

DOCKET NO. 930633-PU

CERTIFICATION OF
 PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
 FILED WITH THE
 DEPARTMENT OF STATE

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;

(a) And are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(e) Are filed within 21 days after the date the transcript was received by this agency.

DOCUMENT FILED DATE

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FILED IN DEPARTMENT OF STATE

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

<u>Rule No.</u>	<u>Rulemaking Authority</u>	<u>Specific Law Being Implemented, Interpreted or Made Specific</u>
25-22.032(4)	120.53(1) 350.127(2)	120.53(1), 120.57, 120.59(4)

Under the provision of paragraph 120.54(13)(a), F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



STEVE TRIBBLE, Director
Division of Records & Reporting

Number of Pages Certified

(S E A L)

1 25-22.032 Customer Complaints.

2 (1) Any customer of a utility regulated by this Commission
3 may file a complaint with the Division of Consumer Affairs whenever
4 he has an unresolved dispute with the utility regarding his
5 electric, gas, telephone, water, or wastewater service. The
6 complaint may be communicated orally or in writing. Upon receipt
7 of the complaint a staff member designated by the Director of the
8 Division shall notify the utility of the complaint and request a
9 response. The response should explain the utility's actions in the
10 disputed matter and the extent to which those actions were
11 consistent with the utility's tariffs and procedures, applicable
12 state laws, and Commission rules, regulations, and orders.

13 (2) The designated staff member shall investigate the
14 complaint and attempt to resolve the dispute informally. To that
15 end, the staff member may request the parties to provide copies of
16 bills, billing statements, field reports, written documents, or
17 other information in their possession which may be necessary to
18 resolve the dispute. The staff member may perform such tests,
19 on-site inspections, and reviews of utility records as he considers
20 appropriate and may request the utility to collect data and to
21 perform tests which are necessary to aid in the resolution of the
22 dispute.

23 (3) As soon as possible the staff member shall propose a
24 resolution of the complaint based on his findings, applicable state
25 laws, the utility's tariffs, and Commission rules, regulations, and

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~~struck-through~~ type are deletions from existing law.

1 orders. The proposed resolution may be communicated to the parties
2 orally or in writing. Upon request, either party shall be entitled
3 to a written copy of the proposed resolution, which shall be
4 delivered by first-class mail.

5 (4) If a party objects to the proposed resolution, he may
6 file a request for an informal conference on the complaint. The
7 request shall be in writing and should be filed with the Division
8 of Consumer Affairs within 30 days after the proposed resolution is
9 mailed or personally communicated to the parties. Upon receipt of
10 the request the Director of the Division ~~may shall~~ appoint a staff
11 member to conduct the informal conference or the Director may make
12 a recommendation to the Commission for dismissal based on a
13 finding that the complaint states no basis for relief under the
14 Florida Statutes, Commission rules or orders, or the applicable
15 tariffs. If a conference is granted ~~t~~The appointed staff member
16 shall have had no prior contact with the complaint. After
17 consulting with the parties, the appointed staff member shall issue
18 a written notice to the parties setting forth the procedures to be
19 employed, the dates by which written materials are to be filed, and
20 the time and place for the informal conference, which shall be held
21 in the service area, or such other convenient location to which the
22 parties agree, no sooner than 10 days following the notice.

23 (5) In conjunction with conducting the informal conference,
24 the appointed staff member may:

25 (a) Require the utility to provide any information in its

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1 parties. The Commission shall dispose of the matter at the next
2 available agenda conference by issuing a notice of proposed agency
3 action or by setting the matter for hearing pursuant to section
4 120.57, Florida Statutes. The Commission may permit the parties to
5 respond to the recommendation at the agenda conference.

6 (9) At any point during the complaint proceedings, a party
7 has the right to be represented by an attorney or other qualified
8 representative. For purposes of this rule a qualified
9 representative may be any person the party chooses, unless the
10 Commission sets the matter for hearing. At such hearing the
11 parties must be represented by an attorney or Class B practitioner
12 as provided for in Rule 25-22.008 or may represent themselves.
13 Each party shall be responsible for his own expenses in the
14 handling of the complaint.

15 (10) During the pendency of the complaint proceedings, a
16 utility shall not discontinue service to a customer because of an
17 unpaid disputed bill. However, the utility may require the
18 customer to pay that part of a bill which is not in dispute. If
19 the parties cannot agree as to the amount in dispute, the staff
20 member will make a reasonable estimate to establish an interim
21 disputed amount until the complaint is resolved. If the customer
22 fails to pay the undisputed portion of the bill the utility may
23 discontinue the customer's service pursuant to Commission rules.

24 (11) At any time the parties may agree to settle their
25 dispute. If a settlement is reached, the parties or their

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