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STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL  
S. CURTIS KISER  
GENERAL COUNSEL  
(850) 413-6199

Public Service Commission

October 23, 2012

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12 OCT 23 AM 9:19  
COMMISSION  
CLERK

Kenneth J. Plante, Coordinator  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 W. Madison Street  
Tallahassee, Florida 32399-1400

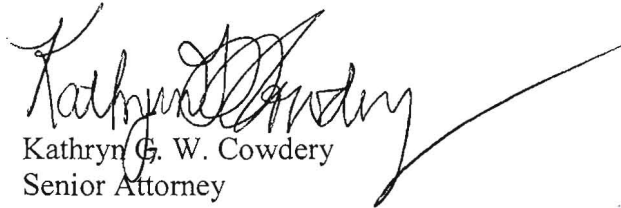
Re: Docket No. 110313-PU - Rules 25-7.059 and 25-7.071, F.A.C.

Dear Mr. Plante:

Enclosed is the notice of change, which was published in the Florida Administrative Register on October 23, 2012, and the statement of changes for proposed Rule 25-7.059 and 25-7.071, F.A.C.

We plan to file the rule for adoption on November 13, 2012.

Sincerely,

  
Kathryn G. W. Cowdery  
Senior Attorney

Enclosure

cc: Office of Commission Clerk

DOCUMENT NUMBER: 110313-PU  
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FPSC-COMMISSION CLERK

## Notice of Change/Withdrawal

### PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-7.059: Use of Meters

25-7.071: Measuring Customer Service

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38 No. 30, July 27, 2012 issue of the Florida Administrative Register.

The changes have been made to the proposed rules to address comments made by the staff of the Joint Administrative Procedures Committee. Docket No. 110313-PU

Subsections (1), (2), and (3) of Rule 25-7.059 are changed as follows:

- (1) All gas sold by a utility and all gas consumed by the utility shall be metered except in case of emergency, ~~or when otherwise authorized by the Commission.~~
- (2) ~~Unless otherwise authorized by the Commission,~~ Each utility shall provide and install at its own expense and shall continue to own, operate, and maintain all equipment necessary for the pressure control and measurement of gas to its customers.
- (3) Prepayment meters shall not be used, ~~except where otherwise authorized by the Commission.~~

Subsection (3)(a) of Rule 25-7.071 is changed as follows:

(3)(a) Where individual metering is not required under subparagraph (2)(a)3. and master metering is used in lieu thereof, sub-metering may be used by the customer of record/owner of such facility solely for the purpose of allocating the cost of the gas billed by the utility. The term "cost", as used herein represents only those charges specifically authorized by the gas utility's tariff including but not limited to the customer, energy, purchased gas adjustment, and conservation charges made by the gas utility plus applicable taxes and fees to the customer of record responsible for the master meter payments. The term cannot be construed to include late payment charges, returned check charges, the cost of the distribution system behind the master meter, or the cost for billing, ~~and other such costs.~~

## STATEMENT OF CHANGES

The Commission published its Notice of Proposed Rulemaking in the July 27, 2012, Florida Administrative Weekly. By letter dated August 14, 2012, the staff of the Joint Administrative Procedures Committee (JAPC) provided comments on proposed Rules 25-7.059 and 25-7.071.

JAPC staff commented on language in subsections (1), (2), and (3) of Rule 25-7.059, which set forth requirements to be followed by utilities except as otherwise authorized by the Commission. JAPC staff indicated that the “otherwise authorized by the Commission” phrases do not set forth criteria governing the circumstances under which the Commission would provide such authorization or what such authorization would entail. JAPC staff stated that because of this, the rule is vague, fails to establish adequate standards for the Commission’s decisions and vests unbridled discretion in the Commission. In addition, JAPC staff commented on language in subsection (3)(a) of Rule 25-7.071 which defines the term “cost” with regard to allocating the cost of gas billed by a utility in situations where master metering is used. JAPC staff questioned the meaning of the phrase “other such costs” in subsection (3)(a). At its October 16, 2012 agenda conference, the Commission voted to delete the phrases “otherwise authorized by the Commission” from subsections (1), (2), and (3) of Rule 25-7.059 and to delete the phrase “other such costs” from subsection (3)(a) of Rule 25-7.071.