

DOCKET NO. 960911-EI

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

I do hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

(2) There is no administrative determination under subsection 120.56(2), 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(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

(a) 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 more than 90 days after the notice, but not less than 21 days from the date of publication of the notice of change; or

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/ (d) Are filed more than 90 days after the notice, but within 21 days after the adjournment of the final public hearing on the rule; or

  / (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

  / (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

  / (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered.

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.

Rule No(s).

25-6.001, 25-6.017, 25-6.023, 25-6.051, 25-6.063, 25-6.096 and 25-6.083.

Under the provision of subparagraph 120.54(3)(e)6., 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

(S E A L)

RCB

1 25-6.001 Authorization of Rules. ~~The statutory power granted~~  
2 ~~to the Florida Public Service Commission to establish rules and fix~~  
3 ~~standards for electric utility service is contained in Sub section~~  
4 ~~(1) of Section 366.05, Florida Statutes, which states as follows:~~  
5 ~~\_\_\_\_\_ "In the exercise of such jurisdiction, the Commission shall~~  
6 ~~have power to prescribe fair and reasonable rates and charges,~~  
7 ~~classifications, standards of quality and measurements, and service~~  
8 ~~rules and regulations to be observed by each public utility, to~~  
9 ~~prescribe uniform system and classification of accounts for all~~  
10 ~~public utilities which, among other things, shall set up adequate,~~  
11 ~~fair and reasonable depreciation rates and charges, to require the~~  
12 ~~filing by each public utility of periodic reports and all other~~  
13 ~~reasonably necessary data; to require repairs, improvements,~~  
14 ~~additions, and extensions to plant and equipment of any public~~  
15 ~~utility reasonably necessary to promote the convenience and welfare~~  
16 ~~of the public and secure adequate services or facilities for those~~  
17 ~~reasonably entitled thereto; employ and fix the compensation for~~  
18 ~~such examiners and technical, legal, and clerical employees as it~~  
19 ~~deems necessary to carry out the provisions of this Chapter, to~~  
20 ~~prescribe all rules and regulations reasonably necessary and~~  
21 ~~appropriate for the administration and enforcement of this Chapter,~~  
22 ~~and to exercise all judicial powers, issue all writs, and do all~~  
23 ~~things necessary or convenient to the full and complete exercise of~~  
24 ~~its jurisdiction and the enforcement of its order and~~  
25 ~~requirements."~~

CODING: Words underlined are additions; words in  
struck-through type are deletions from existing law.

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

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

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

4 25-6.017 Operating Records. ~~As required by the Commission,~~  
5 ~~each utility shall keep appropriate operating records and such~~  
6 ~~other details of plant operation as may be necessary to~~  
7 ~~substantially reproduce its operations for use in statistical and~~  
8 ~~analytical studies for regulatory purposes.~~

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

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

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

12 25-6.023 Customer Account Records.

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

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

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

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

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

21 ~~(d) A record of the latest transaction concerning such~~  
22 ~~deposit, and all transactions within the period to comply with Rule~~  
23 ~~25-6.015(3).~~

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

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

CODING: Words underlined are additions; words in  
~~struck through~~ type are deletions from existing law.

1 History: New 7/29/69, formerly 25-6.23, Repealed.  
2 25-6.051 Rental Charge for Meters. ~~The utility may charge a~~  
3 ~~meter rental for extra meters installed for the customer's use or~~  
4 ~~convenience, provided that the rental charge shall be set forth in~~  
5 ~~the utility's tariffs filed with the Commission.~~

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

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

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

9 25-6.063 Temporary Service. ~~In the case of temporary service~~  
10 ~~for short term use, the utility may require the customer to pay all~~  
11 ~~costs of making the service connection and removing the material~~  
12 ~~after service has been discontinued, or to pay a fixed amount in~~  
13 ~~advance to cover such expense provided, however, that the customer~~  
14 ~~shall be credited with reasonable salvage realized by the utility~~  
15 ~~when service is terminated.~~

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

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

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

19 25-6.083 Special Conditions. ~~When the application of these~~  
20 ~~rules appears impracticable or unjust to either party, or~~  
21 ~~discriminatory to other customers, the utility or applicant shall~~  
22 ~~refer the matter to the Commission for special ruling or for the~~  
23 ~~approval of special conditions which may be mutually agreed upon~~  
24 ~~prior to commencing construction.~~

25 Specific Authority: 366.05(1) FS.

CODING: Words underlined are additions; words in  
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1 | Law Implemented: 326.03 FS.

