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STATE OF FLORIDA



**ORIGINAL**  
TIMOTHY DEVLIN, DIRECTOR  
DIVISION OF ECONOMIC REGULATION  
(850) 413-6900

Public Service Commission

September 13, 2001

Mr. Parker Clemmons  
1807 Daylily Drive  
New Port Richey, FL 34655

Dear Mr. Clemmons:

Representative Mike Fasano forwarded to the Commission a copy of your July 26, 2001 letter and asked us to provide you any assistance possible. We also received a copy of a letter to Representative Fasano from your neighbor, Mr. Vincent Krasinski. We have investigated the concerns raised in your letter, regarding the removal of your meter on July 25, 2001 and Aloha Utilities, Inc.'s emergency telephone number. As a part of our investigation, we contacted the utility and requested a printout of your billing history, which we received on August 29, 2001.

Rule 25-30.320, Florida Administrative Code, prescribes the circumstances by which a utility may discontinue service, one of which is for non-payment of bills. This rule also outlines the steps that a utility must take before discontinuing service to a customer. A utility must provide a written notice at least five working days before the date a utility discontinues a customer's service for nonpayment. This notice shall be separate and apart from any bill. Aloha's bill clearly states these procedures in the bottom right corner of the bill.

If a utility representative told you that Aloha had no obligation to notify you in writing, clearly that would have been incorrect. As stated above, this requirement is outlined on each bill. Our investigation reveals that you were issued a written disconnect notice on July 13<sup>th</sup>, informing you that your service would be disconnected if payment of the delinquent amount of \$95.64 was not received within five days. Perhaps, you did not receive the written notice. It appears from your billing history, however, that you have been at least a month behind in paying your bill for some months, paying only the previous balance rather than the amount due stated on the bill.

With regard to your concern about Aloha's emergency number, you stated that you had called Aloha after its regular business hours on July 25, 2001 and that the utility did not have any number for emergencies. On each customer bill, Aloha provides a 24-hour emergency telephone number which is the same number as its regular business hours telephone number. According to Aloha, after-hour calls from customers are forwarded to the utility's answering service. The answering service begins with a recorded message, and the calls are taken in the order in which they are

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received by representatives of the answering service. The answering service then forwards all customer emergencies received to the Aloha employees who are on call after regular business hours.

To verify this, on August 28, 2001, Commission staff called the utility after its regular business hours and were successful in contacting a representative of Aloha's answering service. Based on the above, it appears that the utility is in compliance with Rule 25-30.330, Florida Administrative Code, with respect to providing its customers with an after business hours telephone number. In the case of disconnections for failure to timely pay the bill, however, the answering service has a list of such customers and, when contacted after hours, will advise that customer that he or she should contact the utility during regular business hours.

Please be aware that this letter contains Commission staff's informal opinions which are not binding upon the Commission. Thank you for communicating your concerns. If you have any questions or if I may be of further assistance, please feel free to call me at (850) 413-7017.

Sincerely,



Bart Fletcher  
Regulatory Analyst III

cc: Division of Economic Regulation (Tudor, Willis, Merchant)  
Division of CCA (Docket No. 010503-WU)  
Division of Legal Services (Jaeger)  
Dr. Mary A. Bane, Deputy Executive Director/Technical  
Harold McLean, General Counsel  
Representative Mike Fasano  
Aloha Utilities, Inc.: Connie Kurish, General Manager  
F. Marshall Deterding, Esquire  
Office of Public Counsel (Burgess)  
Vincent A. Krasinski