

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Amendment to) DOCKET NO. 931202-TL
Rule 25-4.113, F.A.C., Refusal) ORDER NO. PSC-95-0028-FOF-TL
or Discontinuance of Service by) ISSUED: January 9, 1995
Company)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF ADOPTION OF RULE

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted Rule No. 25-4.113, Florida Administrative Code, relating to Refusal or Discontinuance of Service by Company, without changes.

The rule was filed with the Department of State on January 5, 1995 and will be effective on January 25, 1995. A copy of the rule as filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission, this 9th day of January, 1995.

BLANCA S. BAYÓ, Director
Division of Records & Reporting

by: Kary Deason
Chief, Bureau of Records

CTM

(S E A L)

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

25-4.113 Refusal or Discontinuance of Service by Company.

(1) As applicable, the company utility may refuse or discontinue telephone service under the following conditions provided that, unless otherwise stated, the customer shall be given notice and allowed a reasonable time to comply with any rule or remedy any deficiency:

(a) For noncompliance with or violation of any state or municipal law, ordinance, or regulation pertaining to telephone service.

(b) For the use of telephone service for any other property or purpose than that described in the application.

(c) For failure or refusal to provide the company utility with a deposit to insure payment of bills in accordance with the company's utility's regulations.

(d) For neglect or refusal to provide reasonable access to the company utility for the purpose of inspection and maintenance of equipment owned by the company utility.

(e) For noncompliance with or violation of the Commission's regulations or the company's utility's rules and regulations on file with the Commission, provided 5 working days' written notice is given before termination.

(f) For nonpayment of bills for telephone service, including the telecommunications access system surcharge referred to in Rule 25-4.160(3 5), provided that suspension or termination of service

shall not be made without 5 working days' written notice to the customer, except in extreme cases. The written notice shall be separate and apart from the regular monthly bill for service. A company utility shall not, however, refuse or discontinue service for nonpayment of a dishonored check service charge imposed by the company utility. No company shall discontinue service to any customer for the initial nonpayment of the current bill on a day the company's business office is closed or on a day preceding a day the business office is closed.

(g) For purposes of paragraphs (e) and (f), "working day" means any day on which the company's utility's business office is open and the U.S. Mail is delivered.

(h) Without notice in the event of customer use of equipment in such manner as to adversely affect the company's utility's equipment or the company's utility's service to others.

(i) Without notice in the event of hazardous conditions or tampering with the equipment furnished and owned by the company utility.

(j) Without notice in the event of unauthorized or fraudulent use of service. Whenever service is discontinued for fraudulent use of service, the company utility may, before restoring service, require the customer to make, at his own expense, all changes in facilities or equipment necessary to eliminate illegal use and to

pay an amount reasonably estimated as the loss in revenues resulting from such fraudulent use.

(2) In case of refusal to establish service, or whenever service is discontinued, the company utility shall notify the applicant or customer in writing of the reason for such refusal or discontinuance.

(3) Service shall be initiated or restored when the cause for refusal or discontinuance has been satisfactorily adjusted.

(4) The following shall not constitute sufficient cause for refusal or discontinuance of service to an applicant or customer:

(a) Delinquency in payment for service by a previous occupant of the premises, unless the current applicant or customer occupied the premises at the time the delinquency occurred and the previous customer continues to occupy the premises and such previous customer shall benefit from such new service.

(b) Delinquency in payment for service by a present occupant who was delinquent at another address and subsequently joined the household of the customer subscriber in good standing.

(c) Delinquency in payment for separate telephone service of another customer subscriber in the same residence.

(d) Failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for refusal of residence service or vice versa.

(e) Failure to pay for a service rendered by the company utility which is not regulated by the Commission.

(f) Failure to pay the bill of another customer as guarantor thereof.

(g) Failure to pay a dishonored check service charge imposed by the company utility.

(5) When service has been discontinued for proper cause, the company utility may charge a reasonable fee to defray the cost of restoring service, provided such charge is set out in its approved tariff on file with the Commission.

Specific Authority: 350.127, 427.704(8), F.S.

Law Implemented: 364.03, 364.19, 427.704, F.S.

History: Revised 12/1/53, Amended 3/31/76, 10/25/84, 10/30/86, 1/1/91, 9/17/92, 1/11/93, 1/25/95.