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January 6, 2000

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket 991651-PU
Revision of Rule 25-22.032, F.A.C., Customer Complaints

Dear Ms. Bayó:

Pursuant to your Notice of Proposed Rule Development, issued October 27, 1999 in the captioned docket, enclosed for filing are an original and fifteen copies of Florida Power Corporation's Pre-Workshop Comments.

Please acknowledge your receipt of the above filing on the enclosed copy of this letter and return to the undersigned. Also enclosed is a 3.5 inch diskette containing the above-referenced document in Word 97 format. Thank you for your assistance in this matter.

Sincerely,

Dan L. Sanford
Corporate Counsel

DLS:clm
Enclosure

- AFB
- APP Brom
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DOCUMENT NUMBER-DATE

00007-JAN-78

Docket 991651-PU
Proposed Revision of Rule 25-22.032, *F.A.C.*,
Customer Complaints

**COMMENTS OF
FLORIDA POWER CORP.**

Florida Power Corp. is pleased to file the attached suggested modifications to the Proposed Revision of Rule 25-22.032, *F.A.C.*, Customer Complaints. Florida Power Corp.'s suggested modifications to the Proposed Revisions are intended to enhance the effectiveness of the Rule and make its use by Florida Power Corp.'s customers more likely to achieve desirable results with less confusion or delay.

Florida Power has provided its comments in the form of the Proposed Rule Revision with suggested language changes noted as additions that are underlined or deletions that are stricken through.

DOCUMENT NUMBER-DATE

00307 JAN-78

FPSC-RECORDS/REPORTING

1 Substantial rewording of Rule 25 – 22.032 as follows:

2 25-22.032 Customer Complaints.

3 It is the Commission's intent that disputes between
4 regulated companies and their customers be resolved as quickly,
5 effectively, and inexpensively as possible. This rule establishes
6 ~~customer complaint~~ procedures that are designed to accomplish
7 that intent. The rule requires transfer-connect telephone numbers
8 between certain companies and the Commission, and it includes an
9 expedited process for complaints that can be resolved quickly by
10 the customer and the company without extensive Commission
11 Participation. The rule also includes a process for Commission
12 ~~r~~Resolution of a complaint if the company and the customer cannot
13 ~~r~~Resolve the complaint themselves.

14 (1) Any customer of a Commission regulated company may file
15 a complaint with the Division of Consumer Affairs whenever the
16 customer has an unresolved dispute with the company regarding
17 electric, gas, telephone, water, or wastewater service. The
18 complaint may be communicated orally or in writing. The complaint
19 must include the name of the company against which the complaint
20 is made, the name of the customer of record, and the service
21 address. Upon receipt of the complaint, a ~~staff member~~ Division staff
22 member will
23 determine if the customer has contacted the utility and, if the
24 customer agrees, will put the customer in contact with the
25 company for resolution of the complaint.

(2) Transfer-connect Requirement

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from existing law.

1 (a) Each company specified in paragraph (2) (b) shall provide
2 a transfer-connect (warm transfer) telephone number by which the
3 Commission may directly transfer a customer to that company's
4 customer service representative. When the transfer is complete,
5 any further charges for the call shall be the responsibility of
6 the company and not the Commission or the customer. Each company
7 must provide customer service representatives to handle
8 transferred calls during the Commission's normal business hours:
9 Monday through Friday, 8:00 A.M. to 5:00 P.M., Eastern time.

10 (b) The following types of companies shall obtain a transfer
11 connect number:

- 12 1. All local exchange telecommunications companies;
- 13 2. Alternative local exchange telecommunications companies
14 with annual gross intrastate revenues greater than \$750,000;
- 15 3. Interexchange telecommunications companies with annual
16 gross intrastate revenues greater than \$750,000;
- 17 4. All investor-owned electric utilities;
- 18 5. All investor-owned gas companies with more than 25,000
19 customers;
- 20 6. All Class A water or wastewater companies with annual
21 gross intrastate revenues in excess of \$750,000.

