

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of revisions to  
Tariff Sheet No. 9.930, application form for  
Medically Essential Service, by Florida Power  
& Light Company.

DOCKET NO. 040252-EI  
ORDER NO. PSC-04-0677-TRF-EI  
ISSUED: July 13, 2004

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman  
J. TERRY DEASON  
LILA A. JABER  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON

ORDER APPROVING TARIFF REVISIONS

BY THE COMMISSION:

BACKGROUND

On March 22, 2004, Florida Power & Light Company (FPL) filed a petition for approval of proposed revisions to its Application Form for Medically Essential Service. We suspended the proposed revisions by Order No. PSC-04-0574-PCO-EI, issued June 7, 2004, to allow more time for review. We have jurisdiction over this matter pursuant to Sections 366.03, 366.04, 366.05 and 366.06, Florida Statutes, and we approve the proposed revisions for the reasons explained below.

DECISION

To obtain Medically Essential Service (MES), a customer must demonstrate that the customer or a permanent occupant of the customer's home is dependent upon electric-powered equipment to avoid loss of life or immediate hospitalization. Section 366.15, Florida Statutes, provides that the customer must submit an application form to the utility stating why electric service is medically essential. The statute requires that customers renew their MES certification once every 12 months. The application form that FPL uses for MES certification is contained in its approved tariff Sheet No. 9.930. Customers must complete Part A of the form and a licensed Florida physician must complete Part B.

FPL has proposed revising Part A of the form to reflect the fact that the customer of record and the patient who is reliant on the electric-powered medical equipment may not be the

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same person. The existing form has only one signature line for the customer. The proposed revision requires a signature for both the customer of record and the patient if the customer and the patient or the patient's guardian are not the same person. FPL has also proposed adding language to Part A of the form that authorizes FPL to release limited MES customer information to governmental authorities charged with disaster relief or private entities authorized to assist in disaster relief, such as the Red Cross. FPL believes that release of the MES customer information will help the relief agencies better identify individuals who may need special assistance in the event of an emergency. FPL normally treats such individual customer information as proprietary, and the information to be released would only include the name and address of the customer of record. For those customers who do not wish this information to be released, FPL has filed a proposed Notice of Exclusion from Disclosure form that must be completed and returned to FPL. The proposed form requires a signature for both the customer of record and the patient, if they are not the same person. The form was submitted as proposed original tariff sheet No. 9.932.

In Part B of the form, a physician must describe the electric equipment that the patient is dependent upon, and indicate how many hours each day the equipment must be operated. In addition, the physician must explain in both medical and non-medical terms why the specified equipment is needed in order to avoid loss of life or serious medical complications requiring immediate hospitalization. FPL has proposed to amend Part B to include a notification that FPL may contact the physician who completes Part B of the application, in order to verify the physician's signature, the equipment description, and the explanation as to why the specified equipment is necessary to avoid loss of life or immediate hospitalization. FPL has also proposed to amend Part B of the application to require the physician to certify that he or she has seen or consulted with the patient within the last 12 months. Currently, the form only requires the physician to certify that the patient is under the physician's care. In its petition, FPL cited an instance in which a physician completing the form for a patient had not seen the patient in several years. FPL believes that it is reasonable to expect the physician to examine or consult with the patient at least once in the past 12 months in order to be able to provide meaningful and relatively current information on Part B of the form.

Finally, FPL has proposed to add notices to Parts A and B of the form to remind those who complete the form of the importance of providing true and correct information. The notice at the bottom of Part A states that if the applicant knowingly makes a false or misleading statement in completing the form, it could result in the denial or termination of MES certification. The notice at the bottom of Part B states that false certification of medically essential service by a physician constitutes grounds for discipline, penalties and enforcement under Florida Statutes, as Section 366.15(3)(a), Florida Statutes, provides.

We have reviewed the proposed modifications to the MES form, and we find that they are reasonable. They will allow FPL to more efficiently administer its MES program without placing undue burdens upon customers who apply for MES certification.

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It is therefore

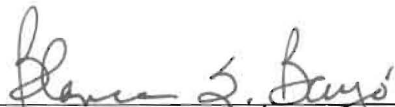
ORDERED by the Florida Public Service Commission that Florida Power & Light Company's petition for approval of revisions to Tariff Sheet No. 9.930, application form for Medically Essential Service is approved. It is further

ORDERED that this Order approving tariff revisions shall become final upon issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850, by the close of business on the date set forth in the Notice of Further Proceedings" attached hereto. It is further

ORDERED that this tariff shall be effective as of June 29, 2004. If a protest is filed within 21 days of the issuance of the order, this tariff should remain in effect pending resolution of the protest. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 13th day of July, 2004.



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

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NOTICE OF FURTHER PROCEEDINGS

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the proposed action files a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 3, 2004.

In the absence of such a petition, this Order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.