

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION
CLERK

DATE: January 23, 2014

TO: Office of Commission Clerk (Stauffer)

FROM: Office of the General Counsel (Tan) *AT TW*
Division of Economics (King) *2 ED RR J.W.D.*

RE: Docket No. 120275-EI – Formal petition of complaint against Tampa Electric Company, for discrimination against customers in their Energy Planner program, by Curtis Brown.

Docket No. 130064-EI – Formal petition of complaint against Tampa Electric Company, for violation of Commission Rule 25-6.100 regarding billing, by Curtis Brown.

AGENDA: 02/04/14 – Regular Agenda – Proposed Agency Action for Issue 2 – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Brown (120275-EI)
Balbis (130064-EI)

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

Case Background

Docket No. 120275-EI – Formal petition of complaint against Tampa Electric Company, for discrimination against customers in their Energy Planner program, by Curtis Brown.

On June 4, 2012, Mr. Curtis Brown opened complaint #1066179E against Tampa Electric Company (TECO). After moving to a new address, Mr. Brown alleged that he attempted to

continue the Energy Planner Program¹ that he participated in at his previous address but was denied. Mr. Brown was informed that the Energy Planner Program was not compatible with his new housing type, a multi-family dwelling, and therefore not available to him. Mr. Brown argued that the Energy Planner Program should be available to customers in multi-family dwellings. During the complaint process, Mr. Brown was informed that TECO was testing a replacement technology that would accommodate multi-family dwellings, which was anticipated to be available in August or September of 2012. TECO placed Mr. Brown on a priority list for installation of the Energy Planner Program once available. On June 28, 2012, complaint #1066179E was closed by staff upon mailing of a resolution letter.

On October 29, 2012, Mr. Brown filed a one-page petition, requesting a docket be opened against TECO for discrimination against customers in their Energy Planner Program. He stated that the Energy Planner Program is available only to customers with single family dwellings. Mr. Brown argued that the ability to conserve energy and to save money on electricity bills should be made available equally to all customers.

On November 16, 2012, TECO filed a letter acknowledging Mr. Brown's October filing, stating that the company continues to work with Mr. Brown regarding the application of the Energy Planner Program to multi-family dwellings. On April 11, 2013, staff held a conference call with Mr. Brown and representatives from TECO to discuss both dockets.

On June 26, 2013, TECO stated in a letter that the company successfully installed the Energy Planner Program at Mr. Brown's residence. On August 27, 2013, staff sent an email and a letter to Mr. Brown (Attachment A) requesting confirmation of the successful installation of the Energy Planner Program at his dwelling and inquiring if his complaint may be closed. To date, Mr. Brown has not responded to staff.

Docket No. 130064-EI - Formal petition of complaint against Tampa Electric Company, for violation of Commission Rule 25-6.100, F.A.C. regarding billing, by Curtis Brown.

On March 18, 2013, Mr. Brown filed a one page letter requesting a new docket be opened to address TECO's alleged violation of Rule 25-6.100, Florida Administrative Code (F.A.C.). Mr. Brown argues that the rule requires that customers' bills list the locations where surcharge-free payments can be made by customers.

On March 21, 2013, TECO filed a response to Mr. Brown's petition. TECO argues that Mr. Brown misinterpreted Rule 25-6.100, F.A.C., and that the rule only requires utilities to include toll-free numbers that customers can call to obtain bill pay locations, not the actual locations. TECO stated that its bills identify payment options which include Customer Care toll-free numbers that provide a listing of payment locations upon request. The payment location information includes locations where no surcharge is applicable.

¹ The Commission approved the Energy Planner Program as a pilot program by Order No. PSC-05-0181-PAA-EG, issued February 16, 2005, in Docket No. 040033-EG, In re: Petition for approval of numeric conservation goals by Tampa Electric Company and approved the program as a permanent program by Order No. PSC-07-0740-TRF-EG, issued September 17, 2007, in Docket No. 070056-EG, In re: Petition for approval of extension and permanent status of price responsive load management pilot program, by Tampa Electric Company.

