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CERTIFICATION OF COMMISSION
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
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I do hereby certify:

/X/ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

/X/ (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

/X/ (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; or

/X/ (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.

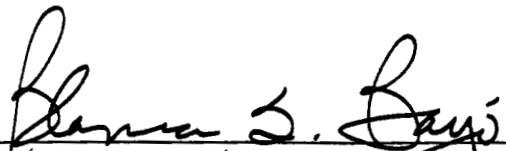
Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No.

25-22.032

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 the Commission Clerk
and Administrative Services

Number of Pages Certified



SMC

1 25-22.032 Customer Complaints.

2 ~~(1)~~ Intent; Application and Scope.

3 It is the Commission's intent that disputes between regulated
4 companies and their customers be resolved as quickly, effectively,
5 and inexpensively as possible. This rule establishes informal
6 customer complaint procedures that are designed to address
7 disputes, subject to the Commission's jurisdiction, that occur
8 between regulated companies and individual customers accomplish
9 ~~that intent. This rule applies to all companies regulated by the~~
10 ~~Commission.~~ It provides for expedited processes for customer
11 complaints that can be resolved quickly by the customer and the
12 company ~~without extensive Commission participation.~~ It also
13 provides a process for informal Commission staff resolution of
14 complaints that cannot be resolved by the company and the customer.

15 (2) Processing of Complaints

16 (a) Any customer of a Commission regulated company may file
17 a complaint with the Division of Consumer Affairs whenever the
18 customer has an unresolved dispute with the company regarding
19 electric, gas, telephone, water, or wastewater service that is
20 subject to the Commission's jurisdiction. The complaint may be
21 communicated orally or in writing. The complaint shall include the
22 name of the company against which the complaint is made, the name
23 of the customer of record, and the customer's service address.
24 Upon receipt of a ~~the~~ complaint by telephone, Commission ~~a~~ staff
25 ~~member~~ will determine if the customer has contacted the company.

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1 and,

2 **(b)** In the case of complaints made by telephone, if the
3 customer agrees, Commission staff will put the customer in contact
4 with the company for resolution of the complaint using the
5 telephone transfer-connect system described in subsection (4)(3),
6 or by other appropriate means if the company does not subscribe to
7 the telephone transfer-connect system. If the customer does not
8 agree to be put in contact with the company, then, in the case of
9 ~~for those~~ companies subscribing to the telephone transfer-connect
10 system, ~~the staff member~~ will submit the complaint to the company
11 for resolution in accordance with the provisions ~~three-day~~
12 ~~complaint resolution process~~ set forth in subsection (5)(4).

13 **(c)** For those companies not subscribing to the telephone
14 transfer-connect or to the E-mail transfer system described in
15 subsection (4), ~~the staff member~~ will submit the complaint to the
16 company for resolution in accordance with the provisions of
17 subsection (6)(5).

18 **(3) Protection from Disconnection.**

19 During the complaint process described in sections (5) - (9),
20 a company shall not discontinue service to a customer because of
21 any unpaid disputed amount until the complaint is closed by
22 Commission staff. However, the company may require the customer to
23 pay that part of a bill which is not in dispute. If the company and
24 the customer cannot agree on the amount in dispute, Commission
25 staff will make a reasonable estimate to establish an interim

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1 disputed amount until the complaint is closed by Commission staff.
2 If the customer fails to pay the undisputed portion of the bill,
3 the company may discontinue the customer's service pursuant to
4 Commission rules.

5 (4)(3) Telephone Transfer-connect and E-mail Transfer
6 systems.

7 (a) Each company subject to regulation by the Commission may
8 provide a telephone transfer-connect ~~(warm transfer)~~ telephone
9 number by which the Commission may directly transfer a customer to
10 that company's customer service personnel. When the telephone
11 transfer is complete, any further charges for the call shall be the
12 responsibility of the company and not the Commission or the
13 customer. Each company that subscribes to the telephone transfer-
14 connect system must provide customer service personnel to handle
15 transferred calls during the company's normal business hours and at
16 a minimum from Monday through Friday, 9:00 A.M. to 4:00 P.M.,
17 Eastern time, excluding all holidays observed by the company.
18 Telephone transfer-connect calls shall not be initially answered by
19 a recorded voice but shall be answered by a person ready to receive
20 information about the complaint.

21 (b) A company may also provide to the Commission an E-mail
22 address by which the customer may directly E-mail a complaint to
23 the company's customer service personnel from the Commission's
24 Internet Web site. The company shall acknowledge the customer's E-
25 mail to the customer by no later than the working day after the

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1 date of receipt.

