



Public Service Commission

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RECORDS AND REPORTING

DATE: APRIL 6, 2000

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

FROM: DIVISION OF APPEALS (BROWN) *MCB DES*
DIVISION OF CONSUMER AFFAIRS (JOHNSON *DEMELLO*)
DIVISION OF AUDITING AND FINANCIAL ANALYSIS (HEWITT) *CBH DM*

RE: DOCKET NO. 991651-PU - REVISION OF RULE 25-22.032, F.A.C.,
CUSTOMER COMPLAINTS

AGENDA: APRIL 18, 2000 - REGULAR AGENDA - RULE PROPOSAL - PARTIES
MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\APP\WP\991651.RCM

CASE BACKGROUND

This recommendation to propose major revisions to the Commission's customer complaint rule culminates a three-year process of internal evaluation and dialogue with industry and consumer representatives to develop improved ways to process and resolve consumer complaints. Through the combination of current telecommunications technology, regulatory incentives and streamlined informal dispute resolution, the rule revisions will expedite complaint handling at the Commission and at the regulated companies, in order to resolve consumer complaints effectively and efficiently. The proposed revisions are included as Attachment A. Since the rule as proposed is substantially reworded, the present rule is also attached, for the Commission's convenience.

As explained in more detail below, the proposed revisions to the rule encourage participation in the Commission's successful transfer-connect program, by which the Commission staff can connect

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a consumer directly with the utility for expedited handling of the customer's concerns without extensive intervention by the Commission. As an incentive to participate in the transfer-connect program, the rule provides an alternative process for resolving complaints that are not handled by transfer-connect. All complaints resolved by the transfer-connect companies within three days will not be reported in the total number of complaints shown for that company in the Commission Consumer Activity Report. The rule specifically states, however, that the Commission will retain the information for use in enforcement proceedings. The rule revisions also establish reporting requirements to track complaints handled through transfer-connect and the three day resolution process. The rules also correct inefficiencies in the informal conference process for complaints that cannot be resolved without Commission intervention. The revisions require the participants to clearly identify the issues in dispute and the relief requested.

The Commission has authority to implement these rule revisions pursuant to the specific rulemaking authority granted to the Commission by section 350.127, Florida Statutes, and the particular rulemaking provisions of Chapters 364, 366 and 367, Florida Statutes. The final language of the proposed rule revisions represents the work and compromise of representatives from each utility industry, the Public Counsel and Commission staff at two rule development workshops held November 19, 1999, and January 27, 2000.

ISSUE 1: Should the Commission propose the attached amendments to Rule 25-22.032, F.A.C., Customer Complaints?

RECOMMENDATION: Yes, the Commission should propose the attached amendments. (Johnson, DeMello, Brown)

STAFF ANALYSIS: The substantial revisions to Rule 25-22.032, Florida Administrative Code, establish customer complaint procedures that are designed to facilitate the efficient, effective and inexpensive resolution of disputes between regulated companies and their customers. In the analysis below, staff will describe and explain separately the major revisions to the rule; 1) transfer-connect, 2) three day complaint resolution, 3) informal conferences, and 4) reporting requirements.

The Transfer-Connect Program

The service being used by the Florida Public Service Commission is the AT&T Transfer Connect(sm) Service. It is an AT&T toll-free Advanced Feature that was made possible because of AT&T's Global Transaction Network architecture. AT&T Transfer Connect Service provides AT&T toll-free service customers, such as the Florida Public Service Commission, with the ability to activate a network-based toll-free call transfer to a utility having an AT&T toll-free number after a toll-free call has been answered on the Commission's AT&T number.

The Commission's Division of Consumer Affairs analysts use the service when consumers, who may not have contacted the company first, call the Commission's toll-free number. The complaint analysts can transfer the call to the utility company for handling if the company has an AT&T 800 number and subscribes to AT&T's call transfer service. The utility company pays for the call from the point of transfer until completion. At this time, AT&T is the only provider offering this specialized call transfer/billing service.

In May, 1996, the Commission conducted a pilot project with "call transfer" in South Florida when BellSouth had a change in the 305 area code. For this project the Commission used AT&T's "Transfer Connect Service" to transfer callers on a special toll-free number directly to toll-free lines staffed by BellSouth Telecommunications, Inc., supervisory-level employees. The "transfer connect service" enabled the Commission to transfer consumers to BellSouth representatives, who provided prompt assistance in resolving area code problems. Not only did this service provide a convenience to the consumer but it also saved the Commission time because complaint analysts did not have to relay the information to BellSouth and the Commission did not have to follow up with the consumer. In addition, the service allowed PSC staff the opportunity to spend more time on complaints needing in-depth analysis and investigation.

