

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF DEVELOPMENT OF RULEMAKING

TO

ALL INTERESTED PERSONS

UNDOCKETED

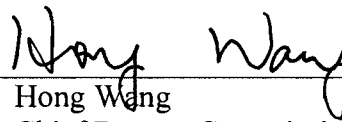
IN RE: INITIATION OF RULEMAKING TO AMEND RULE 25-7.0851
AND RULE 25-7.0852, RELATING TO GAS UTILITIES

ISSUED: March 9, 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 25-7.0851, Backbilling, and Rule 25-7.0852, Unauthorized Use.

The attached Notice of Development of Rulemaking will appear in the March 9, 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. Written requests for a rule development workshop must be submitted to 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 by March 23, 2012. A copy of the preliminary draft rule is attached.

By DIRECTION of the Florida Public Service Commission this 9th day of March, 2012.



Hong Wang
Chief Deputy Commission Clerk
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
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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DOCUMENT NUMBER - DATE

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Notice of Development of Rulemaking

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-7.0851, Backbilling

25-7.0852, Unauthorized Use

PURPOSE AND EFFECT: To amend Rule 25-7.0851, F.A.C, to address overbilling as well as underbilling due to company error, and a process for refunds is provided. To adopt Rule 25-7.0852, F.A.C., to address billing for unauthorized use of gas.

Undocketed

SUBJECT AREA TO BE ADDRESSED: Gas utility regulation

RULEMAKING AUTHORITY: 367.121, FS

LAW IMPLEMENTED: 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.

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

1 **25-7.0851 Underbillings and Overbillings for Gas Backbilling.**

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 which inure to the utility's
7 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 fixed, then a reasonable estimate of the overcharge shall be
11 made and refunded to the customer. The amount and period of the adjustment shall be based
12 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 credit.

15 *Specific Authority 367.121 FS. Law Implemented 367.121 FS. History--New 5-8-91.*

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

1 | Rule 25-7.0852 Unauthorized Use

2 | (1) In the event of unauthorized or fraudulent use, or meter tampering, the utility may bill the
3 | customer on a reasonable estimate of the gas used.

4 | *Specific Authority 367.121 F.S. Law Implemented 367.121 F.S. History-*
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