

RAR

MEMORANDUM

October 6, 1998

TO : DIVISION OF RECORDS & REPORTING

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

RE : DOCKET NO. 980903-WS - PROPOSED AMENDMENT TO RULE 25-30.320, F.A.C., REFUSAL OR DISCONTINUANCE OF SERVICE

Attached is an original and three copies of the certification of Rule 25-30.320. The Department of State must receive the original and two copies of the certification no later than 5:00 p.m., October 8, 1998. The Certification includes:

- (1) An original and two certified copies of Rule 25-30.320, F.A.C.;
- (2) A summary of the rule;
- (3) A summary of the hearing on the rule; and
- (4) A written statement of the facts and circumstances justifying the rule.

CERT320.MRD
Attachments

ACK _____

AFA _____

APP _____

CAF _____

CMU _____

CTR _____

EAG _____

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SEC 1

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 DIVISION OF RECORDS & REPORTING

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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;

(c) Are filed more than 90 days after the notice but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

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/ (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; or

 / (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

 / (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

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.

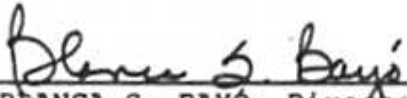
Rule No.

25-30.320

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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, Director
Division of Records & Reporting

Number of Pages Certified

(S E A L)

CTM

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 occupied the premises at the time the delinquency occurred and
2 the previous customer continues to occupy the premises and such
3 previous customer will receive benefit from such service.

4 (b) Failure to pay for appliances or equipment purchased
5 from the utility.

6 (c) Failure to pay for a different class of service, except
7 where two or more classes of service are rendered to the same
8 customer at the same premises.

9 (d) Failure to pay the bill of another customer as
10 guarantor thereof.

11 (e) Failure to pay a dishonored check service charge
12 imposed by the utility.

13 (6) No utility shall discontinue service to any customer,
14 between 12:00 noon on a Friday and 8:00 a.m. the following Monday
15 or between 12:00 noon on the day preceding a public holiday and
16 8:00 a.m. the next working day; provided, however, that this
17 prohibition shall not apply when:

18 (a) Discontinuance is requested by or agreed to by the
19 customer; or

20 (b) A hazardous condition exists; or

21 (c) Meters or other utility-owned facilities have been
22 tampered with; or

23 (d) Service is being obtained fraudulently or is being used
24 for unlawful purposes.

25 Specific Authority: 350.127(2), 367.121, F.S.

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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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Rule 25-30.320
Docket No. 980903-WS

SUMMARY OF RULE

Revises Rule 25-30.32 to authorize a utility to discontinue water service for nonpayment of municipal sewer service.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested and none was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Section 159.18(2), Florida Statutes, authorizes a municipality to enter into a contract with a utility for the utility to discontinue water service to a customer who is also served by the municipal sewer service if the customer fails to pay for the sewer service. The Commission's rule governing discontinuance of service, however, does not permit a utility to discontinue water service for this reason.

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