

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-

DATE: September 11, 2018
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Samantha Cibula, Office of the General Counsel *S.M.C.*
RE: Docket No. 20030575-PU

Please file the attached materials in the docket file listed above.

Thank you.

Attachment

RECEIVED-FPSC
2018 SEP 11 PM 1:10
COMMISSION
CLERK



May 29, 2003

Ms. Bev DeMello
Director, Consumer Affairs
2540 Shumard Oak Boulevard
Florida Public Service Commission
Tallahassee, Florida 32399-0850

Re: Revisions to Rule 25-22.032, Customer Complaint Rule

Dear Ms. DeMello:

Florida Power & Light (FPL) has reviewed the suggested changes to the Customer Complaint Rule as noticed for the May 29th workshop. We appreciate the opportunity to comment on the proposed rule changes and we look forward to participating fully in the rule development workshop.

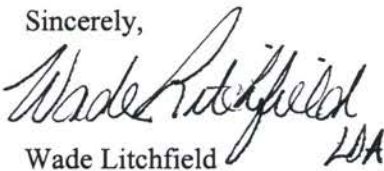
FPL enthusiastically supports the concept of a three person review team to analyze a complaint before granting an informal conference. Certain complaints cannot be resolved to the customer's satisfaction because they are not within the commission's jurisdiction, the relief requested cannot be granted, or there is no question regarding the utility's compliance with applicable law, regulation or tariff. This change has the effect of making a very good customer complaint rule better.

FPL, does however, have two important concerns that we would like to raise for your consideration. The first is proposed section **(3) Protection from Disconnection**. This new section is subject to abuse. FPL is concerned that under this new provision any disconnected customer could be reconnected again and again by merely alleging that there is no undisputed monetary amount, i.e., that all charges are in dispute. Customers who are disconnected are among FPL's highest risk customers. FPL believes that this revision would potentially increase write-offs which would result in a higher cost of service to all our customers.

FPL's second major point of interest is in proposed section **(11) Extension of Time for Filing Complaint Reports**. FPL fully supports this proposal with the suggestion that the rule provide for an automatic extension of time, which would allow the company to focus its attention and resources on the emergency in question and associated preparation and restoration efforts.

Attached is a matrix outlining the majority of FPL's comments on the proposed rule, including the two significant concerns outlined above. Again, thank you for the opportunity to comment on the proposed rule.

Sincerely,

A handwritten signature in cursive script that reads "Wade Litchfield" with the initials "LDA" written below it.

Wade Litchfield

Attachment



Issues of Significant Concern

Proposed Changes to Rule 25-22.032 Customer Complaints 5/28/03

Redline Paragraph	Redline Page #	Redline Line #	Issue	Suggestion
(3)	2	21-24	<p>This new proposal is subject to abuse. FPL is concerned that under this provision any disconnected customer could be reconnected again and again by merely alleging there is no undisputed amount (ie. that all charges are in dispute).</p> <p>The Rule currently prohibits disconnection of the customer's service while the complaint is under investigation by the PSC. The possible revision would require that a disconnected customer be reconnected if the customer pays the undisputed amount and the reconnect charge. FPL believes that no rule change is needed regarding consumer protection for the following reasons:</p> <p>1) The current procedure encourages customers who have a legitimate complaint to raise that concern prior to the physical disconnection of service. A written final notice is mailed to the customer prior to discontinuation of service for non-payment of bills. The written notice contains the Commission's 1-800 toll free number in the event a consumer is dissatisfied with the utility and the notice provides a minimum of five working days prior to disconnection. FPL suggests this is the appropriate time for billing disputes to be raised by the customer.</p> <p>2) Currently, when a dispute is raised and the consumer contacts the Commission, service is not disconnected during the Commission's investigation. In situations where consumers have contacted the Commission after disconnection and the staff has requested FPL to restore power during the investigation, FPL has cooperated and complied with staff's request. In some situations FPL has provided additional information about the situation and staff has deemed it appropriate to leave the service disconnected. FPL suggests that this process of handling exceptions on a case-by-case basis is working successfully and efficiently and should continue to be handled informally in this manner without modification to the existing Rule.</p> <p>3) It is important to recognize that disconnection, or threat of disconnection of service, is a last resort for utilities to control bad debt expense. Bad debt expense increases the cost of service to good paying customers.</p>	<p>Strike proposed sentence: "If service has already been disconnected, the company shall restore service if the undisputed amount and restoration of service charges applicable to undisputed amounts are paid."</p>