2 | History: New 4/10/71, formerly 25-6.083, Repealed .

3 |       25-6.096 Termination of Service by Customer. ~~Any customer~~  
4 | ~~may be required to give reasonable notice of his intention to~~  
5 | ~~discontinue service. Until the utility is notified, the customer~~  
6 | ~~may be held responsible for all energy used on the premises.~~

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

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

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

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- 25-6.076 Rights of Way and Easements.
- 25-6.077 Installation of Underground Distribution System Within Subdivision.
- 25-6.078 Schedule of Charges.
- 25-6.079 Connection to Supply System. (Repealed)
- 25-6.080 Advances by Applicant.
- 25-6.081 Construction Practices.
- 25-6.082 Records and Reports.
- 25-6.083 Special Conditions.

**PART VI CUSTOMER RELATIONS**

- 25-6.093 Information to Customers.
- 25-6.094 Complaints and Service Requests.
- 25-6.095 Initiation of Service.
- 25-6.096 Termination of Service by Customer.
- 25-6.097 Customer Deposits.
- 25-6.098 Interest on Deposits. (Repealed)
- 25-6.099 Meter Readings.
- 25-6.100 Customer Billings.
- 25-6.101 Delinquent Bills.
- 25-6.102 Conjunctive Billing.
- 25-6.103 Adjustment of Bills for Meter Error.
- 25-6.104 Unauthorized Use of Energy.
- 25-6.105 Refusal or Discontinuance of Service by Utility.
- 25-6.106 Underbillings and Overbillings of Energy.
- 25-6.109 Refunds.

**PART VII UNDERGROUND ELECTRIC DISTRIBUTION FACILITY CHARGES**

- 25-6.115 Facility Charges for Providing Underground Facilities of Public Distribution Facilities Excluding New Residential Subdivisions.

**PART IX RESIDENTIAL CONSERVATION SERVICE (Transferred)**

**PART X**

- Subpart A Accounting Reports
  - 25-6.135 Annual Reports.
  - 25-6.1351 Diversification Reports.
  - 25-6.1352 Earnings Surveillance Report.
  - 25-6.1353 Forecasted Earnings Surveillance Report.
- Subpart B Revenue Requirements
  - 25-6.140 Test Year Notification; Proposed Agency Action Notification.

*Library References: Significant recent decisions in public utility law. Lee L. Willis, Ben E. Gorman, James A. McGee, 54 Fla. Bar J. 389, 393 (May 1980).*

**PART I GENERAL PROVISIONS**

**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 Subsection (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 service 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 its jurisdiction and the enforcement of its orders and requirements."

*Specific Authority 366.05(1) FS. Law Implemented 366.05(1) FS. History—New 7-29-69. Formerly 25-6.01.*

**ANNOTATIONS**

**Cost of service**

*Public Service Commission in setting new electricity rate structure did not err merely because it considered factors other than actual cost of service differences, since regulatory statute does not specify that particular consideration. International Minerals and Chemical Corporation v. Mayo, 336 So. 2d 548 (1976).*

**Territorial disputes**

*Court affirmed Public Service Commission's order entitling one power company to provide electric power to project and prohibiting another power company from doing so, where no factual or equitable distinction existed in favor of either company, and territorial dispute was thus properly resolved in favor of privately owned utility; court disagreed, however, with Commission's alternative finding that its more extensive jurisdiction over privately owned utilities was additional consideration supportive of policy decision in favor of private utility. Escambia River Electric Cooperative, Inc. v. Florida Public Service Commission, 421 So. 2d 1384 (1982).*

