

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-6.093: Information to Customers

25-6.097: Customer Deposits

25-6.100: Customer Billings

PURPOSE AND EFFECT: To conform the rules to the recent amendments to Section 366.05, F.S., and Section 366.95, F.S., and to clarify and simplify the rules and delete unnecessary and redundant rule language.

Docket No. 150241-PU

SUMMARY: The rule amendments make the rules consistent with recent amendments to Section 366.05, F.S. The rule amendments also implement billing notice requirements in Section 366.95, F.S., for electric utilities that have obtained a financing order for nuclear assets and caused nuclear asset recovery bonds to be issued.

Rule 25-6.093 – Amendments state that by paper or electronic bill insert, billing statement, website or electronic notification, the utility shall give to each of its customers a summary of all available electric rates. The amendments also clarify the rule and remove language that is redundant to the implementing statute.

Rule 25-6.097 – Amendments state that the methodology for determining the amount of customer deposits shall conform to paragraph 366.05(1)(c), F.S. The amendments also clarify the rule and remove language that is redundant to the implementing statute.

Rule 25-6.100 – Amendments implement paragraph 366.95(4)(b), F.S., where applicable, that the rate and amount of the “Asset Securitization Charge” shall be separately itemized on each customer bill. The amendments also clarify the rule and remove language that is redundant to the implementing statute.

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 SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendments will not have an adverse impact on economic growth, business competitiveness, or small business and are not likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within one year after implementation of the rules, or in excess of \$1 million within five years after implementation. The rules are also not likely to have an adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after implementation of the rule.

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: 350.127(2), 366.04(2), 366.05(1), FS.

LAW IMPLEMENTED: 366.03, 366.04(2), 366.04(2)(f) and (6), 366.041(1), 366.05(1)(b), 366.05(1)(c), 366.05(1)(d), 366.05(3), 366.051, 366.06(1), FS.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela H. Page, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6214, phpage@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.093 Information to Customers.

~~(1) Each utility shall, upon request of any customer, give such information and assistance as is reasonable, in order that the customer may secure safe and efficient service. Upon the customer's request, the utility shall provide to the any customer information as to the method of reading meters and the derivation of billing therefrom, the billing cycle and approximate date of monthly meter reading.~~

~~(2) Upon request of the any customer, the utility shall is required to provide to the customer a copy and explanation of the utility's rates and provisions applicable to the type or types of service furnished or to be furnished such customer, and to assist the customer in obtaining the rate schedule which is most advantageous to the customer's requirements.~~

~~(3)(a) By paper or electronic bill insert, billing statement, website, electronic notification, or other means agreed to by both the customer and the utility appropriate means of communication, the utility shall give to each of its customers a summary of all available electrical major rates schedules that which are available to the class of which that customer is a member, and~~

~~(b) The utility shall provide the information contained in paragraph (a) to all its customers:~~

- ~~1. Not later than 60 days after the commencement of service, and~~
- ~~2. through 3, no change.~~

~~(c) through (d), no change.~~

~~(4) Upon request of the any customer, but not more frequently than once each calendar year, the utility shall provide to the customer transmit a concise statement of the actual consumption of electric energy by that customer for each billing period during the previous 12 months.~~

Rulemaking Authority 366.05(1), 350.127(2) FS. Law Implemented 366.03, 366.04(2)(f), (6), 366.041(1), 366.05(1), (3), 366.06(1) FS. History—New 7-29-69, Amended 11-26-80, 6-28-82, 10-15-84, Formerly 25-6.93, Amended 4-18-99, _____.

25-6.097 Customer Deposits.