Because of the pilot's success, the Commission made the transfer connect program available to all utility companies. As of February 29, 2000, the following companies are participating in the transfer-connect program:¹

¹ By stipulation approved by the Commission, AT&T participates in the transfer-connect program for slamming complaints only.

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Florida Power & Light
BellSouth Telecommunications, Inc.
Florida Power Corporation
Florida Water Services
Sprint-Florida, Inc.
GTE Florida, Inc.
Tampa Electric Company
Excel Communications
NOS Communications
Intermedia Communications
MCI WorldCom Network Services, Inc.

On average approximately fifteen percent of the calls received through the Commission's 1-800 line are transferred to the companies. Attachment B shows the number of calls transferred to these companies from March 1, 1999, through March 31, 2000.

Rule 25-22.032 (3) codifies the transfer-connect program. In general, the companies, along with the Office of Public Counsel, (OPC) support the transfer-connect program. The companies' main objection was to staff's initial proposal that the transfer-connect program be mandatory for certain companies that met the regulatory threshold. Most of the companies that objected to the mandatory requirement argued that they received a small number of complaints filed with the Commission, and the economic impact of staffing a dedicated line for calls transferred from the Commission would outweigh the benefits because of the limited number of complaints. A few telecommunications companies objected to being required to purchase the transfer-connect service from their competitor, AT&T, and AT&T itself argued that its customer service sections were not set up to handle Florida complaints separately. AT&T did not believe it should have to reorganize its customer service departments to subscribe to transfer connect in Florida. The companies suggested that the program should be voluntary, and the companies themselves should decide whether or not it would be beneficial to them to participate.

Some of the concerns raised by the companies - specifically the concerns raised by smaller companies and those with low levels of complaints - are understandable and very reasonable. Staff agrees that the transfer-connect program should be voluntary, but with an additional indirect incentive to participate. Under subsection (4) of the customer complaint rule, described below, the companies that participate in the program will be able to resolve other customer complaints filed with the Commission without having those complaints recorded in the Commission Consumer Activity

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reports, if they are able to resolve the complaints within three days.

The transfer-connect program benefits consumers, the Commission staff, and the participating companies. It provides an expedited process to handle consumer concerns quickly and effectively. Companies that participate in this program will provide their customers with a higher level of service, because the transferred calls are typically handled by a more experienced group of company representatives who can successfully address and resolve their concerns. According to companies that participate in the transfer-connect program, they experience, on average, a 95 percent success rate in addressing the consumer's concerns the first time.

To the extent reasonably possible, all regulated companies should participate in transfer-connect, as many already do. Since the proposed rule revision does not make this program mandatory, tying participation in the three day resolution process to transfer-connect indirectly provides the incentive to participate.

The rule also provides that companies subscribing to this service shall, at a minimum, be available to handle transfer calls from 9:00 a.m. to 4:00 p.m. Eastern Standard Time, to coincide with the Commission's core hours. Because the Commission's toll-free line is operational from 8:00 a.m. to 5:00 p.m., the companies have been advised that complaints will be filed if a utility representative is not available to handle the transfer call.

In summary, staff believes that the Commission's successful transfer-connect program should be codified in the Commission's rules, and participation, while voluntary, should be strongly encouraged with indirect regulatory incentives.

Three-Day Complaint Resolution

Proposed Rule 25-22.032(4), provides that if companies subscribing to the Commission's transfer-connect system are able to resolve customer complaints within three days, those complaints will not be reported in the total number of complaints shown for that company in the Commission Consumer Activity Report. At the companies' suggestion, a complaint will be considered "resolved" if the company and the customer indicate that the problem complained of has been corrected, or the company and the customer indicate that they have agreed on a plan to correct the problem.

If a customer complaint cannot be resolved within three days, the Commission's usual complaint process, outlined in subsections

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(5), (6), and (7), will apply, and the complaint will be included in the Commission's Consumer Activity Report.

The purpose of the three-day resolution process is to encourage companies to resolve their customer complaints quickly. Generally all companies and OPC support the rule. At the rule development workshops and in written comments, several companies suggested that the Commission should apply this process to all customer complaints resolved within five days. They argued that a five day period would encompass more types of complaints -- like tree-trimming or line repair work -- that may not be capable of resolution in three days. A few companies also suggested that the process should not be limited to the companies participating in the transfer-connect program.

