

FLORIDA PUBLIC SERVICE COMMISSION
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Tallahassee, Florida 32399-0850

M E M O R A N D U M

January 22, 1997

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

FROM: DIVISION OF APPEALS (BELLAK) *RCB DES*
DIVISION OF RESEARCH AND REGULATORY REVIEW (HEWITT) *PD*
DIVISION OF ELECTRIC AND GAS (KUMMER) *CA RET*

RE: DOCKET NO. 960911-EI, PROPOSED REPEAL OF 25-6.001, AUTHORIZATION OF RULES; 25-6.017, OPERATING RECORDS; 25-6.023, CUSTOMER ACCOUNT RECORDS; 25-6.051, RENTAL CHARGE FOR METERS; 25-6.063, TEMPORARY SERVICE; 25-6.096, TERMINATION OF SERVICE BY CUSTOMER; AND 25-6.083, SPECIAL CONDITIONS

AGENDA: FEBRUARY 4, 1997 - REGULAR AGENDA - RULE PROPOSAL - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\APP\WP\960911.RCM

CASE BACKGROUND

The Commission and other state agencies were asked by the President of the Florida Senate last year to identify rules that are unnecessary, redundant, overlapping, or obsolete. In its response to that request, the Commission identified the rules in this docket and stated that it would proceed with repealing them.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission propose for repeal Rules 25-6.001, 25-6.017, 25-6.023, 25-6.051, 25-6.063, 25-6.083 and 25-6.096, F.A.C.?

RECOMMENDATION: Yes.

STAFF ANALYSIS: Staff has identified the following rules as unnecessary, redundant, overlapping, or obsolete and recommends their repeal or revision:

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

DOCKET NO. 960911-EI
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25-6.001 duplicates statutory language in Section 366.05, Florida Statutes which allows the Commission to adopt rules governing electric utilities.

25-6.017 requires that each utility keep appropriate operating records sufficient to respond to Commission inquiries, but is duplicative of statutory language in Section 366.05(7).

25-6.023 requires utilities to keep records on customer accounts and records of deposits, but duplicates the requirements of Rule 25-6.015, 25-6.095 and 25-6.097.

25-6.051 and 25-6.063 provide the terms and conditions for utilities to charge for temporary service and additional meters installed for customer convenience. The specific charges and conditions for these services are found in the utility tariffs, making the rules unnecessary.

25-6.083 allows customers to appeal utility construction practices to the Commission, but is duplicative of Rule 25-22.032, which outlines procedures for customers to file complaints with the Commission regarding disputes with utility companies.

25-6.096 which requires that a customer give reasonable notice of intent to discontinue service and provides that the customer is responsible for all energy used on the premises until the utility is notified is unnecessary.

As indicated in the Attached Statement of Estimated Regulatory Costs (SERC), there are no identifiable costs to IOU's, small businesses, small counties, small cities or to the Commission itself resulting from repeal of these unnecessary and duplicative rules.

ISSUE 2: If no comments or requests for hearing are filed, should the rules as repealed be filed with the Secretary of State and this docket closed?

RECOMMENDATION: Yes.

RCM
Attachment

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25-6.001 Authorization of Rules. The statutory power granted to the Florida Public Service Commission to establish rules and fix standards for electric utility service is contained in Sub-section (1) of Section 366.05, Florida Statutes, which states as follows:

"In the exercise of such jurisdiction, the Commission shall have power to prescribe fair and reasonable rates and charges, classifications, standards of quality and measurements, and service rules and regulations to be observed by each public utility, to prescribe uniform system and classification of accounts for all public utilities which, among other things, shall set up adequate, fair and reasonable depreciation rates and charges, to require the filing by each public utility of periodic reports and all other reasonably necessary data; to require repairs, improvements, additions, and extensions to plant and equipment of any public utility reasonably necessary to promote the convenience and welfare of the public and secure adequate services or facilities for those reasonably entitled thereto; employ and fix the compensation for such examiners and technical, legal, and clerical employees as it deems necessary to carry out the provisions of this Chapter, to prescribe all rules and regulations reasonably necessary and appropriate for the administration and enforcement of this Chapter, and to exercise all judicial powers, issue all writs, and do all things necessary or convenient to the full and complete exercise of

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its jurisdiction and the enforcement of its order and requirements."

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

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

History: New 7/29/69, formerly 25-6.01, Repealed.

25-6.017 Operating Records. As required by the Commission, each utility shall keep appropriate operating records and such other details of plant operation as may be necessary to substantially reproduce its operations for use in statistical and analytical studies for regulatory purposes.

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

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

History: New 7/29/69, formerly 25-6.17, Repealed.

25-6.023 Customer Account Records.

(1) Each utility shall keep a record of each customer's account in such manner as will permit period occurring with the period required to comply with Rule 25-6.015(3).

(2) Each utility having on hand deposits from customers shall keep records to show:

(a) The name of each customer making such deposit.