22 (3) Complaints resolved within three (3) days.

23 ~~— If companies are able to resolve C~~ customer complaints employing
24 the three (3) day resolution process within
~~three days, they shall be resolved in the following manner~~ employ the
following process:

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25 | (a) The ~~Commission~~ Division staff member handling the complaint
will

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1 forward to the company for response and resolution a description of
the complaint including any disputed service charge or other
2 amount(s). to the company for
~~Response and resolution.~~ The three day period will begin at 5:00
3 p.m. on the day the information is sent to the company and end at
4 5:00 p.m. on the third day, excluding weekends and holidays. The
Company and customer shall seek to resolve the dispute within three
(3) days following the Company's receipt of the complaint description
from the Division staff member. If
5 ~~the company satisfactorily resolves the complaint~~ is satisfactorily
resolved, the company
6 shall notify the staff member of the resolution or the agreed upon plan
of action.

7 (b) ~~The Commission~~ Division of Consumer Affairs ~~will~~ shall contact
the customer within 30 days of its receipt of notice of the resolution of
the complaint to
8 confirm that the complaint has been resolved. If resolved in this
manner, the complaint will not
9 be reported in the total number of complaints shown for that company
10 in the Commission Consumer Complaint Activity Report shown for that
company. Should the customer fail to respond within the 30-day
timeframe, the complaint will be considered closed. However,
11 ~~‡~~ The Commission will retain the information for use in enforcement
12 proceedings, or for any other purpose necessary to perform its
13 regulatory obligations.

14 (c) If the customer informs the ~~Commission~~ Division staff member that
15 the complaint has not been resolved, the Commission will notify
16 the company and require a full report as prescribed in subsection

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17 (4).
18 (d) If the customer does not agree to the three-day resolution process,
19 the Commission staff member will notify the company of the complaint
20 and require a full report as prescribed in subsection (4).

18 (4) Complaints not resolved within three days.

19 If the customer does not agree to contact the company
20 directly, or if the customer is not satisfied with the company's
21 proposed resolution of the complaint, ~~a Commission staff member~~ the
22 Division of Consumer Affairs shall assign a staff member to
23 ~~will~~ investigate the complaint and attempt to resolve the dispute
24 in the following manner:

24 (a) Informal Resolution. The staff member will notify the company
25 of the
26 complaint and request a response. The company shall provide its

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1 response to the complaint within fifteen (15) working days. The
2 response shall explain the company's action in the disputed
3 matter and the extent to which those actions were consistent with
4 applicable statutes and regulations. The response shall also
5 describe all attempts to resolve the customer's complaint.

6 (b) The staff member investigating the complaint may request
7 ~~Copies~~ copies of bills, billing statements, field reports, written
8 ~~Documents~~ documents, or other information in the participants'
9 ~~That~~ that may be necessary to resolve the dispute. The staff member
10 ~~May~~ may perform, or request the company to perform, any tests,
11 ~~On~~ non-site inspections, and reviews of company records necessary to
12 ~~Aid~~ aid in the resolution of the dispute.

13 (5) During the complaint resolution process, a company shall not
14 discontinue service to a customer because of an unpaid disputed
15 bill. However, the company may require the customer to pay that
16 part of a bill which is not in dispute. If the company and the
17 customer cannot agree on the amount in dispute, either party may
request, in writing, that the Division of Consumer Affairs determine the
18 undisputed amount of the bill. the staff member assigned
~~will~~ shall make a reasonable estimate to establish an interim disputed
19 amount until the complaint is resolved. Any amount over the staff
member's estimate shall be deemed undisputed. - If the customer fails
20 to
21 pay the undisputed portion of the bill, the company may
discontinue the customer's service pursuant to Commission rules.

