BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Amendment of Rule 25-) DOCKET NO. 930633-PU
22.032(4), F.A.C., Customer) ORDER NO. PSC-93-1186-NOR-PU
Complaints, to Eliminate) ISSUED: August 12, 1993
Mandatory Informal Conference.)

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-22.032(4), F.A.C., relating to customer complaints.

The attached Notice of Rulemaking will appear in the August 20, 1993, edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Tuesday, October 12, 1993 Room 122, Fletcher Building 101 East Gaines Street

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 September 10, 1993.

By ORDER of the Florida Public Service Commission this 12th day of August, 1993.

STEVE TRIBBLE, Director

Division of Records & Reporting

(SEAL)

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 930633-PU

RULE TITLE:

RULE NO.:

Customer Complaints

25-22.032

PURPOSE AND EFFECT: The purpose of the amendment to Rule 25-22.032, F.A.C., in to give the Director of the Division of Consumer Affairs the option of making a recommendation to the Commission that a complaint should be dismissed without an informal conference because no basis for relief exists. The effect of the amendment is a saving of administrative expense spent on frivolous complaints. SUMMARY: Rule 25-22.032(4), F.A.C., describes the administrative procedure followed by the Commission after a party objects to the Commission's proposed resolution of a given customer complaint. The current rule requires that an informal conference be held each time a party who is objecting to the proposed resolution requests one. The amendment eliminates the mandatory requirement for an informal conference when there is no basis for relief under the Florida Statutes, Commission rules or orders, or the applicable tariffs.

RULEMAKING AUTHORITY: 120.53(1), 350.127(2), F.S.

LAW IMPLEMENTED: 120.53(1), 120.57, 120.59(4), F.S.

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., October 12, 1993

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:

25-22.032 Customer Complaints

(4) If a party objects to the proposed resolution, he may file a request for an informal conference on the complaint. The request shall be in writing and should be filed with the Division of Consumer Affairs within 30 days after the proposed resolution is mailed or personally communicated to the parties. Upon receipt of the request the Director of the Division may shall appoint a staff member to conduct the informal conference or the Director may make a recommendation to the Commission for dismissal based on a finding that the complaint states no basis for relief under the Florida Statutes, Commission rules or orders, or the applicable tariffs. If a conference is granted [T] he appointed staff member shall have had no prior contact with the complaint. After

consulting with the parties, the appointed staff member shall issue a written notice to the parties setting forth the procedures to be employed, the dates by which written materials are to be filed, and the time and place for the informal conference, which shall be held in the service area, or such other convenient location to which the parties agree, no sooner than 10 days following the notice.

Specific Authority: 120.53(1), 350.127(2), F.S.

Law Implemented: 120.53(1), 120.57, 120.59(4), F.S.

History: New 1/3/89, Amended .

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

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

DATE PROPOSED RULE APPROVED: August 3, 1993

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.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 488-8371 at least five calendar days prior to

the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).