

COMMISSIONERS:
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STATE OF FLORIDA



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

Public Service Commission

April 2, 2021

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

VIA EMAIL AND US MAIL

COMMISSION
CLERK

2021 APR -2 PH12: 35

RECEIVED-FPSC

Re: Rule Certification Packet for Rule 25-30.335, F.A.C., Customer Billing

Dear Mr. Reddick:

Enclosed for filing is a complete rule certification packet for Rule 25-30.335, F.A.C., consisting of:

- (1) One copy of the coded text of the rule in Word version sent as an email attachment;
- (2) There are no materials incorporated by reference into the rule;
- (3) One copy of the signed rule certification form;
- (4) One copy of the signed designation of minor violation rule certification form required by Rule 1-1.010, F.A.C.;
- (5) One copy of the coded text of the rule, including the legal citations and history notes;
- (6) One copy of the summary of the rule;
- (7) One copy of the detailed written statement of the facts and circumstances justifying the rule; and
- (8) One copy of the summary of the hearings held on the rule.

Mr. Ernest Reddick
Page 2
April 2, 2021

Please let me know if you have any questions. 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.

Sincerely,


Kathryn G. W. Cowdery
Senior Attorney

Enclosures

cc: Commission Clerk (Docket No. 20200119-WS)

**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.

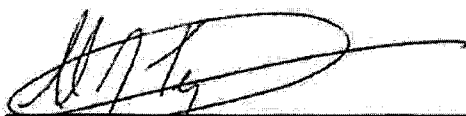
Attached is each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-30.335

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 Date: _____.



Person Authorized to Certify Rules

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.:

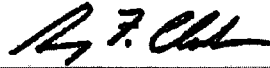
Rule No.

25-30.335

Rules covered by this certification:

Rule No.

25-30.335



Signature of Agency Head

Chairman, Florida Public Service Commission
Title

SUMMARY OF THE RULE

Rule 25-30.335 gives requirements that must be followed by water and wastewater utilities in billing customers. The rule states how customers must be charged if they request temporary discontinuance of service or are out of residence or if they request a permanent termination of service but subsequently request service at the same location within 12 months of the termination.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The amendments update and clarify the rule. The rule clarifies how customers must be billed when service is rendered for less than 50 percent of the normal billing cycles. In addition, the rule clarifies how customers must be billed if they request temporary discontinuance of service or are out of residence. The rule also states how customers must be billed if they request a permanent termination of service but subsequently request service at the same location within 12 months of the termination. This language gives needed guidance to utilities and to their customers who are seasonal residents.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

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

25-30.335 Customer Billing.

(1) Except as provided in this rule, a utility ~~must shall~~ render bills to customers at regular intervals, and each bill ~~must shall~~ indicate: the billing period covered; ~~the applicable rate schedule;~~ beginning and ending meter reading; the amount of the bill; the delinquent date or the date after which the bill becomes past due; and any authorized late payment charge.

(2) When a utility is unable to obtain an actual meter read, estimated bills may be provided.

(a) If the utility estimates a bill, ~~the bill statement shall prominently show~~ the word "Estimated" must be prominently displayed on the face of the bill.

(b) The utility is obligated to timely correct any problems within the utility's control causing the need to estimate bills. In no event ~~may shall~~ a utility provide an estimated bill to any one customer account more than four times in any 12-month period due to circumstances that are within the utility's control and service obligations.

(c) Upon issuance of a second estimated bill in a 6-month period, the utility ~~must shall~~ provide the customer with an explicit written explanation for the estimation, along with the utility contact information and the Commission toll-free complaint number, 1(800) 342-3552.

(d) The utility ~~must shall~~ maintain records, for a minimum of two years, detailing the number, frequency, and causes of estimated bills, and those records must ~~which shall~~ be made available upon request to the Commission or to any party to a rate proceeding for the utility.

(3) When service is rendered for less than 50 percent of the normal billing cycle, the utility ~~must shall~~ prorate the base facility charges, flat rates, or rates that include minimum usage as though the normal billing cycle were 30 days, ~~except that~~ the utility may elect not to ~~not~~ issue an initial bill ~~for service~~ if the service is rendered for during a time period ~~which is~~ less than 50 percent of the normal billing cycle. Instead, the utility may elect to issue a single bill combining ~~combine~~ the amount owed for the service rendered during the initial time period with the amount owed for the next billing cycle, ~~and issue a single bill for the combined time period.~~ For service taken under flat rate schedules, 50 percent of the normal charges may be applied.

(4) If a customer requests a temporary discontinuance of service or is out of residence:

(a) Utilities that have the base facility charge rate structure must continue to bill the base facility charge.

(b) Utilities that have a flat rate or a rate that includes minimum usage must bill the customer 40 percent of the flat or minimum rate contained on the applicable tariff.

(5) If a customer requests a permanent termination of service and the same customer subsequently requests service at the same location within 12 months of that termination, the utility must bill the customer the base facility charges or 40 percent of the flat rate or rates that include minimum usage for the service termination period. The customer is responsible for payment of all outstanding rates and charges for the termination period in order for service to be restored.

(6)(4) A utility may not consider a customer delinquent in paying his or her bill until the 21st day after the utility has mailed or presented the bill for payment.