Staff recommends that the expedited resolution process should be limited to complaints resolved within three days. This process is not designed to reduce Commission oversight of complaint resolution, which staff believes would be the result if the time period were extended. The rule is simply designed to encourage the companies to resolve less complicated complaints quickly in order that the Commission and the companies can concentrate on the more difficult consumer problems. Furthermore, the rule's definition of a "resolved" complaint to include an agreed plan for resolution should cover complaints that cannot be fully corrected in three days.

Staff also recommends that the three-day resolution process should only be available to companies subscribing to transfer-connect. The three-day process with limited Commission complaint reporting contains the regulatory incentive to participate and expedite complaints. The voluntary transfer-connect process, however, does not. Without the three-day process, there is no incentive for unwilling companies to participate unless the Commission mandates transfer-connect.

Informal Conferences

The proposed revisions to the Commission's "Informal Conference" procedures, Rule 25-22.032, subsections (8), (9) and (10), will provide for expedited handling of such consumer requests. The revisions provide that the company and the consumer address certain questions prior to staff approving an informal conference request. The rule includes time lines within which the customer and company must respond to the Commission. The rule incorporates an Informal Conference Form to be sent to the customer and the company when a request for an informal conference is made.

The form requires that the participants provide statements describing the facts of the complaint, the issues to be resolved, and the type of relief requested. Further, the rule requires that this information be returned to the Commission within fifteen days after the request for an informal conference has been received.

In general, the companies support the proposed revisions regarding the informal conference process. Some companies proposed that additional time limits be implemented in an effort to further expedite the informal conference process. Staff believes, however, that additional time limits would hinder the informal conference process and remove the flexibility in scheduling needed by staff or the consumer. Typically, informal conferences are held at the request of consumers who are not generally familiar with Florida Administrative law and the regulatory process. Staff believes that it is important to offer consumers some leeway throughout this process. The informal conference needs some structure, but it is intended to be informal and flexible.

Additionally, some companies proposed that the rule amendment include language addressing how informal conferences should be held. These companies proposed that all parties participate via the same medium, i.e., all by phone, all in person, all through video teleconference. Again, staff believes that the mechanism by which an informal conference is held should remain flexible. Staff makes every effort to ensure that all parties are participating via the same medium; however, occasionally events arise that make this request difficult to accommodate.

In summary, staff believes that the proposed rule amendment will assist in expediting informal conference requests by clearly identifying the issues to be resolved and the remedy requested.

Record Retention and Auditing

Proposed Rule 25-22.032 (11) addresses reporting requirements for utility companies. The rule requires companies to retain any notes or documentation relating to complaints filed with the Commission for at least two years. The rule also requires that companies participating in the transfer-connect program and the three-day resolution process file monthly reports with the Commission.

The monthly transfer-connect report will include the number of calls handled, a brief description of the complaint, and whether the consumer's concerns were addressed. The monthly three day resolution report will indicate the number of complaints handled

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under this process, the complaint category, and whether the complaint was resolved.

The companies support the record retention and reporting requirements. Initially, staff proposed that the companies maintain notes on complaints for at least three years. The telecommunication companies objected to that requirement because it exceeded the requirement by the Federal Communications Commission (FCC). Staff believes that a two year requirement will accomplish the intent of the rule amendment, in that records will be retained and made available for Commission review and enforcement purposes.

Statement of Estimated Regulatory Costs

At the rule development workshops and in written comments the companies indicated that they did not believe that the Commission needed to prepare a Statement of Estimated Regulatory Costs for the customer complaint rule revisions. Generally the companies participating in the transfer-connect program indicated that while there were costs associated with participation in the program, there were considerable cost savings through reduced time and paperwork associated with responding to the Commission about complaints. The companies also expect similar reduced costs from the three-day resolution process. Attachment C is a memo from staff of the Commission's Auditing and Financial Analysis Division indicating their belief that a Statement of Estimated Regulatory Costs is not needed at this time.

Conclusion

Staff recommends that the proposed revisions to the Customer Complaint rule will produce increased efficiency in addressing customer complaints by the Commission and by the regulated companies. All participants in this rulemaking recognize that the implementation of this rule will determine its success. Staff has organized an informal Implementation Working Group to address practical issues of coordination, reporting, technological enhancements and similar matters. The group has met once, and another meeting is scheduled for April 19, 2000. OPC and representatives from all the industries are participating, as are staff members from the technical divisions and the Bureau of Information Processing.

ISSUE 2: Should this docket be closed?

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RECOMMENDATION: Yes, if no requests for hearing or comments are filed, the rule amendments as proposed should be filed for adoption with the Secretary of State and the docket be closed.

