

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of rulemaking to adopt Rule 25-6.0346, and to amend Rules 25-6.019, 25-6.0345, 25-6.060, 25-7.059, 25-7.060, 25-7.061, 25-7.062, 25-7.064, 25-7.065, 25-7.066, 25-7.070, 25-7.071, 25-7.084, 25-12.005, 25-12.008, 25-12.027, 25-12.052, and 25-12.082, F.A.C.

DOCKET NO. 110313-PU
ORDER NO. PSC-12-0631-FOF-PU
ISSUED: November 27, 2012

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF ADOPTION OF RULE

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted the amendments to Rules 25-7.059 and 25-7.071, Florida Administrative Code, concerning use of gas utility meters and measuring gas utility customer service, with changes.

The rules were filed with the Department of State on November 19, 2012 and will be effective on December 9, 2012. A copy of the rules as filed with the Department is attached to this Notice.

This docket shall remain open to address the remaining rules in this docket.

DOCUMENT NUMBER - DATE

07858 NOV 27 2012

FPSC-COMMISSION CLERK

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By ORDER of the Florida Public Service Commission this 27th day of November, 2012.



ANN COLE
Commission Clerk
Florida Public Service Commission
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Tallahassee, Florida 32399
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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25-7.059 Use of Meters.

(1) All gas sold by a utility and all gas consumed by the utility shall be metered except in case of emergency, ~~or when otherwise authorized by the Commission.~~

(2) ~~Unless otherwise authorized by the Commission,~~ Each utility shall provide and install at its own expense and shall continue to own, operate, and maintain all equipment necessary for the pressure control ~~regulation~~ and measurement of gas to its customers.

(3) Prepayment meters shall not be used, ~~except where otherwise authorized by the Commission.~~

(4) When there is more than one meter at a common location, the metering equipment shall be tagged or permanently marked to indicate the facility being metered.

Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) FS. History—Amended 10-20-73, Repromulgated 1-8-75, Amended 5-4-75, 2-13-84, Formerly 25-7.59, Amended _____.

25-7.071 Measuring Customer Service.

(1) All gas sold to customers shall be measured by commercially acceptable measuring devices owned and maintained by the utility, except where it is impractical to meter ~~loads~~, such as street lighting, temporary or special installations, in which case the consumption may be calculated, or billed on a rate or as provided in the utility's filed tariff.

(2)(a) Individual gas metering by the utility shall be required for each separate occupancy unit of new commercial establishments, residential buildings, condominiums, cooperatives, marinas, and trailer, mobile home and recreational vehicle parks for which construction is commenced after January 1, 1987. This requirement shall apply whether or not the facility is engaged in a time-sharing plan. Individual meters shall not, however, be required:

1. In those portions of a commercial establishment where the floor space dimensions or physical configuration of the units are subject to alteration, as evidenced by non-structural element partition walls, unless the utility determines that adequate provisions can be made to modify the metering to accurately reflect such alterations;

2. For gas used in central heating, central water heating ventilating and air conditioning systems, or gas back up service to storage heating and cooling systems;

3. For gas used in specialized-use housing accommodations such as hospitals, nursing homes, living facilities located on the same premises as, and operated in conjunction with, a nursing home or other health care facility providing at least the same level and types of services as a nursing home, convalescent homes, facilities certificated under Chapter 651, F.S., college dormitories, convents, sorority houses, fraternity houses, motels, hotels, and similar facilities. For separate, specially-designated areas for overnight occupancy at trailer, mobile home and recreational vehicle parks where permanent residency is not established and for marinas where living aboard is prohibited by ordinance, deed restriction, or other permanent means;

4. In such multiple occupancy units which would require the provision of individual gas service above the second story, unless specifically requested.

(b) For purposes of this rule:

1. "Occupancy unit" means that portion of any commercial establishment, single and multi-unit residential building, or trailer, mobile home or recreational vehicle park, or marina which is set apart from the rest of such facility by clearly determinable boundaries as described in the rental, lease, or ownership agreement for such unit.

2. "Time-sharing plan" means any arrangement, plan, scheme, or similar device, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, or right-to-use agreement or by any other means, whereby a purchaser, in exchange for a consideration, receives a right to use accommodations or facilities, or both, for a specific period of time less than a full year during any given year, but not necessarily for consecutive years, and which extends for a period of more than three years.

3. The construction of a new commercial establishment, residential building, marina, or trailer, mobile home or recreational vehicle park shall be deemed to commence on the date when the building structure permit is issued.

4. The individual metering requirement is waived for any time-sharing facility for which construction was commenced before January 1, 1987 in which separate occupancy units were not metered in accordance with paragraph (2)(a).

(3)(a) Where individual metering is not required under subparagraph (2)(a)3. and master metering is used in lieu thereof, sub-metering may be used by the customer of record/owner of such facility solely for the purpose of allocating the cost of the gas billed by the utility. The term "cost", as used herein represents only those charges specifically authorized by the gas utility's tariff including but not limited to the customer, energy, purchased gas adjustment, and conservation charges made by the gas utility plus applicable taxes and fees to the customer of record responsible for the master meter payments. The term cannot be construed to include late payment charges, returned check charges, the cost of the distribution system behind the master meter, or the cost for billing, ~~and other such~~ costs.

(b) Each utility shall develop a standard policy governing the provisions of sub-metering as described herein. Such policy shall be filed by each utility as part of its tariffs. This policy shall have uniform application and shall be nondiscriminatory.

Rulemaking Specific Authority 350.127(2), 366.05 FS. Law Implemented 366.03, 366.05(1) FS. History—New 10-23-86, Amended _____.