

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: December 1, 2017

TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk

FROM: Kathryn G.W. Cowdery, Office of the General Counsel *KGC*

RE: Docket No. 20170222-WS – Proposed amendment of Rules 25-30.130, Record of Complaints, and 25-30.355, Complaints, F.A.C.

Please file the attached comments in the docket file listed above.

Thank you.

Attachment

RECEIVED-FPSC
2017 DEC - 1 AM 11:46
COMMISSION
CLERK

Kathryn Cowdery

From: Kathryn Cowdery
Sent: Monday, June 26, 2017 12:46 PM
To: 'Mike Smallridge'
Cc: Tom Ballinger; Rhonda Hicks
Subject: RE: Comments for workshop.

Dear Mr. Smallridge:

Thank you for your comments. We appreciate your input.

Kathryn Cowdery

From: Mike Smallridge [<mailto:mike@fus1llc.com>]
Sent: Monday, June 26, 2017 12:00 PM
To: Kathryn Cowdery
Subject: Comments for workshop.

Thank you Kathryn for the opportunity to speak with you last week.

I am in receipt of the notice of the staff workshop and the revised rule attached. The major issue I wanted to speak on has been removed. Thank you for the consideration.

On the whole, I have no objection to the current draft it is workable and I will be happy to comply with Commission ordered rule changes. I do, however, have a comment concerning page #4 line #5 "an objection made by telephone" If this stands, I think you are going to get into a "HE said, She said" situation that will be problematic at best. I understand the "requires action" part and I think that will help. I am more concerned that if a customer makes a formal complaint with the commission and tells you that they made what they consider a "complaint" with the utility and the utility has no record of it because no "action" was required, I the utility do not want to be punished for not keeping records.

On behalf of my utilities,

Mike Smallridge

Kathryn Cowdery

From: Kelly, JR <KELLY.JR@leg.state.fl.us>
Sent: Tuesday, May 30, 2017 7:12 AM
To: Kathryn Cowdery; Martin S. Friedman (mfriedman@ff-attorneys.com); Vandiver, Denise; Troy Rendell; 'mike@fus1llc.com'; 'jphoy@uiwater.com'; 'Gary.Williams@frwa.net'; 'jdeason@uiwater.com'; 'marionutl@aol.com'
Subject: RE: Proposed amendment of Rules 25-30.130 and 25-30.355, F.A.C.
Attachments: OPC proposed changes to Rules 25-30.130 and 25-30.355.docx

Kathryn – I apologize as I had a doctor's appointment on Friday afternoon and forgot to submit comments on this proposed rule. I will tender these comments today. If they cannot be considered for being untimely, I understand and will address these suggestions at the next scheduled workshop. Again, I apologize for my mistake.

The Office of Public Counsel (OPC) submits the comments below in regards to proposed amendments to Rules 25-30.130 and 25-30.355, F.A.C. The attachment reflects in yellow highlight OPC's proposed changes.

Rule 25-30.130:

1. OPC submits one change to subsection (1) to clarify that the specific information the Commission proposes to be retained for the complaint records must be retained for each specific complaint.

Rule 25-30.355:

1. OPC submits the first change reflected in the attachment to subsection (1) to clarify that a complaint includes any objections by a customer in either oral, written or electronic format.
2. OPC submits the second change to subsection (1) to clarify that a complaint includes objections by a customer to a utility's customer service or the quality of the products or services being provided by the utility to its customers. OPC submits this change clarifies the information that must be retained by a utility in accordance with Sections 367.081(2)(a)1, and 367.0812, Florida Statutes, which specify the Commission in fixing rates that are fair, just, reasonable, compensatory and not unfairly discriminatory shall consider the quality of service being provided by a utility and the extent to which a utility is providing water service that meets applicable secondary water quality standards.

OPC appreciates the opportunity to provide these comments. If anyone has any questions, please let us know.

