

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Formal petition of complaint against Tampa Electric Company, for discrimination against customers in their Energy Planner program, by Curtis Brown.

DOCKET NO. 120275-EI

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
ORDER NO. PSC-14-0100-PAA-EI
ISSUED: February 11, 2014

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
LISA POLAK EDGAR
RONALD A. BRISÉ
EDUARDO E. BALBIS
JULIE I. BROWN

ORDER DISMISSING COMPLAINT AND NOTICE OF PROPOSED AGENCY ACTION
ORDER FINDING NO VIOLATION OF RULE 25-6.100, F.A.C.

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Case Background

Docket No. 120275-EI – Formal petition of complaint against Tampa Electric Company, for discrimination against customers in their Energy Planner program, by Curtis Brown.

On June 4, 2012, Mr. Curtis Brown opened complaint #1066179E against Tampa Electric Company (TECO). After moving to a new address, Mr. Brown alleged that he attempted to continue the Energy Planner Program¹ that he participated in at his previous address but was

¹ The Commission approved the Energy Planner Program as a pilot program by Order No. PSC-05-0181-PAA-EG, issued February 16, 2005, in Docket No. 040033-EG, In re: Petition for approval of numeric conservation goals by Tampa Electric Company and approved the program as a permanent program by Order No. PSC-07-0740-TRF-EG,

denied. Mr. Brown was informed that the Energy Planner Program was not compatible with his new housing type, a multi-family dwelling, and therefore not available to him. Mr. Brown argued that the Energy Planner Program should be available to customers in multi-family dwellings. During the complaint process, Mr. Brown was informed that TECO was testing a replacement technology that would accommodate multi-family dwellings, which was anticipated to be available in August or September of 2012. TECO placed Mr. Brown on a priority list for installation of the Energy Planner Program once available. On June 28, 2012, complaint #1066179E was closed by our staff upon mailing of a resolution letter.

On October 29, 2012, Mr. Brown filed a one-page petition, requesting a docket be opened against TECO for discrimination against customers in their Energy Planner Program. He stated that the Energy Planner Program is available only to customers with single family dwellings. Mr. Brown argued that the ability to conserve energy and to save money on electricity bills should be made available equally to all customers.

On November 16, 2012, TECO filed a letter acknowledging Mr. Brown's October filing, stating that the company continues to work with Mr. Brown regarding the application of the Energy Planner Program to multi-family dwellings. On April 11, 2013, our staff held a conference call with Mr. Brown and representatives from TECO to discuss both dockets.

On June 26, 2013, TECO stated in a letter that the company successfully installed the Energy Planner Program at Mr. Brown's residence. On August 27, 2013, our staff sent an email and a letter to Mr. Brown requesting confirmation of the successful installation of the Energy Planner Program at his dwelling and inquiring if his complaint may be closed. Mr. Brown did not respond.

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On March 18, 2013, Mr. Brown filed a one page letter requesting a new docket be opened to address TECO's alleged violation of Rule 25-6.100, Florida Administrative Code (F.A.C.). Mr. Brown argues that the rule requires that customers' bills list the locations where surcharge-free payments can be made by customers.

On March 21, 2013, TECO filed a response to Mr. Brown's petition. TECO argues that Mr. Brown misinterpreted Rule 25-6.100, F.A.C., and that the rule only requires utilities to include toll-free numbers that customers can call to obtain bill pay locations, not the actual locations. TECO stated that its bills identify payment options which include Customer Care toll-free numbers that provide a listing of payment locations upon request. The payment location information includes locations where no surcharge is applicable.

In an August 27, 2013, letter and email, our staff also addressed Mr. Brown's allegation of TECO's violation of Rule 25-6.100, F.A.C. The letter stated that our staff did not believe that TECO was in violation of the rule. Our staff requested a response if there were any further issues to address in the docket. No response was received.

We have jurisdiction over this matter pursuant to Chapter 366, Florida Statutes (F.S.). We handle consumer complaints pursuant to Rule 25-22.032, F.A.C., and formal complaints pursuant to Rule 25-22.036, F.A.C.

Analysis and Decision

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On October 29, 2012, Mr. Brown alleged discrimination because he was unable to transfer his participation in the Energy Planner Program when he moved his residence from a single family dwelling to a multi-family dwelling. Mr. Brown expressed a desire to continue with the Energy Planner Program and asked that the program be expanded to multi-family dwellings.

At the time, the Energy Planner Program was not available to multi-family dwellings due to technological constraints. After learning of Mr. Brown's interest in the Energy Planner Program, TECO agreed to expand the program and began to make the software changes necessary to accommodate multi-family dwellings. TECO worked with Mr. Brown to install the Energy Planner Program at his residence. We note that TECO has been very cooperative regarding the expansion of the Energy Planner Program.

On June 26, 2013, TECO filed a letter stating that the system had been successfully installed at Mr. Brown's residence. Since Mr. Brown had not contacted us following the installation of the Energy Planner Program, our staff sent an email and a letter inquiring whether the docket may be closed due to successful resolution of his concerns. Mr. Brown has not responded to either the August 27, 2013, email or letter. Therefore, as Mr. Brown is participating in the Energy Planner Program, we find Mr. Brown's complaint to be moot and shall be dismissed on the Commission's own motion.

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Mr. Brown alleged that TECO was in violation of Rule 25-6.100, F.A.C., by failing to list surcharge-free payment locations on its customers' bills instead requiring the customer to call the toll-free numbers to obtain such locations.

TECO argues that Mr. Brown misinterpreted Rule 25-6.100, F.A.C., and that the rule only requires utilities to include toll-free numbers that customers can call to obtain bill pay locations, not the actual locations. TECO stated that its bills identify payment options which include Customer Care toll-free numbers that provide a listing of payment locations upon request. The payment location information includes locations where no surcharge is applicable.

We find that the rule requires toll-free numbers be provided so consumers may call to find the surcharge-free locations where the customers can pay their utility bill. Specifically, Rule 25-6.100(j), F.A.C., states that 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.” (*emphasis added*)

We note that Mr. Brown has not asked for any specific relief. In TECO’s current customer bills, customers are directed to the company’s website and a toll-free number where customers are provided a list of local payment locations who do not charge a fee. Therefore, we do not find that TECO is in violation of the rule and no further Commission action is required.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the complaint in Docket No. 120275-EI is moot and shall be dismissed on the Commission’s own motion. It is further

ORDERED that TECO did not violate Rule 25-6.100, F.A.C, as alleged by Mr. Brown. It is further

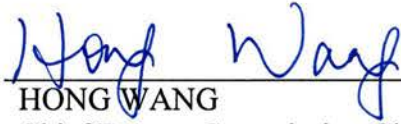
ORDERED that no further Commission action is required in Docket No. 130064-EI. It is further

ORDERED that Docket No. 120275-EI shall be closed. It is further

ORDERED that the provisions of this Order regarding Docket 130064-TX, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, F.A.C., is received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the “Notice of Further Proceedings” attached hereto. It is further

ORDERED that Docket No. 130064-EI shall be closed upon issuance of the Consummating Order.

By ORDER of the Florida Public Service Commission this 11th day of February, 2014.



HONG WANG
Chief Deputy Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

As identified in the body of this order, our action denying Curtis Brown's Petition in Docket No. 130064-EI is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on March 4, 2014. If such a petition is filed, mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing. In the absence of such a petition, this order shall become effective and final upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

Any party adversely affected by the Commission's final action in this matter may request: (1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Office of Commission Clerk and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.