2 (5)(4) Complaints resolved within three (3) days by
3 companies participating in the Telephone Transfer-Connect System or
4 the E-mail Transfer System.

5 Companies that subscribe to the telephone transfer-connect or
6 E-mail transfer system may resolve a customer complaints within
7 three days in the following manner:

8 (a) The Commission staff ~~member~~ handling the complaint will
9 forward a description of the complaint to the company for response
10 and resolution. The three day period will begin the working day
11 after at 5:00 p.m. on the day the information is sent to the
12 company and end at 5:00 p.m. Eastern time on the third working day,
13 excluding weekends and company holidays. If the company
14 satisfactorily resolves the complaint, the company shall notify
15 Commission the staff ~~member~~ of the resolution in writing by no
16 later than 5:00 p.m. Eastern time on the third day.

17 (b) ~~The Commission will contact the customer to confirm that~~
18 ~~the complaint has been resolved.~~ If the customer does not object
19 to the company's resolution to the complaint ~~confirms that the~~
20 ~~complaint has been resolved,~~ the complaint will not be reported in
21 the total number of complaints shown for that company in the
22 Commission's Consumer Complaint Activity Report. However, the
23 Commission will retain the information for use in enforcement
24 proceedings, or for any other purpose necessary to perform its
25 regulatory obligations.

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1 (c) If the customer informs ~~the~~ Commission staff ~~member~~ that
2 the complaint has not been resolved, the Commission staff will
3 notify the company and require a full report as prescribed in
4 subsection (6)(5).

5 (d) For purposes of this subsection a complaint will be
6 considered "resolved" if the company report indicates that the
7 problem has been corrected or the company report indicates that the
8 company and the customer have agreed to a plan to correct the
9 problem. ~~and the customer indicate that the problem has been~~
10 ~~corrected, or the company and the customer indicate that they have~~
11 ~~agreed to a plan to correct the problem.~~

12 (6)(5) General Commission Staff Complaint Investigation.
13 ~~Complaints not resolved within three days.~~

14 If the customer is not placed in direct contact with the
15 company by means of the telephone transfer connect or E-mail
16 transfer system for resolution of his complaint, ~~does not agree to~~
17 ~~contact the company directly, if the customer is not satisfied with~~
18 ~~the company's proposed resolution of the complaint, or if the~~
19 ~~company does not subscribe to the transfer connect system,~~ a
20 Commission staff ~~member~~ will investigate the complaint and attempt
21 to resolve the dispute in the following manner:

22 (a) Commission ~~The~~ staff ~~member~~ will acknowledge receipt of
23 the complaint to the customer, notify the company of the complaint
24 and request a written response from the company. Notification to
25 the company by Commission staff will be to the primary Commission

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1 liaison for each certificate unless the company has provided to the
2 Director of the Division of Consumer Affairs a name, address,
3 telephone and facsimile numbers and E-mail address for a separate
4 point of contact for complaint handling for each certificate. It
5 is preferable for a company to have a single point of contact for
6 complaint handling but a company may identify up to a maximum of
7 three points of contact for complaint handling per certificate.
8 However, if Commission staff directs a complaint to any one of the
9 identified multiple complaint handling contacts, the company shall
10 process the complaint and not return the complaint to Commission
11 staff for redirecting the complaint to other company points of
12 contact. ~~The company shall provide its response to the complaint~~
13 ~~within fifteen (15) working days.~~

14 (b) If the customer specifically makes a request to the
15 Commission that he or she not be contacted by the company,
16 Commission staff will request that the company not contact the
17 customer directly. Otherwise, the company shall make direct
18 contact with the customer verbally or in writing and provide to the
19 customer its response to the complaint within 15 working days after
20 the Commission staff sends the complaint to the company. Responses
21 sent by mail must be postmarked within the 15 working day time
22 period. The company shall also provide to the Commission staff,
23 within 15 working days after the Commission staff sends the
24 complaint to the company, a written response to the customer's
25 complaint. However, in the case of those complaints where the

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1 company has proposed, under the provisions of subsection (5) of
2 this rule (complaints resolved in 3 days), a resolution with which
3 the customer is not satisfied, the company shall respond within
4 twelve (12) working days of the case being resent to the company.

5 (c) The company's response to the Commission staff shall
6 explain the company's likely cause of the problem, all actions
7 taken by the company to resolve the customer's complaint, and the
8 company's resolution or proposed resolution of the complaint and
9 shall answer any specific questions raised by Commission staff.

