

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF DEVELOPMENT OF RULEMAKING

TO

ALL INTERESTED PERSONS

UNDOCKETED

IN RE: INITIATION OF RULEMAKING TO AMEND RULES 25-30.335, 25-30.350,  
AND TO ADOPT RULE 25-30.351 RELATING TO BILLING  
FOR WATER AND WASTEWATER UTILITIES.

ISSUED: March 1, 2012

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated rulemaking to amend Rule 25-30.335, Customer Billing and Rule 25-30.350, Backbilling, and to adopt Rule 25-30.351, Unauthorized Use.

The attached Notice of Development of Rulemaking will appear in the March 2, 2012, edition of the Florida Administrative Weekly. If requested in writing and not deemed unnecessary by the agency head, a rule development workshop will be scheduled and noticed in the next available Florida Administrative Weekly. The person to be contacted regarding the rule development is Cindy Miller, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082, or [cmiller@psc.state.fl.us](mailto:cmiller@psc.state.fl.us). Written requests for a rule development workshop must be submitted to Ms. Miller at the above address by March 23, 2012. A copy of the preliminary draft rules is attached.

REC-111

DOCUMENT NUMBER-DATE

01174 MAR-1 2012

FPSC-COMMISSION CLERK

By DIRECTION of the Florida Public Service Commission this 1st day of March, 2012.



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ANN COLE  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://www.floridapsc.com)

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF DEVELOPMENT OF RULEMAKING

**PUBLIC SERVICE COMMISSION**

RULE NO: RULE TITLE

25-30.335: Customer Billing

25-30.350: Backbilling

25-30.351: Unauthorized Use

PURPOSE AND EFFECT: To amend Rule 25-30.335 to place limitations on the utility's ability to use estimated bills for long periods of time in order to ensure that customers are billed more accurately, reduce the number of customer complaints about estimated bills, and reduce the impact on customers when bills are underestimated for long periods. To amend Rule 25-30.350 to add the criteria for refunds where a customer was overbilled due to an error by the utility. The current rule only addresses underbillings. To adopt Rule 25-30.351 to address the water and/or wastewater utility's billing for unauthorized or fraudulent use of service or meter tampering.

Undocketed

SUBJECT AREA TO BE ADDRESSED: Billing for water and/or wastewater utilities.

RULEMAKING AUTHORITY: 350.127(2), 367.121 FS

LAW IMPLEMENTED: 367.091, 367.121 FS

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Miller, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082, [cmiller@psc.state.fl.us](mailto:cmiller@psc.state.fl.us).

THE PREMILINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

1 | 5-30.335 Customer Billing.

2 | (1) Except as provided in this rule, a utility shall render bills to customers at regular intervals,  
3 | and each bill shall indicate: the billing period covered; the applicable rate schedule; beginning  
4 | and ending meter reading; the amount of the bill; the delinquent date or the date after which  
5 | the bill becomes past due; and any authorized late payment charge.

6 | (2) Where there is sufficient cause, estimated bills may be provided. However, with the third  
7 | consecutive estimated bill, the company shall contact the customer, to explain the reason for  
8 | the estimated bill(s) and to provide a utility contact so that the customer may request an actual  
9 | meter reading. An actual meter reading must be taken at least once every six months. If the  
10 | utility estimates the bill, the utility shall indicate on the bill that the amount owed is an  
11 | estimated amount.

12 | (3) When service is rendered for less than 50 percent of the normal billing cycle, the utility  
13 | shall prorate the base facility charges as though the normal billing cycle were 30 days, except  
14 | that the utility may elect not to issue an initial bill for service if the service is rendered during  
15 | a time period which is less than 50 percent of the normal billing cycle. Instead, the utility may  
16 | elect to combine the amount owed for the service rendered during the initial time period with  
17 | the amount owed for the next billing cycle, and issue a single bill for the combined time  
18 | period. For service taken under flat rate schedules, 50 percent of the normal charges may be  
19 | applied.

20 | (4) A utility may not consider a customer delinquent in paying his or her bill until the 21st day  
21 | after the utility has mailed or presented the bill for payment.

22 | (5) Each utility shall establish each point of delivery as an independent customer and shall  
23 | calculate the amount of the bill accordingly, except where physical conditions make it  
24 | necessary to use additional meters or points of delivery for one class of service to a single  
25 | customer on the same premises, or where such multiple meters or delivery points are used for

CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions from existing law.

1 the convenience of the utility.

2 (6) A utility may not incorporate municipal or county franchise fees into the amount indicated  
3 as the cost for service on the customer's bill. Rather, the utility shall show any such franchise  
4 fee as a separate item.

5 (7) The utility shall maintain a record of each customer's account for the most current 2 years  
6 so as to permit reproduction of the customer's bills during the time that the utility provided  
7 service to that customer.

8 ~~(8) In the event of unauthorized use of service by a customer, a utility may bill the customer~~  
9 ~~on a reasonable estimate of the service taken. In addition, the utility may assess a fee to defray~~  
10 ~~the cost of restoring service to such a customer provided that the fee is specified in the utility's~~  
11 ~~tariff.~~

12 (9) If a utility utilizes the base facility and usage charge rate structure and does not have a  
13 Commission authorized vacation rate, the utility shall bill the customer the base facility charge  
14 regardless of whether there is any usage.

15 Rulemaking Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.091, 367.121 FS. History—  
16 Amended 9-14-74, 6-21-79, Formerly 25-10.97, 25-10.097, Amended 11-10-86, 11-30-93.

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1 25-30.350 Backbilling, Underbillings and Overbillings for Water and Wastewater Service.

2 (1) A utility may not backbill customers for any period greater than 12 months for any  
3 undercharge in billing which is the result of the utility's mistake. The utility shall allow the  
4 customer to pay for the unbilled service over the same time period as the time period during  
5 which the underbilling occurred or some other mutually agreeable time period. The utility  
6 shall not recover in a ratemaking proceeding, any lost revenues greater than the amount  
7 collectible under this rule which inure to the utility's detriment on account of this provision.

8 (2) In the event of overbillings. The utility shall refund the overcharge to the customer for the  
9 period during which the overcharge occurred, based on available records. If commencement  
10 of the overcharging cannot be established, then a reasonable estimate of the overcharge shall  
11 be made and refunded to the customer. The amount and period of the adjustment shall be  
12 based on the available records. The refund shall not include any part of a minimum charge.

13 (3) In the event of an overbilling, the customer may elect to receive the refund as a credit to  
14 future billings, or as a one-time payment.

15 *Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.091, 367.121 FS. History—New 11-10-86.*

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1 25-30.351 Unauthorized Use.

2 In the event of unauthorized use of service by a customer, a utility may bill the customer on a  
3 reasonable estimate of the service taken. In addition, the utility may assess a fee to defray the  
4 cost of restoring service to such a customer provided that the fee is specified in the utility's  
5 tariff.

6 Rulemaking Authority 350.127, 367.121 F. S. Law Implemented 367.091, 367.121, F.S.

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