

STATE OF FLORIDA

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Commissioners:
JULIA L. JOHNSON, CHAIRMAN
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SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA



DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

August 19, 1997

Mr. Richard Whalen
Dunedin Beach Campground
2920 Alternate 19 North
Dunedin, Florida 34698

Re: Florida Public Service Commission, Docket No. ~~970647-EU~~

Dear Mr. Whalen:

Thirty-eight of your campground's tenants, led by Mr. Earle C. Bartell, have petitioned the Florida Public Service Commission for waiver of the application of Rule 25-6.049(5), Florida Administrative Code, to their campsites. Their petition is attached for your reference.

Rule 25-6.049(5) requires utilities to individually meter each separate occupancy unit of trailer, mobile home, and RV parks for which construction was commenced after January 1, 1981. Mr. Bartell and the other petitioners seek a waiver of the Rule to ensure that all of your park's tenants are billed under the same rates and terms.

In order to evaluate the petition, we request the following information concerning Dunedin Beach Campground:

- 1. Each document listed below should be at a minimum a verifiable copy of the original filing showing the filing date and approving authority:
 - (a) All campground plats, drawings, or design criteria filed with any state or local permitting agency prior to development;
 - (b) Any formal or informal modification to the original plan filed or implemented subsequent to the original filing.
- 2. A map showing the chronology of the actual construction of the campground, including any phases of development.

ACK _____
A/C _____
A/P _____
I _____
C _____
E _____

DOCUMENT NUMBER - DATE

OTH _____

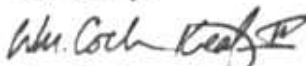
Mr. Richard Whalen
Page 2
August 18, 1997

3. Any original or subsequent permits for construction issued by state or local authorities with regard to infrastructure for the campground (water, sewage treatment, roads, electricity).
4. Any applicable legal limits on the size or usage of vehicles allowed to locate in the confines of the park.
5. The following billing data for the last six months:
 - (a) The total bill for the mastered section of the park and the method used to apportion those bills to individual lots;
 - (b) Average usage per customer in the master metered portion of the park; and
 - (c) Average usage per customer in the individually metered portion of the park.
6. A list of all conservation programs, of which you are aware, that could be made available through park management to the tenants in the master-metered portion of the park, and the number and duration of any conservation programs actually implemented by park management for those tenants.
7. A list of all conservation programs, of which you are aware, available to the individually metered tenants of the park, and the number and duration of any conservation programs actually implemented by those tenants.
8. A detailed description of the "circumstances beyond the owner's control" that caused a delay in completion of the park as originally planned, as referred to in the petition. Please include the cause of these problems and all steps taken by the owner to remedy these problems in a timely manner.
9. An estimate of the cost to install individual submeters on the lots currently individually metered.
10. The total number of currently master-metered lots, and the number of currently master-metered lots that do not have an individual submeter to register actual customer usage at that location. Please provide an estimate of the cost of installing individual submeters on any currently master-metered lots which do not have individual submeters.
11. A statement by the park owner that he will assume all costs incurred by Florida Power Corporation to remove the current individual meters as well as the cost of installing submeters on all locations.

Mr. Richard Whalen
Page 3
August 18, 1997

Please respond in writing by September 4, 1997. If you determine that you need additional time to respond, or if you have any questions about these requests, please feel free to contact Connie Kummer at (850)413-6701 or Cochran Keating at (850)413-6193. Thank you for your assistance.

