

FLORIDA PUBLIC SERVICE COMMISSION  
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M E M O R A N D U M

April 4, 1996

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF ELECTRIC & GAS (GOAD) *RG OL*  
DIVISION OF LEGAL SERVICES (WAGNER) *LW RVE* *JUJ*

RE: DOCKET NO. 960307-EI - PROPOSED REVISION OF RULES AND REGULATIONS, PERTAINING TO ACCESS PORTION OF TARIFF, BY FLORIDA POWER AND LIGHT COMPANY

AGENDA: APRIL 16, 1996 - REGULAR AGENDA - TARIFF FILING - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: 60-DAY SUSPENSION DATE: MAY 3, 1996

SPECIAL INSTRUCTIONS: I:\PSC\EAG\WP\960307EI.RCM

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission approve Florida Power and Light's (FPL) proposed Fourth Revised Sheet No. 6.010 and Sixth Revised Sheet No. 6.020, allowing for discontinuance of service until an unsafe situation is resolved?

RECOMMENDATION: Yes. FPL's proposed revisions, to allow for discontinuance of service until an unsafe situation is resolved is a reasonable attempt to establish safe working conditions for FPL's employees.

STAFF ANALYSIS: Over the past year FPL's field employees have experienced a 57 percent increase in incidents of threats, assaults, and harassments made by customers. The proposed changes would allow FPL to discontinue service in the event of an unsafe or violent situation. The proposed changes do not relieve FPL of the obligation under Rule 25-6.105 (5), Florida Administrative Code, to provide five days written notice to the customer prior to disconnection. The required notice will also inform the customer of their right to file a complaint with the Public Service Commission.

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FPSC-RECORDS/REPORTING

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FPL maintains that following a reported threat or violent action, the office of corporate security will investigate the incident and verify whether the actions or threats made by the customer have created a dangerous condition. The head of corporate security will notify FPL's consumer affairs department of any valid incidents. An executive officer in consumer affairs and the head of corporate security will then decide whether or not to issue a five-day written notice. This notice will inform the customer that service will be discontinued if further violent or unsafe actions are not ceased. In addition to the notice, FPL will contact the customer to discuss concerns for the safety of its personnel. These steps will prevent the employee who is directly involved with the situation from making the decision to discontinue service and provide a more objective view of the overall situation.

FPL stipulated that if a customer disputes the threat or action which FPL believes to constitute a dangerous condition, FPL will not discontinue service to the customer during the complaint proceedings. FPL will address these types of disputes in the same manner as Rule 25-22.032 (10), Florida Administrative Code, treats disputed bills. By FPL agreeing to these conditions, staff believes the customer will be sufficiently protected against unjustified disconnections.

Staff believes that FPL has the obligation to ensure, to the best of its ability, that its employees are not exposed to undue danger. The goal of the proposed changes is to provide for a safer working environment for all of FPL's field workers and for better service to its customers. Staff also believes that FPL has an economic incentive to retain all of its current customers; therefore, will use good judgment when exercising this recourse. The proposed changes are consistent with Rule 25-6.105 (5)(f), Florida Administrative Code, which states that each utility may refuse or disconnect service to a customer

For neglect or refusal to provide safe and reasonable access to the utility for purpose of reading meters or inspection and maintenance of equipment owned by the utility, provided that written notice, separate and apart from any bill for service, be given the customer.

The new language in no way preempts the rights already afforded to the customer. It merely clarifies potential problems that may occur and provides the utility a means of resolving them.

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**ISSUE 2:** What is the effective date for the proposed tariff changes?

**STAFF RECOMMENDATION:** FPL's proposed tariff changes should become effective upon Commission approval.

**STAFF ANALYSIS:** The proposed changes address customer relations and do not affect rates. The utility currently has the ability to disconnect service for conditions specified in Rule 25-6.105, Florida Administrative Code, including unsafe conditions. The proposed tariff language does not extend the authority granted under the rule. Therefore, the tariff may go into effect upon approval by the Commission.

**ISSUE 3:** Should this docket be closed?

**STAFF RECOMMENDATION:** Yes, if Issue 1 is approved, this tariff should become effective on April 16, 1996. If a protest is filed within 21 days of the issuance date of the Order, the tariffs should remain in effect pending resolution of the protest. If no timely protest is filed, this docket should be closed.

**STAFF ANALYSIS:** At the conclusion of the protest period, if no protest is filed, this docket should be closed.