

RECEIVED-FPSC

12 DEC 12 PM 2:07

COMMISSION
CLERK

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-7.0851: Backbilling

25-7.0852: Unauthorized Use of Gas

PURPOSE AND EFFECT: Rule 25-7.0851 is amended to include overbilling by the gas utilities. New Rule 25-7.0852 is proposed to address unauthorized usage, where service has been obtained fraudulently.

Docket No. 120258-GU

SUMMARY: Rule 25-7.0851 is amended to address both overbillings and underbillings by gas utilities. Rule 25-7.0852 addresses unauthorized use of gas service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC .

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 367.121, F.S.

LAW IMPLEMENTED: 367.121, F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082, cmiller@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-7.0851 Underbillings and Overbillings Backbilling.

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

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

DOCUMENT NUMBER-DAT

08094 DEC 12 2012

FPSC-COMMISSION CLERK

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

Specific Authority 367.121 FS. Law Implemented 367.121 FS. History--New 5-8-91, Amended _____.

Rule 25-7.0852 Unauthorized Use

(1) In the event of unauthorized or fraudulent use or meter tampering, the utility shall bill the customer on an estimate of the gas used, based on the customer's past consumption.

Specific Authority 367.121 F.S. Law Implemented 367.121 F.S. History- New _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Elizabeth Draper

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service
Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2012


DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 38, Number
10, March 9, 2012.

I:\FAR-Notices\120258gu.doc

Notices Submitted to/Confirmed by Administrative Code & Register Staff

[Notices Confirmed by ACR](#)

Notices Submitted to ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
12387887	25-24.845	Customer Relations	Proposed	12/13/2012 Vol. 38/90	12/12/2012
12387596	25-4.083,...	Preferred Carrier Freeze, Local, Local Toll, or Toll Provider Selection	Proposed	12/13/2012 Vol. 38/90	12/12/2012
12386335	25-6.050,...	Location of Meters, Customer Billings	Proposed	12/13/2012 Vol. 38/90	12/12/2012
12387305	25-24.825	Price List	Proposed	12/13/2012 Vol. 38/90	12/12/2012
12387111	25-4.034,...	Tariffs, Filing of Service Schedules	Proposed	12/13/2012 Vol. 38/90	12/12/2012
12386917	25-24.510,...	Certificate of Public Convenience and Necessity Required, Application for Certificate, Application for Approval of Sale, Assignment or Transfer of Certificate, Cancellation of a Certificate, Pay Telephone Service	Proposed	12/13/2012 Vol. 38/90	12/12/2012
 12386141	25-7.0851,...	Backbilling, Unauthorized Use of Gas	Proposed	12/13/2012 Vol. 38/90	12/12/2012
12385559	25-24.585,...	Rules Incorporated, Rules Incorporated	Proposed	12/13/2012 Vol. 38/90	12/12/2012
12385365	25-4.0051	Certificate Holder Information	Proposed	12/13/2012 Vol. 38/90	12/12/2012

Notices Confirmed by ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
None					

[Back to Agency Home](#)