Yours truly,



Wm. Cochran Keating
Staff Counsel

WCK:js

Enclosure

cc: Connie Kummer, E & G
Kay Flynn, RAR
Jack Shreve, OPC
Jim McGee, FPC
Earl C. Bartell

FEB. 6. 1997

Petition

March 4, 1997

To: Office of Public Consul
Mr. Jack Shreve, Esquire
Mr. Roger Howell, Esquire
111 West Madison St.
Room 812
Tallahassee, FL 32399-1400

970647-EU

From: Thirty eight tenants of record
Dunedin Beach Campground
2920 Alternate 19 North
Dunedin, FL 34698

Subject: The waiving of certain provisions of F.P.S.C. Rule #25-6.049
pertaining to primary metering procedures. (Measuring Customer Service)

1. Whereas: Dunedin Beach Campground opened in 1973 with primary metered electricity billing on 195 RV Sites. Lacking individual meters the charges of necessity were allocated in the rent at the time. Due to the lack of County sewer service at that time, the remaining land had to be used for a sewer system, and the construction of the remaining 38 sites was suspended until 1982 when the county sewer was connected to the park. Had the proper County facilities been available at the time, the park would have been completed in a uniform manner, which would have eliminated all future concerns. This reason for delay is one of primary concern in the waiver of the FPSC ruling. The park owner was ready and willing to complete his park, but matters beyond his control prevented this.
2. Whereas: In 1982 the campground owner asked to have his own meters installed on the 38 remaining sites he was developing, and was denied due to F.P.S.C. ruling #25-6.049 which stated in general that no further primary metering was to be implemented. Hence, the installation of Florida Power meters came about, and with it the beginning of non-uniform electricity billing charges which precipitated a discriminatory act against these 38 rental sites 15 years ago. Had the owner been granted his request the entire park would have been primary metered with uniform electricity billing procedure.
3. Whereas: As a result of item 2 above, the following surcharges were added to these 38 sites through Florida Power billing procedures.

DOCUMENT NUMBER - DATE

08373 AUG 19 96

FPSC-RECORDS/REPORTING

- a. Monthly service charge.
- b. Slightly higher KWH charges due to non-commercial billing.
- c. Re-connect charge covering those sites where power was temporarily disconnected. This can occur several times a year.
- d. Minimum monthly billing charge in certain circumstances.

An estimate of the total billing difference where air conditioning/heat are involved amounts to approximately \$16.00 monthly. Figures are available upon request. It should be noted that the 195 site renters on primary meter billing know nothing of these extra charges. They enjoy complete freedom of movement with electricity charges indicated only when the individual meters on their sites are impulsed. How can neighbors in such close proximity (some across the street from one another) be treated so differently? The fact that this park is one consolidated unit, with no sub-divisions or physical differences in rental sites whatsoever must be reiterated.

4. Whereas: In 1996 the campground owner installed his own meters on the original 195 sites while upgrading those electrical facilities. He now had the ability to bill each site for the electricity utilized and no longer had to apportion his overall primary meter charges in the rent. This action was a positive move in all respects.
5. Whereas: As a result of item 4 above, comparisons of charges, surcharges, etc., were made and the campground owner became aware of the electricity billing differences. He set out immediately to correct this matter by requesting permission from Florida Power to install his own meters in place of the Florida Power meters and integrate the 38 sites with his 195 primary metered sites, thus setting up uniformity, while negating the discrimination problem. This was not to be, as he was once again thwarted by FPSC rule #25-6.049.
6. Whereas: The efforts and time spent by Mr. Whalen, on behalf of the people, in order to bring about unified electricity billing procedures was indeed noteworthy. Also worthy of acclaim is his campground, which of itself has unique qualities. This campground opened on March 2, 1973 and has been under Mr. Whalen's management and/or ownership ever since. (24 years). It is well managed and directed. The paid staff is excellent, and in addition, approximately 30 volunteers form a well balanced general committee, and sub-committees, responsible for all social activities, including special events and sports. We look on this campground as probably the most neighborly and trouble free RV Resort on the entire West coast of Florida. We also look on Mr. Whalen as a competent business man who can be relied upon to do the right thing, regardless of circumstances. This he has demonstrated over the years.

7. Whereas: We have reviewed FPSC Rule #25-6.049 and feel it was well advised in 1981 in order to protect renters from certain indiscriminate landlords electricity billing practices. However, this rule does nothing in support of the 38 sites in question, except that its questionable enforcement precipitated the conditions now present. In other words, the campground owner was denied the right to have a uniform electricity metering policy with its attending non-discriminatory billing procedure. The last sentence of paragraph 7, page 6-36 of rule #25-6.049 states:

"THE POLICY SHALL HAVE UNIFORM APPLICATION AND SHALL BE NON-DISCRIMINATORY".

