

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of tariff
modifications, by Tampa Electric Company.

DOCKET NO. 20180182-EI
ORDER NO. PSC-2018-0590-TRF-EI
ISSUED: December 19, 2018

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
JULIE I. BROWN
DONALD J. POLMANN
GARY F. CLARK
ANDREW GILES FAY

ORDER APPROVING TARIFF

BY THE COMMISSION:

BACKGROUND

On October 2, 2018, Tampa Electric Company (TECO or utility) filed a petition for approval of a tariff modification relating to refusal or discontinuation of service. The proposed tariff modification is designed to protect TECO's field employees from dangerous situations resulting from customer threats, as numerous incidents have occurred recently. This Commission approved a similar tariff for Florida Power & Light Company (FPL) in 1996.¹ Peoples Gas System, a division of TECO, filed a similar petition in Docket No. 20180183-GU. The utility's proposed tariff modification is shown in Attachment A. On October 3, 2018, TECO provided a letter waiving the 60-day file and suspend provision of Section 366.06(3), Florida Statutes (F.S.), until the December 11, 2018 Agenda Conference. TECO responded to staff's data requests on October 26, 2018, and November 6, 2018. We have jurisdiction pursuant to Sections 366.04, 366.05, and 366.06, F.S.

DECISION

The utility states that its field employees have experienced a number of threats, assaults, and harassments made by customers. In response to Commission staff's first data request, the utility detailed some of these threats, which ranged from threats against utility property to physical harm of employees.

Utilities currently have the ability to disconnect or refuse service for conditions specified in Rule 25-6.105, F.A.C. Specifically, Rule 25-6.105(5)(f), F.A.C., allows electric utilities to refuse or discontinue service for neglect or refusal to provide safe and reasonable access to the utility provided that written notice be given to the customer. Rule 25-6.105(5)(h), F.A.C., allows the utility to disconnect service without notice in the event of a condition known to the utility to be hazardous.

¹ Order No. PSC-96-0585-FOF-EI, issued May 6, 1996, in Docket No. 960307-EI, In re: Proposed revision of rules and regulations, pertaining to access portion of tariff, by Florida Power & Light Company.

TECO's current tariff provides the conditions under which TECO may refuse or discontinue service. As shown in Attachment A, the proposed tariff modification adds subsection (12) to tariff sheet No. 5.150. Subsection (12) states that the utility may refuse or discontinue service:

[f]or actions or threats made by a customer, or anyone on the customer's premises, which are reasonably perceived by a Company employee as violent or unsafe, after affording the customer reasonable opportunity to cease from any further act of violence or unsafe condition.

As stated in the background, we approved a similar tariff for FPL in 1996. Like TECO's proposed tariff, FPL's approved tariff allows FPL to discontinue service as a result of threats made against employees.²

To assure that unwarranted disconnections do not occur, the utility explained that the Corporate Security Department will investigate threat incidents and verify whether the actions or threats made by the customer have created a dangerous condition warranting disconnection. TECO's head of corporate security will notify the utility's Customer Service Department of valid incidents and will decide whether or not a disconnection notice will be issued to the customer.

In the instances where a customer's service is being refused pursuant to the proposed tariff modification, the utility stated it will notify the customer as soon as practicable of the reason for refusal of service. The utility states that in most cases, a disconnection will have already taken place, and the restoration of service is what is being denied. TECO notes that it does not take disconnection of its customers or refusal of service lightly and that disconnecting or refusing service will be considered an extreme event that will follow other efforts to remedy the situation, up to and including law enforcement or security escorts. Once the threatening condition is resolved to the utility's satisfaction, the utility will reconnect the customer.

Having reviewed TECO's petition and responses to data requests we find that TECO's proposed tariff modification is warranted. Additionally, we find that the proposed tariff modification is consistent with the tariff provision we approved for FPL and is consistent with Rule 25-6.105, F.A.C. Therefore, we hereby approve TECO's proposed tariff modification effective on December 11, 2018.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that modifications to Tampa Electric Company's Fifth Revised Tariff Sheet No. 5.150, Attachment A, are hereby approved. It is further

ORDERED that Fifth Revised Tariff Sheet No. 5.150 shall become effective on December 11, 2018. It is further

ORDERED that if a protest is filed within 21 days of the issuance of this order, the tariff shall be suspended, and this docket shall remain opening pending resolution of the protest. However, if a timely protest is not filed, this docket shall be closed upon the issuance of a consummating order.

² See FPL tariff sheet No. 6.010, section 1.6 - Discontinuance of Service.

By ORDER of the Florida Public Service Commission this 19th day of December, 2018.


CARLOTTA S. STAUFFER

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.

SBr

NOTICE OF FURTHER PROCEEDINGS

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the proposed action files a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 9, 2019.

In the absence of such a petition, this Order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

ATTACHMENT A



~~FOURTH~~ FIFTH REVISED SHEET NO. 5.150
CANCELS ~~THIRD~~ FOURTH REVISED SHEET NO.
5.150

Continued from Sheet No. 5.140

- (1) For non-compliance with and/or violation of any State or municipal law or regulation governing electric service.
- (2) For failure or refusal of the customer to correct any deficiencies or defects in his wiring and/or equipment which are reported to him by the Company.
- (3) For the use of energy for any other property or purpose than that described in the application.
- (4) For failure or refusal to provide adequate space for the meter and service equipment of the Company.
- (5) For the failure or refusal to provide the Company with a deposit to insure payment of bills in accordance with the Company's regulation, provided that written notice, separate and apart from any bill for service, be given the customer.
- (6) For neglect or refusal to provide reasonable access to the Company for the purpose of reading meters or inspection and maintenance of equipment owned by the Company.
- (7) For non-payment of bills or non-compliance with the Company's rules and regulations, and only after there has been a diligent attempt to have the customer comply, including at least five (5) days written notice to the customer, such notice being separate and apart from any bill service.
- (8) For failure to settle, in full, all prior indebtedness incurred by any Customer or Customers of record for the same class of service at any one or more locations of such Customer or Customers of record.
- (9) Without notice in the event of a condition known to the Company to be hazardous.
- (10) Without notice in the event of tampering with meters or other facilities furnished and owned by the company.
- (11) Without notice in the event of unauthorized or fraudulent use of service. Whenever service is discontinued for fraudulent use of service, the company 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 revenue resulting from such fraudulent use.
- (12) For actions or threats made by a customer, or anyone on the customer's premises, which are reasonably perceived by a Company employee as violent or unsafe, after

ISSUED BY: J. B. Ramil N. G. Tower,
President

DATE EFFECTIVE: March 29, 2004



~~FOURTH-FOURTH~~ REVISED SHEET NO. 5.150
CANCELS ~~THIRD-FOURTH~~ REVISED SHEET NO.
5.150

affording the customer reasonable opportunity to cease from any further act of violence or unsafe condition.

Continued to Sheet No. 5.160

ISSUED BY: ~~J. B. Ramil~~ N. G. Tower,
President

DATE EFFECTIVE: ~~March 29, 2004~~