

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed amendment to ) DOCKET NO. 931202-TL  
Rule 25-4.113, F.A.C., Refusal ) ORDER NO. PSC-94-1371-NOR-TL  
or Discontinuance of Service by ) ISSUED: November 10, 1994  
Company. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rule No. 25-4.113, Florida Administrative Code, relating to Refusal or Discontinuance of Service by Company.

The attached Notice of Rulemaking will appear in the November 18, 1994 edition of the Florida Administrative Code Weekly.

If timely requested, a hearing will be held at the following time and place:

9:30 a.m., February 1, 1995  
Room 106, Fletcher Building  
101 East Gaines Street  
Tallahassee, Florida 32399-0850

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 32399-0870, no later than December 9, 1994.

DOCUMENT NUMBER-DATE  
11404 NOV 10 1994  
FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 10th  
day of November, 1994.

BLANCA S. BAYÓ, Director  
Division of Records & Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 931202-TL

RULE TITLE:   RULE NO.:

Refusal or Discontinuance of             25-4.113

Service by Company

PURPOSE AND EFFECT: The purpose of the proposed changes to the rule are to reduce the possibility of a customer being without telephone service due to nonpayment for an extended period of time without having the opportunity to have service restored because the company's business office is closed; and to prevent damage to company equipment from hazardous conditions due to delays in discontinuing service caused by the requirement to give prior notice to customers.

SUMMARY: The rule prohibits a telecommunications company from discontinuing service for the initial nonpayment of a bill on a day the company's business office is closed or on the day preceding a day when the office is closed. The rule also authorizes companies to discontinue service without prior notice when a hazardous condition exists.

RULEMAKING AUTHORITY: 350.127, 427.704(8), F.S.

LAW IMPLEMENTED: 364.03, 364.19, 427.704, 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.

HEARING: 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., February 1, 1995

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

THE PERSON TO BE CONTACTED REGARDING THIS RULES 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:

25-4.113 Refusal or Discontinuance of Service by Company.

(1) As applicable, the company utility may refuse or discontinue telephone service under the following conditions provided that, unless otherwise stated, the customer shall be given notice and allowed a reasonable time to comply with any rule or remedy any deficiency:

(a) For noncompliance with or violation of any state or municipal law, ordinance, or regulation pertaining to telephone service.

(b) For the use of telephone service for any other property or purpose than that described in the application.

(c) For failure or refusal to provide the company utility with a deposit to insure payment of bills in accordance with the company's utility's regulations.

(d) For neglect or refusal to provide reasonable access to the company utility for the purpose of inspection and maintenance of equipment owned by the company utility.

(e) For noncompliance with or violation of the Commission's regulations or the company's utility's rules and regulations on file with the Commission, provided 5 working days' written notice is given before termination.

(f) For nonpayment of bills for telephone service, including the telecommunications access system surcharge referred to in Rule 25-4.160(3 5), provided that suspension or termination of service shall not be made without 5 working days' written notice to the customer, except in extreme cases. The written notice shall be separate and apart from the regular monthly bill for service. A company utility shall not, however, refuse or discontinue service for nonpayment of a dishonored check service charge imposed by the company utility. No company shall discontinue service to any customer for the initial nonpayment of the current bill on a day the company's business office is closed or on a day preceding a day the business office is closed.

(g) For purposes of paragraphs (e) and (f), "working day" means any day on which the company's utility's business office is open and the U.S. Mail is delivered.

(h) Without notice in the event of customer use of equipment in such manner as to adversely affect the company's utility's equipment or the company's utility's service to others.

(i) Without notice in the event of hazardous conditions or tampering with the equipment furnished and owned by the company utility.

(j) Without notice in the event of unauthorized or fraudulent use of service. Whenever service is discontinued for fraudulent use of service, the company utility 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 revenues resulting from such fraudulent use.

(2) In case of refusal to establish service, or whenever service is discontinued, the company utility shall notify the applicant or customer in writing of the reason for such refusal or discontinuance.

(3) Service shall be initiated or restored when the cause for refusal or discontinuance has been satisfactorily adjusted.

(4) The following shall not constitute sufficient cause for refusal or discontinuance of service to an applicant or customer:

(a) Delinquency in payment for service by a previous occupant of the premises, unless the current applicant or customer occupied the premises at the time the delinquency occurred and the previous

customer continues to occupy the premises and such previous customer shall benefit from such new service.

(b) Delinquency in payment for service by a present occupant who was delinquent at another address and subsequently joined the household of the customer ~~subscriber~~ in good standing.

(c) Delinquency in payment for separate telephone service of another customer ~~subscriber~~ in the same residence.

(d) Failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for refusal of residence service or vice versa.

(e) Failure to pay for a service rendered by the company ~~utility~~ which is not regulated by the Commission.

(f) Failure to pay the bill of another customer as guarantor thereof.

(g) Failure to pay a dishonored check service charge imposed by the company ~~utility~~.

(5) When service has been discontinued for proper cause, the company ~~utility~~ may charge a reasonable fee to defray the cost of restoring service, provided such charge is set out in its approved tariff on file with the Commission.

Specific Authority: 350.127, 427.704(8), F.S.

Law Implemented: 364.03, 364.19, 427.704, F.S.

History: Revised 12/1/53, Amended 3/31/76, 10/25/84, 10/30/86, 1/1/91, 9/17/92, 1/11/93, \_\_\_\_\_.

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NAME OF PERSON ORIGINATING PROPOSED RULE: Brick Walls, Division of Communications.

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

DATE PROPOSED RULE APPROVED: May 3, 1994

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).