**25-6.002 Application and Scope.**

- (1) These rules and regulations shall apply to all electric public utilities operating under the jurisdiction of the Florida Public Service Commission. They are intended to define and promote good utility practices and procedures, adequate and efficient service to the public at reasonable costs, and to establish the rights and responsibilities of both the utility and the customer.
- (2) In any case where compliance with any of these rules introduces unusual hardship, or if unreasonable difficulty is involved in immediate compliance with any particular rule, application may be made to the Commission for modification of the rule or for temporary exemption from its requirements, provided that the utility shall submit



(4) The amount of the fair value credit to the construction work order shall be concurrently charged to the appropriate fuel and other operation and maintenance expense accounts.  
*Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2) FS. History—New 10-6-94.*

#### 25-6.015 Location and Preservation of Records.

(1) All records that a utility is required to keep by reason of these or other rules prescribed by the Commission shall be kept at the office or offices of the utility within this state, unless otherwise authorized by the Commission.

(2) Any utility authorized to keep its records outside of the state shall reimburse the Commission for the reasonable travel expense of the Commission's representative during any out-of-state audit.

(3) All records shall be preserved in accordance with the Federal Energy Regulatory Commission's regulations, Title 18, Subchapter C, Part 125, Code of Federal Regulations, entitled "Preservation of Records of Public Utilities and Licensees" as revised, April 1, 1991, which is hereby incorporated by reference into this rule, with the exception of Item 64 (Records of predecessors and former associates) of the Schedule of records and periods of retention contained in Title 18, Subchapter C, Section 125.3, Code of Federal Regulations. Instead, utilities shall retain records of acquired companies until permission for disposal is petitioned for and approved by the Florida Public Service Commission.

(a) However, all source documents retained as required by Title 18, Subchapter C, Part 125, Code of Federal Regulations shall be maintained in their original form for a minimum of three years, or for any lesser period of time specified for that type of record in Title 18, Subchapter C, Part 125, Code of Federal Regulations, after the date the document was created or received by the utility. This paragraph does not require the utility to create paper copies of documents where the utility would not otherwise do so in the ordinary course of its business. The Commission may waive the requirement that documents be retained in their original form upon a showing by a utility that it employs a storage and retrieval system that consistently produces clear, readable copies that are substantially equivalent to the originals, and clearly reproduces handwritten notations on documents.

(b) The utility shall maintain written procedures governing the conversion of source documents to a storage and retrieval system, which

procedures ensure the authenticity of documents and the completeness of records. Records maintained in the storage and retrieval system must be easy to search and easy to read.  
*Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.05(1) FS. History—Amended 7-29-69, 7-19-72, 1-11-76, 9-28-81, 11-18-82, Formerly 25-6.15, Amended 10-1-86, 11-2-87, 6-23-93.*

#### 25-6.016 Maps and Records.

(1) Each utility shall keep and, upon request, provide the Commission with an adequate description or maps defining the territory it serves.

(2) Each utility shall maintain primary maps, records, diagrams or drawings showing the location of its major units of operating property.  
*Specific Authority 366.05(1) FS. Law Implemented 366.05(1) FS. History—Amended 7-29-69, Formerly 25-6.16.*

**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) FS. Law Implemented 366.05(1) FS. History—New 7-29-69, Formerly 25-6.17.*

#### 25-6.018 Records of Interruptions and Commission Notification of Threats to Bulk Power Supply Integrity or Major Interruptions of Service.

(1) Each utility shall keep a record of all major and/or prolonged interruptions to services affecting an entire community or a substantial portion of a community. Such record shall show cause for interruption, date, time duration, remedy, and steps taken to prevent recurrence, where applicable.

(2) The Commission shall be notified as soon as practicable of:

(a) any action to maintain bulk power supply integrity by:

1. requests to the public to reduce the consumption of electricity for emergency firm customer load reduction purposes.

2. reducing voltage which affects firm customer load.

3. reducing firm customer loads by manual switching, operation of automatic load-shredding devices, or any other means except under direct load management programs as approved by the Commission.