10 The company response shall also include letters or E-mails sent to
11 the customer that contain the company's proposed resolution of the
12 complaint or statement of position in addressing or resolving the
13 complaint. Upon Commission staff request, other documentation
14 related to the complaint shall be provided to Commission staff.

15 ~~actions in the disputed matter and the extent to which those~~
16 ~~actions were consistent with applicable statutes and regulations.~~

17 ~~The response shall also describe all attempts to resolve the~~
18 ~~customer's complaint. If the company's proposed resolution has not~~

19 ~~yet been implemented at the time of the response to the Commission~~
20 ~~staff and customer, the company shall fully set forth in its~~

21 ~~response the steps that will be taken by the company to resolve the~~
22 ~~complaint and the dates by which each step will be taken by the~~

23 ~~company. The company shall promptly notify the customer if it is~~
24 ~~subsequently unable to take its proposed action as scheduled and~~

25 ~~shall provide to the customer and, upon request, to Commission~~

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1 staff, a new resolution schedule for the complaint.

2 (d) Commission staff will not normally further respond to the
3 customer. However, if a customer objects to the company response
4 to the complaint, the customer may request further review of the
5 complaint by Commission staff. Commission staff will then propose
6 a resolution of the complaint. The proposed resolution to the
7 customer may be either oral or written. Upon request of either the
8 customer or the company, Commission staff shall provide the
9 proposed resolution in writing.

10 (e)(b) Commission ~~The staff member investigating the~~
11 ~~complaint~~ may request copies of bills, billing statements, field
12 reports, written documents, or other information in the
13 participants' possession that may be necessary to resolve the
14 dispute. The company shall respond in 7 working days to each
15 subsequent request by staff after the initial company response. If
16 a complete response cannot be provided in the 7 working days, the
17 company shall provide an update regarding the response every 15
18 working days until the response is completed. Such update shall
19 identify all actions taken since the last report, an explanation of
20 why a complete response cannot be provided, and a time schedule for
21 providing a complete response. Commission ~~The staff member~~ may
22 perform, or request the company to perform, any tests, on-site
23 inspections, and reviews of company records necessary to aid in the
24 resolution of the dispute.

25 ~~(6) During the complaint process, a company shall not~~

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1 ~~discontinue service to a customer because of any unpaid disputed~~
2 ~~bill. However, the company may require the customer to pay that~~
3 ~~part of a bill which is not in dispute. If the company and the~~
4 ~~customer cannot agree on the amount in dispute, the staff member~~
5 ~~will make a reasonable estimate to establish an interim disputed~~
6 ~~amount until the complaint is resolved. If the customer fails to~~
7 ~~pay the undisputed portion of the bill the company may discontinue~~
8 ~~the customer's service pursuant to Commission rules.~~

9 (7) Process Review Team.

10 (a) If the customer or the company is not in agreement with
11 Commission staff's proposed resolution, the Division of Consumer
12 Affairs will refer the complaint to a Process Review Team
13 consisting of staff from the Office of the General Counsel, the
14 Division of Consumer Affairs, and the appropriate technical
15 division. This Process Review Team will review the complaint file
16 to determine further handling of the complaint.

17 (b) If the Process Review Team finds that the subject matter
18 of the complaint may be within the Commission's jurisdiction, that
19 the relief sought can possibly be granted by the Commission, that
20 the basis of the complaint is not an objection to current statutes,
21 rules, company tariffs, or orders of the Commission, and that a
22 violation of an applicable statute, rule, company tariff or order
23 of the Commission may have occurred, the Division of Consumer
24 Affairs shall schedule an informal conference. The fact that an
25 informal conference is scheduled shall not preclude any participant

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1 or Commission staff from later taking a position that the complaint
2 does not fall into one or more of the above categories.

3 (c) The Process Review Team will recommend that the Office of
4 the General Counsel send a closure letter to the participants if
5 the team finds that:

6 1. The case involves issues or concerns that fall outside
7 the jurisdiction of the Commission,

8 2. The relief sought cannot be provided by the Commission,

9 3. The basis of the complaint is an objection to current
10 statutes, rules, company tariffs, or orders of the Commission, or

11 4. It does not appear that a violation of applicable
12 statutes, rules, company tariffs, or orders of the Commission
13 occurred.

14 (d) Once the closure letter has been sent, the case will be
15 closed. The staff member will propose a resolution of the complaint
16 based on the information provided by all participants to the
17 complaint and applicable statutes and regulations. The proposed
18 resolution may be either oral or written. Upon request, either
19 participant shall be entitled to a written copy of the proposed
20 resolution.

