

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** October 27, 2020

**TO:** Adam J. Teitzman, Commission Clerk, Office of Commission Clerk

**FROM:** Kathryn G.W. Cowdery, Senior Attorney, Office of the General Counsel *KGC*

**RE:** Docket No. 20200119-WS – Proposed amendment of Rule 25-30.335, F.A.C.,  
Customer Billing

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Please file the attached materials in the docket file listed above.

Thank you.

Attachments

RECEIVED-FPSC  
2020 OCT 27 PM 12:00  
COMMISSION  
CLERK

## **Kathryn Cowdery**

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**From:** David, Tad <DAVID.TAD@leg.state.fl.us>  
**Sent:** Tuesday, September 29, 2020 1:44 PM  
**To:** Kathryn Cowdery  
**Cc:** JR Kelly  
**Subject:** RE: PSC Docket No. 20200119-WS - Proposed amendment of Rule 25-30.335, Customer Billing  
**Attachments:** REV DRAFT 25-30.335 (OPC [tad] edits).docx  
**Importance:** High

Kathryn,

See the attached version of the revised rule draft. I have included a few minor, suggested edits on page 1 at lines 6, 7, 10, and 11. I did not use Track Changes but I did make text strikes red and text additions blue.

I also have a couple of points of concern regarding subsection (5) of the rule on page 2 at lines 13-5.

First, how is the term "household members" going to be defined in the rule? Is this term defined anywhere else we could cross-reference to define the term here? I am concerned this definition could make the rule difficult to implement if an applicable situation arises.

Second, as somewhat of a corollary to my first concern, if there is a dispute over who is and who is not "household members," I presume the burden of proof would be on the utility. Is this your understanding also?

Please let me know if I can do anything further to help with this docket.

Tad David  
Office of Public Counsel

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**From:** Kathryn Cowdery <kcowdery@PSC.STATE.FL.US>  
**Sent:** Tuesday, September 29, 2020 9:16 AM  
**To:** mfriedman@deanmead.com; 'Troy Rendell' <trendell@uswatercorp.net>; mike@fus1llc.com; 'brucer@itsfiber.com' <brucer@itsfiber.com>; David, Tad <DAVID.TAD@leg.state.fl.us>; Kelly, JR <KELLY.JR@leg.state.fl.us>  
**Subject:** PSC Docket No. 20200119-WS - Proposed amendment of Rule 25-30.335, Customer Billing

Dear Interested Persons:

Attached is a revised draft of Rule 25-30.335, F.A.C. Please let us know if you have any additional comments on this revised draft rule by Tuesday, October 13, 2020.

Thank you for your participation in this rulemaking.

Kathryn G.W. Cowdery  
Senior Attorney  
Florida Public Service Commission

1       **25-30.335 Customer Billing.**

2       (1) Except as provided in this rule, a utility must ~~shall~~ render bills to customers at regular  
3 intervals, and each bill must ~~shall~~ indicate: the billing period covered; ~~the applicable rate~~  
4 ~~schedule~~; beginning and ending meter reading; the amount of the bill; the delinquent date or  
5 the date after which the bill becomes past due; and any authorized late payment charge.

6       (2) When a utility is unable to ~~obtain an actual meter read~~ a customer meter, an estimated  
7 bills may be provided to that customer.

8       (a) If the utility estimates a bill, ~~the bill statement shall prominently show~~ the word  
9 “Estimated” must be prominently displayed on the face of the bill.

10       (b) The utility is obligated to timely correct any problems within the utility’s control  
11 causing the need to estimate any bills. In no event may ~~shall~~ a utility provide an estimated bill  
12 to any one customer account more than four times in any 12-month period due to  
13 circumstances that are within the utility’s control and service obligations.

14       (c) Upon issuance of a second estimated bill in a 6-month period, the utility must ~~shall~~  
15 provide the customer with an explicit written explanation for the estimation, along with the  
16 utility contact information and the Commission toll-free complaint number, 1(800) 342-3552.

17       (d) The utility must ~~shall~~ maintain records, for a minimum of two years, detailing the  
18 number, frequency, and causes of estimated bills, and those records must ~~which shall~~ be made  
19 available upon request to the Commission or to any party to a rate proceeding for the utility.

