

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: June 1, 2018

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

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

RE: Docket No. 20170222-WS; Amendments to Rule 25-30.130, Record of Complaints and Rule 25-30.355, Complaints, F.A.C.

Please file the attached rule certification packet for Rule 25-30.130, Record of Complaints and Rule 25-30.355, Complaints, F.A.C., in the docket file listed above.

Thank you.

Attachment

RECEIVED-FPSC
2018 JUN -2 1:29
COMMISSION
CLERK
A.H.

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
JULIE I. BROWN
DONALD J. POLMANN
GARY F. CLARK
ANDREW GILES FAY

STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
KEITH C. HETRICK
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

June 1, 2018

Mr. Ernest Reddick
Florida Department of State
Administrative Code and Register Section
Room 701, the Capitol
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

FILED
2018 JUN -1 AM 11:10
OFFICE OF THE GENERAL COUNSEL
TALLAHASSEE, FLORIDA

Re: Rule Certification Packet for Rules 25-30.130, Record of Complaints and 25-30.355, Complaints, F.A.C.

Dear Mr. Reddick:

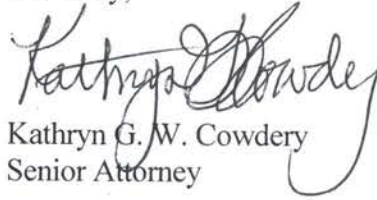
Enclosed for filing is a complete rule certification packet for Rules 25-30.130 and 25-30.355, F.A.C., consisting of:

- (1) One compact disc containing the coded text of the rules;
- (2) There are no materials incorporated by reference into these rules.
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the signed designation of minor violation rule certification form required by Rule 1-1.010, F.A.C.;
- (5) One original and two copies of the coded text of the rules, including the legal citations and history notes;
- (6) One original and two copies of the summary of the rules;
- (7) One original and two copies of the detailed written statement of the facts and circumstances justifying the rules; and
- (8) One original and two copies of the summary of the hearings held on the rules.

Ernest Reddick
Page 2

The contact name and information for this rule are Kathryn G. W. Cowdery, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6216, kcowdery@psc.state.fl.us. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn G. W. Cowdery". The signature is written in black ink and is positioned above the printed name and title.

Kathryn G. W. Cowdery
Senior Attorney

Enclosures

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-30.130

25-30.355

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)

Carlotta S. Stauffer
CARLOTTA S. STAUFFER

Commission Clerk _____
Title _____
Number of Pages Certified _____

**DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION
CERTIFICATION**

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rule Nos.

25-30.130 (entire rule)

25-30.355 (entire rule)

Rules covered by this certification:

Rule Nos.

25-30.130

25-30.355



Signature of Agency Head

Chairman, Florida Public Service Commission
Title

25-30.130 Record of Complaints.

(1) Each utility shall maintain a record of all complaints ~~each signed, written complaint~~ received by the utility ~~from any of that utility's customers.~~

(2) ~~Each~~ The record shall show ~~include~~ the name and address of the complainant; the nature of the complaint; the date received; the result of any ~~the~~ investigation; the disposition of the complaint; and the date of the disposition ~~of the complaint~~. The word "complaint" as used in this rule is defined in subsection 25-30.355(2), F.A.C.

(2) Notwithstanding the requirements of paragraph 25-30.110(1)(a), F.A.C., utilities shall maintain a record of each complaint for a minimum of five years from the date of receipt and shall provide a copy of records of complaints to the Commission upon Commission staff's request. Documentation relating to customer complaints processed under Rule 25-22.032, F.A.C., shall be retained as set forth in paragraph 25-22.032(10)(a), F.A.C.

Rulemaking Authority 350.127(2), 367.0812(5), 367.121(1) FS. Law Implemented 367.0812(1), 367.111, 367.121(1) FS. History—New 9-12-74, Formerly 25-10.30, 25-10.030, Amended 11-10-86, _____.

25-30.355 Complaints.

(1) A utility shall give a customer verbal or written acknowledgement of the utility's receipt of the customer's complaint no later than three business days after it receives the complaint. The utility shall specify in its acknowledgement whether any additional action will be taken on the issue(s) raised by the customer. A utility shall investigate the complaint and give the customer a verbal or written response no later than 15 days after it receives the complaint. ~~make a full and prompt acknowledgement and investigation of all customer complaints and shall respond fully and promptly to all customer requests.~~

(2) ~~For the purpose of this rule~~ The word "complaint" as used in this rule means shall mean an objection made to the utility by ~~a the customer by telephone call, by e-mail, by letter, or on the utility's website form~~ as to the utility's charges, facilities or service; ~~that where the disposal of the complaint requires action by~~ on the part of the utility.

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

Rulemaking Authority 350.127(2), 367.0812(5), 367.121(1) FS. Law Implemented 367.0812(1), 367.111, 367.121(1) FS. History—New 9-12-74, Formerly 25-10.70, 25-10.070, Amended 11-10-86, _____.

SUMMARY OF THE RULE

Rule 25-30.130: Record of Complaints. This rule requires water and wastewater utilities to keep a record of all complaints received, identifies the information required to be in the record, requires the record to be maintained five years and to be provided to the Commission upon Commission staff's request, and requires a utility to provide the record to the Commission upon Commission staff's request.

Rule 25-30.355: Complaints. This rule requires a utility to acknowledge receipt of a customer's complaint no later than three business days after it receives the complaint, requires the utility to specify in its acknowledgement whether any additional action will be taken on the issues raised by the customer, requires the utility to investigate the complaint and give the customer a verbal or written response no later than 15 days after it receives the complaint, defines complaint, requires each utility to have a procedure for receiving and responding to emergency calls 24 hours a day, and gives examples of emergencies.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 25-30.130: Record of Complaints. This rule is amended to replace the outdated and technically obsolete requirement that utilities keep a copy of "each signed, written complaint" that it receives from customers, with the requirement that utilities keep a record of all complaints received, which recognizes there are multiple ways by which complaints may be conveyed to a utility. Pursuant to paragraph 25-30.110(1)(a), F.A.C., water and wastewater utilities are required to retain customer complaint records for three years. However, statutory changes in Section 367.0812, F.S., require the Commission to consider the past five years of certain customer complaints related to secondary standards. In recognition of these changes, Rule 25-30.355 is amended to require water and wastewater utilities to maintain the record of complaints for a minimum of five years.

Rule 25-30.355: Complaints. This rule is amended to update, clarify, and replace duplicative and vague requirements, and to use plain language. The definition of complaint is amended for specificity and to delete requirements for responding to service requests that are duplicative of more detailed requirements found in other rules. The rule is amended to replace language requiring utilities to make a "full and prompt" acknowledgement and investigation of all customer complaints with language specifying the timeframes for acknowledging and responding to customer complaints. The amended language gives clear guidance as to the timeframe within which action must be taken with regard to customer complaints. The requirement that water and wastewater utilities have a procedure

for receiving and responding to emergency calls 24 hours a day is consistent with the requirements for the gas and electric utility industries under Rules 25-6.094, 25-7.080(2), 25-12.041, and 25-12.042, F.A.C.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.