

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed repeal of Rule 25-6.047, FAC, Constant Current Standards; Rule 25-6.081, FAC, Construction Practices; and Rule 25-6.082, FAC, Records and Reports, and amendment of Rule 25-6.054, FAC, Laboratory Standards; Rule 25-6.074, FAC, Applicability; and Rule 25-6.104, FAC, Unauthorized Use of Energy.

DOCKET NO. 20200186-EU  
ORDER NO. PSC-2020-0296-NOR-EU  
ISSUED: September 3, 2020

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has proposed the repeal of Rules 25-6.047, 25-6.081, and 25-6.082, and amendment of Rules 25-6.054, 25-6.074, and 25-6.104, Florida Administrative Code, relating to constant current standards for street lighting circuits; laboratory standards for watt-hour meters; residential electric underground extension; construction practices; and unauthorized use of energy.

The attached Notice of Proposed Rules appeared in the September 3, 2020 edition of the Florida Administrative Register.

If timely requested, a hearing will be held at a time and place to be announced in a future notice.

Requests for hearing on the proposed rules, information regarding the statement of estimated regulatory costs, or proposals for a lower cost regulatory alternative must be provided in writing and received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than September 24, 2020.

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By ORDER of the Florida Public Service Commission this 3rd day of September, 2020.



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ADAM J. TEITZMAN  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://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.

KGWC

Notice of Proposed Rule

**PUBLIC SERVICE COMMISSION**

RULE NOS:	RULE TITLES
25-6.047	Constant Current Standards
25-6.054	Laboratory Standards
25-6.074	Applicability
25-6.081	Construction Practices
25-6.082	Records and Reports
25-6.104	Unauthorized Use of Energy

PURPOSE AND EFFECT: Rules 25-6.047, 25-6.081, and 25-6.082, F.A.C., are repealed as obsolete and unnecessary to implement the Commission's authority. Rule 25-6.054, F.A.C. is amended to add specificity to the rule, which gives clarity and guidance to utilities. Rule 25-6.074, F.A.C. concerning residential electric underground extensions is amended to repeal language that is obsolete and unnecessary to implement the Commission's authority. Rule 25-6.104, F.A.C. is amended to identify factors that may be used by utilities in determining an estimate of the energy used for purposes of billing customers in the event of unauthorized or fraudulent use or meter tampering, which gives clarity and guidance to the utility and its customers.

Docket No. 20200186-EU

SUMMARY: Rules 25-6.047, 25-6.081, and 25-6.082, F.A.C. are repealed as obsolete and unnecessary. Rule 25-6.054, F.A.C. identifies a specific period of time that certain records must be maintained by electric utilities. Rule 25-6.074, F.A.C. concerning residential electric underground extensions deletes language that is obsolete and unnecessary to implementation of the Commission's authority. Rule 25-6.104, F.A.C. is amended to identify factors that may be used by utilities in determining a reasonable estimate of the energy used for purposes of billing customers in the event of unauthorized or fraudulent use or meter tampering.

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 rules. 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/repeals will not have an adverse impact on economic growth, business competitiveness, or small business and that there would likely be transactional cost savings to the individual and entities, including government entities, required to comply with 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)(f), 366.05(1) FS

LAW IMPLEMENTED: 350.115, 366.03, 366.04(2)(a), (c), (f), (5), 366.05(1), (3) 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: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, [kcowdery@psc.state.fl.us](mailto:kcowdery@psc.state.fl.us)

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.047 Constant Current Standards.

*Rulemaking Authority 366.05(1) FS. Law Implemented 366.03, 366.04(2)(c), (5) FS. History—New 7-29-69, Formerly 25-6.47, Repealed \_\_\_\_\_.*

25-6.054 Laboratory Standards.

(1) through (3) No change.

(4) Each utility shall maintain the following historical performance records for each watt-hour meter used as a basic reference standard until the meter is no longer in use for the following types of comparisons:

(a) through (b) No change

*Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1),(3) FS. History—New 7-29-69, Amended 4-13-80, 5-13-85, Formerly 25-6.54, Amended 5-19-97, \_\_\_\_\_.*

25-6.074 Applicability.

~~(1) Extensions of electric distribution lines applied for after the effective date of these rules, and necessary to furnish permanent electric service to all structures within a new residential subdivision, or to new multiple-occupancy buildings, shall be made underground when requested by an applicant or required by governmental authority.~~

~~(2) Such extensions of service shall be made by the utility in accordance with the provisions in these rules.~~

*Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.03 FS. History—New 4-10-71, Formerly 25-6.74, Amended \_\_\_\_\_.*

25-6.081 Construction Practices.

*Rulemaking Authority 366.05(1) FS. Law Implemented 366.03 FS. History—New 4-10-71, Formerly 25-6.81, Repealed \_\_\_\_\_.*

25-6.082 Records and Reports.

*Rulemaking Authority 366.04(2)(f), 366.05(1) FS. Law Implemented 350.115, 366.03, 366.04(2)(a), (f) FS. History—New 4-10-71, Formerly 25-6-82, Amended 10-29-97, Repealed \_\_\_\_\_.*

25-6.104 Unauthorized Use of Energy.

In the event of unauthorized or fraudulent use, or meter tampering, the utility may bill the customer for the time period at issue using an on-a-reasonable estimate of the energy used, which may include factors such as historical usage, meter data, meter test data, approximate size of the residence or building, the types of appliances and equipment using electricity, use of air conditioning and electric heating, and the number of occupants.

*Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.03, 366.05(1) FS. History—New 7-29-69, Amended 4-13-80, 5-3-82, 11-21-82, \_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathryn G.W. Cowdery

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 45, Number 111, June 7, 2019 and Volume 46, Number 26, February 7, 2020.