

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 980903-WS

RULE TITLE:

RULE NO.:

Refusal or Discontinuance of Service 25-30.320

PURPOSE AND EFFECT: To amend the current rule to authorize utilities under Commission jurisdiction to discontinue service for nonpayment of bills for municipal sewer service under circumstances specifically provided in section 159.18(2), Florida Statutes.

SUMMARY: Revises Rule 25-30.320 to authorize a utility to discontinue water service for nonpayment of municipal sewer service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The recommended rule change may reduce costs to utilities and the Commission by eliminating the need for proceedings to waive the rule. Because invoking this rule amendment is predicated on a voluntary agreement between the utility and the municipality, neither party is expected to incur any additional cost in complying with the rule amendment. Billing and collection agreements could result in an additional source of income for the utility and could lower the cost of billing, collection and discontinuance of service for the municipality.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

RECEIVED  
98 AUG 22 11:22  
DEPT. OF PUBLIC UTILITIES  
TALLAHASSEE, FLORIDA

within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), 367.121, FS.

LAW IMPLEMENTED: 367.081, 367.111, 367.121, FS.

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 THE PROCEEDING.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE THAT WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:  
Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-30.320 Refusal or Discontinuance of Service.

(1) - (2)(f) No Change.

(g) For nonpayment of bills, including nonpayment of municipal sewer service under circumstances specifically provided in section 159.18(2), F.S., or noncompliance with the 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 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) - (6)(d) No Change.

Specific Authority: 350.127(2), 367.121, F.S.

Law Implemented: 367.081, 367.111, 367.121, F.S.

History: Amended 9/12/74, 4/3/80, formerly 25-10.74, 25-10.074, Amended 11-9-86, 1-1-91, 1-11-93, 11-30-93.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ralph Von Fossen

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:  
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: August 4, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:  
Volume 24, Number 19, May 8, 1998

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 (850) 413-6770 at least five calendar days prior to

the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

1 25-30.320 Refusal or Discontinuance of Service.

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

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

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

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

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

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

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

24 (f) For neglect or refusal to provide reasonable access to  
25 the utility for the purpose of reading meters or inspection and

CODING: Words underlined are additions; words in  
~~struck-through~~ type are deletions from existing law.

1 maintenance of equipment owned by the utility.

2 (g) For nonpayment of bills, including nonpayment of  
3 municipal sewer service under circumstances specifically provided  
4 in section 159.18(2), F.S., or noncompliance with the utility's  
5 rules and regulations in connection with the same or a different  
6 type or a different class of utility service furnished to the  
7 same customer at the same premises by the same or affiliated  
8 utility only after there has been a diligent attempt to have the  
9 customer comply, including at least 5 working days' written  
10 notice to the customers. Such notice shall be separate and apart  
11 from any bill for service. For purposes of this subsection,  
12 "working day" means any day on which the utility's office is open  
13 and the U.S. Mail is delivered. A utility shall not, however,  
14 refuse or discontinue service for nonpayment of a dishonored  
15 check service charge imposed by the utility.

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

21 (j) Without notice in the event of unauthorized or  
22 fraudulent use of service. Whenever service is discontinued for  
23 fraudulent use of such service, the utility, before restoring  
24 service, may require the customer to make at his own expense all  
25 changes in piping or equipment necessary to eliminate illegal use

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1 and to pay an amount reasonably estimated as the deficiency in  
2 revenue resulting from such fraudulent use. Service shall not be  
3 discontinued if, prior to the arrival of the utility to  
4 discontinue service, the customer has:

- 5 1. paid for all fraudulent use of service;
- 6 2. demonstrated the fraudulent use has ceased;
- 7 3. paid all other applicable fees and charges; and
- 8 4. the service condition allowing fraudulent use of  
9 service has been corrected.

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

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

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

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

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

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

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

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

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

13 (6) No utility shall discontinue service to any customer,  
14 between 12:00 noon on a Friday and 8:00 a.m. the following Monday  
15 or between 12:00 noon on the day preceding a public holiday and  
16 8:00 a.m. the next working day; provided, however, that this  
17 prohibition shall not apply when:

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

20 (b) A hazardous condition exists; or

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

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

25 Specific Authority: 350.127(2), 367.121, F.S.

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1 Law Implemented: 367.081, 367.111, 367.121, F.S.  
2 History: Amended 9/12/74, 4/3/80, formerly 25-10.74, 25-10.074,  
3 Amended 11/9/86, 1/1/91, 1/11/93, 11/30/93.  
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