

MEMORANDUM

June 12, 1996

TO : DIVISION OF RECORDS & REPORTING

FROM : CHRISTIANA T. MOORE, ASSOCIATE GENERAL COUNSEL *CTM*

RE : DOCKET NO. 960169-GU, PROPOSED REPEAL OF RULE 25-7.067, F.A.C., HEATING VALUE STANDARD FOR MANUFACTURED GAS; RULE 25-7.068, F.A.C., HEATING VALUE TESTS; AND RULE 25-7.069, F.A.C., CALORIMETER EQUIPMENT; AND AMENDMENT OF RULE 25-7.085(2)(c), F.A.C., CUSTOMER BILLING

Attached is an original and three copies of the certification of Rules 25-7.067, 25-7.068, 25-7.069 and 25-7.085(2)(c). The Department of State must receive the original and two copies of the certification no later than 5:00 p.m., June 13, 1996. The Certification includes:

- (1) An original and two certified copies of Rules 25-7.067, 25-7.068, 25-7.069 and 25-7.085(2)(c);
- (2) A summary of the rules;
- (3) A summary of the hearing on the rules; and
- (4) A written statement of the facts and circumstances justifying the rules.

DOS25-7.MRD
Attachments

DOCUMENT NUMBER-DATE

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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.

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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>
25-7.067	366.05(1), F.S.	366.05(1), F.S.
25-7.068	366.05, F.S.	366.05, F.S.
25-7.069	366.05(1), F.S.	366.05(3), F.S.
25-7.085	366.05(1), F.S.	366.05(1), 366.06(1), F.S.

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)

Blanca S. Bayó

BLANCA S. BAYÓ, Director
Division of Records & Reporting

Number of Pages Certified

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Rules 25-7.067, 25-7.068, 25-7.069 and 25-7.085(2)(c)
Docket No. 960169-GU

SUMMARY OF RULE

The rules being repealed or revised are obsolete provisions that regulate manufactured gas utility activities.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested and none was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rules 25-7.067, 25-7.068, and 25-7.069, F.A.C., require manufactured gas utilities to maintain a standard heating value; require certain heating value tests; and require utilities to maintain or have access to calorimeter equipment to measure heating value. The second sentence of Rule 25-7.085(2)(c) prescribes the heating value factor for manufactured gas utilities. Because no manufactured gas utilities have been located in Florida for the past 20 to 30 years, and none are expected to locate within the State in the foreseeable future, the rules are unnecessary. The heating value tests and calorimeter equipment prescribed by the rules were used predominantly for manufactured gas and are also not needed now.

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25-7.067 Heating Value Standard for Manufactured Gas.

Specific Authority: 366.05(1), F.S.

Law Implemented: 366.05(1), F.S.

History: Repromulgated 1/8/75, 5/4/75, formerly 25-7.67, Repealed
7/3/96.

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1 25-7.068 Heating Value Tests.
2 Specific Authority: 366.05, F.S.
3 Law Implemented: 366.05, F.S.
4 History: Repromulgated 1/8/75, 5/4/75, formerly 25-7.68, Repealed
5 7/3/96.

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1 | 25-7.069 Calorimeter Equipment.
2 | Specific Authority: 366.05(1), F.S.
3 | Law Implemented: 366.05(3), F.S.
4 | History: Repromulgated 1/8/75, 5/4/75, formerly 25-7.69, Repealed
5 | 7/3/96.
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1 25-7.085 Customer Billing.

2 (1) Bills shall be rendered monthly. With the exception of
3 a duplicate bill, each customer's bill shall show at least the
4 following information:

5 (a) The meter reading and the date the meter was read plus
6 the meter reading for the previous period. When an electronic
7 meter is used, the gas volume consumed for the billing month may be
8 shown. If the gas consumption is estimated, the word "estimated"
9 shall prominently appear on the bill.

10 (b) Therms and cubic feet consumed.

11 (c) The total dollar amount of the bill, indicating
12 separately:

- 13 1. Customer charge.
- 14 2. Energy (therm) charge exclusive of fuel cost in
15 cents per therm.
- 16 3. Fuel cost in cents per therm (no fuel costs shall
17 be included in the charge for energy).
- 18 4. Total gas cost which is the sum of the customer
19 charge, total fuel cost and total energy cost.
- 20 5. Franchise fees, if applicable.
- 21 6. Taxes, as applicable on purchases of gas by the
22 customer.
- 23 7. Any discount or penalty, if applicable.
- 24 8. Past due balances.
- 25 9. The gross and net billing, if applicable.

