

State of Florida



# Public Service Commission

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

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** February 15, 2018

**TO:** Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk

**FROM:** Kathryn G.W. Cowdery, Senior Attorney, Office of the General Counsel

**RE:** Docket No. 20170222-WS - Proposed Amendment of Rules 25-30.130, Record of Complaints, and 25-30.355, Complaints, F.A.C.

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Please file the attached document in the above referenced docket. Thank you.

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COMMISSION  
CLERK

## Kathryn Cowdery

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**From:** Troy Rendell <trendell@uswatercorp.net>  
**Sent:** Friday, February 09, 2018 12:04 PM  
**To:** Kathryn Cowdery; Laura King; Martin S. Friedman; Vandiver, Denise; JR Kelly  
**Subject:** Docket No. 20170222-WS - Customer Complaint Rule  
**Attachments:** Customer Complaint Rule - Response to Proposed Language.pdf

The attached was electronically filed with the Commission Clerk's office today.

Thanks.

Troy Rendell  
U.S. Water Services Corporation  
**U.S. Water**  
**Services Corporation**  
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New Port Richey, FL 34652  
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February 9, 2018

Ms. Kathryn Cowdery  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: *Docket No. 20170222-WS – Proposed amendment of Rules 25-30.130, Record of Complaints, and 25-30.355, Complaints, F.A.C. – (Complaints Rule)*

Dear Ms. Cowdery,

In response to the Commission Agenda Conference held on February 6, 2018 for the above referenced docket (Complaints Rule), I respectfully submit the following comments.

I am the Vice President of Investor Owned Utilities representing the following utilities, hereafter referenced as “**Collective Utilities**” regulated by the Florida Public Service Commission:

Black Bear Waterworks, Inc.  
Brendenwood Waterworks, Inc.  
Brevard Waterworks, Inc.  
Country Walk Utilities, Inc.  
Harbor Waterworks, Inc.  
HC Waterworks, Inc.  
Jumper Creek Utility Company  
Lake Idlewild Utility Company  
Lakeside Waterworks, Inc.  
LP Waterworks, Inc.  
Merritt Island Utility Company  
North Charlotte Waterworks, Inc.  
Pine Harbour Waterworks, Inc.  
Raintree Waterworks, Inc.  
Seminole Waterworks, Inc.  
Sunny Hills Utility Company  
The Woods Utility Company

The Commission Staff (Staff) filed its recommendation (Staff Recommendation) dated January 25, 2018 in response to the Commission’s directive to amend the Complaints Rule to require a utility to acknowledge receipt of a complaint no later than three days after receipt of the complaint and to also require a utility to investigate the complaint and give the customer a verbal

or written response within 15 days of receipt. At the February 6, 2018, a handout was distributed with additional proposed language. The Collective Utilities believe these proposed revisions dramatically changes the original proposed rule and Staff's Recommendation. As stated in Staff's Recommendation, two separate workshops were previously held on February 28, 2017 and on June 27, 2017. The Staff Recommendation also states no utility representative attended these workshops. This may be taken as an indication that the water and wastewater utility industry representatives did not take significant issues with the original proposed revisions. The original proposed revisions were basically codifying what the majority of the industry was already practicing. However, these new proposed revisions significantly change the context of existing rule and practices.

Of great concern is the addition of "inquiries." This is a significant change not formerly contemplated in the "Complaint Rule." Of note, the Complaint Rule is appropriately entitled "**Complaints.**" The existing rule defines complaints as: "an *objection* made to the utility by the customer as to the utility's charges, facilities or services, where disposal of the complaint requires action on the part of the utility." (Emphasis added) The original proposed revisions retain this definition but add the means as to how the complaint was received.

By proposing the addition of "inquiries" this adds a tremendous burden on the water and wastewater industry not contemplated by the original proposed revisions. In the newly proposed revision, inquiries is defined as a customer "clarification or information." This may be a customer requesting (a) a current balance, (b) a copy of a CCR, (c) information on payment receipt or methods, (d) information on a boil water notice received, (e) deposit refunds, (f) water and/or wastewater service availability, or many other items not specifically listed. A utility may receive hundreds, or perhaps thousands of these "inquiries" in a day. Typically all customer calls, letters, e-mails, etc. are already noted in the customer's accounts for record keeping. It is noted and acknowledged that the majority of these "inquiries" do not require action by the utility. However, it is unclear what "actions" these may be since this is left ambiguous.

