

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Proposed Amendment of) DOCKET NO. 920792-PU
Rule 25-30.320, F.A.C.)
Prohibiting Refusal or Dis-) ORDER NO. PSC-92-1066-NOR-PU
continuance of Service for)
Nonpayment of a Dishonored) ISSUED: 09/25/92
Check Service Charge Imposed)
by the Utility)
)
)
)
_____)

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-30.320, F.A.C., relating to refusal or discontinuance of service.

The attached Notice of Rulemaking will appear in the October 2, 1992 edition of the Florida Administrative Weekly.

9:30 a.m. November 5, 1992
Room 122, Fletcher Building
101 East Gaines Street
Tallahassee, FL 32399-0850

Written requests for hearing and written comments or suggestions on the rule must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399, no later than October 23, 1992.

By ORDER of the Florida Public Service Commission this 25th day of September, 1992.



STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

30320FAW.CC

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 920792-PU

RULE TITLE:

RULE NO.:

REFUSAL OR DISCONTINUANCE OF SERVICE BY UTILITY 25-30.320

PURPOSE AND EFFECT: The purpose in amending Rule 25-30.320 is to codify a Commission Order and policy prohibiting utilities that charge a dishonored check service charge pursuant to section 832.07(1)(a), F.S., from discontinuing service for failure to pay that extra charge. The rule is also amended to clarify the rule that addresses fraudulent conduct by customers and to make the rules applicable to each industry the Commission regulates consistent.

SUMMARY: Rule 25-30.320 is amended to prohibit water and wastewater utilities from refusing or discontinuing service to a customer for nonpayment of a dishonored check service charge imposed by the utility. Rule 25-30.320(5)(a) is also amended to state that the current applicant must have resided at the premises when the delinquency in payment occurred before that delinquency can be used as a basis for refusing service to the current applicant.

RULEMAKING AUTHORITY: 367.121, F.S.

LAW IMPLEMENTED: 367.081, 367.121, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF

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FPSC RECORDS (SERIALS)

THE PROCEEDING.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE,
A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., November 5, 1992

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC
IMPACT STATEMENT IS: Director of Appeals, Florida Public Service
Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THE THIS RULE IS:

25-30.320 Refusal or Discontinuance of Service.

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

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

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

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

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

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

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

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

(g) For nonpayment of bills or noncompliance with utility's rules and regulations in connection with the same or a different type or a different class of utility service furnished to the same customer at the same premises by the same or affiliated utility only after there has been a diligent attempt to have the customer comply, including at least ~~five~~(5) working days' written notice to the customers. Such notice shall be separate and apart from any bill for service. For purposes of this subsection, "working day" means any day on which the utility's office is open and the U.S. Mail is delivered. A utility shall not, however, refuse or discontinue service for nonpayment of a dishonored check service charge imposed by the utility.

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

(i) Without notice in the event of tampering with

regulators, valves, piping, meter or other facilities furnished and owned by the utility.

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

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

(4) In case of refusal to establish service, or whenever service is discontinued, the utility shall notify the applicant or customer in writing of the reason for such refusal or discontinuance. In all instances involving refusal or discontinuance of service the utility shall advise in its notice that persons dissatisfied with the utility's decision to refuse or discontinue service may register their complaint with the utility's Customer Relations Personnel and to the Florida Public Service Commission at 1-800-342-3552, which is a toll free number.

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

(a) Delinquency in payment for service by a previous occupant of the premises unless the current applicant or customer

occupied the premises at the time the delinquency occurred and the previous customer continues to occupy the premises and such previous customer occupant will receive benefit from such service.

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

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

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

(e) Failure to pay a dishonored check service charge imposed by the utility.

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

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

(b) A hazardous condition exists; or

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

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

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Specific Authority: 367.121, F.S.

Law Implemented: 367.081, 367.121, F.S.

History: Amended 9/12/74, 4/3/80, formerly 25-10.74, Transferred from 25-10.074 and Amended 11/9/86, 1/1/91.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Shafer

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: 09/15/92

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 488-8371 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).