(b) any loss in service for 15 minutes or more of bulk electric power supply to aggregate firm customer loads exceeding 200 megawatts.

(d) For those meters tested under an approved statistical sampling plan, provision (c) shall be maintained by type or age groups.

*Specific Authority 366.05(1) FS. Law Implemented 366.05(1) FS. History—Amended 7-29-69. Formerly 25-6.22.*

**25-6.023 Customer Account Records.**

(1) Each utility shall keep a record of each customer's account in such manner as will permit reproduction of the customer's bill for any billing period occurring within 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.

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

*Specific Authority 366.05(1) FS. Law Implemented 366.05(1) FS. History—New 7-29-69. Formerly 25-6.22.*

**25-6.024 Rate of Return Report.**

*Specific Authority 350.127(2) FS. Law Implemented 350.117(1), 366.04(2)(f), 366.05(1) FS. History—New 11-18-82. Formerly 25-6.24. Amended 4-23-92. Repealed 6-9-94.*

**PART III GENERAL MANAGEMENT REQUIREMENTS**

**25-6.033 Tariffs.**

(1) Each utility may adopt such additional non-discriminatory rules and regulations governing its relations with customers as are necessary and which are not inconsistent with these rules or orders of the Commission. Such rules and regulations shall constitute an integral part of the utility's tariffs and shall be filed with them.

(2) Each utility shall file with the Commission tariffs containing schedules for all rates and charges and copies of all rules and regulations governing the relation of customer and utility.

(a) Each utility shall include in its tariffs without limiting them to the following provisions:

1. Definitions of classes of customers.

2. Rules with which prospective customers must comply as a condition of receiving service, and the terms of contracts required.

3. Rules governing the establishment of credit by customers for payment of service bills.

4. Rules governing deposits and interest on deposits.

5. Rules governing the procedure followed in

disconnecting and reconnecting service.

6. Notice by customer required for having service discontinued.

7. Rules governing temporary, emergency, auxiliary or stand-by service.

8. Rules covering billing periods.

9. Rules covering customer's construction requirements.

10. Rules covering a special type of construction commonly requested by customers which the utility allows to be connected and terms upon which such construction will be permitted. This applies, for example, to a case where a customer desires underground service in overhead territory.

11. Rules covering such portion of service which the utility furnished, owns, and maintains.

12. Rules covering inspection of customer-owned facilities by proper authorities before service is rendered.

(3) All tariff filings shall be in the manner and form as prescribed by the Commission under separate Order entitled "Rules and Regulations Governing the Construction and Filing of Tariffs by Public Utilities."

(4) No rules and regulations, or schedules of rates or charges, or modification or revisions of the same, shall be effective until filed with and approved by the Commission as provided by Law.

(5) A copy of the rules contained herein, as promulgated and adopted by the Commission, also a copy of the rate schedules and rules and regulations of the utility as filed with the Commission, shall be kept on file in the local commercial offices of the utility for inspection by its customers. A customer shall, upon request, be furnished a copy of the rate schedule applicable to his service.

*Specific Authority 366.05(1) FS. Law Implemented 366.06 FS. History—Amended 7-29-69. Formerly 25-6.33.*

**ANNOTATIONS**

***Discriminatory effect***

*Holding company in class action suit against utilities commission and county failed to establish that commission's inclusion of "in lieu of tax" payments to county as operating expense was arbitrary or unreasonable; failure to make such payments would have effect of discriminating against county taxpayers, who would presumably have to pay through higher taxes for free services received by utility. Rosalind Holding Company v. Orlando Utilities Commission, App. (5th 402 So. 2d 1209 (1981)).*

***Effective date***

*Commission followed law regarding prospective ratemaking when it ordered power company to begin billing under new rates on meter readings taken 30 days*

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have uniform application and shall be nondiscriminatory.  
Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—Amended 7-29-69, 11-26-80, 12-23-82, 12-28-83, Formerly 25-6.49, Amended 7-14-87, 10-3-88.