(b) The service premises for which the deposit is applicable.

(c) The amount and date of making such deposit.

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(d) A record of the latest transaction concerning such deposit, and all transactions within the period to comply with Rule 25-6.015(3).

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

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

History: New 7/29/69, formerly 25-6.23, Repealed.

25-6.051 Rental Charge for Meters. The utility may charge a meter rental for extra meters installed for the customer's use or convenience, provided that the rental charge shall be set forth in the utility's tariffs filed with the Commission.

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

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

History: Amended 7/29/69, formerly 25-6.51, Repealed.

25-6.063 Temporary Service. In the case of temporary service for short-term use, the utility may require the customer to pay all costs of making the service connection and removing the material after service has been discontinued, or to pay a fixed amount in advance to cover such expense provided, however, that the customer shall be credited with reasonable salvage realized by the utility when service is terminated.

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

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

History: 7/29/69, formerly 25-6.63, Repealed.

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25-6.096 Termination of Service by Customer. Any customer may be required to give reasonable notice of his intention to discontinue service. Until the utility is notified, the customer may be held responsible for all energy used on the premises.

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

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

History: New 7/29/69, formerly 25-6.96, Repealed.

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MEMORANDUM

October 1, 1996

TO: DIVISION OF APPEALS (BELLAK)

FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (HEWITT) *BSH 10*

SUBJECT: STATEMENT OF ESTIMATED REGULATORY COSTS FOR DOCKET NO. 960911-EI, PROPOSED REPEAL OF RULES 25-6.001, AUTHORIZATION OF RULES: 25-6.017, OPERATING RECORDS; 25-6.023, CUSTOMER ACCOUNT RECORDS; 25-6.051, RENTAL CHARGES FOR METERS; 25-6.063, TEMPORARY SERVICE; 25-6.083, SPECIAL CONDITIONS; AND 25-6.096, TERMINATION OF SERVICE BY CUSTOMER, FAC

SUMMARY OF THE RULE

Currently, Rule 25-6.001, FAC, reiterates language in s. 366.05, Florida Statutes, which allows the Commission to adopt rules to govern electric utilities. The proposed repeal would not affect the Commission's authority to adopt rules because the rule is duplicative of statutory language and adds nothing to the wording in the statutes.

Rule 25-6.017, FAC, requires utilities to maintain sufficient records to respond to Commission inquiries on operations. Because the current rule is duplicative of statutory language, the proposed repeal would not relieve utilities' responsibility for responding to COMMISSION inquiries.

Rule 25-6.023, FAC, which requires utilities to keep records on customer accounts and records of deposits, is duplicative of the requirements in Rules 25-6.015, 25-6.095, 25-6.097, FAC. Therefore, the proposed repeal would not relieve utilities of the duty to keep records.

Rules 25-6.051 and 25-6.063, FAC, provide the terms and conditions for utilities to charge for temporary service and additional meters installed for customer convenience. The specific charges and conditions for these services are found in the utility tariffs. Consequently, the proposed repeal of these rules will not affect a utility's ability to request tariff approval to charge for these types of services.

Rule 25-6.083, FAC, allows customers to appeal utility construction practices to the Commission. The rule is duplicative of Rule 25-22.032, FAC, which outlines procedures for customers to file complaints with the Commission regarding disputes with utility companies.

Rule 25-6.096, FAC, requires that a customer give reasonable notice of intent to discontinue service and provides that the customer is responsible for all energy used on the premises until the utility is notified. The proposed repeal would eliminate an unnecessary rule.

ESTIMATED NUMBER AND DESCRIPTION OF INDIVIDUALS AND ENTITIES REQUIRED TO COMPLY

There are five Electric Investor Owned Utilities (IOUs) in Florida which are regulated by the Commission and subject to the proposed revisions to Section 25-6, FAC.

DIRECT COSTS TO THE AGENCY AND OTHER STATE OR LOCAL GOVERNMENT ENTITIES

There should be no additional costs to the Commission other than the regulatory costs of repealing a rule.

ESTIMATED TRANSACTIONAL COSTS TO INDIVIDUALS AND ENTITIES REQUIRED TO COMPLY

The IOUs should not incur additional costs from the repeal of the above rules because the provisions are duplicative of other rules and statutes.

IMPACT ON SMALL BUSINESSES, SMALL COUNTIES, OR SMALL CITIES

No direct or indirect impact on small businesses is foreseen as none of the affected utilities qualify as a small business as defined by s. 288.703, F.S. No direct or indirect impact is foreseen on small counties and cities as defined in Section 120.52, F.S. Therefore, there would be no need for tiered rule requirements.

REASONABLE ALTERNATIVE METHODS

The only alternative would be to leave the unnecessary and duplicative rules on the books, but that would be contrary to statutory requirements to repeal such rules.

CBH:tf/e-eirepl