~~(1) Deposit required; establishment of credit. Each utility's company's tariff shall state the methodology contain their specific criteria for determining the amount of the initial deposit charged for existing accounts and new service requests. The methodology shall conform to paragraph 366.05(1)(c), F.S. Each utility may require an applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the customer from complying with the utilities' rules for prompt payment of bills. Credit will be deemed so established if:~~

~~(a) The applicant for service furnishes a satisfactory guarantor to secure payment of bills for the service requested. For residential customers, a satisfactory guarantor shall, at the minimum, be a customer of the utility with a satisfactory payment record. For non-residential customers, a satisfactory guarantor need not be a customer of the utility. Each utility shall develop minimum financial criteria that a proposed guarantor must meet to qualify as a satisfactory guarantor. A copy of the criteria shall be made available to each new non-residential customer upon request by the customer. A guarantor's liability shall be terminated when a residential customer whose payment of bills is secured by the guarantor meets the requirements of subsection (2) of this rule. Guarantors providing security for payment of residential customers' bills shall only be liable for bills contracted at the service address contained in~~

~~the contract of guaranty.~~

~~(b) The applicant pays a cash deposit.~~

~~(c) The applicant for service furnishes an irrevocable letter of credit from a bank or a surety bond.~~

(2) Each utility may require an applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the customer from complying with the utility's rules for payment of bills. Credit will be deemed so established if:

(a) The applicant for service furnishes a satisfactory guarantor to secure payment of bills for the service requested. For residential customers, a satisfactory guarantor shall, at the minimum, be a customer of the utility with a satisfactory payment record. For non-residential customers, a satisfactory guarantor need not be a customer of the utility. Each utility shall develop minimum financial criteria that a proposed guarantor must meet to qualify as a satisfactory guarantor. A copy of the criteria shall be made available to each new non-residential customer upon request by the customer. A guarantor's liability shall be terminated when a residential customer whose payment of bills is secured by the guarantor meets the requirements of subsection (3) of this rule. Guarantors providing security for payment of residential customers' bills shall only be liable for bills contracted at the service address contained in the contract of guaranty.

(b) The applicant pays a cash deposit.

(c) The applicant for service furnishes an irrevocable letter of credit from a bank or a surety bond.

(32) Refund of deposits. After a customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the utility shall refund the residential customer's deposits and shall, at the utility's its option, either refund or pay the higher rate of interest specified below for nonresidential deposits, providing the customer has not, in the preceding 12 months:-

(a) through (e), no change.

(43) Deposits for existing accounts ~~New or additional deposits.~~ A utility may charge require, upon reasonable written notice to the customer of not less than thirty (30) days, a ~~new deposit, where previously waived or returned, or additional deposit on an existing account,~~ in order to secure payment of ~~current~~ bills. Such request for a deposit shall be separate and apart from any bill for service and shall explain the reason for the such new or additional deposit, provided, however, that the total amount of the required deposit shall not exceed an amount equal to twice the average charges for actual usage of electric service for the twelve month period immediately prior to the date of notice. In the event the customer has had service less than twelve months, then the utility shall base its new or additional deposit upon the average actual monthly usage available. The deposit charged must conform to the requirements of Section 366.05(1)(c)1., F.S.

(54) Interest on deposits.

(a) Each electric utility which requires deposits to be made by its customers shall pay a minimum interest on such deposits of 2 percent per annum. The utility shall pay an interest rate of 3 percent per annum on deposits of nonresidential customers qualifying under subsection (32) when the utility elects not to refund such deposit after 23 months. ~~Such interest rates shall be applied within 45 days of the effective date of the rule.~~

(b) The deposit interest shall be simple interest in all cases and settlement shall be made annually, either in cash or by credit on the current bill. This does not prohibit any utility paying a higher rate of interest than required by this rule. No customer depositor shall be entitled to receive interest on a his deposit until and unless a customer relationship and the deposit have been in existence for a continuous period of six months, then the customer ~~he~~ shall be entitled to receive interest from the day of the commencement of the customer relationship and the placement of deposit. Nothing in this rule shall prohibit a utility from refunding at any time a deposit with any accrued interest.

(65) Record of deposits. Each utility ~~having on hand deposits from a customer or hereafter receiving deposits~~

from them shall keep records to show:

- (a) No change;
- (b) The premises for which the deposit applies occupied by the customer;
- (c) through (d), no change.