Docket Nos. 120275-EI, 130064-EI

Date: January 23, 2014

In staff's August 27, 2013, letter and email, staff also addressed Mr. Brown's allegation of TECO's violation of Rule 25-6.100, F.A.C. Staff stated in the letter that it did not believe that TECO was in violation of the rule. Staff requested a response if there were any further issues to address in the docket. Staff has not received any response to date.

The Commission has jurisdiction over this matter pursuant to Chapter 366, Florida Statutes (F.S.). The Commission handles consumer complaints pursuant to Rule 25-22.032, F.A.C., and formal complaints pursuant to Rule 25-22.036, F.A.C.

Discussion of Issues

Issue 1: Should Mr. Brown's complaint in Docket No. 120275-EI be dismissed on the Commission's own motion?

Recommendation: Yes. Mr. Brown's request to obtain the Energy Planner Program at his multi-family dwelling has been accommodated by TECO. Therefore Mr. Brown's complaint is moot and should be dismissed on the Commission's own motion. (Tan, King)

Staff Analysis: On October 29, 2012, Mr. Brown alleged discrimination because he was unable to transfer his participation in the Energy Planner Program when he moved his residence from a single family dwelling to a multi-family dwelling. Mr. Brown expressed a desire to continue with the Energy Planner Program and asked that the program be expanded to multi-family dwellings.

At the time, the Energy Planner Program was not available to multi-family dwellings due to technological constraints. After learning of Mr. Brown's interest in the Energy Planner Program, TECO agreed to expand the program and began to make the software changes necessary to accommodate multi-family dwellings. TECO worked with Mr. Brown to install the Energy Planner Program at his residence. Staff notes that TECO has been very cooperative regarding the expansion of the Energy Planner Program.

On June 26, 2013, TECO filed a letter stating that the system had been successfully installed at Mr. Brown's residence. Since Mr. Brown had not contacted staff following the installation of the Energy Planner Program, staff sent an email and a letter inquiring whether the docket may be closed due to successful resolution of his concerns. To date, Mr. Brown has not responded to either staff's August 27, 2013, email or letter. Therefore, as Mr. Brown is participating in the Energy Planner Program, staff believes Mr. Brown's complaint is moot and should be dismissed on the Commission's own motion.

Issue 2: Did TECO violate Rule 25-6.100, F.A.C., as alleged by Mr. Brown's petition in Docket No. 130064-EI?

Recommendation: No. TECO did not violate Rule 25-6.100, F.A.C., as alleged by Mr. Brown and no further Commission action is required. (Tan, King)

Staff Analysis: Mr. Brown alleged that TECO was in violation of Rule 25-6.100, F.A.C., by failing to list surcharge-free payment locations on its customers' bills instead requiring the customer to call the toll-free numbers to obtain such locations.

TECO argues that Mr. Brown misinterpreted Rule 25-6.100, F.A.C., and that the rule only requires utilities to include toll-free numbers that customers can call to obtain bill pay locations, not the actual locations. TECO stated that its bills identify payment options which include Customer Care toll-free numbers that provide a listing of payment locations upon request. The payment location information includes locations where no surcharge is applicable.

Staff believes that the rule requires toll-free numbers be provided so consumers may call to find the surcharge-free locations where the customers can pay their utility bill. Specifically, Rule 25-6.100(j), F.A.C., states that the "name and address of the utility plus the toll-free number(s) where customers *can receive information* about their bill as well as locations where the customers can pay their utility bill. Such information must identify those locations where no surcharge is incurred." (*emphasis added*)

As referenced in the case background, staff explained its position to Mr. Brown regarding application of the rule both in its April 11, 2013, conference call and August 27, 2013 letter. To date, Mr. Brown has not responded to either staff's August 27, 2013, email or letter.

Staff notes that Mr. Brown has not asked for any specific relief. Staff further notes that in TECO's current customer bills, customers are directed to the company's website and a toll-free number where customers are provided a list of local payment locations who do not charge a fee. Therefore, staff does not believe that TECO is in violation of the rule and no further Commission action is required.

