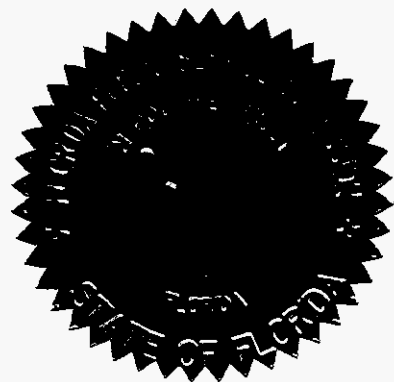


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of :
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Proposed Amendment of :
Rule 25-6.049, F.A.C., :
Measuring Customer :
Service :

DOCKET NO. 981104-EU



PROCEEDINGS: Rule Hearing

BEFORE: MARY ANNE HELTON
Hearing Officer

DATE: March 15, 1999

TIME: Commenced at 9:30 a.m.
Concluded at 9:50 a.m.

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: KIMBERLY K. BERENS, CSR, RPR
FPSC Commission Reporter
(850) 413-6736

DOCUMENT NUMBER - DATE
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FPSC-RECORDS/REPORTING

1 **APPEARANCES:**

2 **RICHARD BELLAK**, Division of Appeals, Florida
3 Public Service Commission, 2540 Shumard Oak Boulevard,
4 Tallahassee, Florida 32399, appearing on behalf of
5 **Commission Staff.**

6 **JON C. MOYLE, JR.**, Moyle, Flanigan, Katz,
7 Kolins, Raymond & Sheehan, 210 South Monroe Street,
8 Tallahassee, Florida 32301, appearing on behalf of
9 **Valencia Condominium Association and Point**
10 **Management Inc.**

11 **MARK LAUX**, 101 North Monroe Street, Suite
12 1060, Tallahassee, Florida 32301, appearing on behalf
13 of **Tampa Electric Company.**

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EXHIBITS

NUMBER

ID.

Composite Exhibit No. 1

5

CERTIFICATE OF REPORTER

14

P R O C E E D I N G S

(Hearing convened at 9:30 a.m.)

MS. HELTON: Good morning. My name is Mary Anne Helton. I'm an associate general counsel with the Commission and will be the hearing officer today. This hearing will be conducted according to the rulemaking provisions of Section 120.54 Florida Statutes.

Today we are concerned with proposed amendments to Rule 25-6.049. The Rule amendments were proposed in a Notice published in the Florida Administrative Weekly on February the 19th, 1999.

The purpose of the hearing is to allow the Commission to inform itself of matters bearing upon the proposed rule amendments by giving affected persons an opportunity to present evidence and argument on the merits of the ruling amendment. First, let's start out by taking appearances.

MR. MOYLE: Jon Moyle, Jr., on behalf of Valencia Condominium Association and Point Management.

MR. BELLAK: Richard Bellak representing the Commission Staff.

MR. LAUX: Mark Laux, Tampa Electric Company.

MS. HELTON: Ms. Adams, are you just an

1 observer?

2 (Response from audience.)

3 **MR. BELLAK:** Mr. Bellak, I understand you
4 have an exhibit?

5 **MR. BELLAK:** That's correct.

6 **MS. HELTON:** Composite Exhibit No. 1, which
7 I believe contains the F.A.W. Notice that was
8 submitted on February the 10th and published on the
9 19th, and the matters that were provided to the Joint
10 Administrative Committee, which were a Statement of
11 Facts and Circumstances Justifying the Rule, a
12 Statement of Federal Standards, a Memorandum on the
13 Statement of Estimated Regulatory Costs, the Notice of
14 Rulemaking Order which was issued on February the
15 11th, and then finally, the Request for Hearing
16 submitted by Valencia Condominium Association and
17 Point Management, Inc.

18 **MR. BELLAK:** And we've also added the Notice
19 of Proposed Rule Development.

20 **MS. HELTON:** Okay. Then as an addendum that
21 will be part of the Composite Exhibit.

22 (Composite Exhibit No. 1 entered into the
23 record.)

24 **MS. HELTON:** In a rulemaking proceeding any
25 person may present comments or make suggestions

1 concerning the rule. Those making presentations are
2 subject to questioning from others.

3 Today we'll proceed informally without
4 swearing witnesses. And I believe before we even get
5 to that point that you have a procedural matter that
6 you wanted to bring up, Mr. Moyle.

