

STATE OF FLORIDA

Commissioners:
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DIVISION OF APPEALS
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Public Service Commission

May 25, 2000

Mr. Carroll Webb
Joint Administrative Procedures
Committee
Room 120 Holland Building
Tallahassee, Florida 32399-1300

Re: Docket No. 991651-PU - Revision of Rule 25-22.032,
F.A.C., Customer Complaints

Dear Mr. Webb:

The Commission has approved the adoption of proposed
amendments of Rule 25-22.032, without changes.

We plan to file the rule for adoption on June 2, 2000.

Sincerely,

Martha Carter Brown
Associate General Counsel

ADT22032.MCB

Enclosure

cc: Division of Records & Reporting

- APP _____
- CAF _____
- CMP _____
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1 (Substantial rewording of Rule 25-22.032 follows. See Florida
2 Administrative Code for present text.)

3 25-22.032 Customer Complaints.

4 1. Intent; Application and Scope.

5 It is the Commission's intent that disputes between regulated
6 companies and their customers be resolved as quickly, effectively,
7 and inexpensively as possible. This rule establishes informal
8 customer complaint procedures that are designed to accomplish that
9 intent. This rule applies to all companies regulated by the
10 Commission. It provides for expedited processes for customer
11 complaints that can be resolved quickly by the customer and the
12 company without extensive Commission participation. It also
13 provides a process for informal Commission resolution of complaints
14 that cannot be resolved by the company and the customer.

15 (2) Any customer of a Commission regulated company may file
16 a complaint with the Division of Consumer Affairs whenever the
17 customer has an unresolved dispute with the company regarding
18 electric, gas, telephone, water, or wastewater service. The
19 complaint may be communicated orally or in writing. The complaint
20 shall include the name of the company against which the complaint
21 is made, the name of the customer of record, and the customer's
22 service address. Upon receipt of the complaint, a staff member
23 will determine if the customer has contacted the company and, if
24 the customer agrees, will put the customer in contact with the
25 company for resolution of the complaint using the transfer-connect

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1 system described in subsection(3), or by other appropriate means if
2 the company does not subscribe to the transfer-connect system. If
3 the customer does not agree to be put in contact with the company,
4 for those companies subscribing to the transfer-connect system, the
5 staff member will submit the complaint to the company for
6 resolution in accordance with the three-day complaint resolution
7 process set forth in subsection (4). For those companies not
8 subscribing to the transfer-connect system, the staff member will
9 submit the complaint to the company for resolution in accordance
10 with the provisions of subsection (5).

11 (3) Transfer-connect system.

12 (a) Each company subject to regulation by the Commission may
13 provide a transfer-connect (warm transfer) telephone number by
14 which the Commission may directly transfer a customer to that
15 company's customer service personnel. When the transfer is
16 complete, any further charges for the call shall be the
17 responsibility of the company and not the Commission or the
18 customer. Each company that subscribes to the transfer connect
19 system must provide customer service personnel to handle
20 transferred calls during the company's normal business hours and at
21 a minimum from Monday through Friday, 9:00 A.M to 4:00 P.M.,
22 Eastern time, excluding all holidays observed by the company.

23 (4) Complaints resolved within three (3) days.

24 Companies that subscribe to the transfer-connect system may
25 resolve customer complaints within three days in the following

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1 manner:

2 (a) The Commission staff member handling the complaint will
3 forward a description of the complaint to the company for response
4 and resolution. The three day period will begin at 5:00 p.m. on
5 the day the information is sent to the company and end at 5:00 p.m.
6 on the third day, excluding weekends and holidays. If the company
7 satisfactorily resolves the complaint, the company shall notify the
8 staff member of the resolution.

9 (b) The Commission will contact the customer to confirm that
10 the complaint has been resolved. If the customer confirms that the
11 complaint has been resolved, the complaint will not be reported in
12 the total number of complaints shown for that company in the
13 Commission Consumer Complaint Activity Report. However, the
14 Commission will retain the information for use in enforcement
15 proceedings, or for any other purpose necessary to perform its
16 regulatory obligations.