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22 | (6) Following review of the information provided by the parties, and
23 | within 60 days of the receipt of the initial complaint, ~~The staff member~~
24 | will propose a resolution of the
25 | complaint based on the information provided by all participants
to the complaint and applicable statutes and regulations. The
proposed resolution may be either oral or written. Upon request,

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1 either participant shall be entitled to a written copy of the
2 proposed resolution. If the proposed resolution is acceptable to both
parties, then the resolution shall be reduced to writing and included in
the Division's records. A copy of the written resolution shall be sent to
both parties within 30 days of resolution of the complaint.

3 -~~(7)~~ Informal Conference. If a participant objects to the
4 proposed informal resolution, ~~of~~ the participant may request an
5 ~~informal~~ conference ~~Conference~~ Conference on the complaint.

6 (a) The request for Informal Conference shall be in writing and
7 filed with the
8 Division of Consumer Affairs within 30 days after the proposed
9 resolution is ~~sent~~ provided to the customer.

10 (b) Within 10 days of receipt of the request for an informal ~~informal~~ hformal
~~conference~~ Conference is received,
11 the Director of the Division of Consumer Affairs will assign a different
12 Commission staff member to ~~process the request for an~~ conduct the
~~informal~~ Informal
~~conference~~ Conference. The staff member will advise the participants
13 to
14 complete Form X (PSC/CAF Form X), incorporated by reference
15 herein, and return the form to the Commission within fifteen (15)
16 days. A copy of Form X may be obtained from the Division of
17 Consumer Affairs. The participants shall provide the following
18 information on the form:

19 1. A statement describing the facts that give rise to the
20 complaint:

2. A statement of the issues to be resolved; and

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21 3. A statement of the relief requested.
22 The ~~informal conference~~ Informal Conference shall be limited to the
23 complaint and the
24 statement of facts and issues identified in the form. The
25 Commission staff will notify the customer that the request for an
~~informal~~ Informal ~~conference~~ Conference will be denied if the form is not
received
within the 15 days.

(c) The Director of the Division of Consumer Affairs will review the
customer

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1 ~~Statement, and either~~ The Director may appoint a staff member to
2 ~~conduct the an~~
3 ~~informal~~ Informal conference ~~Conference~~, or make a recommendation to
4 the Commission
5 for dismissal based on a finding that the complaint states no
6 basis upon which relief may be granted.

7 (d) ~~If a conference is granted~~ the Director determines that there is a
8 basis upon which relief may be granted, the Director shall appoint a staff
9 member to conduct an Informal Conference. ~~The~~ staff member
10 appointed
11 to conduct the conference shall not have participated in the
12 investigation or proposed resolution of the complaint.

13 (e) Within 30 days following appointment, the staff member shall
14 ~~After consulting~~ with the participants. Within 30 days following the last
15 consultation, the staff member
16 ~~will~~ shall send a written notice to the participants setting forth the
17 unresolved issues, the procedures to be followed at the ~~informal~~ Informal
18 ~~conference~~ Conference, the dates by which written materials are to be
19 filed,
20 and the time and place for the conference. The Informal C ~~conference~~
21 may be
22 held by telephone conference, video teleconference, or in person,
23 no sooner than ten days following the notice and no later than 90 days
24 following the notice.

25 (f) At the Informal C ~~conference~~, the participants shall have the
26 opportunity to present information, orally or in writing, in
27 support of their positions. During the Informal Conference ~~conference~~,
28 the staff
29 member may encourage the parties to resolve the dispute. The
30 Commission will be responsible for tape-recording, but not

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20 transcribing, the ~~informal conference~~Informal Conference. A participant
21 may arrange
22 for transcription at his own expense.
23 (g) The staff member may permit any participant to file
24
25 additional information, documentation, or arguments not later than 30
days following the Informal Conference. The opposing

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1 participant shall have an opportunity to respond within 30 days following
the submission of such additional information, documentation or
argument.

2 (h) If a settlement is not reached within 20 days following
3 the ~~informal conference~~ Informal Conference or the last post-conference
4 filing, the
5 staff member shall submit a recommendation to the Commission for
6 consideration at the next available Agenda Conference. Copies of
the recommendation shall be sent to the participants.