The Collective Utilities do not believe it is appropriate to significantly expand the "Complaint Rule" to now include any customer inquiry. Typical customer inquiries do not require any action on the part of the utility and adding this requirement is simply a mute point. Many of these "inquiries" are already addressed in other sections of Rule 25-30, F.A.C. These include:

- Rule 25-30.250 – Continuity of Service
- Rule 25-30.251 – Record and Report of Interruptions
- Rule 25-30.261 – Meter Readings
- Rule 25-30.266 – Meter Test by Request
- Rule 25-30.310 – Initiation of Service
- Rule 25-30.311 – Customer Deposits
- Rule 25-30.320 – Refusal or Discontinuation of Service
- Rule 25-30.325 – Termination of Service by Customer
- Rule 25-30.330 – Information to Customers
- Rule 25-30.335 – Customer Billing
- Rule 25-30.340 – Adjustment of Bills for Meter Errors

Rule 25-30.350 – Underbillings and Overbillings  
Rule 25-30.351 – Unauthorized Use  
Rule 25-30.360 – Refunds  
Rule 25-30.525 – Application for Extension of Service  
Rule 25-30.530 – Response to Application for Extension of Service  
Rule 25-30.560 - Disputes

Collective Utilities believe the majority of customer inquiries are already addressed in the above cited rules and believe as such it is unnecessary to also include additional requirements in the Complaint Rule not previously anticipated or addressed.

Additionally, in rate proceedings, the Staff historically reviews the utility's complaints received in determining the utility's "attempt to address customer satisfaction." The Staff typically requests the utility's complaints over a certain period of time. Often times the database of all customer calls, inquiries, and complaints are downloaded and narrowed down to true complaints or concerns. This database is typically quite large due to the amount of ordinary inquiries versus true complaints and concerns. To now require consideration of all "inquiries" would expand upon the consideration of the utilities attempt to address customer satisfaction. This may become burdensome and costly to the water and wastewater utility industry to now track thousands, tens of thousands or hundreds of thousands of inquiries as opposed to true customer complaints requiring action on the part of the utility. This may also create additional burden on the Staff in reviewing the vast amount of information on inquiries versus complaints. Finally there is a concern this may adversely affect the Commission's determination of quality of service in rate proceedings. This would have a significant impact on utility's opportunity to earn a fair rate of return.

Also of concern is the proposed addition of "The utility shall specify in its acknowledgement whether any additional action, including the type of action, will be taken on the issue(s) raised by the customer." This also is a significant proposed addition that the utilities may not be able to comply with. When a customer first contacts a utility, the utility will acknowledge the complaint and will typically issue a service order to send a technician or operator to the customer's residence for further action or investigation. It typically is not known what further action may be required until the request is investigated. Therefore, a utility would not be able to comply with this newly proposed addition in that the specific action will not be known at the time of receipt. Depending on the specific request or concern, this may include (a) checking chlorine residual, (b) analyzing the clarity, smell, or color of the water, (c) flushing the customer's service lines, (d) flushing the distributions system, (e) checking the operational condition of the treatment plant, (f) replacing malfunctioning or damaged equipment, (g) locating and repairing line breaks and/or leaks, (h) field testing water meter by performing a bucket test, (i) obtaining a meter reading, (j) checking customer's residence for apparent leaks, (k) replacing an ERT unit, (l) turning off water meter so customer can repair a service leak on customer's side of meter, or any number of actions not known at the time of receipt.

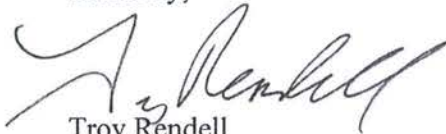
It may actually be a disservice to the customer to initially inform them of an anticipated action when upon further investigation either a different action is required to address the customer's concern or no action is necessary or required. This would lead to further additional

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complaints not less. Collective Utilities believe this would have the opposite impact on customer complaints by increasing complaints since a customer may be informed of an anticipated action that is not required, necessary or undertaken to actually address the concern. Complaints often occur when the utility either has taken the necessary action which the customer does not agree with – or determines that no action is necessary. Complaints often times are culminated when customers either do not agree with the actions or inaction of a utility. Therefore to initially inform a customer in the acknowledgement of an anticipated action which is not undertaken or required would not be appropriate. This could also lead to distrust of the utility through no fault of its own although it would be “required” by a Commission rule. It would be inherent of the utility to inform the customer that it is required by the Commission and that the anticipated action may not occur or be necessary.

Thank you for your consideration, and if you have any questions, please do not hesitate to contact me at (727) 848-8292, ext. 245, or via e-mail at [trendell@uswatercorp.net](mailto:trendell@uswatercorp.net).

Sincerely,

A handwritten signature in black ink, appearing to read 'Trendell', written in a cursive style.

Troy Rendell  
Vice President  
Investor Owned Utilities