7 **MR. MOYLE:** In conversations with counsel
8 for the Commission, we have discussed and I believe
9 reached agreement between us, obviously subject to
10 your discretion and decision, that in light of the
11 fact that I believe on April 22nd there's going to be
12 a workshop on master metering, that it would make some
13 sense, we believe anyway, to continue this proceeding
14 until after that workshop on April 22nd.

15 Like I say, we've talked with Mr. Bellak
16 about it. I don't know that he has any objection to
17 doing that and I think the sense is, is that given the
18 notice of that workshop, there can be some issues
19 developed in that workshop that may impact this rule
20 hearing proceeding.

21 So with that, we would request that this
22 public hearing be continued until after the hearing
23 on -- I'm sorry, it's April 14th, which is the docket
24 number 990188, the generic investigation into the
25 requirement for individual electric metering by

1 investor-owned electric utilities.

2 **MS. HELTON:** Say that title one more time.
3 I didn't hear it. General investigation into what?

4 **MR. MOYLE:** It's a generic investigation
5 into the requirement for individual electric metering
6 by investor-owned utilities pursuant to
7 Rule 25-6.049(5)(a) Florida Administrative Code.

8 **MS. HELTON:** Has the Notice been published?

9 **MR. MOYLE:** It has. I have a copy of the
10 Notice.

11 **MS. HELTON:** What does the purpose of the
12 workshop state?

13 **MR. MOYLE:** The purpose of the workshop is
14 to provide interested persons an opportunity to
15 comment on any and all issues related to the
16 requirement of Rule 25-6.049(5)(a) Florida
17 Administrative Code that certain structures be master
18 metered by the investor-owned electric utility that
19 serves them.

20 **MS. HELTON:** My concern is that it's my
21 understanding when this rule was proposed that the
22 Commission voted to move forward with the amendments
23 that are -- or the amendment that is at issue today.
24 And they had knowledge at the time of their vote that
25 Staff did want to look more generically at the

1 requirement.

2 **MR. BELLAK:** That's correct, Your Honor, but
3 at the point in time when the agenda conference was
4 held, there was no date fixed for the generic issue
5 workshop and so delaying this process might have
6 resulted in an open-ended delay. Now we find that
7 that workshop is going to be held on April 14, which
8 is certainly timely, and to lose the opportunity to
9 coordinate between the two facets of consideration of
10 individual metering versus master metering might
11 possibly result in unnecessary litigation. So it
12 seems to be a reasonable strategy to at least attempt
13 to coordinate the two sides of this issue to the
14 extent of this very slight delay in the process.

15 And I might point out that as to the current
16 rulemaking, that there is no ambiguity with respect to
17 the Commission's enforcement of that rule and there
18 hasn't been for some time. So the process that we're
19 involved in is a process of perfecting a Commission
20 policy as to which there has not been any ambiguity.
21 So there's no pressing need in terms of this
22 particular process.

23 On the other hand, the workshop that is
24 coming up on the 14th may significantly alter what the
25 Commission's current and future policy may be. So it

1 seems to be a reasonable strategy to --.

2 **MS. HELTON:** Is that a Staff workshop or a
3 Commission workshop?

4 **MR. MOYLE:** Appears to be -- the notice I'm
5 holding, which I can introduce -- I'd like to actually
6 introduce as an exhibit along with the copy of my
7 letter requesting a hearing which I previously
8 provided to the reporter.

9 **MS. HELTON:** I believe, Mr. Moyle, that that
10 letter is part of the composite exhibit so I don't
11 think you need to put that in again.

12 **MR. MOYLE:** All right. I hadn't had a
13 chance to look at the composite exhibit until right
14 now. So, you know, it's a Staff workshop is what the
15 Notice purports to be. And I'm not sure whether
16 that's intended to be followed by Commission workshops
17 on the matter or not.

18 **MS. HELTON:** Does anyone in here object to
19 continuing the hearing?

20 **MR. LAUX:** I don't believe -- from Tampa
21 Electric's viewpoint I don't believe that there's an
22 overall objective -- or objection to continuing the
23 hearing, although there is some uncertainty as to why
24 you would need to do that.

25 This particular change to this rule at this

1 point in time I believe came from a request by Florida
2 Power Corporation to have a clause in it clarifying
3 the reason they needed that clarification was because
4 of different customers asking for service under --
5 potentially to be able to take service under this
6 rule, i.e., to have it master metered.

