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Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-7.079: Information to Customers

25-7.083: Customer Deposits

25-7.085: Customer Billing

PURPOSE AND EFFECT: To conform the rules to the recent amendments to Section 366.05, 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.

Rules 25-7.079 – Amendments clarify that upon request of the customer, the utility shall provide to the customer a copy and/or explanation of the utility’s rates applicable to the type or types of service furnished or to be furnished to the customer. The amendments also remove language that is redundant to the implementing statute.

Rule 25-7.083 – 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 25-7.085 – Amendments state that the advancement or postponement of regular meter reading dates is governed by subsection 366.05(1)(b), F.S. The amendments also clarify the rule.

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 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), 366.05(1), 366.05(1)(a), FS

LAW IMPLEMENTED: 366.03, 366.05(1), 366.05(1)(b), 366.05(1)(c), 366.05(1)(d), 366.06, 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.

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:

25-7.079 Information to Customers.

(1) ~~Each utility shall, upon request, give its customers such information and assistance as is reasonable, in order that the customer may secure safe and efficient service. The utility shall, when requested, by the customer, provide to the any customer information as to the method of reading meters and derivation of billing therefrom.~~

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

Rulemaking Authority 366.05(1) FS. Law Implemented 366.03, 366.05(1), 366.06 FS. History--New 1-8-75, Repromulgated 5-4-75, Formerly 25-7.79, Amended _____

25-7.083 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 Section 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 (6) 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 (7) 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.~~

~~(3) 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. When 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.~~

~~(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 30 days, such request or notice being separate and apart from any bill for service, a new deposit, where previously waived or returned, or an additional a deposit on an existing account, in order to secure payment of current bills; provided, however, that the total amount of the required deposit shall not exceed an amount equal to the average actual charges for gas service for two billing periods for the 12-month period immediately prior to the date of notice. In the event the customer has had service less than 12 months, then the utility shall base its new or additional deposit upon the average actual monthly billing available. Such request for a deposit shall be separate and apart from any bill for service and shall explain the reason for the deposit. The deposit charged must conform to the requirements of Section 366.05(1)(c)1., F.S.~~

~~(54) Record of deposit. Each utility having on-hand deposits from customers 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.~~

~~(65) Interest on deposits.~~

~~(a) Each gas utility which requests deposits to be made by its customers shall pay a minimum interest on such deposits of 2 percent per annum. The utility shall pay a minimum interest rate of 3 percent per annum on deposits of nonresidential customers qualifying under subsection (76) below when the utility elects not to refund such a 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.~~

~~(76) Refund of deposit. 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 above for nonresidential deposits, provided the customer has not, in the preceding 12 months:~~

- ~~(a) through (d) no change~~

~~(e) Used service in a fraudulent or unauthorized manner. Nothing in this rule shall prohibit the company from refunding at any time a deposit with any accrued interest.~~

~~(87) Refund of deposit when service is disconnected. 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, 366.05(1) FS. History—New 1-8-75, Amended 6-15-76, 6-10-80, 1-31-84, Formerly 25-7.83, Amended 10-13-88, 4-25-94, 3-14-99, 7-26-12, _____.

25-7.085 Customer Billing.

- (1) (a) through (c) no change

1. Customer, Base or Basic Service charge.
2. Energy (therm) charges exclusive of fuel cost in cents per therm.
3. Fuel (therm) charges cost in cents per therm (no fuel costs shall be included in the charge for energy).
4. Total gas cost which at a minimum is the sum of charges 1 through 3 above but can include other line item charges (e.g., Florida Gross Receipts Tax) the customer charge, total fuel cost and total energy cost.
5. through 9 (i) no change
 - (j) The name of the utility plus the address, and telephone number(s) and web address of the local office where the bill can be paid and questions concerning the bill can be answered.
- (2) through 4, no change
- (5) The advancement or postponement of rRegular meter reading dates is governed by subsection 366.05(1)(b), F.S. may be advanced or postponed not more than five days without a proration of the billing for the period.
- (6) through 7 (a) no change.
 - (b) A utility company may not incorporate any franchise fee into its other rates for service.
 - (c) No change

Rulemaking Authority 366.05(1) FS. Law Implemented 366.05(1), 366.06(1) FS. History—New 12-15-73, Repromulgated 1-8-75, Amended 5-4-75, 11-21-82, 12-26-82, Formerly 25-7.85, Amended 10-10-95, 7-3-96, _____.

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:

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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