We contend that this sentence, when interpreted in line with the present unique circumstances of non-uniformity and discrimination in Dunedin Beach Campground, would nullify all of the other applicable provisions of this rule. We further maintain that the invoking of certain clauses of the rule, that resulted in the installation of Florida Power meters in 1982, was contrary to FPSC policy. Therefore, the present use of the same rationale in defense of that prior decision is dubious.

8. Whereas: Our further review of the particulars involved in this case indicates some lack of attention by the Florida Power engineers in not picking up the potential problem prevalent in Dunedin Beach Campground. Had the circumstances of non-uniformity and discrimination been discovered, and more closely explored, it is hereby suggested that much needless effort would have been avoided on everyone's part. However, in view of our findings, we now seek a waiver of some provisions of FPSC Rule #25-6.049 due to the unique conditions mentioned above. It is our considered opinions that in general the rule is good as long as extenuating circumstances such as those causing discrimination are not prevalent.
9. Whereas: Let it be known the RV park owner, Mr. Richard Whalen, and the 38 petitioners are in complete agreement as to his desire to install his own meters in place of Florida Power meters. It is also recognized that Florida Power Corporation will sanction his solution to this problem upon notification of the Florida Public Service Commission waiver in this instance.
10. Whereas: We, the undersigned petitioners ask the Florida Public Service Commission to review our current position, examine the unique circumstances involved, and grant us and Mr. Whalen that consideration, which we as good neighbors, friends and Florida Power customers, have earned. We anxiously await the FPSC waiver which should assist all of us in our further pursuit of happiness in

a uniform and non-discriminatory RV Park, shared in all particulars
by the renters of record on all 233 sites.

Signed by,

All Petitioners
(Attached)

cc: Mr. Joseph Richardson
President and Chief Operating Officer
Florida Power Corporation

Mr. Joseph Jenkins
Director, Florida Public Service Commission
Electric and Gas Division

Mr. Bernard Windham
Florida Public Service Commission
Division of Electric and Gas

Mr. David Smith, Director
Florida Public Service Commission
Division of Appeals

Ms. Julia L. Johnson, Chairman
Florida Public Service Commission

Site No.Signature

- 170 Carl C. Bartlett - Beatrice O. Bartlett
 171 Albert A. Scott - Mrs. M. Scott
 172 Albert H. Beckman - Cora Beckman
 173 Frank A. Richards
 174 Larry Kastelin - Margaret Kastelin
 175 Mary E. Joy
 176 Fred M. Hunter - Ruth B. Hunter
 177 Archer Jones - Jean Jones
 178 Richard J. Johnson
 179 James J. Johnson
 180 Johnny F. Wray - Mrs. S. Wray
 181 Arthur J. Kreny
 182 Robert R. Humpal - Alice W. Humpal
 183 George E. Humpal
 184 E. J. Humpal
 185 Edwin A. Williams - Gray W. Williams
 186 Joe Huddleston - Betty Huddleston
 187 Margaret Huddleston
 188 Edward J. Humpal - Thelma M. Humpal
 189 Bob Humpal - Eleanor Humpal
 190 Ed Humpal - Shirley Humpal
 191 Eric Adams - Mrs. Adams
 192 Wm. H. Connell - Dorothy H. Connell
 193 Dorothy Pounder - J. O.
 194 Earl Humpal - Mrs. Humpal
 195 Grace R. Humpal
 196 Robert M. Schipke - Ethel J. Schipke
 197 Richard F. Johnson
 198 Thelma Humpal
 199 Edward Humpal - Grace Humpal
 200 Floyd E. White - Helen W. White
 201 Frank Humpal - Thelma Humpal
 202 Regina Humpal - Frank E. Humpal
 203 Ed Humpal - Thelma Humpal
 204 George W. Humpal - Thelma Humpal
 205 John E. Humpal - Carol E. Humpal
 206 TRAVELING - NOT AVAILABLE
 207 John Humpal - Rena Humpal

25-6.049 Measuring Customer Service.