7 We, at Tampa Electric, also run into that
8 same problem occasionally and we supported the
9 Commission's approach to clarify exactly what this
10 rule meant as to what ability was -- whether or not it
11 was -- needed to be constructed before 1981 or whether
12 or not the rule went forward from 1981.

13 And at this point in time we see no reason
14 why the clarification on this rule cannot go forward.
15 And the other issues that are being brought up can be
16 dealt with in the Staff workshop and depending on the
17 outcome of that workshop you can go back in and modify
18 a number of different rules that it may impact.

19 So we don't strongly object to having it
20 carried over, but at this point we think the work
21 that's done so far as to clarifying the rule in which
22 the Commission voted on, there should be no reason not
23 to go forward with that.

24 **MS. HELTON:** Well, I will agree to continue
25 the hearing but only to the point where it's continued

1 for, say, a week or two weeks past the workshop
2 scheduled on April the 14th.

3 I do that because that workshop date is -- I
4 don't believe it will lengthen the process that much
5 more since it is so close to today's date, and it will
6 also, I believe, give all the parties interested in
7 this rule time to adequately address some of the
8 issues raised in Mr. Moyle's letter requesting the
9 hearing.

10 We will -- I don't have a date as of yet, so
11 what we will do is -- I believe probably the best
12 thing to do is to notice in the F.A.W. again the
13 continuation of the hearing and to set the time and
14 place and date then.

15 **MR. MOYLE:** That's fine. And we'll be in
16 touch with respect to a date that I think is mutually
17 agreeable to the people that have appeared thus far,
18 if that's okay. I had a question for the hearing
19 officer, if I could?

20 **MS. HELTON:** Sure.

21 **MR. MOYLE:** With respect to when we do
22 reconvene and have the proceeding, I think you had
23 mentioned in your comments and I think 120 provides
24 for the ability for the person requesting the hearing
25 to ask questions of PSC Staff with respect to the rule

1 amendment. Who would be the person that would be
2 offered so that those questions might be posed?

3 **MS. HELTON:** I do not know. I'm here in a
4 hearing officer capacity. Mr. Bellak would be the, I
5 think, person to ask that question of. He is the
6 Staff member or Staff counsel that is heading up
7 Staff's position on this.

8 My guess would be it would be Mr. David
9 Draper. Not Draper. I don't know why I wanted to
10 call you that. Mr. David Wheeler or Connie Kummer.

11 **MR. MOYLE:** Okay. We'll just proceed
12 informally and I will have the ability to ask them
13 questions with respect to the history of the rule, the
14 decision with respect to this being a clarifying
15 amendment only and that sort of thing. So with that
16 clearly understood, then I appreciate your
17 consideration of our request for a continuance.

18 **MS. HELTON:** And if we're talking about
19 mutually agreeable dates, let's talk about that right
20 now. I want to go ahead and get this noticed. I
21 don't believe it should be -- April the 14th is a
22 Wednesday. How many of you in here are involved in
23 the legislature?

24 **MR. MOYLE:** I am.

25 **MS. HELTON:** How about the week of May the

1 3rd, which is the week after the legislature ends?

2 **MR. MOYLE:** So long as it's later in that
3 week. I think that would probably work. They have
4 been known sometimes to carry over, though they
5 haven't done it in recent years.

6 **MS. HELTON:** What is the -- there's a
7 Commissioner Workshop Operational Support Systems. Is
8 that an electric or is that a phone rule or do you all
9 know?

10 **MR. BELLAK:** It's probably telephone.

11 **MS. HELTON:** Let's say either then May the
12 5th or May the 6th depending on hearing room
13 availability.

14 **MR. MOYLE:** Okay.

15 **MS. HELTON:** Does anyone else have any
16 further comments to make?

17 Well, with that, this hearing is continued
18 until either May the 5th or 6th as will be noticed in
19 the Florida Administrative Weekly.

20 **MR. MOYLE:** Thank you.

21 **MR. BELLAK:** Thank you.

22 (Thereupon, the hearing concluded at
23 9:50 a.m.)

