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COMMISSION
CLERK

-M-E-M-O-R-A-N-D-U-M-

DATE: September 8, 2005

TO: Director, Division of the Commission Clerk & Administrative Services (Bayó)

FROM: Office of the General Counsel (Stern) *MKS RO*
Division of Economic Regulation (McNulty) *WBM RET [signature]*

RE: Docket No. 050438-EU – Petition to initiate rulemaking to amend Rule 25-6.044(4), F.A.C., Continuity of Service, by City of Madeira Beach, Florida.

AGENDA: 09/20/05 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Edgar

RULE STATUS:

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\GCL\WP\050438.RCM.DOC

Case Background

On June 24, 2005, the City of Madeira Beach filed a Petition to Initiate Rulemaking with the Commission. The Petition proposed a modification to Rule 25-6.044(4), Florida Administrative Code, which deals with planned interruptions to electric service. At the July 19, 2005 Agenda Conference, the Commission voted to grant the Petition in part by holding a rule development workshop on the proposed modification. A workshop was scheduled for September 29, 2005, but on August 18, 2005, the City withdrew its Petition.

DOCUMENT NUMBER - DATE

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Discussion of Issues

Issue 1: Should the Commission discontinue rulemaking activities on the modification to Rule 25-6.044(4), Florida Administrative Code, proposed by the City of Madiera Beach?

Recommendation: Yes. Absent the City's request, there is no need to change the rule.

Staff Analysis: The City wanted to change Rule 25-6.044(4) by requiring electric utilities to give more advanced notice of service interruptions to customers when the utilities knew in advance that service in an area would be interrupted.

It appears that the rulemaking request may have been related to a complaint lodged with the Division of Regulatory Compliance and Consumer Assistance (Complaint No. 653026E). The customer filed a complaint against the utility for only receiving 5 minutes notice before his power was planned to be turned off. The customer claimed that the utility knew it would have to turn off power in the neighborhood well in advance of the 5 minute notice. That complaint is now closed.

Aside from the customer complaint and the City's request to initiate rulemaking, staff is not aware of any reason why the rule should be amended. Now that the City has withdrawn its request, staff believes there is no need to hold a workshop and recommends that rulemaking be discontinued.

Issue 2: Should this docket be closed?

Recommendation: Yes.

Analysis: If the Commission accepts Staff's recommendation to discontinue rulemaking, the docket may be closed.