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DIVISION OF APPEALS
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Public Service Commission

September 29, 1998

HAND DELIVERED

Mr. Carroll Webb
Joint Administrative Procedures
Committee
120 Holland Building
Tallahassee, Florida 32399


Re: Docket No. 980903-WS - Proposed Amendment to Rule 25-30.320, F.A.C., Refusal or Discontinuance of Service

Dear Mr. Webb:

The Commission has approved the adoption of Rule 25-30.320 without changes.

We plan to file the rule for adoption on October 7, 1998.

Sincerely,


Christiana T. Moore
Associate General Counsel

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____ ADT320.MRD
Enclosure
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

cc: Division of Records & Reporting

DOCUMENT NUMBER-DATE
10726 SEP 29 98
SPSC-RECORDS/REGISTRATION

1 25-30.320 Refusal or Discontinuance of Service.

2 (1) Until adequate facilities can be provided, a utility
3 may refuse to serve an applicant if, in the best judgment of the
4 utility, it does not have adequate facilities, or supply to
5 render the service applied for, or if the service is of character
6 that is likely to affect unfavorably service to other customers.

7 (2) As applicable, the utility may refuse or discontinue
8 service under the following conditions provided that, unless
9 otherwise stated, the customer shall be given written notice and
10 allowed a reasonable time to comply with any rule or remedy any
11 deficiency:

12 (a) For noncompliance with or violation of any state or
13 municipal law or regulation governing such utility service.

14 (b) For failure or refusal of the customer to correct any
15 deficiencies or defects in his piping or equipment which are
16 reported to him by the utility.

17 (c) For the use of utility service for any other property
18 or purpose than that described in the application.

19 (d) For failure or refusal to provide adequate space for
20 the meter or service equipment of the utility.

21 (e) For failure or refusal to provide the utility with a
22 deposit to insure payment of bills in accordance with the
23 utility's regulation.

24 (f) For neglect or refusal to provide reasonable access to
25 the utility for the purpose of reading meters or inspection and

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~~struck-through~~ type are deletions from existing law.

1 maintenance of equipment owned by the utility.

2 (g) For nonpayment of bills, including nonpayment of
3 municipal sewer service under circumstances specifically provided
4 in section 159.18(2), F.S., or noncompliance with the utility's
5 rules and regulations in connection with the same or a different
6 type or a different class of utility service furnished to the
7 same customer at the same premises by the same or affiliated
8 utility only after there has been a diligent attempt to have the
9 customer comply, including at least 5 working days' written
10 notice to the customers. Such notice shall be separate and apart
11 from any bill for service. For purposes of this subsection,
12 "working day" means any day on which the utility's office is open
13 and the U.S. Mail is delivered. A utility shall not, however,
14 refuse or discontinue service for nonpayment of a dishonored
15 check service charge imposed by the utility.

16 (h) Without notice in the event of a condition known to the
17 utility to be hazardous.

18 (i) Without notice in the event of tampering with
19 regulators, valves, piping, meter or other facilities furnished
20 and owned by the utility.

21 (j) Without notice in the event of unauthorized or
22 fraudulent use of service. Whenever service is discontinued for
23 fraudulent use of such service, the utility, before restoring
24 service, may require the customer to make at his own expense all
25 changes in piping or equipment necessary to eliminate illegal use

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1 and to pay an amount reasonably estimated as the deficiency in
2 revenue resulting from such fraudulent use. Service shall not be
3 discontinued if, prior to the arrival of the utility to
4 discontinue service, the customer has:

- 5 1. paid for all fraudulent use of service;
- 6 2. demonstrated the fraudulent use has ceased;
- 7 3. paid all other applicable fees and charges; and
- 8 4. the service condition allowing fraudulent use of
9 service has been corrected.

10 (3) Service shall be restored when cause for discontinuance
11 has been satisfactorily adjusted.

12 (4) In case of refusal to establish service, or whenever
13 service is discontinued, the utility shall notify the applicant
14 or customer in writing of the reason for such refusal or
15 discontinuance. In all instances involving refusal or
16 discontinuance of service the utility shall advise in its notice
17 that persons dissatisfied with the utility's decision to refuse
18 or discontinue service may register their complaint with the
19 utility's Customer Relations Personnel and to the Florida Public
20 Service Commission at 1-800-342-3552, which is a toll free
21 number.

22 (5) The following shall not constitute sufficient cause for
23 refusal or discontinuance of service to an applicant or customer:

24 (a) Delinquency in payment for service by a previous
25 occupant of the premises unless the current applicant or customer

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1 | Law Implemented: 367.081, 367.111, 367.121, F.S.
2 | History: Amended 9/12/74, 4/3/80, formerly 25-10.74, 25-10.074,
3 | Amended 11/9/86, 1/1/91, 1/11/93, 11/30/93, _____.
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