21 (8) Informal Conference.

22 (a) If the Process Review Team identifies a complaint for an
23 informal conference, Division of Consumer Affairs staff will notify
24 the company and provide to the customer a Dispute Resolution Form
25 PSC/CAF10 (XX/OX), incorporated herein by reference, via certified

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1 mail. The customer shall return the completed Dispute Resolution
2 Form PSC/CAF10 to the Division of Consumer Affairs postmarked
3 within 15 working days after the date of its being sent to the
4 customer. If the completed Dispute Resolution Form PSC/CAF10 is
5 not received from the customer with a postmark within the required
6 15 working days, the customer's complaint will be closed at that
7 point. If the Dispute Resolution Form is completed and returned by
8 the customer, Commission staff will provide a copy to the company.

9 (b) A customer's completed Dispute Resolution Form PSC/CAF10
10 shall consist of:

11 1. A statement describing the facts that give rise to the
12 complaint and, to the extent known, an explanation of why the basis
13 of the complaint may be a violation of the applicable statutes,
14 rules, company tariffs, or orders of the Commission. The
15 statements filed by the customer should not raise any new issues
16 not addressed in the initial complaint.

17 2. A statement of the issues to be resolved.

18 3. Any dollar amount in dispute.

19 4. A statement of the relief requested.

20 ~~If a participant objects to the proposed resolution, the~~
21 ~~participant may request an informal conference on the complaint.~~

22 ~~(a) The request for an informal conference shall be in~~
23 ~~writing and filed with the Division of Consumer Affairs within 30~~
24 ~~days after the proposed resolution is sent to the participants.~~

25 ~~(b) When the request for an informal conference is received,~~

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1 ~~the Director of the Division of Consumer Affairs will assign a~~
2 ~~Commission staff member to process the request for an informal~~
3 ~~conference. The staff member will advise the participants to~~
4 ~~complete Form X (PSC/CAF Form X), incorporated by reference herein,~~
5 ~~and return the form to the Commission within fifteen (15) days. A~~
6 ~~copy of Form X may be obtained from the Division of Consumer~~
7 ~~Affairs. At a minimum, the participants shall provide the following~~
8 ~~information on the form:~~

- 9 1. ~~A statement describing the facts that give rise to the~~
10 ~~complaint;~~
11 2. ~~A statement of the issues to be resolved; and~~
12 3. ~~A statement of the relief requested.~~

13 ~~The informal conference shall be limited to the complaint and the~~
14 ~~statement of facts and issues identified by the participants in the~~
15 ~~form. The Commission staff will notify the requesting participant~~
16 ~~that the request for an informal conference will be denied if the~~
17 ~~requesting participant's form is not received within the 15 days.~~

18 (c) Any participant may file additional information,
19 documentation, or arguments; however, such additional information,
20 documentation or arguments shall be limited to the issues from the
21 customer's original complaint which are identified in the
22 customer's Dispute Resolution request Form PSC/CAF10.

23 ~~(c) The Director of the Division will review the statements~~
24 ~~and either appoint a staff member to conduct the informal~~
25 ~~conference, or make a recommendation to the Commission for~~

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1 ~~dismissal based on a finding that the complaint states no basis~~
2 ~~upon which relief may be granted.~~

3 (d) When an informal ~~if a~~ conference is scheduled granted,
4 the presiding staff member appointed to conduct the conference
5 shall not have participated in the ~~investigation or~~ proposed
6 resolution of the complaint. The appointed staff shall be
7 comprised of a representative of the Division of Consumer Affairs
8 staff, an attorney from the Office of the General Counsel, and a
9 staff member from appropriate technical staff. The representative
10 from the Division of Consumer Affairs will preside at the informal
11 conference.

12 (e) ~~After consulting with the participants, the~~ After
13 receiving the Dispute Resolution Form from the customer, Commission
14 ~~staff member~~ will send a written notice to the participants setting
15 forth the unresolved issues, the procedures to be followed at the
16 informal conference, and the dates by which written materials are
17 to be filed ~~and the time and place for the conference.~~ A company
18 may at this time respond to information contained on the customer's
19 Dispute Resolution Form. Each participant may be represented at
20 the informal conference by an attorney or other representative or
21 may represent himself. Each participant shall be responsible for
22 his own expenses in the handling of the complaint. The conference
23 may be held no sooner than ten days following a notice, unless all
24 participants agree to an earlier date. ~~The conference may be held~~
25 ~~by telephone conference, video teleconference, or in person, no~~

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1 ~~sooner than ten days following the notice.~~

2 (f) At the conference, the participants shall have the
3 opportunity to present information, orally or in writing, in
4 support of their positions. During the conference, ~~the~~ staff
5 ~~member~~ may encourage the parties to resolve the dispute. The
6 Commission staff will be responsible for tape-recording, but not
7 transcribing, the informal conference. A participant may arrange
8 for transcription at his own expense.