STAFF ANALYSIS: Unless comments or requests for hearing are filed, the rules as proposed may be filed with the Secretary of State without further Commission action. The docket may then be closed.

MCB

Attachments

1 (Substantial rewording of Rule 25-22.032 follows. See Florida
2 Administrative Code for present text.)

3 25-22.032 Customer Complaints.

4 1. Intent; Application and Scope.

5 It is the Commission's intent that disputes between regulated
6 companies and their customers be resolved as quickly, effectively,
7 and inexpensively as possible. This rule establishes informal
8 customer complaint procedures that are designed to accomplish that
9 intent. This rule applies to all companies regulated by the
10 Commission. It provides for expedited processes for customer
11 complaints that can be resolved quickly by the customer and the
12 company without extensive Commission participation. It also
13 provides a process for informal Commission resolution of complaints
14 that cannot be resolved by the company and the customer.

15 (2) Any customer of a Commission regulated company may file
16 a complaint with the Division of Consumer Affairs whenever the
17 customer has an unresolved dispute with the utility regarding
18 electric, gas, telephone, water, or wastewater service. The
19 complaint may be communicated orally or in writing. The complaint
20 shall include the name of the company against which the complaint
21 is made, the name of the customer of record, and the customer's
22 service address. Upon receipt of the complaint, a staff member
23 will determine if the customer has contacted the utility and, if
24 the customer agrees, will put the customer in contact with the
25 company for resolution of the complaint using the transfer-connect

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1 system described in subsection(3), or by other appropriate means if
2 the company does not subscribe to the transfer-connect system. If
3 the customer does not agree to be put in contact with the company,
4 for those companies subscribing to the transfer-connect system, the
5 staff member will submit the complaint to the company for
6 resolution in accordance with the three-day complaint resolution
7 process set forth in subsection (4). For those companies not
8 subscribing to the transfer-connect system, the staff member will
9 submit the complaint to the company for resolution in accordance
10 with the provisions of subsection (5).

11 (3) Transfer-connect system.

12 (a) Each company subject to regulation by the Commission may
13 provide a transfer-connect (warm transfer) telephone number by
14 which the Commission may directly transfer a customer to that
15 company's customer service personnel. When the transfer is
16 complete, any further charges for the call shall be the
17 responsibility of the company and not the Commission or the
18 customer. Each company that subscribes to the transfer connect
19 system must provide customer service personnel to handle
20 transferred calls during the company's normal business hours and at
21 a minimum from Monday through Friday, 9:00 A.M to 4:00 P.M.,
22 Eastern time, excluding all holidays observed by the company.

23 (4) Complaints resolved within three (3) days.

24 Companies that subscribe to the transfer-connect system may
25 resolve customer complaints within three days in the following

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1 manner:

2 (a) The Commission staff member handling the complaint will
3 forward a description of the complaint to the company for response
4 and resolution. The three day period will begin at 5:00 p.m. on
5 the day the information is sent to the company and end at 5:00 p.m.
6 on the third day, excluding weekends and holidays. If the company
7 satisfactorily resolves the complaint, the company shall notify the
8 staff member of the resolution.

9 (b) The Commission will contact the customer to confirm that
10 the complaint has been resolved. If the customer confirms that the
11 complaint has been resolved, the complaint will not be reported in
12 the total number of complaints shown for that company in the
13 Commission Consumer Complaint Activity Report. However, the
14 Commission will retain the information for use in enforcement
15 proceedings, or for any other purpose necessary to perform its
16 regulatory obligations.

17 (c) If the customer informs the Commission staff member that
18 the complaint has not been resolved, the Commission will notify the
19 company and require a full report as prescribed in subsection (5).

20 (d) For purposes of this subsection a complaint will be
21 considered "resolved" if the company and the customer indicate that
22 the problem has been corrected, or the company and the customer
23 indicate that they have agreed to a plan to correct the problem.

24 (5) Complaints not resolved within three days.

25 If the customer does not agree to contact the company

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1 directly, if the customer is not satisfied with the company's
2 proposed resolution of the complaint, or if the company does not
3 subscribe to the transfer-connect system, a Commission staff member
4 will investigate the complaint and attempt to resolve the dispute
5 in the following manner:

6 (a) The staff member will notify the company of the complaint
7 and request a response. The company shall provide its response to
8 the complaint within fifteen (15) working days. The response shall
9 explain the company's actions in the disputed matter and the extent
10 to which those actions were consistent with applicable statutes and
11 regulations. The response shall also describe all attempts to
12 resolve the customer's complaint.