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1 (d) Identification of the applicable rate schedule.

2 (e) The date by which payment must be made in order to
3 benefit from any discount or avoid any penalty, if applicable.

4 (f) The average daily therm consumption for the current
5 period and for the same period in the previous year, for the same
6 customer at the same location.

7 (g) The delinquent date or the date after which the bill
8 becomes past due.

9 (h) Any conversion factors which can be used by customers to
10 convert from meter reading units to billing units.

11 (i) Where budget billing is used, the bill shall contain the
12 current month's consumption and charges separately from budgeted
13 amounts.

14 (j) The name of the utility plus the address and telephone
15 number of the local office where the bill can be paid and questions
16 concerning the bill can be answered.

17 (2) All gas utilities shall charge for gas service on a
18 thermal basis instead of on a volume basis. The provisions
19 governing customer billing on a thermal basis shall be as follows:

20 (a) The unit of service shall be the "Therm."

21 (b) The number of therms which shall have been taken by
22 consumer during a given period shall be determined by multiplying
23 the difference in the meter readings in cubic feet at the beginning
24 and end of the period by the conversion factors in (1)(h) including
25 a heating-value factor which has been determined as prescribed in

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1 (c) below.

2 (c) The heating-value factor for gas utilities receiving and
3 distributing natural gas shall be the average thermal value of the
4 natural gas received and distributed during the preceding month.
5 ~~For manufactured gas utilities the heating value factor shall be~~
6 ~~the heating value standard which the utility has on file with the~~
7 ~~Commission, divided by 100,000, provided that during the calendar~~
8 ~~month nearest coinciding with the billing period the average~~
9 ~~heating value as determined under Rule 25-7-068(4) is at or above~~
10 ~~that standard.~~ In case the average heating value during the
11 calendar month has been below the standard, then the value to be
12 used in determining the factor shall be the heating value standard
13 minus a deduction of one percent (1%) for each one percent (1%) or
14 fraction thereof that the average heating value has been below the
15 standard.

16 (d) The consumer shall be billed to the nearest ~~one~~-tenth of
17 a therm.

18 (3) Whenever the period of service for which an initial or
19 opening bill would be rendered is less than the normal billing
20 period, no bill for that period need be rendered if the volume
21 amount consumed is carried over and included in the next regular
22 monthly billing. If, however, a bill for such period is rendered,
23 the applicable charges, including minimum charges, shall be
24 prorated.

25 (4) Franchise Fees.

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1 (a) When a municipality charges a utility any franchise fee,
2 the utility may collect that fee only from its customers receiving
3 service within that municipality. When a county charges a utility
4 any franchise fee, the utility may collect that fee only from its
5 customers receiving service within that county.

6 (b) A company may not incorporate any franchise fee into its
7 other rates for service.

8 (c) This subsection shall not be construed as granting a
9 municipality or county the authority to charge a franchise fee.
10 This subsection only specifies the method of collection of a
11 franchise fee, if a municipality or county, having authority to do
12 so, charges a franchise fee.

13 (5) When there is sufficient cause, estimated billings may be
14 used by a utility provided that with the customer's third
15 consecutive estimated billing the customer is informed of the
16 reason for the estimation and whom to contact to obtain an actual
17 meter reading if one is desired. An actual meter reading must be
18 taken at least once every six months. If an estimated bill appears
19 to be abnormal once an actual meter reading is obtained, the bill
20 for the entire estimation period shall be computed at a rate based
21 on use of service during the entire period and the estimated bill
22 shall be deducted. If there is substantial evidence that such use
23 occurred during only one billing period, the bill shall be
24 computed.

25 (6) Regular meter reading dates may be advanced or postponed

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1 | not more than five days without a proration of the billing for the
2 | period.

3 | (7) The practices employed by each utility regarding customer
4 | billing shall have uniform application to all customers on the same
5 | rate schedule.

6 | Specific Authority: 366.05(1), F.S.

7 | Law Implemented: 366.05(1), 366.06(1), F.S.

8 | History: Amended 12/15/73, Repromulgated 1/8/75, amended 5/4/75,
9 | 11/21/82, 12/26/82, formerly 25-7.85, Amended 10/10/95, 7/3/96.