7 (i) If the Director denies the request for an ~~informal~~ Informal
8 ~~conference~~ Conference, the participants shall be notified in writing.

9 Within 20 days of giving notice, the staff shall submit a
10 recommendation for consideration at the next available Agenda
11 Conference. Copies of the recommendation shall be sent to the
12 participants.

13 (j) Staff Recommendations. Upon receipt of a staff recommendation
relating to the resolution of a complaint, or a staff recommendation
relating to the Director's denial of a request for Informal Conference,
14 The Commission ~~will address the matter by~~ shall issueing a
notice of proposed agency action or ~~by setting~~ shall set ~~the matter~~ the
matter for

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15 hearing pursuant to section 120.57, Florida Statutes.

(k) The Commission may in its discretion, accept or reject staff's recommendations. If the Commission approves the staff's recommendation, the Commission shall enter its order accordingly. If the Commission rejects the staff's recommendation denying a request for an Informal Conference, the matter shall be referred back to the Director of Consumer Affairs with direction's to conduct the Informal Conference. If the Commission rejects a staff recommendation relating to the resolution of the customer's complaint, the Commission may (i) conduct a hearing on the record on the date the matter is scheduled for determination; (ii) enter such determination or Order that is supported by the record at the time; or (ii) may refer the matter back to the Division of Consumer Affairs for further information; or (iii) may dismiss the complaint because there is no basis upon which the Commission may grant relief.

(kl) Either party may request a continuance of the Commission's determination of a customer complaint. Should a continuance by either party be requested, it must be requested so that at least, 72 hours notice will of such continuance may be provided to all participants. ~~Neither party shall be granted more than two continuances~~ No more than two continuances will be granted to any party, except on good cause shown and upon the Order of the Commission..

16 (7) At any point during the complaint proceedings, a
17 participant has the right to be represented by an attorney or
18 other qualified representative. For purposes of this rule a
19 qualified representative may be any person the party chooses,
20 unless the ~~Commission sets the matter for hearing~~ complaint is set for
21 ~~Commission sets the matter~~ complaint is set- for hearing before the full
22 Commission, the participants may be
23 represented by an attorney or a qualified representative as
prescribed in Uniform Rule 28-106.106, Florida Administrative

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24 | Code, or may represent themselves. Each participant shall be |
25 | responsible for his own expenses in the handling of the |

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1 complaint.

2 (8) At any time the participants may agree to settle their
3 dispute. If a settlement is reached, the participants or their
4 representatives shall file with the ~~the with~~ Division of Consumer Affairs
5 a written statement to that effect. The statement shall indicate
6 that the settlement is binding on both participants, and that the
7 participants waive any right to further review or action by the
8 Commission. If the complaint has been docketed, the Division of
9 Consumer Affairs shall submit the settlement to the Commission
10 for approval. If the complaint has not been docketed, the
11 Division will acknowledge the statement of settlement by letter
12 to the participants.

13 (9) Record retention and auditing.

14 (a) All companies shall retain ~~any telephone~~ all notes or
15 written documentation relating to each ~~Commission~~ complaint
16 irrespective of the manner of resolution for
17 three years, beginning following the date when the complaint was first
18 received either by the company or the Commission.

17 (b) All companies shall file with the Commission, beginning
18 60 days after the effective date of this rule and yearly
19 thereafter, a report that summarizes the following information
20 for the preceding calendar year:

21 1. The total number of calls handled via transfer connect,
22 including the customer's name, and the company resolution;

23 2. The number of complaints handled under the three day
24 complaint resolution procedures;

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25 | (c). The Commission shall have access to all such records for |

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1 | audit purposes.
2 | Specific Authority 120.53 (1), 350.127 (2) FS.
3 | Law Implemented 120.53 (1), 120.57, 120.59 (4) FS.
4 | History – New 1-3-89, Amended 10-28-93 .

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