13 (b) The staff member investigating the complaint may request
14 copies of bills, billing statements, field reports, written
15 documents, or other information in the participants' possession
16 that may be necessary to resolve the dispute. The staff member may
17 perform, or request the company to perform, any tests, on-site
18 inspections, and reviews of company records necessary to aid in the
19 resolution of the dispute.

20 (6) During the complaint process, a company shall not
21 discontinue service to a customer because of any unpaid disputed
22 bill. However, the company may require the customer to pay that
23 part of a bill which is not in dispute. If the company and the
24 customer cannot agree on the amount in dispute, the staff member
25 will make a reasonable estimate to establish an interim disputed

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1 amount until the complaint is resolved. If the customer fails to
2 pay the undisputed portion of the bill the company may discontinue
3 the customer's service pursuant to Commission rules.

4 (7) The staff member will propose a resolution of the
5 complaint based on the information provided by all participants to
6 the complaint and applicable statutes and regulations. The
7 proposed resolution may be either oral or written. Upon request,
8 either participant shall be entitled to a written copy of the
9 proposed resolution.

10 (8) Informal Conference. If a participant objects to the
11 proposed resolution the participant may request an informal
12 conference on the complaint.

13 (a) The request for an informal conference shall be in
14 writing and filed with the Division of Consumer Affairs within 30
15 days after the proposed resolution is sent to the participants.

16 (b) When the request for an informal conference is received,
17 the Director of the Division of Consumer Affairs will assign a
18 Commission staff member to process the request for an informal
19 conference. The staff member will advise the participants to
20 complete Form X (PSC/CAF Form X), incorporated by reference herein,
21 and return the form to the Commission within fifteen (15) days. A
22 copy of Form X may be obtained from the Division of Consumer
23 Affairs. At a minimum, the participants shall provide the
24 following information on the form:

25 1. A statement describing the facts that give rise to the

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1 complaint;

2 2. A statement of the issues to be resolved; and

3 3. A statement of the relief requested.

4 The informal conference shall be limited to the complaint and the
5 statement of facts and issues identified by the participants in the
6 form. The Commission staff will notify the requesting participant
7 that the request for an informal conference will be denied if the
8 requesting participant's form is not received within the 15 days.

9 (c) The Director of the Division will review the statements
10 and either appoint a staff member to conduct the informal
11 conference, or make a recommendation to the Commission for
12 dismissal based on a finding that the complaint states no basis
13 upon which relief may be granted.

14 (d) If a conference is granted, the staff member appointed to
15 conduct the conference shall not have participated in the
16 investigation or proposed resolution of the complaint.

17 (e) After consulting with the participants, the staff member
18 will send a written notice to the participants setting forth the
19 unresolved issues, the procedures to be followed at the informal
20 conference, the dates by which written materials are to be filed,
21 and the time and place for the conference. The conference may be
22 held by telephone conference, video teleconference, or in person,
23 no sooner than ten days following the notice.

24 (f) At the conference, the participants shall have the
25 opportunity to present information, orally or in writing, in

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1 support of their positions. During the conference, the staff
2 member may encourage the parties to resolve the dispute. The
3 Commission will be responsible for tape-recording, but not
4 transcribing, the informal conference. A participant may arrange
5 for transcription at his own expense.

6 (g) The staff member may permit any participant to file
7 additional information, documentation, or arguments. The opposing
8 participant shall have an opportunity to respond.

9 (h) If a settlement is not reached within 20 days following
10 the informal conference or the last post-conference filing,
11 whichever is later, the staff member shall submit a recommendation
12 to the Commission for consideration at the next available Agenda
13 Conference. Copies of the recommendation shall be sent to the
14 participants.

15 (i) If the Director denies the request for an informal
16 conference, the participants shall be notified in writing. Within
17 20 days of giving notice, the staff shall submit a recommendation
18 for consideration at the next available Agenda Conference. Copies
19 of the recommendation shall be sent to the participants.

20 (j) The Commission will address the matter by issuing a
21 notice of proposed agency action or by setting the matter for
22 hearing pursuant to section 120.57, Florida Statutes.

23 (9) At any point during the complaint proceedings, a
24 participant has the right to be represented by an attorney or other
25 qualified representative. For purposes of this rule a qualified

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1 representative may be any person the party chooses, unless the
2 Commission sets the matter for hearing. If the Commission sets the
3 matter for hearing, the participants may be represented by an
4 attorney or a qualified representative as prescribed in Rule 28-
5 106.106, Florida Administrative Code, or may represent themselves.
6 Each participant shall be responsible for his own expenses in the
7 handling of the complaint.