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1 1 3/5, 5/6, 5/22 101 2/11 1060 2/12 10th 5/8 11th 5/15 120 11/23 120.54 4/7 14 3/6, 8/7 148 1/16 14th 6/23, 8/24, 11/2, 12/21 15 1/13 1981 10/11, 10/12 1999 1/13, 4/12 19th 5/9	C call 12/10 came 10/1 capacity 12/4 carried 10/20 carry 13/4 Center 1/15 CERTIFICATE 3/6, 14/1 CERTIFIED 14/6 CERTIFY 14/4 change 9/13 change 9/25 Circumstances 5/11 clarification 10/3, 10/14 clarify 10/9 clarifying 10/2, 10/21, 12/14 clause 10/2 clearly 12/16 close 11/5 Code 7/7, 7/17 Commenced 1/14 comment 7/15 comments 5/25, 11/23, 13/16 COMMISSION 1/1, 1/19, 2/3, 2/5, 4/5, 4/14, 4/22, 6/8, 7/22, 8/19, 9/3, 9/16, 10/22, 14/3 Commissioner's 8/17, 8/25, 10/9 Commissioner 13/7 Committee 5/10 Company 2/13, 4/24 Composite 3/5, 5/6, 5/21, 5/22, 9/10, 9/13 concern 7/20 concerned 4/9 Concluded 1/14, 13/22 Condominium 2/9, 4/20, 5/16 conducted 4/6 Conference 1/15, 8/3 Connie 12/10 consideration 8/9, 12/17 constructed 10/11 contains 5/7 continuance 12/17 continuation 11/13 continue 6/13, 10/24 continued 6/22, 10/25, 13/17 continuing 9/19, 9/22 convened 4/2 conversations 6/7 coordinate 8/9, 8/13 copy 7/9, 9/6 Corporation 10/2 correct 5/5, 8/2 Costs 5/13 counsel 4/4, 6/7, 12/6 COUNTY 14/2 CSR 1/18, 14/3 Customer 1/6 customers 10/4	F F.A.C 1/5 F.A.W 5/7, 11/12 facts 8/9 fact 6/11 Facts 5/11 February 4/12, 5/8, 5/14 Federal 5/12 find 8/6 fine 11/15 fined 8/4 Flanigan 2/6 FLORIDA 1/1, 1/17, 2/2, 2/4, 2/8, 2/12, 4/7, 4/11, 7/7, 7/16, 10/1, 13/19, 14/1 followed 9/16 FPBC 1/19 future 8/25
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<p>O</p> <p>Oak 2/3 object 9/18, 10/19 objection 6/16, 9/22 objective observer 5/1 offered 12/2 Officer 1/12, 4/5, 11/19, 12/4, 14/5 Official 14/3 open-ended 8/6 Operational 13/7 opportunity 4/16, 7/14, 8/8 Order 5/14 outcome 10/17</p>	<p>T</p> <p>talk 12/19 talked 6/15 talking 12/18 Tallahassee 1/17, 2/4, 2/8, 2/12 Tampa 2/13, 4/23, 9/20, 10/7 telephone 13/10 terms 8/21 Thank 13/20, 13/21 Theroupon 13/22 TIME 1/14, 7/2, 7/24, 8/3, 8/18, 10/1, 10/13, 11/7, 11/13, 14/5 timely 8/8 title 7/2 touch 11/16 transcribed 14/7 transcript two 8/9, 8/13, 11/1</p>	
<p>P</p> <p>part 5/21, 9/10 parties 11/6 perfecting 8/19 phone 13/8 PLACE 1/15, 11/14, 14/5 Point 2/9, 4/20, 5/17, 6/5, 8/3, 8/15, 10/1, 10/13, 10/20, 10/25 policy 8/20, 8/25 posed 12/2 position 12/7 Power 10/2 presentations 6/1 pressing 8/21 problem 10/8 procedural 6/5 proceed 6/3, 12/11 proceeding 5/24, 6/13, 6/20, 11/22 PROCEEDINGS 1/10, 14/7 process 8/5, 8/14, 8/18, 8/19, 8/22, 11/4 Proposed 1/5, 4/9, 4/11, 4/15, 5/19, 7/21 provide 7/14 provides 11/23 provisions 4/7 PSC 11/25 PUBLIC 1/1, 2/3, 6/22 published 4/11, 5/8, 7/8 purpose 4/13, 7/11, 7/13 put 9/11</p>	<p>U</p> <p>uncertainty 9/23 unnecessary 8/11 utilities 7/1, 7/6 utility 7/18</p>	
<p>Q</p> <p>question 11/18, 12/5 questioning 6/2 questions 11/25, 12/2, 12/13</p>		

