

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rule 25-30.320, )  
F.A.C., pertaining to Refusal or )  
Discontinuance of Service by )  
Utility. )  
\_\_\_\_\_ )

DOCKET NO. 891195-PU  
ORDER NO. 23719  
ISSUED: 11-02-90

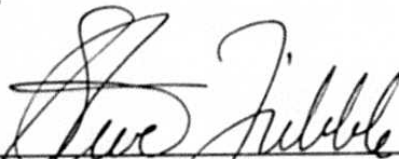
NOTICE OF ADOPTION OF RULE AMENDMENT

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted the amendments to Rule 25-30.320, F.A.C., relating to Refusal or Discontinuance of Service by Utility, without changes.

The rule amendment was filed with the Secretary of State on October 31, 1990, and will be effective on January 1, 1991. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By Direction of the Florida Public Service Commission, this 2nd day of NOVEMBER, 1990.

  
\_\_\_\_\_  
STEVE TRIBBLE, Director  
Division of Records & Reporting

( S E A L )

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CERTIFICATION OF  
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES  
FILED WITH THE  
DEPARTMENT OF STATE

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;

(a) And are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(e) Are filed within 21 days after the date the transcript was received by this agency.

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Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

<u>Rule No.</u>	<u>Specific Law Rulemaking Authority</u>	<u>Being Implemented, Interpreted or Made Specific</u>
25-30.320	367.121, F.S.	367.081, 367.121, F.S.

Under the provision of paragraph 120.54(12)(a), F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: January 1, 1991  
(month) (day) (year)

\_\_\_\_\_  
Steve Tribble  
Director, Division of Records & Reporting  
Title

\_\_\_\_\_  
Number of Pages Certified

1 25-30.320 Refusal or Discontinuance of Service.

2 (1) Until adequate facilities can be provided, a utility may  
3 refuse to serve an applicant if, in the best judgment of the  
4 utility, it does not have adequate facilities, and/or supply to  
5 render the service applied for, or if the service is of character  
6 that is likely to affect unfavorably service to other customers.

7 (2) As applicable, the utility may refuse or discontinue  
8 service under the following conditions provided that, unless  
9 otherwise stated, the customer shall be given notice and allowed a  
10 reasonable time to comply with any rule or remedy any deficiency:

11 (a) For noncompliance with and/or violation of any state or  
12 municipal law or regulation governing such utility service.

13 (b) For failure or refusal of the customer to correct any  
14 deficiencies or defects in his piping and/or equipment which are  
15 reported to him by the utility.

16 (c) For the use of utility service for any other property or  
17 purpose than that described in the application;

18 (d) For failure or refusal to provide adequate space for the  
19 meter and/or service equipment of the utility.

20 (e) For failure or refusal to provide the utility with a  
21 deposit to insure payment of bills in accordance with the  
22 utility's regulation.

23 (f) For neglect or refusal to provide reasonable access to  
24 the utility for the purpose of reading meters or inspection and  
25 maintenance of equipment owned by the utility.

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1 (g) For nonpayment of bills or noncompliance with utility's  
2 rules and regulations in connection with the same or a different  
3 type or a different class of utility service furnished to the same  
4 customer at the same premises by the same or affiliated utility  
5 only after there has been a diligent attempt to have the customer  
6 comply, including at least five (5) working days' written notice  
7 to the customers. Such notice shall be separate and apart from  
8 any bill for service. For purposes of this subsection, "working  
9 day" means any day on which the utility's office is open and the  
10 U.S. Mail is delivered.

11 (h) Without notice in the event of a condition known to the  
12 utility to be hazardous.

13 (i) Without notice in the event of tampering with regulators,  
14 valves, piping, meter or other facilities furnished and owned by  
15 the utility.

16 (j) Without notice in the event of unauthorized or fraudulent  
17 use of service. Whenever service is discontinued for fraudulent  
18 use of such service, the utility, before restoring service, may  
19 require the customer to make at his own expense all changes in  
20 piping or equipment necessary to eliminate illegal use and to pay  
21 an amount reasonably estimated as the deficiency in revenue  
22 resulting from such fraudulent use.

23 (3) Service shall be restored when cause for discontinuance  
24 has been satisfactorily adjusted.

25 (4) In case of refusal to establish service, or whenever

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1 service is discontinued, the utility shall notify the applicant or  
2 customer in writing of the reason for such refusal or  
3 discontinuance and of his right of appeal to the Commission.

4 (5) The following shall not constitute sufficient cause for  
5 refusal of service to an applicant or customer:

6 (a) Delinquency in payment for service by a previous occupant  
7 of the premises unless such previous occupant will receive benefit  
8 from such service.

9 (b) Failure to pay for appliances or equipment purchased from  
10 the utility.

11 (c) Failure to pay for a different class of service, except  
12 where two or more classes of service are rendered to the same  
13 customer at the same premises.

14 (d) Failure to pay the bill of another customer as guarantor  
15 thereof.

16 (6) No utility shall discontinue service to any customer,  
17 between 12:00 noon on a Friday and 8:00 a.m. the following Monday  
18 or between 12:00 noon on the day preceding a public holiday and  
19 8:00 a.m. the next working day; provided, however, that this  
20 prohibition shall not apply when:

21 (a) Discontinuance is requested by or agreed to by the  
22 customer; or

23 (b) A hazardous condition exists; or

24 (c) Meters or other utility-owned facilities have been  
25 tampered with; or

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1 (d) Service is being obtained fraudulently or is being used  
2 for unlawful purposes.  
3 Proposed effective date is January 1, 1991.  
4 Specific Authority: 367.121, F.S.  
5 Law Implemented: 367.081, 367.121, F.S.  
6 History: Amended 9/12/74, 4/3/80, formerly 25-10.74, Transferred  
7 from 25-10.074 and Amended 11/9/86.  
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Rule 25-30.320  
Docket No. 891195-PU

SUMMARY OF RULE

The rule amendment changes the notice period for disconnection of water and sewer service from five calendar days to five working days and defines the term "working day" as a day on which the utility's business office is open and mail is delivered.

SUMMARY OF HEARINGS ON THE RULE

Comments were received, and the Commission considered the rule at its public meeting on October 16, 1990. No substantive changes were adopted, but the Commission voted to make the rule effective January 1, 1991, consistent with the discontinuance of service rules in other industries (Rules 25-4.113; 25-6.105; and 25-7.089).

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Under the current version of Rule 25-30.320, water and sewer utilities may terminate service upon five-days' written notice to non-paying customers. Since the five-day period starts to run upon mailing of the notice, if the fifth day fell on a weekend or holiday, the customer might not have received actual notice until the time had run, and on a day when the utility's business office was closed. These circumstances have lead to many customer complaints at the Florida Public Service Commission. The rule amendment improves the situation by making the notice period five working days, thereby assuring that the fifth day is one on which the customer will be able to get the notice by mail and have an opportunity to contract the utility business office.