ANNOTATIONS

**Applicability**  
PSC determined Rule 25-6.049 purpose is to mandate use of individual meters in occupancy units, such as condominiums, apartments, stores. PSC decided this rule is not intended to apply where units are separately metered and residents pay Florida Power Corporation directly for electricity used in individual units; rule applies only to occupancy units and not to common areas. *Falk v. Beard*, 614 So. 2d 1086 (1993).

**Jurisdiction**  
Florida Public Service Commission was not precluded from asserting jurisdiction over consumer complaint of management company's overcharging of condominium unit owner for gas and electricity; PSC has the authority to interpret statutes which empower it, including those which are jurisdictional, and to issue orders accordingly. *PW Ventures, Inc. v. Nichols*, 533 So. 2d 281 (Fla. 1988); *Fletcher Properties, Inc. v. Florida Pub. Serv. Comm'n*, 356 So. 2d 289 (Fla. 1978). Furthermore, PSC was not estopped by virtue of its previous order in *In re Sale of Electricity To Be Resold*, Order No. 4874, 34 Fla. Supp. 40 (F.P.S.C. 1970); F.A.C. Rule 25.6.049(6)(b), in conjunction with *Fletcher Properties, Inc.*, supra, has effectively overruled this order. Accordingly, circuit court's issuance of injunction to stop PSC from proceeding was vacated. *Florida Public Service Comm'n v. Bryson*, 569 So. 2d 1253 (1990).

**Maintenance fees**  
PSC found that subject management company did not supply electricity to complaining party or to others; rather, it supplied services and facilities which required it

to use and pay for electricity. Thus, there was no sale of electricity to the ultimate consumer, and Rule 25-6.049(5), F.A.C., was inapplicable to subject fees. In re: *Complaint [R]egarding [G]eller Management Co.*, 91 FPSC 10-339 (1991).

**25-6.050 Location of Meters.** The utility shall designate to an applicant or its customers the location for meter placement. Locations of meters should be easily accessible for reading, testing, and making necessary adjustments and repairs.  
Specific Authority 366.05(1) FS. Law Implemented 366.05(1) FS. History—New 7-29-69, Formerly 25-6.50.

**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) FS. Law Implemented 366.05(1) FS. History—Amended 7-29-69, Formerly 25-6.51.

**25-6.052 Test Procedures and Accuracies of Meters.**

(1) Watt-hour Meters. The performance of an in-service watt-hour meter is considered to be acceptable when the meter disk does not creep and when the average percentage registration is not more than 102% nor less than 98%, calculated in accordance with USAS-C12.

(2) Watt-hour Meter Test Procedures. The following procedures shall apply to the testing and adjusting of meters and/or associated devices.

(a) The test of any unit of metering equipment shall consist of a comparison of its accuracy with the

as to whether the meter meets the accuracy standards established by these rules, at the request of the utility or the customer, the Commission will resolve the matter.

*Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—New 7-29-69, Amended 10-11-83, Formerly 25-6.59.*

**25-6.060 Meter Test — Referee.**

(1) In the event of a dispute, upon written application to the Commission by any customer, a test of the customer's meter will be made by the utility as soon as practicable. Said test will be supervised by a representative of the Commission.

(2) A meter shall in no way be disturbed after the utility has received notice that application has been made for such referee test unless a representative of the Commission is present or unless authority to do so is first given in writing by the Commission or by the customer.

(3) A report of the results of the test will be made by the Commission to the customer.  
*Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—New 7-29-69, Formerly 25-6.60.*

**25-6.061 Relocation of Poles.**

(1) When a utility is required by governmental or other valid authority to move poles, as, for example, the widening of streets or from public to privately-owned right-of-way, the utility is not required to furnish a new service entrance. It shall, however, run a service drop to the nearest point that meets local or national code requirements on each building served from the new pole location and remove the old service drop without expense to the customer.

(2) If the utility relocates its poles of its own volition, the utility shall supply and connect a new service entrance and remove the old without cost to the customer; or the utility may attach its system to the existing service entrance without expense to the customer, provided that local or national code requirements are met.