Issues of Significant Concern

FPL

Proposed Changes to Rule 25-22.032 Customer Complaints 5/28/03

Redline Paragraph	Redline Page #	Redline Line #	Issue	Suggestion
(11)	15	15-18	<p>FPL fully supports this proposal. It is important to note that during storm FPL staff that is normally assigned to investigate complaints are re-assigned to storm restoration efforts. The following thoughts are offered on how best to implement the handling of complaints that may be received during an emergency.</p> <p>FPL encourages the use of the transfer-connect process during restoration efforts. This is the most efficient and quickest method to provide information to customers regarding their concerns.</p> <p>If the event has disabled the warm-transfer operations for the utility, those should be referred to the company via a temporary method and be considered as part of the transfer connect process.</p> <p>Also, in the event of an emergency that substantially affects or can be expected to affect a utility's service or operations, FPL suggests that the Rule provide for an automatic extension of time. This would allow the company to focus its attention and resources on the emergency in question and the associated preparation and restoration efforts.</p>	<p>FPL suggests the following language, which includes language and concepts similar to the recently revised Distribution Service Reliability Report, Rule 25-6.0455: "In the event of an outage or other event that affects the operation of the transfer connect process, the Division of Consumer Affairs and the company(ies) affected will agree upon an alternative, temporary means of transmitting customer concerns to the company for handling within the transfer connect process."</p> <p>"A utility may obtain an automatic extension of three (3) working days within which to file any responses, forms, reports, and other submissions under this rule in the event of extenuating circumstances such as a storm named by the National Hurricane Center, a tornado recorded by the National Weather Service, an extreme weather disturbance or fire causing activation of the state or a county emergency operations center, or other events beyond the control of the company that substantially affects its operations and resources, by notifying the Director of the Division of Consumer Affairs of such an event.</p> <p>The extension shall apply to any complaints pending at the time such notification is given and to new complaints received within three days following such notification. A company may seek an additional extension upon application to the Director of the Division of Consumer Affairs. The Division of Consumer Affairs shall separately track and identify all complaints subject to the automatic or additional extension pursuant to this section."</p>