8 (10) At any time the participants may agree to settle their
9 dispute. If a settlement is reached, the participants or their
10 representatives shall file with the Division of Consumer Affairs a
11 written statement to that effect. The statement shall indicate
12 that the settlement is binding on both participants, and that the
13 participants waive any right to further review or action by the
14 Commission. If the complaint has been docketed, the Division of
15 Consumer Affairs shall submit the settlement to the Commission for
16 approval. If the complaint has not been docketed, the Division
17 will acknowledge the statement of settlement by letter to the
18 participants.

19 (11) Record retention and auditing.

20 (a) All companies shall retain any notes or documentation
21 relating to each Commission complaint for two years, beginning
22 when the complaint was first received.

23 (b) All companies shall file with the Commission, beginning
24 60 days after the effective date of this rule and monthly
25 thereafter, a report that summarizes the following information for

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1 the preceding calendar month:

2 1. The total number of calls handled via transfer connect,
3 including the customer's name, a brief description of the
4 complaint, and whether or not the complaint was addressed;

5 2. The number of complaints handled under the three day
6 complaint resolution procedure; and whether the complaint was
7 resolved.

8 (c) The Commission shall have access to all such records for
9 audit purposes.

10 Specific Authority 350.127(2), 364.19, 364.0252, 366.05, 367.121,
11 FS.

12 Law Implemented 364.01, 364.0252, 364.03(1), 364.183, 364.185,
13 364.15, 364.19, 364.337(5), 366.03, 366.04, 366.05, 367.011,
14 367.111, 367.121, 120.54, 120.569, 120.57, 120.573, FS.

15 History--New 01-03-89, Amended 10-28-93.

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1 25-22.032 Customer Complaints.

2 (1) Any customer of a utility regulated by this Commission
3 may file a complaint with the Division of Consumer Affairs whenever
4 he has an unresolved dispute with the utility regarding his
5 electric, gas, telephone, water, or wastewater service. The
6 complaint may be communicated orally or in writing. Upon receipt
7 of the complaint a staff member designated by the Director of the
8 Division shall notify the utility of the complaint and request a
9 response. The response should explain the utility's actions in the
10 disputed matter and the extent to which those actions were
11 consistent with the utility's tariffs and procedures, applicable
12 state laws, and Commission rules, regulations, and orders.

13 (2) The designated staff member shall investigate the
14 complaint and attempt to resolve the dispute informally. To that
15 end, the staff member may request the parties to provide copies of
16 bills, billing statements, field reports, written documents, or
17 other information in their possession which may be necessary to
18 resolve the dispute. The staff member may perform such tests,
19 on-site inspections, and reviews of utility records as he considers
20 appropriate and may request the utility to collect data and to
21 perform tests which are necessary to aid in the resolution of the
22 dispute.

23 (3) As soon as possible the staff member shall propose a
24 resolution of the complaint based on his findings, applicable state
25 laws, the utility's tariffs, and Commission rules, regulations, and

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1 orders. The proposed resolution may be communicated to the parties
2 orally or in writing. Upon request, either party shall be entitled
3 to a written copy of the proposed resolution, which shall be
4 delivered by first-class mail.

5 (4) If a party objects to the proposed resolution, he may
6 file a request for an informal conference on the complaint. The
7 request shall be in writing and should be filed with the Division
8 of Consumer Affairs within 30 days after the proposed resolution is
9 mailed or personally communicated to the parties. Upon receipt of
10 the request the Director of the Division may appoint a staff member
11 to conduct the informal conference or the Director may make a
12 recommendation to the Commission for dismissal based on a finding
13 that the complaint states no basis for relief under the Florida
14 Statutes, Commission rules or orders, or the applicable tariffs.
15 If a conference is granted the appointed staff member shall have
16 had no prior contact with the complaint. After consulting with the
17 parties, the appointed staff member shall issue a written notice to
18 the parties setting forth the procedures to be employed, the dates
19 by which written materials are to be filed, and the time and place
20 for the informal conference, which shall be held in the service
21 area, or such other convenient location to which the parties agree,
22 no sooner than 10 days following the notice.

23 (5) In conjunction with conducting the informal conference,
24 the appointed staff member may:

25 (a) Require the utility to provide any information in its

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1 possession which may be relevant to the complaint and may specify
2 the form in which such information is to be provided;

3 (b) Request a customer to provide any information in the
4 customer's possession which is necessary to prove any facts the
5 customer may assert in support of his position;

6 (c) Direct the utility to conduct meter tests and
7 inspections, diversion of service inspections, and other tests the
8 appointed staff member deems necessary or appropriate;

9 (d) Question the parties directly regarding all matters
10 related to the case.