(3) If a utility is required by governmental or other valid authority to install underground distribution, and abandon overhead distribution, the utility shall not be required to bear any of the cost of making the necessary changes on the customer's premises, except for the removal of the overhead service drop.

(4) If the utility elects to change an existing customer's service drop from overhead to

underground, the utility shall bear all of the costs associated with the necessary changes.

*Specific Authority 366.05(1) FS. Law Implemented 366.03, 366.05(1) FS. History—Amended 7-29-69, Formerly 25-6.61.*

**25-6.062 Inspection of Wires and Equipment.**

Where inspection is required by law to insure that the wiring and equipment of the customer is installed and maintained in accordance with National Code, local and utility requirements, the utility shall not make service connection until approval is granted by the authorized inspecting authority.

*Specific Authority 366.05(1) FS. Law Implemented 366.05(1) FS. History—New 7-29-69, Formerly 25-6.62.*

**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) FS. Law Implemented 366.05(1) FS. History—New 7-29-69, Formerly 25-6.63.*

**25-6.064 Extension of Facilities; Contribution in Aid of Construction.**

(1) Purpose. The purpose of this rule is to establish a uniform procedure by which utilities subject to this rule will calculate amounts due as contributions in aid of construction from customers who require extensions of distribution facilities in order to receive electric service.

(2) Applicability. This rule applies to all investor owned electric utilities in Florida as defined in Section 366.02, Florida Statutes.

(3) Definitions. Actual or estimated job cost means the actual cost of providing the specified line extension facilities, calculated after the extension is completed, or the estimated cost of providing the specified facilities before the extension is completed.

(4) In developing the policy for extending overhead distribution facilities to customers, the following formulas shall be used to determine the contribution in aid of construction owed by the customer.

(a) For customers in rate classes that pay only energy charges, i.e., those that do not pay demand charges, the CIAC shall be calculated as follows:

$$CIAC_{OH} = \begin{matrix} \text{(Actual or estimated job cost} \\ \text{for new poles and conductors} \\ \text{and appropriate fixtures} \\ \text{required to provide service,} \\ \text{excluding transformers,} \\ \text{service drops, and meters)} \end{matrix} - \begin{matrix} (4 \times \text{nonfuel} \\ \text{energy charge per KWH} \\ \times \text{expected annual KWH} \\ \text{sales over the new line)} \end{matrix}$$

(b) For customers in rate classes that pay both energy charges and demand charges, the CIAC shall be calculated as follows:

service, replacement will be made with underground construction whenever economically feasible.

*Specific Authority 366.05(1) FS. Law Implemented 366.03 FS. History—New 4-10-71, Formerly 25-6.81.*

#### 25-6.082 Records and Reports.

(1) To insure the development and availability of appropriate data necessary to satisfy the annual reporting requirements of Rule 25-6.078(2) herein, each utility will undertake to establish and maintain separate records or sub-accounts for underground distribution construction, operation and maintenance costs.

(2) Records shall also be maintained of experienced results obtained in the use of joint trenching, in such manner and detail as will afford an opportunity to evaluate the economies available using this practice.

*Specific Authority 366.05(1) FS. Law Implemented 366.03 FS. History—New 4-10-71, Formerly 25-6.082.*

**25-6.083 Special Conditions.** When the application of these rules appears impracticable or unjust to either party, or discriminatory to other customers, the utility or applicant shall refer the matter to the Commission for special ruling or for the approval of special conditions which may be mutually agreed upon prior to commencing construction.

*Specific Authority 366.05(1) FS. Law Implemented 366.03 FS. History—New 4-10-71, Formerly 25-6.83.*

#### ANNOTATIONS

##### Foreign cooperatives

Where Florida rural electric cooperatives enjoyed power of eminent domain, foreign cooperative meeting F. S. A. § 425.27 requirements was also entitled to exercise this power in order to construct electrical transmission line over appellants' land, and no abuse of discretion was found in that choice of locations; further, since F. S. A. § 425.04(4) authorized rural electric cooperatives to serve up to ten percent non-rural areas, and cooperative had not violated "central station" provisions, foreign corporation's service to four municipalities did not deprive it of its "rural" character. *Alabama Electric Cooperative, Inc. v. First National Bank of Akron, Ohio, 684 F. 2d 789 (11th Cir. 1982).*

#### PART VI CUSTOMER RELATIONS

##### 25-6.093 Information to Customers.

(1) Each utility shall, upon request, of any customer, give such information and assistance as is reasonable, in order that the customer may secure safe and efficient service. Upon request, the utility shall provide any customer information as to the method of reading meters and the derivation of billing therefrom, the billing cycle and approximate date of monthly meter reading.

