

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

123 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

March 21, 2013

HAND DELIVERED

RECEIVED-FPSC
13 MAR 21 PM 3:01
COMMISSION
CLERK

Ms. Ann Cole, Director
Division of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Formal petition of complaint against Tampa Electric Company, for violation of Commission Rule 25-6.100 regarding billing, by Curtis Brown;
FPSC Docket No. 130064-EI

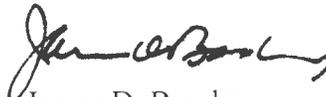
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and seven (7) copies of Tampa Electric Company's Response to Letter Complaint of Customer Curtis Brown.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,


James D. Beasley

JDB/pp
Enclosure

cc: Ms. Lee Eng Tan (w/enc.)
Mr. Curtis Brown (w/enc.)
Ms. Laurie Evans (w/enc.)

COM _____
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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Formal petition of complaint against)
Tampa Electric Company, for violation of)
Commission Rule 25-6.100 regarding)
billing, by Curtis Brown.)
_____)

DOCKET NO. 130064-EI

FILED: March 21, 2013

**TAMPA ELECTRIC COMPANY'S RESPONSE
TO LETTER COMPLAINT OF CUSTOMER CURTIS BROWN**

Tampa Electric Company ("Tampa Electric" or "the company"), responds as follows to the undated letter complaint filed by Tampa Electric customer, Mr. Curtis Brown, on or about March 13, 2013, and says:

1. Mr. Brown's letter complaint should be dismissed and not heard as a docketed proceeding because of its failure to comply with the requirements for initiating a proceeding under the Uniform Rules of Procedure in the Florida Administrative Code, Rules 28-106.201 and 28-106.301, Florida Administrative Code. Among other things, the letter complaint fails to state how Mr. Brown's substantial interests are affected by any action and fails to state any relief requested. The letter also fails to state any basis for requesting the opening of a formal Commission docket as opposed to the customer first pursuing remedies that are available through the complaint procedures set out in the Commission's Customer Complaint rule, Rule 25-22.032, Florida Administrative Code. That rule states the Commission's intent that disputes between regulated companies and their customers be resolved as quickly, effectively, and inexpensively as possible. The rule further states:

. . . This rule establishes informal customer complaint procedures that are designed to address disputes, subject to this Commission's jurisdiction, that occur between regulated companies and individual customers. It provides for expedited processes for

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customer complaints that can be resolved quickly by the customer and the company. It also provides a process for informal Commission staff resolution of complaints that cannot be resolved by the company and the customer.

Rule 25-22.032 goes on to set out a comprehensive set of informal processes designed to resolve customer complaints on an informal basis. It is only when those informal efforts fail that the rule calls for the Commission to address the matter by issuing a Notice of Proposed Agency Action or by setting the matter for hearing. The informal Staff supervised complaint resolution process in advance of bringing a customer complaint before the Commission is not unlike the requirement in circuit court actions that cases be mediated in advance of going to trial.

2. Based on the foregoing, Mr. Brown's complaint should be dismissed. If, however, the Commission elects to dispose of the letter complaint on its merits, it should be summarily denied. Mr. Brown's complaint alleges that Tampa Electric has failed to comply with Rule 25-6.100, Florida Administrative Code, which is the Commission's rule addressing customer billings. Specifically, Mr. Brown claims that the rule requires Tampa Electric's customer bills to "have on the bill locations where payments can be made with no fees for making the payment transaction."

3. Attached hereto as Exhibit "A" is a copy of Rule 25-6.100, as most recently amended effective February 4, 2013. Subsection (2)(j) of the rule sets forth the requirement that Mr. Brown has apparently misinterpreted. Subsection (2)(j) states that customers' bills must show:

(j) The name and address of the utility plus the toll-free numbers(s) where customers can receive information about their bill as well as locations where the customers can pay their utility bill. Such information must identify those locations where no surcharge is incurred.

4. Rather than requiring the bill to show on its face the information regarding locations where payments can be made, including locations where no surcharge is assessed, the rule requires utilities to include toll-free number(s) where the customer can call and receive that information.

5. The above intent of the rule was confirmed in the November 29, 2012 Staff Recommendation recommending adoption of proposed amendments to the rule. The Staff Analysis set out on page 2 of the Staff Recommendation states in pertinent part:

Rule 25-6.100, F.A.C., addresses a number of matters on customer billing. The rule refers to local offices where a bill may be paid. However, local offices have been phased out in general. Thus, staff recommends that references to local offices on customers' bills be deleted and, instead, the rule be amended to require a toll-free number where customers may receive information about their bill as well as locations where they can pay their bill. Staff further recommends that the payment location information provided to customers who call the toll-free number include locations where no surcharge is required.

