall be made based on the customer's past consumption.

(3) In the event of an overbilling, the customer may elect to receive the refund as a one-time disbursement, if the refund is in excess of \$20, or as a credit to future billings.

Rulemaking Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.091, 367.121 FS. History-New 11-10-8, Amended _____.

25-30.351 Unauthorized Use.

In the event of unauthorized or fraudulent use of service or meter tampering, the utility shall bill the customer on an estimate of the water and/or wastewater services used based on the customer's past consumption.

Rulemaking Authority 350.127, 367.121 FS. Law Implemented 367.091, 367.121 FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patti Daniel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Vol. 39, No. 28, February 11, 2013

Notice of Change/Withdrawal

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-30.350 Backbilling

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 71, April 11, 2013 issue of the Florida Administrative Register.

Docket No. 120246-WS

The Public Service Commission has made typographical corrections to Subsection (2) for Rule 25-30.350 to read:

(2) In the event of an overbilling, the utility shall refund the overcharge to the customer based on available records. If the commencement date of the overbilling cannot be determined, then an estimate of the overbilling shall be made based on the customer's past consumption.