

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Adoption of Rule 25-7.0851,)	DOCKET NO. 900296-GU
F.A.C., pertaining to backbilling)	
by gas utilities.)	ORDER NO. 24214
_____)	ISSUED: 3-11-91

NOTICE OF RULEMAKING

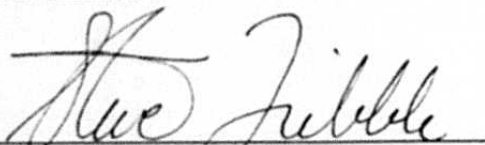
NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to adopt Rule 25-7.0851, F.A.C., relating to backbilling by gas utilities.

The attached Notice of Rulemaking appeared in the March 15, 1991, edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Friday, April 12, 1991
 Room 122, Fletcher Building
 101 East Gaines Street
 Tallahassee, Florida

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, 101 East Gaines Street, Tallahassee, FL 32399, no later than April 5, 1991.

By Direction of the Florida Public Service Commission, this
11th day of MARCH, 1991.



STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

MCB

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DOCUMENT NUMBER-DATE

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SC-RECORDS/REPORTING

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 900296-GU

RULE TITLE:

RULE NO.:

Backbilling

25-7.0851

PURPOSE AND EFFECT: The purpose of the proposed rule is to prohibit backbilling by natural gas utilities for any period greater than 12 months where the utility has mistakenly undercharged the customer. The effect of the proposed rule is to conform gas utility backbilling procedures to similar backbilling procedures the Commission has established for other regulated industries.

SUMMARY: Proposed Rule 25-7.0851, F.A.C., limits backbilling by natural gas utilities to 12 months in instances where the billing error was the fault of the utility. The rule also provides that a utility must allow the customer to pay for the backbilling over the same time period as the time for which the customer was backbilled, or over some other mutually acceptable time. The rule prohibits a utility from recovering any lost revenues resulting from the application of the rule in any ratemaking proceeding.

RULEMAKING AUTHORITY: 367.121, F.S.

LAW IMPLEMENTED: 367.121, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THIS RULE: The proposed rule is not expected to have a significant effect on utilities' costs and the rule is expected to benefit gas utility

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ratepayers by limiting backbilling amounts and avoiding unexpected lump sum charges to customers for utility billing errors.

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. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., April 12, 1991

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE RULE IS:

25-7.0851 Backbilling.

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.

Specific Authority: 367.121, F.S.

Law Implemented: 367.121, F. S.

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History: New

NAME OF PERSON ORIGINATING PROPOSED RULE: George Hanna, Director
of Consumer Affairs

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission

DATE PROPOSED RULE APPROVED: January 15, 1991

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