6. Mr. Brown did not include with his complaint letter a copy of one of his recent bills from Tampa Electric. Had he done so, it would show on its face that Tampa Electric's customer bills fully comply with subsection (2)(j) of Rule 25-6.100. Attached here to as Exhibit "B" is a blank copy of the bill Tampa Electric currently uses to bill residential customers, including Mr. Brown. The back of this bill clearly indicates in the "Payment Options" section that one of the options is to pay at a local payment agent, and directs customers who wish to avail themselves of this option to visit the company's website or call one of the Customer Care toll-free numbers provided on the bill for a listing of the payment locations. Consistent with the rule, customers who go on line or call in toll-free are provided payment location information including locations where no surcharge is required.

7. As demonstrated above, Tampa Electric is in full compliance with Rule 25-6.100, Florida Administrative Code, and Mr. Brown's complaint should be summarily denied.

WHEREFORE, for the reasons set forth above, Tampa Electric urges that Mr. Brown's letter complaint either be dismissed, or in the alternative, summarily denied on the merits.

DATED this 21st day of March 2013.

Respectfully submitted,



JAMES D. BEASLEY
J. JEFFRY WAHLEN
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Response to Letter Complaint of Customer Curtis Brown, filed on behalf of Tampa Electric Company, has been served by hand delivery(*) or U. S. Mail on this 21st day of March 2013 to the following:

Ms. Lee Eng Tan*
Senior Counsel
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. Curtis Brown
9916 Carlsdale Drive
Riverview, FL 33578



ATTORNEY

25-6.100 Customer Billings.

- (1) Bills shall be rendered monthly and as promptly as possible following the reading of meters.
- (2) By January 1, 1983, each customer's bill shall show at least the following information:
 - (a) The meter reading and the date the meter is read, in addition to the meter reading for the previous period. If the meter reading is estimated, the word "estimated" shall be prominently displayed on the bill.
 - (b) 1. Kilowatt-hours (KWH) consumed including on and off peak if customer is time-of-day metered.
2. Kilowatt (KW) demand, if applicable, including on and off peak if customer is time-of-day metered.
 - (c) The dollar amount of the bill, including separately:
 1. Customer charge.
 2. Energy (KWH) charge, exclusive of fuel, in cents per KWH, including amounts for on and off peak if the customer is time-of-day metered, and energy conservation costs.
 3. Demand (KW) charge, exclusive of fuel, in dollar cost per KW, if applicable, including amounts for on and off peak if the customer is time-of-day metered.
 4. Fuel cost in cents per KWH (no fuel costs shall be included in the base charge for demand or energy).
 5. Total electric cost which is the sum of the customer charge, total fuel cost, total energy cost, and total demand cost.
 6. Franchise fees, if applicable.
 7. Taxes, as applicable on purchases of electricity by the customer.
 8. Any discount or penalty, if applicable.
 9. Past due balances shown separately.
 10. The gross and net billing, if applicable.
 - (d) Identification of the applicable rate schedule.
 - (e) The date by which payment must be made in order to benefit from any discount or avoid any penalty, if applicable.
 - (f) The average daily KWH consumption for the current period and for the same period in the previous year, for the same customer at the same location.
 - (g) The delinquent date or the date after which the bill becomes past due.
 - (h) Any conversion factors which can be used by customers to convert from meter reading units to billing units. Where metering complexity makes this requirement impractical, a statement must be on the bill advising that such information may be obtained by contacting the utility's local business office.
 - (i) Where budget billing is used, the bill shall contain the current month's consumption and charges separately from budgeted amounts.
 - (j) The name and address of the utility plus the toll-free number(s) where customers can receive information about their bill as well as locations where the customers can pay their utility bill. Such information must identify those locations where no surcharge is incurred.
- (3) When there is sufficient cause, estimated bills may be submitted provided that with the third consecutive estimated bill the company shall contact the customer explaining the reason for the estimated billing and who to contact in order to obtain an actual meter reading. An actual meter reading must be taken at least once every six months. If an estimated bill appears to be abnormal when a subsequent reading is obtained, the bill for the entire period shall be computed at a rate which contemplates the use of service during the entire period and the estimated bill shall be deducted. If there is reasonable evidence that such use occurred during only one billing period, the bill shall be computed.
- (4) The regular meter reading date may be advanced or postponed not more than five days without a pro-ration of the billing for the period.
- (5) Whenever the period of service for which an initial or opening bill is rendered is less than the normal billing period, the charges applicable to such service, including minimum charges, shall be pro-rated except that initial or opening bills need not be rendered but the energy used during such period may be carried over to and included in the next regular monthly billing.
- (6) The practices employed by each utility regarding customer billing shall have uniform application to all customers on the same rate schedule.
- (7) Franchise Fees.
 - (a) When a municipality charges a utility any franchise fee, the utility may collect that fee only from its customers receiving service within that municipality. When a county charges a utility any franchise fee, the utility may collect that fee only from its

customers receiving service within that county.

