

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

DATE: June 17, 2004

TO: Director, Division of the Commission Clerk & Administrative Services (Bayó)

FROM: Division of Economic Regulation (Wheeler, Kummer)
Office of the General Counsel (Brown)

RE: Docket No. 040252-EI – Petition for approval of revisions to Tariff Sheet No. 9.930, application form for Medically Essential Service, by Florida Power & Light Company.

AGENDA: 06/29/04 – Regular Agenda – Tariff Filing – Interested Persons May Participate

CRITICAL DATES: 8-Month Effective Date: 11/21/04

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\ECR\WP\040252A.RCM.DOC

Case Background

On March 22, 2004, Florida Power & Light Company (FPL) filed a petition for approval of proposed revisions to its Application Form for Medically Essential Service. FPL's proposed tariff revisions were suspended by the Commission at its May 18, 2004, Agenda Conference.

The Commission has jurisdiction over this matter pursuant to Sections 366.03, 366.04, 366.05 and 366.06, Florida Statutes.

Discussion of Issues

Issue 1: Should the Commission approve FPL's proposed changes to its Application Form for Medically Essential Service Tariff?

Recommendation: Yes. (Wheeler, Kummer, Brown)

Staff Analysis: To obtain Medically Essential Service (MES) certification of their electric service, customers must meet the requirements that are contained in Section 366.15, Florida Statutes. A copy of this statute is contained in Attachment 1. MES customers must demonstrate that they or a permanent occupant of their home is dependent upon electric-powered equipment that must be operated continuously or as circumstances require as specified by a physician to avoid the loss of life or immediate hospitalization. The statute requires that customers renew their MES certification once every 12 months.

The statute requires the customer to complete a form supplied by the utility and to submit a form completed by a licensed physician that states why the electric service is medically essential. The form used by FPL to fulfill this requirement is contained in its approved tariff Sheet No. 9.930. Customers must complete Part A of the form and a licensed Florida physician must complete Part B. FPL has proposed several changes to the form, as discussed below.

FPL has proposed to amend Part A of the form to reflect the fact that the customer of record and the patient who is reliant on the electric-powered medical equipment may not be the same person. The existing form has only one signature line for the customer. The proposed revision requires a signature for both the customer of record and the patient, if the customer and the patient or the patient's guardian are not the same person.

FPL has proposed to add language to Part A of the form that authorizes FPL to release, upon request, limited MES customer information to state, federal, or local governmental authorities charged with emergency response or disaster relief or prevention, or to private entities authorized to assist in disaster relief, such as the Red Cross. The purpose of these requests is to allow the requesting agencies to better identify individuals who may need special assistance in the event of an emergency. The information released by FPL would include only the name and address of the customer of record. FPL normally treats such individual customer information as proprietary. For those customers who do not wish this information to be released, FPL has filed a proposed Notice of Exclusion from Disclosure form that must be completed and returned to FPL. The proposed form requires a signature for both the customer of record and the patient, if they are not the same person. The form was submitted as proposed original tariff sheet No. 9.932.

In Part B of the form, the physician must describe the electric equipment that the patient is dependent upon, and indicate how many hours each day the equipment must be operated. In addition, the physician must explain in both medical and non-medical terms why the specified equipment is needed in order to avoid loss of life or serious medical complications requiring immediate hospitalization. FPL has proposed to amend Part B to include a notification that FPL may contact the physician who completes Part B of the application in order to verify the physician's signature, the equipment description, and the explanation as to why the specified

equipment is necessary to avoid loss of life or serious medical complications requiring immediate hospitalization.

FPL has also proposed to amend Part B of the application to require the physician to certify that they have seen or consulted with the patient within the last 12 months. Currently, the form only requires the physician to certify that the patient is under their care. In its petition, FPL cited an instance in which a physician completing the form for a patient had not seen the patient in several years. FPL believes that it is reasonable to expect the physician to examine or consult with the patient at least once in the past 12 months in order to be able to provide meaningful and relatively current information on Part B of the form.

Finally, FPL has proposed to add notices to Parts A and B of the form to remind those who complete the form of the importance of providing true and correct information. The notice at the bottom of Part A states that if the applicant knowingly makes a false or misleading statement in completing the form, it could result in the denial or termination of MES certification. The notice at the bottom of Part B states that false certification of medically essential service by a physician constitutes grounds for discipline, penalties and enforcement under Florida Statutes, as Section 366.15(3)(a), Florida Statutes, provides.

Staff has reviewed the proposed modifications to the MES form, and has discussed them with FPL. Staff believes that the proposed tariff revisions are reasonable, and will allow FPL to more efficiently administer its MES program without placing undue burdens upon customers who apply for MES certification. Staff therefore recommends that the proposed revisions be approved.

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Issue 2: Should this docket be closed?

Recommendation: Yes. If Issue 1 is approved, this tariff should become effective on June 29, 2004. If a protest is filed within 21 days of the issuance of the order, this tariff should remain in effect pending resolution of the protest. If no timely protest is filed, this docket should be closed upon the issuance of a consummating order. (Brown)

Staff Analysis: Yes. If Issue 1 is approved, this tariff should become effective on June 29, 2004. If a protest is filed within 21 days of the issuance of the order, this tariff should remain in effect pending resolution of the protest. If no timely protest is filed, this docket should be closed upon the issuance of a consummating order.