

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rule 25-6.105,)	DOCKET NO. 891195-PU
F.A.C., pertaining to Refusal or)	
Discontinuance of Service by)	ORDER NO. 23720
Utility.)	
_____)	ISSUED: 11-2-90

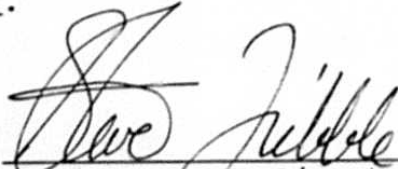
NOTICE OF ADOPTION OF RULE AMENDMENT

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted the amendments to Rule 25-6.105, 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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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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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>
25-6.105	366.05, F.S.	366.05(1), 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 25-6.105 Refusal or Discontinuance of Service by Utility.

2 (1) Until adequate facilities can be provided, each utility
3 may refuse to serve an applicant if, in the best judgment of the
4 utility, it does not have adequate facilities to render the
5 service applied for.

6 (2) Each utility may refuse to serve any person whose service
7 requirements or equipment is of a character that is likely to
8 affect unfavorably service to other customers.

9 (3) Each utility may refuse to render any service other than
10 that character of service which is normally furnished, unless such
11 service is readily available.

12 (4) Each utility shall not be required to furnish service
13 under conditions requiring operation in parallel with generating
14 equipment connected to the customer's system if, in the opinion of
15 the utility, such operation is hazardous or may interfere with its
16 own operations or service to other customers or with service
17 furnished by others. Each utility may specify requirements as to
18 connection and operation as a condition of rendering service under
19 such circumstances.

20 (5) If the utility refuses service for any reason specified
21 in this subsection, the utility shall notify the applicant for
22 service as soon as practicable, pursuant to subsection (7), of the
23 reason for refusal of service. If the utility will discontinue
24 service, the utility shall notify the customer at least five (5)
25 working days prior to discontinuance of that service will cease

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1 unless the deficiency is corrected in compliance with the
2 utility's regulations, resolved through mutual agreement, or
3 successfully disputed by the customer.. The five-day notice
4 provision does not apply to paragraphs (h), (i), or (j). In all
5 instances involving refusal or discontinuance of service the
6 utility shall advise in its notice that persons dissatisfied with
7 the utility's decision to refuse or discontinue service may
8 register their complaint with the utility's customer relations
9 personnel and to the Florida Public Service Commission at
10 1-800-342-3552, which is a toll free number. As applicable, each
11 utility may refuse or discontinue service under the following
12 conditions:

13 (a) For non-compliance with and/or violation of any state or
14 municipal law or regulation governing electric service.

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

18 (c) For the use of energy for any other property or purpose
19 than that described in the application.

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

22 (e) For failure or refusal to provide the utility with a
23 deposit to insure payment of bills in accordance with the
24 utility's regulation, provided that written notice, separate and
25 apart from any bill for service, be given the customer.

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1 (f) For neglect or refusal to provide safe and reasonable
2 access to the utility for the purpose of reading meters or
3 inspection and maintenance of equipment owned by the utility,
4 provided that written notice, separate and apart from any bill for
5 service, be given the customer.

6 (g) For non-payment of bills or non-compliance with the
7 utility's rules and regulations, and only after there has been a
8 diligent attempt to have the customer comply including at least
9 five (5) working days' written notice to the customer, such notice
10 being separate and apart from any bill for service, provided that
11 those customers who so desire may designate a third party in the
12 company's service area to receive a copy of such delinquent
13 notice. For purposes of this subsection, "working day" means any
14 day on which the utility's business office is open and the U.S.
15 Mail is delivered.

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

18 (i) Without notice in the event of tampering with meters or
19 other facilities furnished and owned by the utility.

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

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- 1 such fraudulent use.
- 2 (6) Service shall be restored when cause for discontinuance
- 3 has been satisfactorily adjusted.
- 4 (7) In case of refusal to establish service, or whenever
- 5 service is intentionally discontinued by the utility for other
- 6 than routine maintenance, the utility shall notify the applicant
- 7 or customer in writing of the reason for such refusal or
- 8 discontinuance.
- 9 (8) .The following shall not constitute sufficient cause for
- 10 refusal of service to an applicant or customer:
- 11 (a) Delinquency in payment for service by a previous occupant
- 12 of the premises to be served.
- 13 (b) Failure to pay for merchandise purchased from the utility.
- 14 (c) Failure to pay for a service rendered by the utility
- 15 which is non-regulated.
- 16 (d) Failure to pay for a different type of utility service,
- 17 such as gas or water.
- 18 (e) Failure to pay for a different class of service.
- 19 (f) Failure to pay the bill of another customer as guarantor
- 20 thereof.
- 21 (9) When service has been discontinued for proper cause, each
- 22 utility may charge a reasonable fee to defray the cost of
- 23 restoring service, provided such fee is included in its filed
- 24 tariff.
- 25 (10) No utility shall discontinue service to any

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1 noncommercial customer between 12:00 noon on a Friday and 8:00
2 a.m. the following Monday or between 12:00 noon on the day
3 preceding a holiday and 8:00 a.m. the next working day. Provided,
4 however, this prohibition shall not apply when:

5 (a) Discontinuance is requested by or agreed to by the
6 customer; or

7 (b) A hazardous condition exists; or

8 (c) Meters or other utility owned facilities have been
9 tampered with or

10 (d) Service is being obtained fraudulently or is being used
11 for unlawful purposes.

12 Holiday as used in this subsection shall mean New Year's Day,
13 Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas
14 Day.

15 (11) Each utility shall submit, as a tariff item, a procedure
16 for discontinuance of service when that service is medically
17 essential.

18 Proposed effective date is January 1, 1991.

19 Specific Authority: 366.05, F.S.

20 Law Implemented: 366.05(1), F.S.

21 History: New 2/25/76, Amended 2/3/77, 2/6/79, 4/13/80, 11/26/80.

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Rule 25-6.105
Docket No. 891195-PU

SUMMARY OF RULE

The rule amendment changes the notice period for disconnection of electric 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; 25-7.089; and 25-30.320.)

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Under the current version of Rule 25-6.105, electric 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.