(b) A utility may not incorporate any franchise fee into its other rates for service.

(c) For the purposes of this subsection, the term "utility" shall mean any electric utility, rural electric cooperative, or municipal electric utility.

(d) This subsection shall not be construed as granting a municipality or county the authority to charge a franchise fee. This subsection only specifies the method of collection of a franchise fee, if a municipality or county, having authority to do so, charges a franchise fee.

Rulemaking Authority 366.05(1), 366.04(2) FS. Law Implemented 366.03, 366.04(2), 366.041(1), 366.051, 366.06(1) FS. History New 2-25-76, Amended 4-13-80, 12-29-81, 6-28-82, 5-16-83, 2-4-13.

Your Electric Bill

We appreciate the opportunity to serve you.

LIFE RUNS ON ENERGY[®]

TECO
TAMPA ELECTRIC



Exhibit "B"



Contact Information

tampaelectric.com

Customer Care:
813-223-0800
(Hillsborough County)

863-299-0800
(Polk County)

1-888-223-0800
(All other counties)

Power Outages:
1-877-588-1010

Energy-Saving Programs:
813-275-3909

Mail Payments To:
Tampa Electric Company
P.O. Box 31318
Tampa, FL 33631-3318

All Other Correspondence:
Tampa Electric Company
P.O. Box 111
Tampa, FL 33601-0111

If you are hearing impaired and use a TTY, call 813-228-4613

Receive and pay your Tampa Electric bill online with



Your payment options are:

- Mail your payment to us in the enclosed envelope.
 - Pay at a local payment agent. For a listing of payment agents, visit tampaelectric.com or call Customer Care at the number listed above.
 - Enroll in our free Automatic Bank Draft program.
 - Pay your bill online for free with e-Bill.
 - Pay by credit card, debit card or check using Just Pay It® at tampaelectric.com or call toll-free 1-866-300-3069. (A convenience fee will be charged to your account.)
- Note: When making your payment, please have your bill or account number available.*

Understanding Your Electric Bill

Kilowatt-Hours (kWh) - The basic measurement of electric energy use.

Average kWh per day - Table with the average amount of electricity purchased per day.

Late Payment Charge - For past due amounts more than \$10, the late payment charge is the greater of \$5 or 1.5% of the past due amount. For past due amounts of \$10 or less, the late payment charge is 1.5% of the past due amount.

Past Due - Previous charges that are past due are subject to a late payment charge fee and may result in disconnection.

New Charges - Current month's charges.

Customer Charge - A fixed monthly amount to cover the cost of providing service to your location.

Rate Schedule - The rate you pay depends on your customer category. The cost of providing service varies with the customer group.

Energy - The cost (except fuel) of producing the electricity you purchased.

Fuel - Cost of fuel used to produce electricity you purchased.

Gross Receipts Tax - A tax collected by the company on behalf of the state.

Franchise Fee - The fee paid by customers who receive service in an incorporated city or town for use of city-owned property where power lines and facilities are built.

City Tax - Customers who receive service in a city/town that charges a tax pay this amount.

Other items that may appear on your bill:

Levelized Payment Plan - Optional plan spreads cost of electricity over a year, making electric bill payments about the same all year.

Share Pledge - A program co-sponsored by Tampa Electric and the Salvation Army where Tampa Electric customers can help pay the energy bills of customers in need. Contributions are deducted from electric bills monthly, or a one-time contribution can be made.

Estimated Reading - When we cannot read your meter, we will estimate usage for that month and bill you based on the estimate.

Renewable Energy - The amount of electricity purchased from renewable sources.

Zap Cap Systems® - Surge protection for your home or business sold separately as a non-energy charge.

Lighting Service Items - The number of light fixtures and/or poles leased from Tampa Electric, and associated fees and charges.

Sus opciones de pago son:

- Envíenos su pago por correo en el sobre adjunto.
- Haga su pago con un agente autorizado. Para obtener ubicaciones de pago autorizadas, por favor visite tampaelectric.com o comuníquese con el departamento de Servicio al Cliente en el número que fue indicado anteriormente.
- Inscríbese en nuestro programa gratuito de Automatic Bank Draft. (bancario automático)
- Pague su factura por Internet, sin costo adicional, con e-Bill.
- Pague con tarjeta de crédito, tarjeta débito o cheque utilizando Just Pay It® en tampaelectric.com o llame a la línea gratuita al 1-866-300-3069. (Se le cargará una comisión por servicio a su cuenta).

Nota: cuando efectúe su pago, tenga su factura y número de cuenta disponibles.