~~(7)(5)~~ Δ Each utility must ~~shall~~ establish each point of delivery as an independent customer account and must ~~shall~~ calculate the amount of the bill accordingly, except where physical conditions make it necessary to use additional meters or points of delivery for one class of service to a single customer on the same premises, or where such multiple meters or delivery points are used for the convenience of the utility.

~~(8)(6)~~ A utility may not incorporate municipal or county franchise fees into the amount indicated as the cost for service on the customer's bill. Rather, the utility must ~~shall~~ show any such franchise fee as a separate item.

~~(9)(7)~~ The utility must ~~shall~~ maintain a record of each customer's account for the most current 2 years so as to permit reproduction of the customer's bills during the time that the utility provided service to that customer.

~~(8) If a utility utilizes the base facility and usage charge rate structure and does not have a Commission authorized vacation rate, the utility shall bill the customer the base facility charge regardless of whether there is any usage.~~

Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.091, 367.121 FS. History—New 9-14-74, Amended 6-21-79, Formerly 25-10.97, 25-10.097, Amended 11-10-86, 11-30-93, 6-17-13, _____.



FLORIDA DEPARTMENT OF STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

April 2, 2021

Kathryn G. W. Cowdery, Senior Attorney
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0250

Attention: Julie Phillips

Dear Ms. Cowdery:

Your adoption package for 25-30.335, F.A.C. was received, electronically, by the Florida Department of State, Administrative Code and Register at 8:43 a.m. on April 2, 2021. After review, it appears that the package meets statutory requirements and those of Rule 1-1.010, F.A.C. and is deemed filed for adoption at the time received, as indicated above. The effective date is April 22, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/ag

WILTON SIMPSON
President



Representative Rick Roth, Chair
Senator Ben Albritton, Vice Chair
Senator Lorraine Ausley
Senator Jason Brodeur
Senator Danny Burgess
Senator Shevria D. "Shev" Jones
Representative Demi Busatta Cabrera
Representative Anna V. Eskamani
Representative Sam Garrison
Representative Thomas Patterson "Patt" Maney
Representative Angela "Angie" Nixon

CHRIS SPROWLS
Speaker



KENNETH J. PLANTE
COORDINATOR
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400
Telephone (850) 488-9110
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japc@leg.state.fl.us

THE FLORIDA LEGISLATURE
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE

CERTIFICATION

Department: Public Service Commission
Agency:
Rule No(s): 25-30.335
File Control No: 183905

As required by subparagraph 120.54(3)(e)4 F.S., the Joint Administrative Procedures Committee hereby certify that:

- There were no material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rule; or
- The adopting agency has responded in writing to all material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rules; or
- The adopting agency has not responded in writing to all material and timely written comments or written inquiries made on behalf of the Committee regarding the above listed rules.

Certification Date: 4/2/2021

This certification expires after: 4/9/2021

Certifying Attorney: Jamie Jackson

NOTE:

- The above certified rules include materials incorporated by reference.
- The above certified rules do not include materials incorporated by reference.

Grosenbaugh, Anya C.

From: Julie Phillips <JPhillip@PSC.STATE.FL.US>
Sent: Friday, April 2, 2021 8:43 AM
To: Administrative Code
Cc: Kathryn Cowdery; Julie Phillips
Subject: Rule Certification Packet, Rule 25-30.335, F.A.C.
Attachments: 20200119 cert pkt for DOS.pdf; 25-30.335 10 pt. for adoption.docx

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

The Rule Certification Packet for Rule 25-30.335, F.A.C. with attachments of the PDF of the entire packet, along with the Word version for the coded text of the rule.

We await your confirmation email.

Thank you.

Julie Phillips
Office of the General Counsel
Florida Public Service Commission
850.413.6084

Julie Phillips

From: Grosenbaugh, Anya C. <Anya.Grosenbaugh@dos.myflorida.com>
Sent: Friday, April 02, 2021 10:41 AM
To: Julie Phillips
Cc: Kathryn Cowdery; Reddick, Ernest L.; Joint Administrative Procedures Committee
Subject: RE: Rule Certification Packet, Rule 25-30.335, F.A.C.
Attachments: 25-30.335.pdf

Good morning,

I am attaching the filed copy of 25-30.335, F.A.C.

Best,

Anya Grosenbaugh
Program Administrator
Florida Administrative Code and Register
Room 701 The Capitol | Tallahassee, Florida
(850)245-6271

From: Julie Phillips <JPhillip@PSC.STATE.FL.US>
Sent: Friday, April 2, 2021 8:43 AM
To: Administrative Code <AdministrativeCode@DOS.MyFlorida.com>
Cc: Kathryn Cowdery <kcowdery@psc.state.fl.us>; Julie Phillips <JPhillip@PSC.STATE.FL.US>
Subject: Rule Certification Packet, Rule 25-30.335, F.A.C.

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The Rule Certification Packet for Rule 25-30.335, F.A.C. with attachments of the PDF of the entire packet, along with the Word version for the coded text of the rule.

We await your confirmation email.

Thank you.

Julie Phillips
Office of the General Counsel
Florida Public Service Commission
850.413.6084