

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of tariff
modifications, by Peoples Gas System.

DOCKET NO. 20180183-GU
ORDER NO. PSC-2018-0589-TRF-GU
ISSUED: December 19, 2018

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING TARIFF

BY THE COMMISSION:

BACKGROUND

On October 2, 2018, Peoples Gas System (Peoples or utility) filed a petition for approval of a tariff modification relating to refusal or discontinuation of service. The proposed tariff modification is designed to protect Peoples' field employees from dangerous situations resulting from customer threats, as numerous incidents have occurred recently. We approved a similar tariff for Florida Power & Light Company (FPL) in 1996.¹ Peoples is a division of Tampa Electric Company, which filed a similar petition in Docket No. 20180182-EI. The utility's proposed tariff modification is shown on Attachment A. On October 3, 2018, Peoples provided a letter waiving the 60-day file and suspend provision of Section 366.06(3), Florida Statutes (F.S.), until the December 11, 2018 Agenda Conference. Peoples responded to Commission staff's data requests on October 26, 2018, and November 6, 2018. We have jurisdiction pursuant to Sections 366.04, 366.05, and 366.06, F.S.

DECISION

Peoples states that its field employees have experienced a number of threats, assaults, and harassments made by customers. In response to Commission staff's first data request, the utility detailed some of these threats, which include verbal abuse and threats of physical harm.

Utilities currently have the ability to disconnect or refuse service for conditions specified in Rule 25-7.089, F.A.C. Specifically, Rule 25-7.089(2)(f), F.A.C., allows gas utilities to refuse or discontinue service for neglect or refusal to provide safe and reasonable access to the utility provided that written notice be given to the customer. Rule 25-7.089(2)(h), F.A.C., allows the utility to disconnect service without notice in the event of a condition known to the utility to be hazardous.

¹ Order No. PSC-96-0585-FOF-EI issued May 6, 1996, in Docket No. 19960307-EI, In re: Proposed revision of rules and regulations, pertaining to access portion of tariff, by Florida Power & Light Company.

Peoples' current tariff provides the conditions under which Peoples may refuse or discontinue service. As shown in Attachment A, the proposed tariff modification to tariff sheet No. 5.101-2 states that the utility may discontinue or refuse service:

[f]or actions or threats made by a customer, or anyone on the customer's premises, which are reasonably perceived by a Company employee as violent or unsafe, after affording the customer reasonable opportunity to cease from any further act of violence or unsafe condition.

We approved a similar tariff for FPL in 1996. Like Peoples' proposed tariff modification, FPL's approved tariff allows FPL to discontinue service as a result of threats made against employees.²

To assure that unwarranted disconnections do not occur, the utility the Corporate Security Department will investigate threat incidents and verify whether the actions or threats made by the customer have created a dangerous condition warranting disconnection. Peoples' head of corporate security will notify the utility's Customer Service Department of valid incidents and will decide whether or not a disconnection notice will be issued to the customer.

In the instances where a customer's service is being refused pursuant to the proposed tariff modification, the company stated it will notify the customer as soon as practicable of the reason for refusal of service. The utility states that in most cases, a disconnection will have already taken place, and the restoration of service is what is being denied. Peoples notes that it does not take disconnection of its customers or refusal of service lightly and that disconnecting or refusing service will be considered an extreme event that will follow other efforts to remedy the situation, up to and including law enforcement or security escorts. Once the threatening condition is resolved to the utility's satisfaction, the utility will reconnect the customer.

Having reviewed Peoples' petition and responses to data requests, we find that Peoples' proposed tariff modification is warranted. Additionally, we find that the proposed tariff modification is consistent with our previous approval of FPL's discontinuance of service tariff and with Rule 25-7.089, F.A.C. Therefore, Peoples' proposed tariff modification is hereby approved effective on December 11, 2018.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that modifications to Peoples Gas System's Tariff Sheet 5.101-2 as stated on Attachment A, is hereby approved. It is further

ORDERED that the Third Revised Sheet No. 5.101-2 shall become effective on December 11, 2018. It is further

ORDERED that if a protest is filed within 21 days of the issuance of this order, the tariff shall be suspended, and this docket shall remain opening pending resolution of the protest. However, if a timely protest is not filed, this docket shall be closed upon the issuance of a consummating order.

² See FPL tariff sheet No. 6.010, section 1.6 - Discontinuance of Service.

By ORDER of the Florida Public Service Commission this 19th day of December, 2018.



CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
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.

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NOTICE OF FURTHER PROCEEDINGS

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the proposed action files a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 9, 2019.

In the absence of such a petition, this Order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

Peoples Gas System
a Division of Tampa Electric Company
Original Volume No. 3

~~Second-Third~~ Revised Sheet No. 5.101-2
Cancels ~~First-Second~~ Revised Sheet No. 5.101-2

RULES AND REGULATIONS (Continued)

E. WITHHOLDING OF GAS SERVICE

Company will refuse to establish Gas Service to any location where it finds that establishment of Gas Service will create an unsafe or hazardous condition on the Customer's premises.

Company may discontinue Gas Service to an existing Customer or refuse to serve a prospective Customer where such Customer's use of Gas is or will be detrimental or hazardous to the Gas Service supplied to other Customers.

Company may discontinue service to an existing Customer or refuse to establish Gas Service for actions or threats made by a customer, or anyone on the customer's premises, which are reasonably perceived by a Company employee as violent or unsafe, after affording the customer reasonable opportunity to cease from any further act of violence or unsafe condition.

Company will not establish Gas Service to any Customer where that Customer is in arrears for Gas Service at that location or another location in the Company's service area.

If a prospective Customer requests connection for Gas Service but denies the Company's employees and representatives access to the Customer's Installation for the purpose of inspecting the appliances prior to establishing Gas Service, the Company may refuse to provide Gas Service to the prospective Customer.

Fraudulent Use of Gas:

Company will discontinue Gas Service without notice:

- a. In the event of tampering with regulators, valves, Meters or other facilities furnished and owned by Company, or
- b. In the event of other fraudulent use of Gas Service.

Whenever Gas Service is discontinued for unauthorized or fraudulent use thereof, the Company, before restoring Gas Service, may require Customer to make, at Customer's expense, all changes in piping or equipment necessary to eliminate the fraudulent use and to pay an amount reasonably estimated as the deficiency (if any) in Company's revenue and all costs incurred by Company resulting from such unauthorized or fraudulent use.

As used herein, "costs incurred by Company" shall include the Company's cost to cut and cap the Customer's service line at the Main, together with the cost incurred by the Company to restore service to the Customer, in the event the Company, in order to discontinue service to the Customer pursuant to this section, has been required (after final notice to the Customer requesting payment, and the Customer's denial of access by Company to its meter for the purpose of discontinuing service) to cut and cap the Customer's service line at the Main. If a Customer whose service line has been cut and capped as aforesaid thereafter requests restoration of Gas Service, Company may require such Customer to pay (in addition to any other charges payable pursuant to these Rules and Regulations) all costs incurred by Company to effect the previous discontinuance of Gas Service to such Customer, as well as all costs incurred by Company to restore Gas Service to such Customer.

Issued By: ~~G. L. Gillette~~ T. J. Szelistowski, President
Issued On: ~~October 19, 2011~~

Effective: ~~March 13, 2012~~