17 (c) If the customer informs the Commission staff member that
18 the complaint has not been resolved, the Commission will notify the
19 company and require a full report as prescribed in subsection (5).

20 (d) For purposes of this subsection a complaint will be
21 considered "resolved" if the company and the customer indicate that
22 the problem has been corrected, or the company and the customer
23 indicate that they have agreed to a plan to correct the problem.

24 (5) Complaints not resolved within three days.

25 If the customer does not agree to contact the company

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1 directly, if the customer is not satisfied with the company's
2 proposed resolution of the complaint, or if the company does not
3 subscribe to the transfer-connect system, a Commission staff member
4 will investigate the complaint and attempt to resolve the dispute
5 in the following manner:

6 (a) The staff member will notify the company of the complaint
7 and request a response. The company shall provide its response to
8 the complaint within fifteen (15) working days. The response shall
9 explain the company's actions in the disputed matter and the extent
10 to which those actions were consistent with applicable statutes and
11 regulations. The response shall also describe all attempts to
12 resolve the customer's complaint.

13 (b) The staff member investigating the complaint may request
14 copies of bills, billing statements, field reports, written
15 documents, or other information in the participants' possession
16 that may be necessary to resolve the dispute. The staff member may
17 perform, or request the company to perform, any tests, on-site
18 inspections, and reviews of company records necessary to aid in the
19 resolution of the dispute.

20 (6) During the complaint process, a company shall not
21 discontinue service to a customer because of any unpaid disputed
22 bill. However, the company may require the customer to pay that
23 part of a bill which is not in dispute. If the company and the
24 customer cannot agree on the amount in dispute, the staff member
25 will make a reasonable estimate to establish an interim disputed

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1 amount until the complaint is resolved. If the customer fails to
2 pay the undisputed portion of the bill the company may discontinue
3 the customer's service pursuant to Commission rules.

4 (7) The staff member will propose a resolution of the
5 complaint based on the information provided by all participants to
6 the complaint and applicable statutes and regulations. The
7 proposed resolution may be either oral or written. Upon request,
8 either participant shall be entitled to a written copy of the
9 proposed resolution.

10 (8) Informal Conference. If a participant objects to the
11 proposed resolution the participant may request an informal
12 conference on the complaint.

13 (a) The request for an informal conference shall be in
14 writing and filed with the Division of Consumer Affairs within 30
15 days after the proposed resolution is sent to the participants.

16 (b) When the request for an informal conference is received,
17 the Director of the Division of Consumer Affairs will assign a
18 Commission staff member to process the request for an informal
19 conference. The staff member will advise the participants to
20 complete Form X (PSC/CAF Form X), incorporated by reference herein,
21 and return the form to the Commission within fifteen (15) days. A
22 copy of Form X may be obtained from the Division of Consumer
23 Affairs. At a minimum, the participants shall provide the
24 following information on the form:

25 1. A statement describing the facts that give rise to the

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1 complaint;

2 2. A statement of the issues to be resolved; and

3 3. A statement of the relief requested.

4 The informal conference shall be limited to the complaint and the
5 statement of facts and issues identified by the participants in the
6 form. The Commission staff will notify the requesting participant
7 that the request for an informal conference will be denied if the
8 requesting participant's form is not received within the 15 days.

9 (c) The Director of the Division will review the statements
10 and either appoint a staff member to conduct the informal
11 conference, or make a recommendation to the Commission for
12 dismissal based on a finding that the complaint states no basis
13 upon which relief may be granted.

14 (d) If a conference is granted, the staff member appointed to
15 conduct the conference shall not have participated in the
16 investigation or proposed resolution of the complaint.

17 (e) After consulting with the participants, the staff member
18 will send a written notice to the participants setting forth the
19 unresolved issues, the procedures to be followed at the informal
20 conference, the dates by which written materials are to be filed,
21 and the time and place for the conference. The conference may be
22 held by telephone conference, video teleconference, or in person,
23 no sooner than ten days following the notice.