FLORIDA PUBLIC SERVICE COMMISSION
RULE HEARING
MARCH 15, 1999

①

COMPOSITE EXHIBIT

PROPOSED AMENDMENT OF RULE 25-6.049, F.A.C., MEASURING CUSTOMER SERVICE

DOCKET NO. 981104-EU

1. FLORIDA ADMINISTRATIVE WEEKLY NOTICE AND PROPOSED RULE 25-6.049, F.A.C., SUBMITTED FEBRUARY 10, 1999; PUBLISHED FEBRUARY 19, 1999;
2. STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING RULE;
STATEMENT OF FEDERAL STANDARDS;
MEMORANDUM ON STATEMENT OF ESTIMATED REGULATORY COSTS;
AS PROVIDED TO THE JOINT ADMINISTRATIVE COMMITTEE, FEBRUARY 12, 1999.
3. NOTICE OF RULEMAKING ORDER NO. PSC-99-0281-NOR-EU ISSUED FEBRUARY 11, 1999.
4. VALENCIA CONDOMINIUM ASSOCIATION AND POINT MANAGEMENT, INC. REQUEST FOR HEARING.

FLORIDA PUBLIC SERVICE COMMISSION
SECRET
DOCKET NO. 981104-EU EXHIBIT NO. 1
COMPLAINT BY Staff
WITNESSED BY Staff
DATE: 3-15-99

WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW: (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:30 A.M., March 15, 1999

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6245.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.049 Measuring Customer Service.

(1) - (4) No Change.

(5) (a) Individual electric metering by the utility shall be required for each separate occupancy unit of ~~new~~ commercial establishments, residential buildings, condominiums, cooperatives, marinas, and trailer, mobile home and recreational vehicle parks ~~for which construction is commenced after January 1, 1981~~. Individual electric meters shall not, however, be required:

1. For each separate occupancy unit of commercial establishments, residential buildings, condominiums, cooperatives, marinas, and trailer, mobile home and recreational vehicle parks for which construction commenced prior to January 1, 1981 and which are not currently individually metered.

21. In those portions of a commercial establishment where the floor space dimensions or physical configuration of the units are subject to alteration, as evidenced by non-structural element partition walls, unless the utility determines that adequate provisions can be made to modify the metering to accurately reflect such alterations;

32. For electricity used in central heating, ventilating and air conditioning systems, or electric back up service to storage heating and cooling systems;

43. For electricity used in specialized-use housing accommodations such as hospitals, nursing homes, living facilities located on the same premises as, and operated in conjunction with, a nursing home or other health care facility providing at least the same level and types of services as a nursing home, convalescent homes, facilities certificated under Chapter 651, Florida Statutes, college dormitories, convents, sorority houses, fraternity houses, motels, hotels, and similar facilities;

54. For separate, specially-designated areas for overnight occupancy at trailer, mobile home and recreational vehicle parks and marinas where permanent residency is not established.

65. For new and existing time-share plans, provided that all of the occupancy units which are served by the master meter or meters are committed to a time-share plan as defined in

Section 721, Florida Statutes, and none of the occupancy units are used for permanent occupancy. When a time-share plan is converted from individual metering to master metering, the customer must reimburse the utility for the costs incurred by the utility for the conversion. These costs shall include, but not be limited to, the undepreciated cost of any existing distribution equipment which is removed or transferred to the ownership of the customer, plus the cost of removal or relocation of any distribution equipment, less the salvage value of any removed equipment.

(b) No Change.

1. - (7) No Change.

Specific Authority 366.05(1), FS.

Law Implemented 366.05(3), FS.

History--Amended 7-29-69, 11-26-80, 12-23-82, 12-28-83, Formerly 25-6.49, Amended 7-14-87, 10-5-88, 3-23-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Reese Goad

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:

Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: February 2, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

October 30, 1998

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing,

if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

1 25-6.049 Measuring Customer Service.

2 (1) All energy sold to customers shall be measured by
3 commercially acceptable measuring devices owned and maintained by
4 the utility, except where it is impractical to meter loads, such as
5 street lighting, temporary or special installations, in which case
6 the consumption may be calculated, or billed on demand or connected
7 load rate or as provided in the utility's filed tariff.

8 (2) When there is more than one meter at a location the
9 metering equipment shall be so tagged or plainly marked as to
10 indicate the circuit metered. Where similar types of meters record
11 different quantities, (kilowatt-hours and reactive power, for
12 example), metering equipment shall be tagged or plainly marked to
13 indicate what the meters are recording.