(76) Receipt for deposit. The utility shall provide a receipt to the customer for any deposit received from the customer ~~A non-transferable certificate of deposit shall be issued to each customer and means provided so that the customer may claim the deposit if the certificate is lost. Where a new or additional deposit is required under subsection (3) of this rule, a customer's cancelled check or validated bill coupon may serve as a deposit receipt.~~

(87) Refund of deposit when service is discontinued. Upon termination of service, the deposit and accrued interest may be credited against the final account and the balance, if any, shall be returned promptly to the customer but in no event later than fifteen (15) days after service is discontinued.

Rulemaking Authority 366.05(1), 350.127(2) FS. Law Implemented 366.03, 366.041(1), 366.05(1), 366.06(1) FS. History—New 7-29-69, Amended 5-9-76, 7-8-79, 6-10-80, 10-17-83, 1-31-84, Formerly 25-6.97, Amended 10-13-88, 4-25-94, 3-14-99, 7-26-12, _____.

25-6.100 Customer Billings.

(1) No change.

(2) ~~By January 1, 1983,~~ Each customer's bill shall show at least the following information:

(a) through (c), no change:

1. Customer, Base or Basic Service charge.

2. Energy (KWH) charges, exclusive of fuel, in cents per KWH, ~~including amounts for on and off peak if the customer is time-of-day metered,~~ and applicable cost recovery clause charges ~~energy conservation costs.~~

3. Demand (KW) charges, exclusive of fuel, in dollar cost per KW, if applicable, for any demand charges included in the utility's rate structure and applicable cost recovery clause charges ~~including amounts for on and off peak if the customer is time-of-day metered.~~

4. Fuel (KWH) charges ~~cost~~ in cents per KWH (no fuel costs shall be included in the Energy or Demand base ~~charges for demand or energy~~).

5. Total electric cost which, at a minimum, is the sum of ~~the customer charge, total fuel cost, total energy cost, and total demand cost.~~ charges 1 through 4 above but can include other line item charges (e.g., Florida Gross Receipts Tax, etc.).

6. through 10, no change.

11. The rate and amount of the "Asset Securitization Charge," pursuant to paragraph 366.95(4)(b), F.S., if applicable.

(d) through (g), no change.

(h) Any conversion factors which can be used by customers to convert from meter reading units to billing units. Where metering complexity makes this requirement impractical, a statement must be on the bill advising where and how ~~that~~ such information may be obtained from ~~by contacting the utility's local business office.~~

(i) Where budget billing is used, ~~the bill shall contain~~ the current month's actual consumption and charges should be shown separately from budgeted amounts.

(j) If applicable, the information required by subsection 366.8260(4), F.S., and subsection 366.95(4), F.S.

(k) The name and address of the utility and plus the telephone toll-free number(s) and web address where customers can receive information about their bill as well as locations where the customers can pay their utility bill. Such information must identify those locations where no surcharge is incurred.

(3) No change.

(4) The advancement or postponement of ~~(The regular meter reading date is governed by subsection 366.05(1)(b), F.S. may be advanced or postponed not more than five days without a pro-ration of the billing for the period.~~

(5) Whenever the period of service for which an initial or opening bill is rendered is less than the normal billing period, the charges applicable to such service, including minimum charges, shall be prorated ~~pro-rated~~ except that initial or opening bills need not be rendered but the energy used during such period may be carried over to and included in the next regular monthly billing.

(6) through 7, no change.

Rulemaking Authority 366.05(1), 366.04(2) FS. Law Implemented 366.03, 366.04(2), 366.041(1), 366.05(1), 366.051, 366.06(1), 366.8260(4), 366.95(4) FS. History—New 2-25-76, Amended 4-13-80, 12-29-81, 6-28-82, 5-16-83, 2-4-13, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elisabeth Draper

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 41, Number 187,
September 25, 2015.

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Florida Department of State

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Notices Submitted to ACR

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
16851730	25-6.093,...	Information to Customers, Customer Deposits, Customer Billings	Proposed	12/8/2015 Vol. 41/236	12/7/2015
16851439	25-7.079,...	Information to Customers, Customer Deposits, Customer Billing	Proposed	12/8/2015 Vol. 41/236	12/7/2015

Notices Confirmed by ACR

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

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