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be made by the Commission to the customer.

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—Amended 10-20-73, Repronulgated 1-8-75, 5-4-75, Formerly 25-7.66.

25-7.067 Heating Value Standards for Manufactured Gas.

(1) Each manufactured gas utility shall establish and maintain, with the approval of the Commission, a standard heating value for its product. This heating value standard, expressed in BTU per standard cubic foot, shall be filed with the Commission as a part of its schedule of rates or rules and regulations.

(2) The monthly average heating value of the manufactured gas, as delivered to consumers within the area served, shall be not less than the heating value standard on file with the Commission.

(3) The heating value of the manufactured gas shall be maintained with as little deviation as practicable and the average total heating value on any one day should not exceed or fall below the authorized standard by more than four percent (4%) except when a substitute gas is used in accordance with the provisions of (5) of this rule.

(4) In maintaining the established heating value, the chemical composition and specific gravity shall be such as to attain satisfactory combustion in the customer's appliances at all times without repeated readjustment of the burners.

(5) In situations where a supplemental or substitute gas is distributed by the utility, the gas quality shall be such that the utilization performance, when used as a fuel, will be satisfactory regardless of the heating value of the gas.

(6) No utility shall change its standard of heating value without first obtaining the approval of the Commission for such change.

Specific Authority 366.05(1) FS. Law Implemented 366.05(1) FS. History—Repronulgated 1-8-75, 5-4-75, Formerly 25-7.67.

25-7.068 Heating Value Tests.

(1) Tests for heating value shall be made at a local or locations which will insure a representative sampling of the gas being sent out to the distribution system.

(2) Any utility supplying manufactured or mixed gas shall determine the heating value of such gas at least once each day, except Sundays and holidays.

(3) Any utility supplying natural gas shall make sufficient tests, or have access to such tests made by its supplier, as to ascertain the heating value.

(4) Unless the Commission rules otherwise in specific cases, the average for any day shall be determined from the record of a recording calorimeter where such is available, or it shall be taken as the average of the results of all tests of heating value made on that day. The average of all such daily averages shall be taken as the monthly average.

(5) Gas which has been compressed to more than five (5) pounds per square inch shall be tested for

heating value after compression, except natural gas.

Specific Authority 366.05(1) FS. Law Implemented 366.05 FS. History—Repronulgated 1-8-75, 5-4-75, Formerly 25-7.68.

25-7.069 Calorimeter Equipment.

(1) The utility shall maintain or have access to an approved type calorimeter located as specified in Rule 25-7.068(1).

(2) The utility may use a standard recording calorimeter which shall be maintained in proper working order and shall be subjected to accuracy tests at least three times a year at four month intervals with a standard calorimeter or against a standard gas.

(3) The calorimeter, method of testing, and accuracy tests shall be subject to inspection and approval of the Commission.

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—Repronulgated 1-8-75, 5-4-75, Formerly 25-7.69.

25-7.070 Sealing Meters. All meters tested for installation shall be sealed at the time of the test by the meterman performing the test. The seal shall be of a type that will ensure detection of tampering. Those utilities using a compression type lead seal shall have as a sealing tool a device furnished with a die, which shall bear the initials of the utility. Utilities using a snap-in type seal shall have the seal stamped in a similar manner.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.05(3) FS. History—New 2-13-84, Formerly 25-7.70.

25-7.071 Measuring Customer Service.

(1) All gas sold to customers shall be measured by commercially acceptable measuring devices owned and maintained by the utility, except where it is impractical to meter loans, such as street lighting, temporary or special installations, in which case the consumption may be calculated, or billed on a rate or as provided in the utility's filed tariff.

(2)(a) Individual gas metering by the utility shall be required for each separate occupancy unit of new commercial establishments, residential buildings, condominiums, cooperatives, marinas, and trailer, mobile home and recreational vehicle parks for which construction is commenced after January 1, 1987. This requirement shall apply whether or not the facility is engaged in a time-sharing plan. Individual meters shall not, however, be required.

1. In those portions of a commercial establishment where the floor space dimensions or physical configuration of the units are subject to alteration, as evidenced by non-structural element partition walls, unless the utility determines that adequate provisions can be made to modify the metering to accurately reflect such alterations.

2. For gas used in central heating, central water heating ventilating and air conditioning systems, or gas back up service to storage heating and cooling systems.

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