14 (3) Meters which are not direct reading shall have the
15 multiplier plainly marked on the meter. All charts taken from
16 recording meters shall be marked with the date of the record, the
17 meter number, customer, and chart multiplier. The register ratio
18 shall be marked on all meter registers. The watt-hour constant for
19 the meter itself shall be placed on all watt-hour meters.

20 (4) Metering equipment shall not be set "fast" or "slow" to
21 compensate for supply transformer or line losses.

22 (5) (a) Individual electric metering by the utility shall be
23 required for each separate occupancy unit of ~~new~~ commercial
24 establishments, residential buildings, condominiums, cooperatives,
25 marinas, and trailer, mobile home and recreational vehicle parks

CODING: Words underlined are additions; words in
~~struck through~~ type are deletions from existing law.

1 ~~for which construction is commenced after January 1, 1981.~~

2 Individual electric meters shall not, however, be required:

3 1. For each separate occupancy unit of commercial establishments,
4 residential buildings, condominiums, cooperatives, marinas, and
5 trailer, mobile home and recreational vehicle parks for which
6 construction commenced prior to January 1, 1981 and which are not
7 currently individually metered.

8 2~~1~~. In those portions of a commercial establishment where the
9 floor space dimensions or physical configuration of the units are
10 subject to alteration, as evidenced by non-structural element
11 partition walls, unless the utility determines that adequate
12 provisions can be made to modify the metering to accurately reflect
13 such alterations;

14 3~~2~~. For electricity used in central heating, ventilating and air
15 conditioning systems, or electric back up service to storage
16 heating and cooling systems;

17 4~~3~~. For electricity used in specialized-use housing accommodations
18 such as hospitals, nursing homes, living facilities located on the
19 same premises as, and operated in conjunction with, a nursing home
20 or other health care facility providing at least the same level and
21 types of services as a nursing home, convalescent homes, facilities
22 certificated under Chapter 651, Florida Statutes, college
23 dormitories, convents, sorority houses, fraternity houses, motels,
24 hotels, and similar facilities;

25 54. For separate, specially-designated areas for overnight

CODING: Words underlined are additions; words in
~~struck through~~ type are deletions from existing law.

1 occupancy at trailer, mobile home and recreational vehicle parks
2 and marinas where permanent residency is not established.

3 65. For new and existing time-share plans, provided that all of
4 the occupancy units which are served by the master meter or meters
5 are committed to a time-share plan as defined in Section 721,
6 Florida Statutes, and none of the occupancy units are used for
7 permanent occupancy. When a time-share plan is converted from
8 individual metering to master metering, the customer must reimburse
9 the utility for the costs incurred by the utility for the
10 conversion. These costs shall include, but not be limited to, the
11 undepreciated cost of any existing distribution equipment which is
12 removed or transferred to the ownership of the customer, plus the
13 cost of removal or relocation of any distribution equipment, less
14 the salvage value of any removed equipment.

15 (b) For purposes of this rule:

16 1. "Occupancy unit" means that portion of any commercial
17 establishment, single and multi-unit residential building, or
18 trailer, mobile home or recreational vehicle park, or marina
19 which is set apart from the rest of such facility by clearly
20 determinable boundaries as described in the rental, lease, or
21 ownership agreement for such unit.

22 2. The construction of a new commercial establishment,
23 residential building, marina, or trailer, mobile home or
24 recreational vehicle park shall be deemed to commence on the
25 date when the building structure permit is issued.

CODING: Words underlined are additions; words in
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1 3. "Overnight Occupancy" means use of an occupancy unit for
2 a short term such as per day or per week where permanent
3 residency is not established.

4 4. The term "cost", as used herein means only those charges
5 specifically authorized by the electric utility's tariff,
6 including but not limited to the customer, energy, demand,
7 fuel, and conservation charges made by the electric utility
8 plus applicable taxes and fees to the customer of record
9 responsible for the master meter payments. The term does not
10 include late payment charges, returned check charges, the cost
11 of the distribution system behind the master meter, the cost
12 of billing, and other such costs.

13 (6) (a) Where individual metering is not required under
14 Subsection (5) (a) and master metering is used in lieu thereof,
15 reasonable apportionment methods, including sub-metering may be
16 used by the customer of record or the owner of such facility solely
17 for the purpose of allocating the cost of the electricity billed by
18 the utility.

19 (b) Any fees or charges collected by a customer of record for
20 electricity billed to the customer's account by the utility,
21 whether based on the use of sub-metering or any other allocation
22 method, shall be determined in a manner which reimburses the
23 customer of record for no more than the customer's actual cost of
24 electricity.