Additional Issues and Opportunities for Improvement

FPL

Proposed Changes to Rule 25-22.032 Customer Complaints 5/28/03

Redline Paragraph	Redline Page #	Redline Line #	Issue	Suggestion
(1)	1	3 - 5	This statement establishes as laudable goal and sets the predicate and tone for much of what follows in the rule.	Leave current verbiage in rule (lines 4-5). "It is the Commission's intent that disputes between regulated companies and their customers be resolved as quickly, effectively, and inexpensively as possible."
(3)	2	18	Current rule provides protection from disconnection of service for disputed amounts "during the complaint process." Rule does not specify whether this applies to Telephone Transfer-Connect and the E-Mail Transfer processes or only the 15 day complaint process.	To clarify, insert the words "15 day complaint process" as follows: "During the 15 day complaint process..."
(5)(a)	4	11-14	3-Day rule requires a notification to Staff within three days, excluding weekends and holidays. It is not clear if the reference to holidays is the Commission's or the company's or both.	
(5)(d)	5	6-10	The Commission Staff has previously requested companies to include in the 3-day report the specific steps taken (or planned) to resolve the complaint.	Add language to specify that the company's report must contain a statement of <u>how</u> the complaint was resolved or will be resolved.
(6)(b)	6	13-18	Reference to subsection (4) appears to relate to subsection (5).	Change the reference to subsection (5) "Complaints resolved within 3 days..."
(6)(c)	6	19-21	Proposal is for the company response to explain the company's analysis of the consumer's complaint.	Strike the phrase "the company's analysis of the consumer's complaint". Sentence would read: "(c) The company's response to the Commission shall explain the likely cause of the problem, all actions taken by the company to resolve the customer's complaint..."
(6)(c)	6 7	24-25 1	Proposal requires company to include with the company's response any written documents provided to the customer. This added requirement seems like an unnecessary administrative task for both the utility and the Commission since company responses contain pertinent complaint resolution information.	FPL retains written documents in compliance with Subsection 10. FPL suggests providing documentation upon Commission request, in lieu of automatically providing all written documentation.
(6)(c)	7	9-13	Proposal requires "immediate" notification to Commission staff and the customer if proposed action schedule is changed.	Strike the word "immediately" and replace it with "promptly" (line 9). Strike the phrases "Commission staff and" (line 10) and "the Commission and" (lines 11 and 12). Revised sentence: "The company shall promptly notify the customer if it is subsequently unable to take its proposed action as scheduled and shall provide to the customer a new resolution schedule for the complaint."
(6)(c) note: should be (6)(d)	7	17-19	Proposal when customer objects to the company response: "Commission staff will then propose a resolution of the complaint. The proposed resolution may be either oral or written."	Add that either company or customer may request proposal in writing. Revised wording: "Commission staff will then propose a resolution of the complaint. The proposed resolution may be either oral or written. Commission staff shall provide written proposed resolution upon the request of the customer or the company."
(6)(d) note: should be (6)(e)	7	24-25	Supplemental reports requested within three working days. FPL is concerned that one set timeframe may not apply to all types of subsequent staff requests.	New suggested wording: "Information requested by staff that is maintained by the company in the ordinary course of business and readily accessible to the company shall be provided no later than seven (7) working days following a request from staff, or by such other date as may be agreed to by the company and staff. When information is requested that requires field visits and/or substantial compilation of data and can otherwise be obtained, a supplemental report shall be provided every fifteen (15) working days until the information is furnished, or by such other date(s) as may be agreed to by the company and staff."



Additional Issues and Opportunities for Improvement

FPL

Proposed Changes to Rule 25-22.032 Customer Complaints 5/28/03

Redline Paragraph	Redline Page #	Redline Line #	Issue	Suggestion
(8)	9 10	10-25 1-14	Informal Conference Process - Issue with both parties submitting a dispute form at the same time that could lead to confusion. The company should have an opportunity to respond to the specific customer concerns raised on the dispute form.	Suggested Process Flow: 1) Upon receipt of an informal conference request, the staff shall provide a copy of the Dispute Resolution Form to the requestor (customer) and shall also notify the other party (company). 2) The completed form must be returned to Staff within 15 working days by the customer. If it is not returned the complaint will be closed. 3) If returned, Staff will provide a copy of the customer's Dispute Resolution Form to the company. 4) The company shall have 10 business days from receipt to provide a response to the issues raised by the customer. The response shall be provided to the Staff who will provide a copy to the customer.
(8)(b)1	10	3-4	The proposed rule language, "The statements filed by the participants should not raise any new issues not addressed in the initial complaint" adequately provides the limits of the informal conference without suggesting a new complaint be opened. Customers can simply be advised that new issues can be addressed through the provisions in the complaint rule.	Strike the sentence, "If any new issues are raised, those will be considered as a separate complaint."
(10)(a)	14	16-18	Concerns with record retention: 1) Requirement to keep both notes and documentation --- FPL seeks clarification regarding the difference between "notes and documentation." It seems the word "documentation" is adequate. 2) Starting point of record retention needs to be specified.	1) Strike "notes and" (line 16) 2) Add "beginning when the complaint was first received." New suggested wording: (a) All companies shall retain documentation relating to each Commission complaint beginning when the complaint was first received. Documentation shall be retained for two years after the date the complaint was closed.
(10)(b)1,3	15	2, 11	Monthly telephone and e-mail transfer reporting -- proposed change from indicating whether the complaint was "addressed" to indicating whether the complaint was "resolved". Many of the complaints being handled through the transfer connect process are non-jurisdictional issues, such as payment arrangements. FPL is able to confidently report whether or not the customer's concerns have been addressed, however, complaints cannot always be resolved to the customer's satisfaction and the customer always has the option to re-contact the Commission.	Leave verbiage as "addressed" (lines 2 and 11).
(10)(b)2,3	15	3-11	Sequencing of Reports: Renumbering 2 as 3 and 3 as 2 would match the sequence of the rule flow.	Switch the order of paragraphs 2 and 3.