9 ~~(g) The staff member may permit any participant to file~~
10 ~~additional information, documentation, or arguments. The opposing~~
11 ~~participant shall have an opportunity to respond.~~

12 (gh) If a settlement is not reached within 20 working days
13 following the informal conference and if the complaint is not
14 withdrawn, or the last post-conference filing, whichever is later,
15 ~~the~~ staff ~~member~~ shall submit a recommendation to the Commission
16 for consideration at the next available Commission Agenda
17 Conference. Copies of the recommendation shall be sent to the
18 participants by the Office of the General Counsel.

19 ~~(i) If the Director denies the request for an informal~~
20 ~~conference, the participants shall be notified in writing. Within~~
21 ~~20 days of giving notice, the staff shall submit a recommendation~~
22 ~~for consideration at the next available Agenda Conference. Copies~~
23 ~~of the recommendation shall be sent to the participants.~~

24 (hj) The Commission will address the matter by issuing a
25 notice of proposed agency action or by setting the matter for

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1 hearing pursuant to section 120.57, Florida Statutes.

2 ~~(9) At any point during the complaint proceedings, a~~
3 ~~participant has the right to be represented by an attorney or other~~
4 ~~representative. For purposes of this rule a representative may be~~
5 ~~any person the party chooses, unless the Commission sets the matter~~
6 ~~for hearing.~~ If the Commission sets the matter for hearing, the
7 participants may be represented by an attorney or a qualified
8 representative as prescribed in Rule 28-106.106, Florida
9 Administrative Code, or may represent themselves. Each participant
10 shall be responsible for his own expenses in the handling of the
11 complaint.

12 ~~(9)(10)~~ Settlement.

13 At any time the participants may agree to settle their
14 dispute. If a settlement is reached, the participants or their
15 representatives shall file with the Division of Consumer Affairs a
16 written statement to that effect. The statement shall indicate
17 that the settlement is binding on all ~~both~~ participants, and that
18 the participants waive any right to further review or action by the
19 Commission. If the complaint has been docketed, the Division of
20 Consumer Affairs shall submit the settlement to the Commission for
21 approval. If the complaint has not been docketed, the Division of
22 Consumer Affairs will acknowledge the statement of settlement by
23 letter to the participants.

24 ~~(10)(11)~~ Record Retention, Reports, and Auditing.

25 (a) All companies shall retain ~~notes~~ or documentation

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1 relating to each Commission complaint for two years after the date
2 ~~beginning when~~ the complaint was closed by the Commission first
3 ~~received.~~

4 (b) All companies that participate in the telephone-transfer
5 connect, E-mail transfer or three day complaint resolution options
6 shall file with the Commission's Division of Consumer Affairs, by
7 the fifth working day of each month beginning 60 days after the
8 ~~effective date of this rule and monthly thereafter,~~ a report in
9 tabular form that summarizes the following information for the
10 preceding calendar month:

11 1. The ~~total~~ number of calls handled via telephone transfer-
12 connect, including the date received, customer's name, a brief
13 description of the complaint, and whether ~~or not~~ the complaint was
14 addressed;

15 2. The number of complaints handled via E-mail transfer,
16 including the date received, the customer's name, the Commission
17 assigned tracking number, a brief description of the complaint, and
18 whether the complaint was addressed.

19 3. The number of complaints handled under the three day
20 complaint resolution procedure, including the date received, the
21 customer's name, the Commission assigned filing number, a brief
22 description of the complaint, and whether the complaint was
23 resolved.

24 (c) Companies shall provide access to the Commission to all
25 such records for audit purposes. ~~The Commission shall have access~~

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1 ~~to all such records for audit purposes.~~

2 (11) Extensions of Time.