(2) Upon request of any customer, the utility is required to provide to the customer a copy and/or explanation of the utility's rates and provisions applicable to the type or types of service furnished or to be furnished such customer, and to assist the customer in obtaining the rate schedule which is most advantageous to the customer's requirements.

(3)(a) By bill insert or other appropriate means

of communication, the utility shall give to each of its customers a summary of major rate schedules which are available to the class of which that customer is a member, and

(b) The utility shall provide the information contained in paragraph (a) to all its customers:

1. not later than sixty (60) days after the commencement of service, and
2. not less frequently than once each year, and
3. not later than sixty (60) days after the utility has received approval of its new rate schedule applicable to such customer.

(c) In this subsection, "rate schedule" shall mean customer charge, energy charge, and demand charge, as set forth in Rule 25-6.100, F.A.C.

(4) Upon request of any customer, but not more frequently than once each calendar year, the utility shall transmit a concise statement of the actual consumption of electric energy by that customer for each billing period during the previous twelve (12) months.

*Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.05(1) FS. History—Amended 7-29-69, 11-26-80, 6-28-82, 10-15-84, Formerly 25-6.93.*

##### 25-6.094 Complaints and Service Requests.

(1) The utility shall make a full and prompt investigation of all customer complaints and other service requests. The word "complaints" as used in this rule shall be construed to mean substantial objection made to a utility by a customer as to its charges, facilities, or service, the disposal of which complaint requires investigation or analysis. Each utility shall provide a means of receiving and promptly responding to emergency calls on a 24-hour per day basis.

(2) Reports of electrical conditions wherein property damage or personal injury is reasonably foreseeable are to be considered as emergencies requiring immediate attention commensurate with ability to provide performance in situations resulting from acts of God.

*Specific Authority 366.05(1) FS. Law Implemented 366.03, 366.05(1) FS. History—New 7-29-69, Amended 12-15-85, Formerly 25-6.94.*

##### 25-6.095 Initiation of Service.

(1) Anyone desiring service may be required to make application in writing in accordance with practices prescribed by the utility. Such application shall be considered as notice to utility that the applicant desires service and an expression of his willingness to conform to such reasonable rules and regulations regarding service as are in effect.

(2) Upon compliance by the applicant with the provisions governing utility service, the utility shall undertake to initiate service without unreasonable delay. To be effective, the policy adopted by each utility for the initiation of service shall have uniform application and shall be set forth in its filed tariff.

(3) When service is initiated, the utility may charge a reasonable fee to defray the cost of establishing service provided such charge is specified in its filed tariff.

*Specific Authority 366.05(1) FS. Law Implemented*

366.05(1) FS. History—New 7-29-69, Formerly 25-6.95.

**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) FS. Law Implemented 366.05(1) FS. History—New 7-29-69, Formerly 25-6.96.

**25-6.097 Customer Deposits.**

(1) Deposit required; establishment of credit. Each company's tariff shall contain their specific criteria for determining the amount of initial deposit. Each utility may require an applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the customer from complying with the utilities' rules for prompt payment of bills. Credit will be deemed so established if:

(a) The applicant for service furnishes a satisfactory guarantor to secure payment of bills for the service requested. A satisfactory guarantor shall, at the minimum, be a customer of the utility with a satisfactory payment record. A guarantor's liability shall be terminated when a residential customer whose payment of bills is secured by the guarantor meets the requirements of subsection (2) of this rule. Guarantors providing security for payment of residential customers' bills shall only be liable for bills contracted at the service address contained in the contract of guaranty.