Docket Nos. 120275-EI, 130064-EI

Date: January 23, 2014

Issue 3: Should these dockets be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, Docket No. 120275-EI should be closed. If the Commission approves staff's recommendation in Issue 2 and no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of that order, Docket No. 130064-EI should be closed upon issuance of the consummating order. (Tan)

Staff Analysis: If the Commission approves staff's recommendation in Issue 1, Docket No. 120275-EI should be closed. If the Commission approves staff's recommendation in Issue 2 and no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of that order, Docket No. 130064-EI should be closed upon issuance of the consummating order.

FILED AUG 27, 2013
DOCUMENT NO. 05018-13
FPSC - COMMISSION CLERK

COMMISSIONERS:
RONALD A. BRISÉ, CHAIRMAN
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



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

Public Service Commission

August 27, 2013

Curtis Brown
9916 Carlsdale Drive
Riverview, Florida, 33578

RE: Docket No. 120275 – EI - Formal petition of complaint against Tampa Electric Company, for discrimination against customers in their Energy Planner program, by Curtis Brown and Docket No. 130064 – EI - Formal petition of complaint against Tampa Electric Company, for violation of Commission Rule 25-6.100 regarding billing, by Curtis Brown.

Dear Mr. Brown:

On October 29, 2012, we received your complaint against Tampa Electric Company (TECO) alleging discrimination regarding the availability of the Energy Planner Program at your multi-family dwelling and subsequently Docket 120275-EI was opened.¹ Since that time TECO has been working with you to install the Energy Planner Program at your residence. On June 26, 2013, TECO filed a letter stating that the system had been successfully installed. Since the installation of the Energy Planner System at your residence occurred approximately two months ago, and we have no reason to believe the installation was unsuccessful, staff believes that your complaint has been resolved.

In addition, you had concerns that TECO was violating Rule 25-6.100, Florida Administrative Code (F.A.C.), because surcharge free payment locations were not visible on the TECO bill.² Staff believes that upon a reading of the rule, TECO meets the requirement of Rule 26.6.100(j), F.A.C., which requires toll-free numbers be provided so consumers may call to find the surcharge free locations where the customers can pay their utility bill. In the current TECO bill, customers are directed to the company's website and a toll-free number where customers are provided with local payment agents who do not charge a fee. As we discussed during our conference call on April 11, 2013, staff does not find any indication that TECO is in violation of the rule.

We believe that your complaints have been addressed and can be closed. Staff can close the dockets once we receive an email or letter from you advising you would like them closed. If you do not believe the matters have been resolved, staff will take its recommendations to the next available Commission Conference for a Commission vote.

¹ Docket No. 120275-EI - Formal petition of complaint against Tampa Electric Company, for discrimination against customers in their Energy Planner program, by Curtis Brown.

² Docket No. 130064-EI was opened to address this matter.

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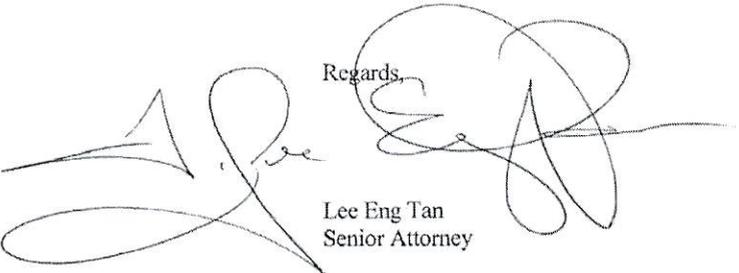
PSF Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

Docket Nos. 120275-EI, 130064-EI
Date: January 23, 2014

Attachment A

We look forward to hearing from you regarding these matters. If we do not hear from you by September 16, 2013, we will begin the recommendation process.

Regards,

Lee Eng Tan
Senior Attorney

CC: Office of Commission Clerk.