JR

J.R. Kelly
Office of Public Counsel
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400
850-488-9330
850-487-6419 Fax

From: Kathryn Cowdery [<mailto:kcowdery@PSC.STATE.FL.US>]

Sent: Thursday, May 11, 2017 10:30 AM

To: Martin S. Friedman (mfriedman@ff-attorneys.com) <mfriedman@ff-attorneys.com>; Kelly, JR <KELLY.JR@leg.state.fl.us>; Vandiver, Denise <VANDIVER.DENISE@leg.state.fl.us>; Troy Rendell <trendell@uswatercorp.net>; 'mike@fus1llc.com' <mike@fus1llc.com>; 'jphoy@uiwater.com' <jphoy@uiwater.com>; 'Gary.Williams@frwa.net' <Gary.Williams@frwa.net>; 'jdeason@uiwater.com' <jdeason@uiwater.com>;

1 **25-30.130 Record of Complaints.**

2 (1) Each utility shall ~~keep maintain~~ a record of all complaints ~~each signed, written~~
3 ~~complaint received by the utility from any of that utility's customers.~~ The word "complaint" as
4 used in this rule is defined in subsection 25-30.355(2), F.A.C.

5 ~~(2) Each~~ ~~The~~ record shall show ~~include~~ the name and address of the complainant; the
6 nature of the complaint; the date received; the result of any ~~the~~ investigation; how ~~the~~
7 ~~disposition of the complaint was resolved;~~ and the date of resolution ~~the disposition of the~~
8 ~~complaint.~~

9 (2) Each utility shall maintain the record of complaints for a minimum of five years and
10 shall provide it to the Commission upon Commission staff's request. Documentation relating
11 to customer complaints processed under Rule 25-22.032, F.A.C., shall be retained as set forth
12 in paragraph 25-22.032(10)(a), F.A.C.

13 *Rulemaking Authority 350.127(2), 367.121(1) FS. Law Implemented 367.111, 367.121(1) FS.*
14 *History—New 9-12-74, Formerly 25-10.30, 25-10.030, Amended 11-10-86, _____.*

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1 **25-30.355 Complaints.**

2 (1) ~~A utility shall make a full and prompt acknowledgement and investigation of all~~
3 ~~customer complaints and shall respond fully and promptly to all customer requests.~~

4 (2) For the purpose of this rule the word "complaint" means used in this rule shall mean
5 an objection made in oral, written or electronic format to the utility by a the customer as to its
6 the utility's charges, facilities, or customer service, or quality of the products or services being
7 provided, the resolution of which where the disposal of the complaint requires action by on the
8 part of the utility.

9 (2) No later than the next working day after the date the utility receives a customer
10 complaint, the utility shall inform the customer that the utility has received the customer's
11 complaint. Within 15 working days of the utility's receipt of the complaint, the utility shall
12 investigate the complaint and give the customer a verbal or written response.

13 (3) ~~Replies to inquiries by the Commission's staff shall be furnished within fifteen (15)~~
14 ~~days from the date of the inquiry and shall be in writing, if requested. Each utility shall have a~~
15 ~~procedure for receiving and promptly responding to emergency calls 24 hours a day. Reports~~
16 ~~of water or wastewater main breaks or conditions caused by utility-owned facilities wherein~~
17 ~~property damage or personal injury is reasonably foreseeable shall be considered emergencies.~~

18 *Rulemaking Authority 350.127(2), 367.121(1) FS. Law Implemented 367.111, 367.121(1) FS.*
19 *History—New 9-12-74, Formerly 25-10.70, 25-10.070, Amended 11-10-86, _____.*

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

'marionutl@aol.com' <marionutl@aol.com>

Subject: Proposed amendment of Rules 25-30.130 and 25-30.355, F.A.C.

As you may be aware, the Public Service Commission initiated rule development on the amendment of Rule 25-30.130, Record of Complaints, and Rule 25-30.355, Complaints. A copy of the February 13, 2017, Notice of Rule Development with attached draft rules is attached for your convenience. A staff rule development workshop was held on February 28, 2017. A copy of the transcript of this workshop is available on the Commission's website, under the Conferences and Meetings Agendas tab. Staff is inviting post-workshop comments on these draft rule amendments, and asks that your comments be submitted by Friday, May 26, 2017. Please let me know if you have any questions.

Thank you.

Kathryn G.W. Cowdery
Senior Attorney
Florida Public Service Commission
kcowdery@psc.state.fl.us
(850) 413-6216

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