11 (6) At the conference, the parties shall have the opportunity
12 to present information, orally or in writing, in support of their
13 positions. During the conference, the appointed staff member may
14 encourage the parties to discuss and resolve their dispute. The
15 Commission shall be responsible for tape-recording, but not
16 transcribing, the informal conference. A party may arrange for
17 transcription at his own expense.

18 (7) The appointed staff member may permit any party to file,
19 following the conference, further information, documentation, or
20 arguments. The opposing party shall have an opportunity to file a
21 response.

22 (8) If a settlement is not reached, then within 20 days
23 following the informal conference or the last post-conference
24 filing, the appointed staff member shall submit a recommendation to
25 the Commission and shall mail copies of the recommendation to the

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1 parties. The Commission shall dispose of the matter at the next
2 available agenda conference by issuing a notice of proposed agency
3 action or by setting the matter for hearing pursuant to section
4 120.57, Florida Statutes. The Commission may permit the parties to
5 respond to the recommendation at the agenda conference.

6 (9) At any point during the complaint proceedings, a party
7 has the right to be represented by an attorney or other qualified
8 representative. For purposes of this rule a qualified
9 representative may be any person the party chooses, unless the
10 Commission sets the matter for hearing. At such hearing the
11 parties must be represented by an attorney or Class B practitioner
12 as provided for in Rule 25-22.008 or may represent themselves.
13 Each party shall be responsible for his own expenses in the
14 handling of the complaint.

15 (10) During the pendency of the complaint proceedings, a
16 utility shall not discontinue service to a customer because of an
17 unpaid disputed bill. However, the utility may require the
18 customer to pay that part of a bill which is not in dispute. If
19 the parties cannot agree as to the amount in dispute, the staff
20 member will make a reasonable estimate to establish an interim
21 disputed amount until the complaint is resolved. If the customer
22 fails to pay the undisputed portion of the bill the utility may
23 discontinue the customer's service pursuant to Commission rules.

24 (11) At any time the parties may agree to settle their
25 dispute. If a settlement is reached, the parties or their

CODING: Words underlined are additions; words in ~~struck~~
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1 representatives shall file with the Division of Consumer Affairs a
2 written statement to that effect. The statement shall indicate
3 that the settlement is binding on both parties and that the parties
4 waive any right to further review or action by the Commission. The
5 Division shall, if the complaint has been docketed, submit the
6 statement to the Commission for approval. If the complaint has not
7 been docketed, then the Division shall acknowledge the statement of
8 settlement by letter to the parties.

9 **Specific Authority:** 350.127(2), F.S.

10 **Law Implemented:** 120.57, 120.569, 364.035, 366.041, 366.07,
11 367.121, F.S.