25 (7) Each utility shall develop a standard policy governing

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1 the provisions of sub-metering as provided for herein. Such policy
2 shall be filed by each utility as part of its tariffs. The policy
3 shall have uniform application and shall be nondiscriminatory.

4 Specific Authority: 366.05(1), F.S.

5 Law Implemented: 366.05(3), F.S.

6 History--Amended 7/29/69, 11/26/80, 12/23/82, 12/28/83, Formerly
7 25-6.49, Amended 7/14/87, 10/5/88, 3/23/97, _____.

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~~struck-through~~ type are deletions from existing law.

Rule 25-6.049
Docket No. 981104-EU

3

**STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE**

Amendment clarifies that Rule 25-6.049(5)(a) does not require individual metering for each separate occupancy unit of listed entities for which construction commenced prior to January 1, 1981 and which are not currently individually metered.

STATEMENT ON FEDERAL STANDARDS

There is no federal standard on the same subject.

MEMORANDUM

January 11, 1999

99 JAN 11 PM 12:22

TO: DIVISION OF APPEALS (BELLAK)

FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (HEWITT) *CBH* *10/1/99*

SUBJECT: STATEMENT OF ESTIMATED REGULATORY COSTS FOR DOCKET NO. 981104-EU, PROPOSED REVISIONS TO RULE 25-6.049, F.A.C., MEASURING CUSTOMER SERVICE

Currently, Rule 25-6.049, F.A.C., Measuring Customer Service, contains the requirement for individual electric metering of occupancy units in facilities where construction commenced after January 1, 1981.

The proposed rule amendment would clarify that the metering exception for occupancy units constructed prior to January 1, 1981, only applies to those facilities with existing master metering. The existing rule was not intended to allow conversion of a facility to master metering solely because construction commenced prior to January 1, 1981.

The Administrative Procedures Act encourages an agency to prepare a Statement of Estimated Regulatory Costs (SERC). However, because the proposed rule change would be for clarification purposes and because there should be no significant additional costs or negative impacts on utilities, small businesses, small cities, or small counties, a SERC will not be prepared for the proposed rule change.

Please keep my name on the CASR.

CBH:tf/e-memo99

cc: Mary Andrews Bane
Hurd Reeves
Reese Goad

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

4

In re: Proposed Amendment of
Rule 25.6.049, F.A.C., Measuring
Customer Service.

DOCKET NO. 981104-EU
ORDER NO. PSC-99-0281-NOR-EU
ISSUED: February 11, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-6.049, Florida Administrative Code, relating to measuring customer service.

The attached Notice of Rulemaking will appear in the February 19, 1999 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at the following time and place:

Florida Public Service Commission
9:30 a.m., Monday, March 15, 1999
Room 148, Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rule must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, no later than March 12, 1999.

ORDER NO. PSC-99-0281-NOR-EU
DOCKET NO. 981104-EU
PAGE 2

By ORDER of the Florida Public Service Commission, this 11th
day of February, 1999.

BLANCA S. BAYÓ, Director
Division of Records & Reporting

By: /s/ Kay Flynn
Kay Flynn, Chief
Bureau of Records

This is a facsimile copy. A signed
copy of the order may be obtained by
calling 1-850-413-6770.

(S E A L)

RCB

ORDER NO. PSC-99-0281-NOR-EU
DOCKET NO. 981104-EU
PAGE 4

DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW: (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:30 A.M., March 15, 1999

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:
Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6245.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.049 Measuring Customer Service.

(1)- (4) No Change.

(5)(a) Individual electric metering by the utility shall be required for each separate occupancy unit of ~~new~~ commercial establishments, residential buildings, condominiums, cooperatives, marinas, and trailer, mobile home and recreational vehicle parks ~~for which construction is commenced after January 1, 1981.~~

Individual electric meters shall not, however, be required:

1. For each separate occupancy unit of commercial establishments, residential buildings, condominiums, cooperatives, marinas, and trailer, mobile home and

recreational vehicle parks for which construction commenced prior to January 1, 1981 and which are not currently individually metered.