20       (3) When service is rendered for less than 50 percent of the normal billing cycle, the utility  
21 must ~~shall~~ prorate the base facility charges, flat rates, or rates that include minimum usage as  
22 though the normal billing cycle were 30 days, ~~except that~~ the utility may elect not to ~~not~~  
23 ~~issue an initial bill for service if the service is rendered for~~ during a time period which is less  
24 than 50 percent of the normal billing cycle. Instead, the utility may elect to issue a single bill  
25 combining ~~combine~~ the amount owed for the service rendered during the initial time period

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from existing law.

1 with the amount owed for the next billing cycle, ~~and issue a single bill for the combined time~~  
2 ~~period. For service taken under flat rate schedules, 50 percent of the normal charges may be~~  
3 ~~applied.~~

4 (4) If a customer requests a temporary discontinuance of service or is out of residence:

5 (a) Utilities that have the base facility charge rate structure must continue to bill the base  
6 facility charge.

7 (b) Utilities that have a flat rate or a rate that includes minimum usage must bill the  
8 customer 40 percent of the flat or minimum rate contained on the applicable tariff.

9 (5) If a customer requests a permanent termination of service and that customer  
10 subsequently requests service at the same location within 12 months of termination, the utility  
11 must bill the applicable tariffed rate or charge as set forth in subsection (4) above. The  
12 customer is responsible for payment of all outstanding rates and charges for the service  
13 termination period in order for service to be restored. As used in this subsection, the term  
14 "customer" means the customer of record and any other household members who lived at the  
15 customer of record's residence at the time permanent termination was requested.

16 (6) When a customer requests temporary discontinuance or permanent termination of  
17 service, the utility must give written notification to the customer of the requirements of  
18 subsections (4) and (5) of this rule.

19 ~~(7)~~(4) A utility may not consider a customer delinquent in paying his or her bill until the  
20 21st day after the utility has mailed or presented the bill for payment.

21 ~~(8)~~(5) A ~~Each~~ utility must ~~shall~~ establish each point of delivery as an independent  
22 customer account and must ~~shall~~ calculate the amount of the bill accordingly, except where  
23 physical conditions make it necessary to use additional meters or points of delivery for one  
24 class of service to a single customer on the same premises, or where such multiple meters or  
25 delivery points are used for the convenience of the utility.

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1        ~~(9)~~(6) A utility may not incorporate municipal or county franchise fees into the amount  
2 indicated as the cost for service on the customer's bill. Rather, the utility must ~~shall~~ show any  
3 such franchise fee as a separate item.

4        ~~(10)~~(7) The utility must ~~shall~~ maintain a record of each customer's account for the most  
5 current 2 years so as to permit reproduction of the customer's bills during the time that the  
6 utility provided service to that customer.

7        ~~(8) If a utility utilizes the base facility and usage charge rate structure and does not have a~~  
8 ~~Commission authorized vacation rate, the utility shall bill the customer the base facility charge~~  
9 ~~regardless of whether there is any usage.~~

10 *Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented ~~367.091~~, 367.121 FS.*  
11 *History—New 9-14-74, Amended 6-21-79, Formerly 25-10.97, 25-10.097, Amended 11-10-86,*  
12 *11-30-93, 6-17-13, \_\_\_\_\_.*

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## Kathryn Cowdery

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**From:** Martin S. Friedman <MFriedman@deanmead.com>  
**Sent:** Friday, October 09, 2020 1:55 PM  
**To:** Troy Rendell; Kathryn Cowdery; mike@fus1llc.com; brucer@itsfiber.com; David, Tad; JR Kelly  
**Subject:** RE: PSC Docket No. 20200119-WS - Proposed amendment of Rule 25-30.335, Customer Billing

Kathryn,

I have small utility clients that have experienced similar issues and support Troy's comments.  
Marty



Martin S Friedman  
Attorney at Law  
[MFriedman@deanmead.com](mailto:MFriedman@deanmead.com)  
D: 407-310-2077  
Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.  
420 S. Orange Avenue, Suite 700, Orlando, FL 32801  
Orlando | Fort Pierce | Tallahassee | Viera/Melbourne