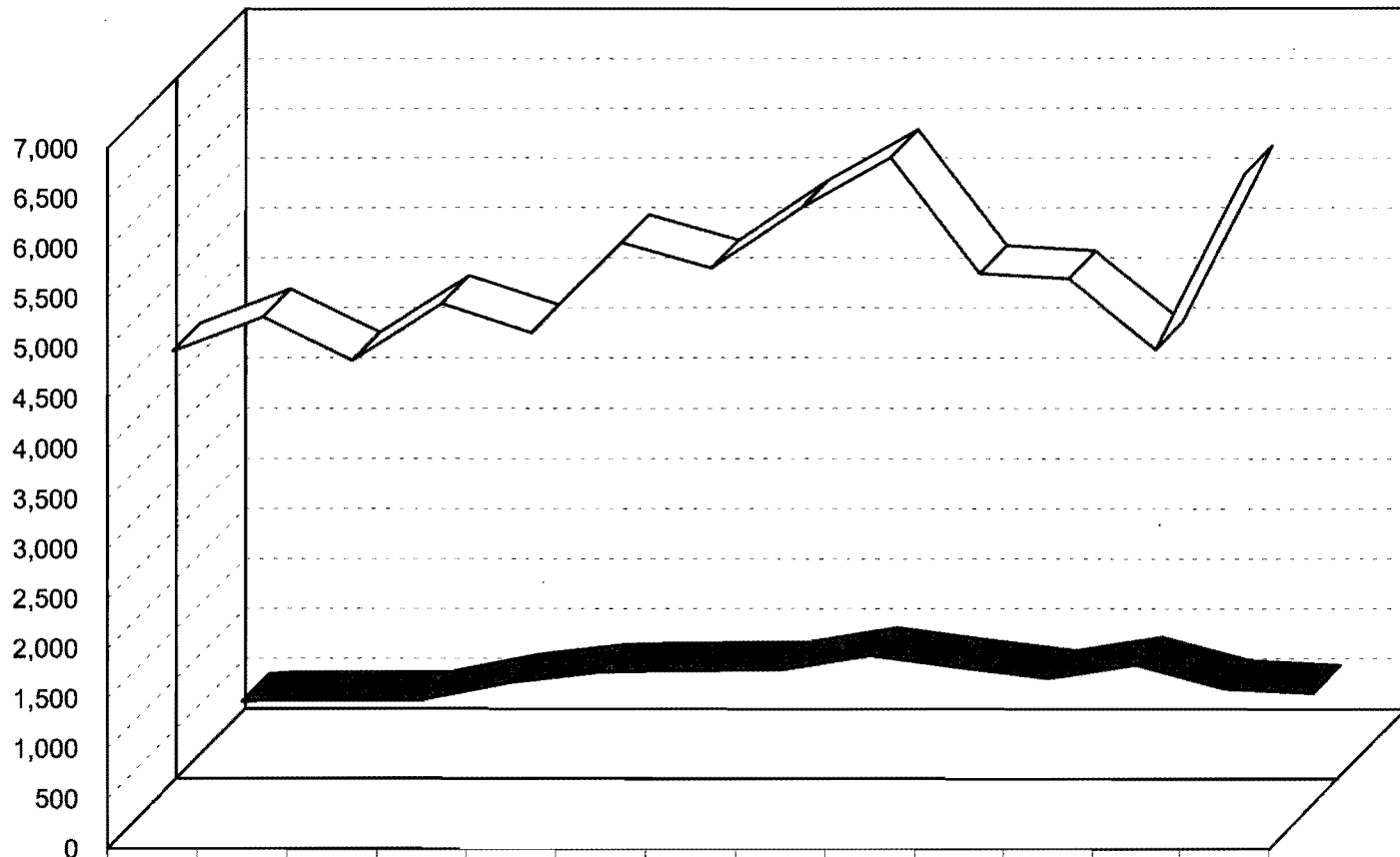
12 **History:** New 1/3/89, Amended 10/28/93.

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Warm Transfers

March 1999 - March 2000



	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
					99							00	
Calls Answered	4,756	5,096	4,666	5,228	4,940	5,841	5,585	6,186	6,692	5,530	5,479	4,771	6,537
Transferred to Companies	556	615	574	750	851	870	874	1,019	901	791	925	689	642

Call Transfer Percentages

Mar 99	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan 00	Feb	Mar
11%	11%	13%	11%	17%	15%	16%	16%	13%	14%	17%	14%	10%

MEMORANDUM

March 30, 2000

TO: DIVISION OF APPEALS (BROWN)

FROM: DIVISION OF AUDITING AND FINANCIAL ANALYSIS (HEWITT) *BA P.M. 7:22*

SUBJECT: STATEMENT OF ESTIMATED REGULATORY COSTS FOR DOCKET NO. 991651-PU, PROPOSED REVISION OF RULE 25-22.032, F.A.C., CUSTOMER COMPLAINTS

Proposed Revision of Rule 25-22.032, F.A.C., Customer Complaints is intended to ensure that the disputes between customers and Commission regulated companies are resolved quickly. If disputes can not be resolved quickly, a process would be provided for an informal Commission resolution of complaints that the company can not resolve. Each company may provide a warm transfer telephone number so that a customer calling the Commission to complain can be directly transferred to the company.

The warm transfer costs reported by the companies would be a minimal one time charge for initial sign-up of around \$200 and monthly charges of \$75 to \$250. Florida Power & Light (FPL) said that its fully loaded costs for a transfer-connect call was \$57. This cost was based on a study using 1998 costs for the "Billing" type inquiries. However, FPL would have no incremental costs due to the proposed rule change since it already has a warm transfer system.

The Administrative Procedures Act encourages an agency to prepare a Statement of Estimated Regulatory Costs (SERC). However, a warm transfer system would be voluntary and add only insignificant additional costs and minor negative impacts on utilities, small businesses, small cities, or small counties. Therefore, a SERC will not be prepared for the proposed rule at this time. Please keep my name on the CASR.

cc: Mary Andrews Bane
Hurd Reeves
Pam Johnson
cmplmem.cbh

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FLORIDA PUBLIC SERVICE COMM.
DIVISION OF APPEALS