

FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF DEVELOPMENT OF RULEMAKING

TO

ALL INTERESTED PERSONS

DOCKET No. 120246-WS

IN RE: REVISION TO RULE 25-30.335, CUSTOMER BILLING, REVISION TO RULE 25-30.350, BACKBILLING, ADOPTION OF RULE 25-30.352, UNAUTHORIZED USE, F.A.C.

ISSUED: February 11, 2013

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., Florida Administrative Code.

The attached Notice of Development of Rulemaking appeared in the February 11, 2013 edition of the Florida Administrative Register.

A staff rule development workshop will be held at the following time and place:

February 28, 2013, at 1:30 p.m.  
Florida Public Service Commission  
Betty Easley Conference Center, Room 148  
4075 Esplanade Way  
Tallahassee, FL 32399-0850

Participation is also allowed by telephone at (888) 670-3525, passcode 6110111583#.

A copy of the draft rules, the agenda, and a list of staff questions for the workshop are attached. One or more Commissioners may be in attendance and participate in the workshop. 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 at (850) 413-6082, [cmiller@psc.state.fl.us](mailto:cmiller@psc.state.fl.us).

In accordance with the Americans with Disabilities Act, persons requiring a special accommodation to participate at this workshop should contact the Office of Commission Clerk no later than five days prior to the workshop at 2540 Shumard Oak Boulevard., Tallahassee, Florida 32399-0850, via 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD), Florida Relay Service.

DOCUMENT NUMBER-DATE

00798 FEB 11 2013

FPSC-COMMISSION CLERK

NOTICE OF DEVELOPMENT OF RULEMAKING  
DOCKET NO. 120246-WS  
PAGE 2

By DIRECTION of the Florida Public Service Commission this 11th day of February,  
2013.



---

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.

CM

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 address use of estimated bills.. To amend Rule 25-30.350 to add the criteria for refunds where a customer was overbilled. To adopt Rule 25-30.351 to address billing for unauthorized or fraudulent use of service or meter tampering.

Docket No. 120246-WS

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.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: February 28, 2013, 1:30 p.m.

PLACE: Room 148 Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0862

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 agenda for the workshop and a copy of the preliminary draft of the proposed rule amendment/repeal/adoption will be available on the Commission's website, [www.floridapsc.com](http://www.floridapsc.com), on February 14, 2013.

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

1 25-30.335 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) When a utility is unable to obtain an actual meter read, estimated bills may be provided.

7 (a) If the utility estimates a bill, the bill statement shall prominently show the word  
8 “Estimated” on the face of the bill. If the utility estimates the bill, the utility shall indicate on  
9 the bill that the amount owed is an estimated amount.

10 (b) The utility is obligated to timely correct any problems within the utility’s control causing  
11 the need to estimate bills. In no event shall a utility provide an estimated bill to any one  
12 customer more than four times in any 12 month period due to circumstances that are within  
13 the utility’s control and service obligations.

14 (c) After any second estimated bill in a 12 month period, the utility shall include on or with  
15 the next bill an explicit written explanation of why the previous bills have been estimated. In  
16 addition, the bill shall include utility contact information and the Commission toll-free  
17 complaint line, 1-800-342-3552.

18 (d) The utility shall maintain records, for a minimum of three years, detailing the number,  
19 frequency, and causes of estimated bills, which shall be made available upon request to the  
20 Commission or to any party to a rate proceeding for the utility.

21 (3) When service is rendered for less than 50 percent of the normal billing cycle, the utility  
22 shall prorate the base facility charges as though the normal billing cycle were 30 days, except  
23 that the utility may elect not to issue an initial bill for service if the service is rendered during  
24 a time period which is less than 50 percent of the normal billing cycle. Instead, the utility may  
25 elect to combine the amount owed for the service rendered during the initial time period with