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**From:** Troy Rendell <[trendell@uswatercorp.net](mailto:trendell@uswatercorp.net)>  
**Sent:** Friday, October 9, 2020 1:15 PM  
**To:** Kathryn Cowdery <[kcowdery@psc.state.fl.us](mailto:kcowdery@psc.state.fl.us)>; Martin S. Friedman <MFriedman@deanmead.com>;  
[mike@fus1llc.com](mailto:mike@fus1llc.com); [brucer@itsfiber.com](mailto:brucer@itsfiber.com); David, Tad <[DAVID.TAD@leg.state.fl.us](mailto:DAVID.TAD@leg.state.fl.us)>; JR Kelly <[kelly.jr@leg.state.fl.us](mailto:kelly.jr@leg.state.fl.us)>  
**Subject:** RE: PSC Docket No. 20200119-WS - Proposed amendment of Rule 25-30.335, Customer Billing

Good Friday afternoon,

Attached are my comments on the customer billing rule.

I look forward to further discussions.

Troy Rendell  
Vice President - Investor Owned Utilities



4939 Cross Bayou Boulevard  
New Port Richey, FL 34652  
(Office) 727-848-8292 x245  
(Mobile) 727-777-2508  
(Fax) 727-848-7701  
(E-Mail) [trendell@uswatercorp.net](mailto:trendell@uswatercorp.net)

---

**From:** Kathryn Cowdery <[kcowdery@PSC.STATE.FL.US](mailto:kcowdery@PSC.STATE.FL.US)>

**Sent:** Tuesday, September 29, 2020 9:16 AM

**To:** [mfriedman@deanmead.com](mailto:mfriedman@deanmead.com); 'Troy Rendell' <[trendell@uswatercorp.net](mailto:trendell@uswatercorp.net)>; [mike@fus1llc.com](mailto:mike@fus1llc.com); '[brucer@itsfiber.com](mailto:brucer@itsfiber.com)' <[brucer@itsfiber.com](mailto:brucer@itsfiber.com)>; David, Tad ([DAVID.TAD@leg.state.fl.us](mailto:DAVID.TAD@leg.state.fl.us)) <[DAVID.TAD@leg.state.fl.us](mailto:DAVID.TAD@leg.state.fl.us)>; JR Kelly <[kelly.jr@leg.state.fl.us](mailto:kelly.jr@leg.state.fl.us)>

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Kathryn G.W. Cowdery  
Senior Attorney  
Florida Public Service Commission

## **Kathryn Cowdery**

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**From:** David, Tad <DAVID.TAD@leg.state.fl.us>  
**Sent:** Monday, October 12, 2020 2:57 PM  
**To:** Kathryn Cowdery; 'Troy Rendell'; mfriedman@deanmead.com; mike@fus1llc.com; brucer@itsfiber.com; JR Kelly  
**Subject:** RE: PSC Docket No. 20200119-WS - Proposed amendment of Rule 25-30.335, Customer Billing  
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**Importance:** High

Kathryn,

OPC reiterates our noted concern regarding the lack of a clear definition for the term "household members" in subsection (5) of the rule on page 2 at lines 13-5, and we reaffirm our previous submission of (minor) recommended edits as shown on the version attached. We do not believe any other revisions to Staff's proposed language are necessary, and we particularly object to U.S. Water's suggested proposals. Let me know if you need any further information or input from us.

Thank you.

TAD

Tad David  
Office of Public Counsel

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**From:** Kathryn Cowdery <kcowdery@PSC.STATE.FL.US>  
**Sent:** Friday, October 9, 2020 1:18 PM  
**To:** 'Troy Rendell' <trendell@uswatercorp.net>; mfriedman@deanmead.com; mike@fus1llc.com; brucer@itsfiber.com; David, Tad <DAVID.TAD@leg.state.fl.us>; Kelly, JR <KELLY.JR@leg.state.fl.us>  
**Subject:** RE: PSC Docket No. 20200119-WS - Proposed amendment of Rule 25-30.335, Customer Billing

Thank you, Troy.

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