24. In those portions of a commercial establishment where the floor space dimensions or physical configuration of the units are subject to alteration, as evidenced by non-structural element partition walls, unless the utility determines that adequate provisions can be made to modify the metering to accurately reflect such alterations;

32. For electricity used in central heating, ventilating and air conditioning systems, or electric back up service to storage heating and cooling systems;

43. For electricity used in specialized-use housing accommodations such as hospitals, nursing homes, living facilities located on the same premises as, and operated in conjunction with, a nursing home or other health care facility providing at least the same level and types of services as a nursing home, convalescent homes, facilities certificated under Chapter 651, Florida Statutes, college dormitories, convents, sorority houses, fraternity houses, motels, hotels, and similar facilities;

54. For separate, specially-designated areas for overnight occupancy at trailer, mobile home and recreational vehicle

parks and marinas where permanent residency is not established.

65. For new and existing time-share plans, provided that all of the occupancy units which are served by the master meter or meters are committed to a time-share plan as defined in Section 721, Florida Statutes, and none of the occupancy units are used for permanent occupancy. When a time-share plan is converted from individual metering to master metering, the customer must reimburse the utility for the costs incurred by the utility for the conversion. These costs shall include, but not be limited to, the undepreciated cost of any existing distribution equipment which is removed or transferred to the ownership of the customer, plus the cost of removal or relocation of any distribution equipment, less the salvage value of any removed equipment.

(b) No Change.

1. - (7) No Change.

Specific Authority 366.05(1), FS.

Law Implemented 366.05(3), FS.

History--Amended 7-29-69, 11-26-80, 12-23-82, 12-28-83, Formerly 25-6.49, Amended 7-14-87, 10-5-88, 3-23-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Reese Goad

ORDER NO. PSC-99-0281-NOR-EU
DOCKET NO. 981104-EU
PAGE 7

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:

Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: February 2, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

October 30, 1998

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MOYLE, FLANIGAN, KATZ, KOLINS, RAYMOND & SHEEHAN, P.A.

ATTORNEYS AT LAW

210 South Monroe Street
Tallahassee, Florida 32301

Telephone: (850) 681-3828
Facsimile: (850) 681-8788

Other Offices:
West Palm Beach, FL
(561) 659-7900
Palm Beach Gardens, FL
(561) 625-6480

JON C. MOYLE, JR.
E-mail: jmoylejr@moylslaw.com

March 12, 1999

BY HAND DELIVERY

Blanca S. Bayo, Director
Records and Reporting
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Dear Ms. Bayo:

981104-EU

RECEIVED-FPSC
99 MAR 12 PM 12:46
RECORDS AND REPORTING

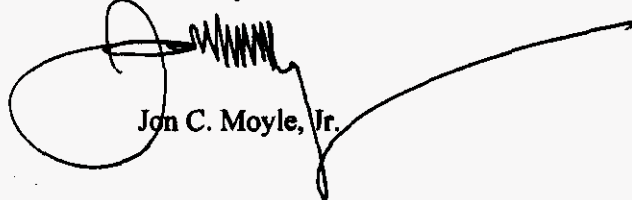
On behalf of my clients, Valencia Condominium Association and Point Management, Inc., I would like to request that a public hearing be conducted regarding the proposed changes to Rule 25-6.049, *Florida Administrative Code*, the Commission's master metering rule. Moreover, as a lower cost alternative to the proposed rule, my client would propose that the Commission not adopt the proposed rule. Indeed, in cases previously considered by this Commission (Redington Towers, Docket No. 971542-EI), filings were made which indicated that using a master meter as compared to individual metering resulted in lower costs to the end consumer. Your proposed rule amendment, which would not permit buildings constructed prior to 1981 to seek master metering, unduly imposes a higher regulatory cost on the regulated public. Furthermore, my clients request that a statement of estimated regulatory costs be prepared by the Commission regarding its proposed rule changes. There has been little justification or support as to how this proposed rule achieves the purposes of the law from which it purports to derive its rulemaking authority.

Additionally, on behalf of my clients, I would like to request that the Commission hold a workshop/hearing in the South Florida area, so that concerns about the proposed rule change can be voiced by those most likely affected. Many of these people find it difficult to travel to Tallahassee.

- ACK _____
- AFA _____
- APP 1
- CAF _____
- CMU _____
- CTR _____
- EAG 1
- LEG _____ JCM/jd
- LIN _____ ec: Rob Vandiver
- OR _____ David Smith
- RCH 1 (both by telefax)
- SEC 1
- WAS _____
- OTH eg to Hong

Thank you for your attention to this matter. If you have any questions or need additional information, please let me know.

Sincerely,



Jon C. Moyle, Jr.

RECEIVED & FILED
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
03187 MAR 12 99
FPSC-RECORDS/REPORTING