3 (a) In the event of a storm named by the National Hurricane
4 Center, a tornado recorded by the National Weather Service, a
5 flood, a telephone cable cut, a severe gas or water main break, a
6 major electrical outage, an extreme weather disturbance or fire
7 causing activation of the county emergency operation center, acts
8 of terrorism, or work stoppage, any of which substantially affects
9 its operations and resources, a company may file a notice which
10 will automatically extend by three working days the time for filing
11 responses, forms, reports and other submissions required by this
12 rule. Such notice shall be submitted in writing to the Director of
13 the Division of Consumer Affairs and shall state a reason for the
14 three day extension. The utility will send one written request
15 that will apply to all complaints or reports pending or received
16 during the extension period. When the company does provide
17 complaint responses or reports containing information on complaints
18 affected by an extension of time, the extension must be noted on
19 the complaint or report. For complaints, the three day extension
20 shall apply to any complaints pending at the time such notification
21 is given and to new complaints received during the extension
22 period.

23 (b) If the company participates in the transfer connect
24 system described in subsection (4), and the circumstances described
25 in paragraph (11)(a) affect the operation of the transfer connect

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1 system, the company may establish an alternative, temporary means
2 of transmitting customer concerns from the Commission to the
3 company for handling within the transfer connect program.

4 Specific Authority 350.127(2), 364.19, 364.0252, 366.05, 367.121,
5 FS.

6 Law Implemented 364.01, 364.0252, 364.03(1), 364.183, 364.185,
7 364.15, 364.19, 364.337(5), 366.03, 366.04, 366.05, 367.011,
8 367.111, 367.121, 120.54, 120.569, 120.57, 120.573, FS.

9 History--New 01-03-89, Amended 10-28-93, 06-22-00, XX-XX-XX.

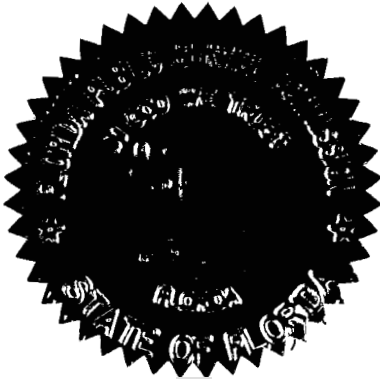
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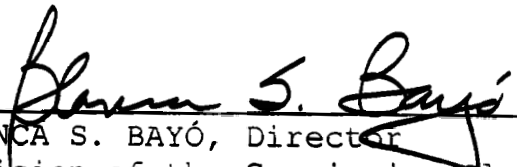
CERTIFICATION OF
FORM INCORPORATED BY REFERENCE
IN RULES FILED WITH THE DEPARTMENT OF STATE

Pursuant to Rule 1S-1.005, Florida Administrative Code, I do hereby certify that the attached are true and correct copies of the following form incorporated by reference in Rule 25-33.032. Under the provisions of subparagraph 120.54(3)(e)(6), F.S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

FLORIDA PUBLIC SERVICE COMMISSION DISPUTE RESOLUTION FORM



SMC



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

Number of Pages Certified

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Identify the issue(s) to be resolved. _____

Identify any specific dollar amount in dispute, if applicable. _____

Provide a suggested resolution or the relief sought. _____

NOTICE: This form must be postmarked by _____.

SUMMARY OF RULE

The rule amendments clarify that the complaint procedure is designed to address only those complaints that fall within the Commission's jurisdiction; it will require that telephone, e-mail and written complaints be forwarded directly to the utility company for resolution in most instances; it will provide response dates to Commission staff inquiries for additional information from companies; it reflects the implementation of the e-mail transfer connection program; it allows for the use of a complaint liaison; it establishes the Process Review Team, which will review complaints before they are forwarded to an informal conference; it will ensure that the issues addressed at the informal conference are clearly delineated; and it provides for extensions of time for filing required information in emergency situations.

SUMMARY OF HEARINGS ON THE RULE

The Commission considered comments on the proposed rule submitted by the staff of the Joint Administrative Procedures Committee at its December 2, 2003, agenda conference. Changes were made to the proposed rule based on those comments.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

As part of an ongoing effort by the Commission to improve service to consumers and increase the efficiency of its operations,

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the Commission is proposing changes to Rule 25-22.032. The Commission continues to receive a large number of consumer contacts. In fiscal year 2001-2002, the Commission logged over 60,000 complaints and information requests.

Florida joins many states that have been experiencing significant consumer interaction in the past few years. A National Regulatory Research Institute report, entitled "The Enforcement Function Within the Consumer Affairs Department," states that over the five years of the study there has been an escalation in consumer complaints, contacts, and interactions.

With its considerable number of consumer contacts, the Commission reviewed its procedures and concluded that streamlining is necessary to allow Commission staff to better assist consumers in a timely, efficient manner.