

State of Florida



## Public Service Commission

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

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**DATE:** July 7, 2005

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

**FROM:** Office of the General Counsel (Stern)  
Division of Economic Regulation (McNulty)

**RE:** Docket No. 050438-EU – Petition to initiate rulemaking to amend Rule 25-6.044(4), F.A.C., Continuity of Service, by City of Madeira Beach, Florida.

**AGENDA:** 07/19/05 – Regular Agenda – Petition to Initiate Rulemaking

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Edgar

**CRITICAL DATES:** 30 day statutory deadline - July 25, 2005.

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\GCL\WP\050438.RCM.DOC

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### Case Background

On June 24, 2005, the City of Madeira Beach filed a Petition to Initiate Rulemaking with the Commission. The Petition proposes a modification to Rule 25-6.044(4), Florida Administrative Code, which deals with planned service interruptions to electric service. The City noted that it had received complaints from its residents regarding inadequate notice of such disruptions.

Pursuant to Rule 120.54(7), Florida Administrative Code, the Commission must act on the Petition within 30 days of its filing. The 30 day period ends on July 25, 2005.

### **Discussion of Issues**

**Issue 1:** Should the Commission grant the City of Madiera Beach's Petition to Initiate Rulemaking to amend Rule 25-6.044(4), Florida Administrative Code?

**Recommendation:** The Commission should grant the Petition in part. A rule development workshop should be held before the Commission decides whether to amend the rule in the form requested by the City.

**Analysis:** The City asks that Rule 25-6.044(4) be amended by adding the underlined language shown below.

(4) When the service is necessarily interrupted or curtailed, it shall be done at a time which, when at all practicable, will result in the least inconvenience to customers and all such scheduled interruptions shall be preceded by reasonable notice whenever practicable to affected customers. Reasonable notice, whenever practicable, shall require the utility to notify affected customers no less than 24 hours in advance of interruption of service. Notification may consist of a letter, flyer, door-hanger, telephone call, direct contact or any other reasonable means. Each utility shall maintain a copy of its noticing procedures with the Division of Economic Regulation.

It appears that the rulemaking request may be related to a complaint lodged with the Division of Regulatory Compliance and Consumer Assistance (Complaint No. 653026E). The customer filed a complaint against the utility for only receiving 5 minutes notice before his power was planned to be turned off. The customer claimed that the utility knew it would have to turn off power in the neighborhood well in advance of the 5 minute notice. The complaint is in the process of being closed.

If the Commission follows Staff's recommendation, then a Notice of Rule Development will be issued in the FAW and a workshop will be held. This will give Staff an opportunity to collect information needed to evaluate the proposed change.

**Issue 2:** Should this docket be closed?

**Recommendation:** No.

**Analysis:** If the Commission accepts Staff's recommendation to grant the City's Petition to Initiate Rulemaking, this docket should remain open.