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

(2) When there is more than one meter at a location the metering equipment shall be so tagged or plainly marked as to indicate the circuit metered. Where similar types of meters record different quantities, (kilowatt hours and relative power, for example), metering equipment shall be tagged or plainly marked to indicate what the meters are recording.

(3) Meters which are not direct reading shall have the multiplier plainly marked on the meter. All charts taken from recording meters shall be marked with the date of the record, the meter number, customer, and chart multiplier. The register ratio shall be marked on all meter registers. The watt-hour constant for the meter itself shall be placed on all watt-hour meters.

(4) Metering equipment shall not be set "fast" or "slow" to compensate for supply transformer or line losses.

(5)(a) Individual electric 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, 1981. This requirement shall apply whether or not the facility is engaged in a time-sharing plan. Individual electric 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 electricity used in central heating, ventilating and air conditioning systems, or electric back up service to storage heating and cooling systems;
3. For electricity used in specialized-use housing accommodations such as hospitals, nursing homes, living facilities located on the same premises as, and operated in conjunction with, a nursing home or other health care facility providing at least the same level and types of services as a nursing home, convalescent homes, facilities certificated under Chapter 651, Florida Statutes, college dormitories, convents, sorority houses, fraternity houses, motels, hotels, and similar facilities.
4. For separate, specially-designated areas for overnight occupancy at trailer, mobile home and recreational vehicle parks where permanent residency is not established and for marinas where living aboard is prohibited by ordinance, deed restriction, or other permanent means.

(b) For purposes of this rule:

1. "Occupancy unit" means that portion of any commercial establishment, single and multi-unit residential building, or trailer, mobile home or recreational vehicle park, or marina which is set apart from the rest of such facility by clearly determinable boundaries as described in the rental, lease, or ownership agreement for such unit.
2. "Time-sharing plan" means any arrangement, plan, scheme, or similar device, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, or right-to-use agreement or by any other means, whereby a purchaser, in exchange for a

consideration, receives a right to use accommodations or facilities, or both, for a specific period of time less than a full year during any given year, but not necessarily for consecutive years, and which extends for a period of more than three years.

3. The construction of a new commercial establishment, residential building, marina, or trailer, mobile home or recreational vehicle park shall be deemed to commence on the date when the building structure permit is issued.
4. The individual metering requirement is waived for any time sharing facility for which construction was commenced before December 23, 1982, in which separate occupancy units were not metered in accordance with subsection (5)(a).
5. "Overnight Occupancy" means use of an occupancy unit for a short term such as per day or per week where permanent residency is not established.
6. The term "cost" as used herein means only those charges specifically authorized by the electric utility's tariff, including but not limited to the customer, energy, demand, fuel, and conservation charges made by the electric utility plus applicable taxes and fees to the customer of record responsible for the master meter payments. The term does not include late payment charges, returned check charges, the cost of the distribution system behind the master meter, the cost of billing, and other such costs.
 - (a) Where individual metering is not required under Subsection (5)(a) and master metering is used in lieu thereof, reasonable apportionment methods, including sub-metering, may be used by the customer of record or the owner of such facility solely for the purpose of allocating the cost of the electricity billed by the utility.
 - (b) Any fees or charges collected by a customer of record for electricity billed to the customer's account by the utility, whether based on the use of sub-metering or any other allocation method, shall be determined in a manner which reimburses the customer of record for no more than the customer's actual cost of electricity.
7. Each utility shall develop a standard policy governing the provisions of sub-metering as provided for herein. Such policy shall be filed by each utility as part of its tariffs. The policy shall have uniform application and shall be nondiscriminatory.

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

Law Implemented: 366.05(3), F.S.

History: Amended 7/29/69, 11/26/80, 12/23/82, 12/28/83, formerly 25-6.49, Amended 7/14/87, 10/5/88.

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), F.S.

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

History: Amended 7/29/69, formerly 25-6.50.