(b) The applicant pays a cash deposit.

(c) The applicant for service furnishes an irrevocable letter of credit from a bank or a surety bond.

(2) Refund of deposits. After a customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the utility shall refund the residential customer's deposits and shall, at its option, either refund or pay the higher rate of interest specified below for nonresidential deposits, providing the customer has not, in the preceding 12 months, (a) made more than one late payment of a bill (after the expiration of 20 days from the date of mailing or delivery by the utility), (b) paid with a check refused by a bank, (c) been disconnected for nonpayment, or at any time, (d) tampered with the electric meter, or (e) used service in a fraudulent or unauthorized manner.

(3) New or additional deposits. A utility may require, upon reasonable written notice of not less than thirty (30) days, a new deposit, where previously waived or returned, or additional deposit, in order to secure payment of current bills. Such request shall be separate and apart from any bill for service and shall explain the reason for such new or additional deposit, provided, however, that the total amount of the required deposit shall not exceed an amount equal to twice the average charges for actual usage of electric service for the twelve month period immediately prior to the date of notice. In the event the customer has had service less than twelve months, then the utility shall base

its new or additional deposit upon the average actual monthly usage available.

(4) Interest on deposits.

(a) Each electric utility which requires deposits to be made by its customers shall pay a minimum interest on such deposits of 6 percent per annum. The utility shall pay an interest rate of 7 percent per annum on deposits of nonresidential customers qualifying under subsection (2) when the utility elects not to refund such deposit after 23 months.

(b) The deposit interest shall be simple interest in all cases and settlement shall be made annually, either in cash or by credit on the current bill. This does not prohibit any utility paying a higher rate of interest than required by this rule. No customer depositor shall be entitled to receive interest on his deposit until and unless a customer relationship and the deposit have been in existence for a continuous period of six months, then he shall be entitled to receive interest from the day of the commencement of the customer relationship and the placement of deposit. Nothing in this rule shall prohibit a utility from refunding at any time a deposit with any accrued interest.

(5) Record of deposits. Each utility having on hand deposits from a customer or hereafter receiving deposits from them shall keep records to show:

(a) The name of each customer making the deposit;

(b) The premises occupied by the customer;

(c) The date and amount of deposit; and

(d) Each transaction concerning the deposits such as interest payments, interest credited or similar transactions.

(6) Receipt for deposit. A non-transferable certificate of deposit shall be issued to each customer and means provided so that the customer may claim the deposit if the certificate is lost. Where a new or additional deposit is required under subsection (3) of this rule, a customer's cancelled check or validated bill coupon may serve as a deposit receipt.

(7) Refund of deposit when service is discontinued. Upon termination of service, the deposit and accrued interest may be credited against the final account and the balance, if any, shall be returned promptly to the customer but in no event later than fifteen (15) days after service is discontinued.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.05(1) FS. History—New 7-29-69, Amended 5-9-76, 7-8-79, 6-10-80, 10-17-83, 1-31-84, Formerly 25-6.97, Amended 10-13-88, 4-23-94.

**ANNOTATIONS**

**New customers**

Upon merger of two corporate customers of public electric utility, utility requested deposit as new customer. Public Service Commission did not err in determining that utility's applicable deposit policy did not have to be enacted as administrative rule in its tariff in order to be enforceable. PSC's interpretation of Rule 25-6.97 [now Rule 25-6.097] as containing exclusive statement of information on deposits which must be included in company tariffs, was not clearly erroneous. Utility was not required to adopt as formal regulation its definition of

Rules 25-6.001, 25-6.017,  
25-6.023, 25-6.051, 25-  
6.063, 25-6.096 and 25-  
6.083  
Docket No. 960911-EI

**SUMMARY OF RULE**

Rules concerning the following are repealed; 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; 25-6.083, Special Conditions.

**SUMMARY OF HEARINGS ON THE RULE**

No hearing was requested and none was held.

**FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE**

The rules being repealed are either obsolete, redundant or unnecessary.

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