

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Approval of) DOCKET NO. 930697-WS
Tariff Filing to Amend Bill Form) ORDER NO. PSC-93-1381-FOF-WS
and Change Timing of Delinquent) ISSUED: September 20, 1993
Bills and Imposition of Late Fee)
From 20 Days to 30 Days by PALM)
COAST UTILITY CORPORATION in)
Flagler County.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER APPROVING UTILITY'S TARIFF FILING AND REQUIRING
REVISION TO DEPOSIT REFUND LANGUAGE

BY THE COMMISSION:

Palm Coast Utility Corporation (Palm Coast or utility) is a Class A water and wastewater utility in Flagler County. On June 17, 1993, the utility filed tariff sheets and a request for approval to change the delinquent date of its customer bills from 20 to 30 days. On July 22, 1993, Palm Coast waived the 60-day statutory deadline found in Section 367.091(5), Florida Statutes, to August 31, 1993, to allow additional time for processing its request.

In support of its request, Palm Coast asserts that: 1) there has been a substantial increase in the number of customers paying their bills after the 20th day, which has resulted in a greater number of customers being billed a \$3.00 late payment charge; 2) a substantial portion of the utility's customers are on Social Security or a pension and receive their checks once per month; 3) the utility believes that increasing the delinquency period from 20 to 30 days will reduce this hardship for its customers, as well as reduce the administrative costs to the utility; 4) the utility has recently installed a new, more efficient billing system, and this change has increased the utility's ability to send bills on a more timely basis; 5) the language found in Rule 25-30.335(4), Florida Administrative Code, is permissive; and 6) Rule 25-30.010, Florida Administrative Code, provides that the Commission rules are for general application and changes and modifications to the utility's tariff, as permitted by law, may be made by the Commission if the Commission finds it appropriate.

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We find that it is appropriate to grant the utility's request. Rule 25-30.335(4), Florida Administrative Code, states that:

A utility may not consider a customer delinquent in paying his or her bill until the twenty-first day after the utility has mailed or presented the bill for payment (emphasis added).

We believe that the language found in Rule 25-30.335(4), Florida Administrative Code, is permissive. The rule does not provide that the 21 day delinquent period cannot be increased, but instead the rule is clear that a utility may not consider a customer to be delinquent in paying his bill prior to the 21 days. We further believe that Rule 25-30.010, Florida Administrative Code, allows the Commission to grant such tariff revisions, and agree with the utility's interpretation of this rule. However, such requests must be analyzed on a case-by-case basis, as we have done here. In this instance, it appears that the customer base of this utility will benefit from such a change.

Because we have found it appropriate to grant the utility's request to modify its tariff with regard to the delinquent date, the utility must also remain consistent with Rule 25-30.311(5), Florida Administrative Code, which provides in part that a customer may not receive a refund of his deposit if the customer has:

...in the preceding 12 months, made more than one late payment of a bill (after the expiration of 20 days from the date of mailing or delivery by the utility).

In an effort to keep the utility's tariffs consistent, we find it appropriate that the utility revise its deposit refund language to state that payments will not be late until the expiration of 30 days. Therefore, the utility shall submit revised tariff sheets which reflect the change in the deposit refund language. This docket shall be closed upon the expiration of the protest period.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Palm Coast Utility Corporation's request to revise its tariff to reflect the change in the delinquent date is granted to the extent set forth in the body of this order. It is further

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ORDERED that Palm Coast Utility Corporation shall submit revised tariff sheets reflecting the change in its refund deposit tariff language as set forth in the body of this Order. It is further

ORDERED that this docket shall be closed upon the expiration of the protest period.

By ORDER of the Florida Public Service Commission this 20th day of September, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

LAJ

by: Kay Flynn
Chief, Bureau of Records

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

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 action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), Florida Administrative Code. This

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petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on October 11, 1993.

In the absence of such a petition, this order shall become final on the day subsequent to the above date.

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.

If this Order becomes final on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the date this Order becomes final, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.