24 (f) At the conference, the participants shall have the
25 opportunity to present information, orally or in writing, in

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1 support of their positions. During the conference, the staff
2 member may encourage the parties to resolve the dispute. The
3 Commission will be responsible for tape-recording, but not
4 transcribing, the informal conference. A participant may arrange
5 for transcription at his own expense.

6 (g) The staff member may permit any participant to file
7 additional information, documentation, or arguments. The opposing
8 participant shall have an opportunity to respond.

9 (h) If a settlement is not reached within 20 days following
10 the informal conference or the last post-conference filing,
11 whichever is later, the staff member shall submit a recommendation
12 to the Commission for consideration at the next available Agenda
13 Conference. Copies of the recommendation shall be sent to the
14 participants.

15 (i) If the Director denies the request for an informal
16 conference, the participants shall be notified in writing. Within
17 20 days of giving notice, the staff shall submit a recommendation
18 for consideration at the next available Agenda Conference. Copies
19 of the recommendation shall be sent to the participants.

20 (j) The Commission will address the matter by issuing a
21 notice of proposed agency action or by setting the matter for
22 hearing pursuant to section 120.57, Florida Statutes.

23 (9) At any point during the complaint proceedings, a
24 participant has the right to be represented by an attorney or other
25 representative. For purposes of this rule a representative may be

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1 any person the party chooses, unless the Commission sets the matter
2 for hearing. If the Commission sets the matter for hearing, the
3 participants may be represented by an attorney or a qualified
4 representative as prescribed in Rule 28-106.106, Florida
5 Administrative Code, or may represent themselves. Each participant
6 shall be responsible for his own expenses in the handling of the
7 complaint.

8 (10) At any time the participants may agree to settle their
9 dispute. If a settlement is reached, the participants or their
10 representatives shall file with the Division of Consumer Affairs a
11 written statement to that effect. The statement shall indicate
12 that the settlement is binding on both participants, and that the
13 participants waive any right to further review or action by the
14 Commission. If the complaint has been docketed, the Division of
15 Consumer Affairs shall submit the settlement to the Commission for
16 approval. If the complaint has not been docketed, the Division
17 will acknowledge the statement of settlement by letter to the
18 participants.

19 (11) Record retention and auditing.

20 (a) All companies shall retain notes or documentation
21 relating to each Commission complaint for two years, beginning when
22 the complaint was first received.

23 (b) All companies shall file with the Commission, beginning
24 60 days after the effective date of this rule and monthly
25 thereafter, a report that summarizes the following information for

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1 the preceding calendar month:

2 1. The total number of calls handled via transfer connect,
3 including the customer's name, a brief description of the
4 complaint, and whether or not the complaint was addressed;

5 2. The number of complaints handled under the three day
6 complaint resolution procedure; and whether the complaint was
7 resolved.

8 (c) The Commission shall have access to all such records for
9 audit purposes.

10 Specific Authority 350.127(2), 364.19, 364.0252, 366.05, 367.121,
11 FS.

12 Law Implemented 364.01, 364.0252, 364.03(1), 364.183, 364.185,
13 364.15, 364.19, 364.337(5), 366.03, 366.04, 366.05, 367.011,
14 367.111, 367.121, 120.54, 120.569, 120.57, 120.573, FS.

15 History--New 01-03-89, Amended 10-28-93.

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FLORIDA PUBLIC SERVICE COMMISSION INFORMAL CONFERENCE REQUEST FORM

FPSC Complaint Number: _____

Customer's Name: _____

Legal Representative: _____

Address: _____

Telephone Number: (Voice) _____ (Fax) _____

E-mail address (if any): _____

Please address the following statements using additional pages if necessary.

Please identify the issues to be resolved. _____

Please describe the facts that are in dispute. _____

Please identify the dollar the amount in dispute. _____

Please provide a suggested resolution or the relief sought. _____

NOTICE: This form must be postmarked by (Date). Failure to provide this information by the postmark date may result in denial of the informal conference request.