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

- 1 the amount owed for the next billing cycle, and issue a single bill for the combined time  
2 period. For service taken under flat rate schedules, 50 percent of the normal charges may be  
3 applied.
- 4 (4) A utility may not consider a customer delinquent in paying his or her bill until the 21st day  
5 after the utility has mailed or presented the bill for payment.
- 6 (5) Each utility shall establish each point of delivery as an independent customer and shall  
7 calculate the amount of the bill accordingly, except where physical conditions make it  
8 necessary to use additional meters or points of delivery for one class of service to a single  
9 customer on the same premises, or where such multiple meters or delivery points are used for  
10 the convenience of the utility.
- 11 (6) A utility may not incorporate municipal or county franchise fees into the amount indicated  
12 as the cost for service on the customer's bill. Rather, the utility shall show any such franchise  
13 fee as a separate item.
- 14 (7) The utility shall maintain a record of each customer's account for the most current 2 years  
15 so as to permit reproduction of the customer's bills during the time that the utility provided  
16 service to that customer.
- 17 (8) In the event of unauthorized use of service by a customer, a utility may bill the customer  
18 on a reasonable estimate of the service taken. In addition, the utility may assess a fee to defray  
19 the cost of restoring service to such a customer provided that the fee is specified in the utility's  
20 tariff.
- 21 (9) If a utility utilizes the base facility and usage charge rate structure and does not have a  
22 Commission authorized vacation rate, the utility shall bill the customer the base facility charge  
23 regardless of whether there is any usage.
- 24 *Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.091, 367.121 FS. History—*  
25 *Amended 9-14-74, 6-21-79, Formerly 25-10.97, 25-10.097, Amended 11-10-86, 11-30-93,*

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

- 1 25-30.350 Underbillings and Overbillings for Water and Wastewater Service. ~~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.  
4 (a) The utility shall allow the customer to pay for the unbilled service over the same time  
5 period as the time period during which the under billing occurred or some other mutually  
6 agreeable time period. The utility shall not recover in a ratemaking proceeding, any lost  
7 revenues which inure to the utility's detriment on account of this provision.  
8 (b) The revised bill shall be calculated on a monthly basis, assuming uniform consumption  
9 during the period subject to underbilling, based on the individual customer's average usage for  
10 the time period covered by the underbilling. The monthly bills shall be recalculated by  
11 applying the tariff rates in effect for that time period. The customer shall be responsible for  
12 the difference between the amount originally billed and the recalculated bill. All calculations  
13 used to arrive at the rebilled amount shall be made available to the customer upon the  
14 customer's request.  
15 (2) In the event of an over billing, the utility shall refund the overcharge to the customer,  
16 based on available records. If the commencement date of the overbilling cannot be  
17 determined, then an estimate of the overbilling shall be made based on the customer's past  
18 consumption.  
19 (3) In the event of an over billing, the customer may elect to receive the refund as a credit to  
20 future billings, or as a one-time payment.

21 *Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.091, 367.121 FS. History-*  
22 *New 11-10-8, Amended\_\_\_\_\_.*

23  
24  
25

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

1 25-30.351 Unauthorized Use.

2 In the event of unauthorized or fraudulent use of service, or meter tampering, the utility shall  
3 bill the customer on an estimate of the water and/or wastewater services used based on the  
4 customer's past consumption.

5 *Rulemaking Authority 350.127, 367.121 F. S. Law Implemented 367.091, 367.121, F.S.*

6 New.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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



NOTICE OF DEVELOPMENT OF RULEMAKING  
DOCKET NO. 120246-WS  
PAGE 9

FLORIDA PUBLIC SERVICE COMMISSION

AGENDA  
STAFF WORKSHOP

IN RE: REVISION TO RULE 25-30.335, CUSTOMER BILLING, REVISION TO RULE 25-30.350, BACKBILLING, ADOPTION OF RULE 25-30.352, UNAUTHORIZED USE, F.A.C.

February 28, 2013, 1:30 p.m.  
Betty Easley Conference Center, Room 148  
4075 Esplanade Way  
Tallahassee, Florida 32399-0850

1. Staff overview of draft rules
2. Comments and alternative suggestions from interested persons
3. Discussion of issues raised by staff on the attached list
4. Discussion of suggested changes and timeframes for next steps
5. Adjournment

NOTICE OF DEVELOPMENT OF RULEMAKING  
DOCKET NO. 120246-WS  
PAGE 10

Staff Questions on Draft Rule 25-30.335, F.A.C.

1. What are the initial and ongoing costs associated with each of the four proposed provisions in Rule 25-30.335(2), F.A.C.?
2. Should small systems, as defined in Rule 30.110(4)(c), F.A.C., be exempt from the proposed provisions of subsections (b) and (c) of Rule 25-30.335(2), F.A.C.?
3. Should proposed subsection (c) of Rule 25-30.335(2), F.A.C., be revised to reflect the provisions in Rules 25-7.085(4) and 25-6.100(3), F.A.C., to inform customers of the reason for the estimation after the third consecutive estimated bill?
4. Is proposed subsection (d) of Rule 25-30.335(2), F.A.C., needed or could the purpose of the rule be accomplished without it?
5. Are there any less costly ways to achieve the goals in the provisions of Rule 25-30.335(2), F.A.C.?