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



OFFICE OF THE GENERAL COUNSEL
RICHARD D. MELSON
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

November 4, 2003

Mr. John Rosner
Chief Attorney
Joint Administrative Procedures Committee
Room 120, Holland Building
Tallahassee, FL 32399-1300

RE: Public Service Commission Rule 25-22.032

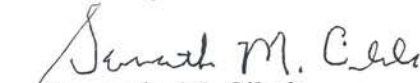
Dear Mr. Rosner:

I wrote to you on October 16, 2003, in response to JAPC staff's comments regarding possible changes to the above rule. Since that time, I presented possible amendments to the proposed rule to the Commission. The Commission suggested alternative language to address JAPC staff's comment in regard to subsection (6)(b) of Rule 25-22.032. Per our telephone conversation today, I will recommend to the Commission that subsection (6)(b) be revised to state "If the customer specifically makes a request to the Commission that he or she not be contacted by the company, Commission staff will request that the company not contact the customer directly. Otherwise, the company shall make direct contact with the customer...." Accordingly, I will recommend that the phrase "Unless the Commission staff requests that the company not contact the customer directly...." be deleted from the rule.

The next scheduled agenda conference or public hearing at which the Commission can approve the change to the rule to address JAPC staff's comments is not until December 2, 2003. Thus, it will be virtually impossible to file the rule with the Secretary of State within the 90 days of the original notice of rulemaking, which is December 4, 2003. As we discussed on the telephone today, this letter is to toll the time period for filing the rule so that the Commission can address JAPC staff's comments on the proposed rule amendments. The rule will be filed within the applicable time authorized under the applicable exception.

If you have any questions, please contact me at (850)413-6202.

Sincerely,


Samantha M. Cibula
Senior Attorney

STATE OF FLORIDA

COMMISSIONERS:
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Public Service Commission

October 16, 2003

Mr. John Rosner
Chief Attorney
Joint Administrative Procedures Committee
Room 120, Holland Building
Tallahassee, FL 32399-1300

RE: Public Service Commission Rule 25-22.032

Dear Mr. Rosner:

I am in receipt of your letter dated October 2, 2003, containing your office's comments to the proposed amendments of Commission Rule 25-22.032. The following is my response to your comments, which I believe memorializes our telephone conversation on October 8, 2003.

Your first question in regard to proposed Rule 25-22.032 pertains to subsection (6)(b). Specifically, you inquire as to the criteria under which Commission staff will request that a company not make direct contact with a customer. I will recommend to the Commission that the phrase "Unless the Commission staff requests that the company not contact the customer directly. . . ." be deleted from the proposed rule language, as including any criteria may cause the rule to become unduly complicated.

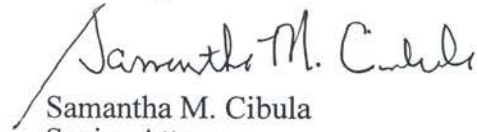
Your second question pertains to the requirement to explicitly incorporate Form PSC/CAF Form 10 into the proposed rule. I will recommend to the Commission that subsection (8)(a) of the proposed rule be revised to address your comment and to comply with section 120.55(1)(a), Florida Statutes.

You also comment on the use of the term "may" in subsection (8)(c) of the proposed rule and on the very last line of Form PSC/CAF 10. I will recommend to the Commission that the language in subsection (8)(c) be revised from "Staff handling the informal conference may permit any participant to file additional information, documentation, or arguments. . . ." to "Any participant may file additional information, documentation or arguments. . . ." As for your comment that the language "Failure to provide this information may result in denial of the informal conference request" on Form PSC/CAF 10 gives the Commission too much discretion, I will recommend to the Commission that this statement be deleted from the form.

Your final comment pertains to subsection (11)(a) of the proposed rule. You ask what the criteria are upon which a request for extension will be granted and for which the time period for such an extension will be set. I will recommend to the Commission that this portion of the rule be deleted.

I hope this response satisfactorily addresses your concerns. If you have any questions, please contact me at (850)413-6202.

Sincerely,


Samantha M. Cibula
Senior Attorney