

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-

DATE: January 12, 2016
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Pamela H. Page, Office of the General Counsel *PHP*
RE: Docket No. 150241--PU

Please file the attached rule certification packet for Rules 25-6.093, 25-6.097, 25-6.100, 25-7.079, 25-7.083, and 25-7.085, F.A.C., in the docket file listed above.

Thank you.

Attachment

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COMMISSION
CLERK

COMMISSIONERS:
JULIE I. BROWN, CHAIRMAN
LISA POLAK EDGAR
ART GRAHAM
RONALD A. BRISÉ
JIMMY PATRONIS

STATE OF FLORIDA



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

Public Service Commission

January 12, 2016

Mr. Ernest Reddick
Florida Department of State
Administrative Code and Register Section
Room 701, the Capitol
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

Re: Rule Certification Packet for Rules 25-6.093, 25-6.097 and 25.6.100, F.A.C.

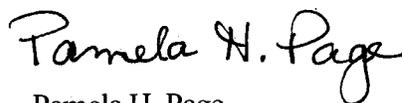
Dear Mr. Reddick:

Enclosed for filing is a complete rule certification packet for Rules 25-6.093, 25-6.097 and 25-6.100, F.A.C., consisting of:

- (1) One compact disc containing the coded text of the rules;
- (2) There are no materials incorporated by reference into these rules;
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rules, including the legal citations and history notes;
- (5) One original and two copies of the summary of the rules;
- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rules; and
- (7) One original and two copies of the summary of the hearings held on the rules.

Please let me know if you have any questions. The contact name and information for this rule are Pamela H. Page, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6214, php@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink that reads "Pamela H. Page". The signature is written in a cursive style with a large, looped initial "P".

Pamela H. Page
Senior Attorney

Enclosures

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-6.093

25-6.097

25-6.100

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)

Carlotta S Stauffer
CARLOTTA S. STAUFFER

Commission Clerk _____

Title 8

Number of Pages Certified _____

25-6.093 Information to Customers.

(1) ~~Each utility shall, upon request of any customer, give such information and assistance as is reasonable, in order that the customer may secure safe and efficient service.~~ Upon the customer's request, the utility shall provide to the any customer information as to the method of reading meters and the derivation of billing therefrom, the billing cycle and approximate date of monthly meter reading.

(2) Upon request of the any customer, the utility ~~shall is required to~~ provide to the customer a copy and explanation of the utility's rates and provisions applicable to the type or types of service furnished or to be furnished such customer, ~~and to assist the customer in obtaining the rate schedule which is most advantageous to the customer's requirements.~~

(3)(a) By paper or electronic bill insert, billing statement, website, electronic notification, or other means agreed to by both the customer and the utility ~~appropriate means of communication~~, the utility shall give to each of its customers a summary of all available electrical major rates schedules that ~~which~~ are available to the class of which that customer is a member, ~~and~~

(b) The utility shall provide the information contained in paragraph (a) to all its customers:

1. Not later than 60 days after the commencement of service, ~~and~~
2. Not less frequently than once each year, and
3. Not later than 60 days after the utility has received approval of its new rate schedule applicable to such customer.

(c) In this subsection, "rate schedule" shall mean customer charge, energy charge, and demand charge, as set forth in Rule 25-6.100, F.A.C.

(d) By bill insert, or as a message on the customer bill, on a quarterly basis using the utility's normal billing cycle, each utility shall provide its customers the sources of generation for the most recent 12-month period available prior to the billing cycle. The sources of generation shall be stated by fuel type for utility generation and as "purchased power" for off-system purchases. The sources of generation are to be set forth as kilowatt-hour percentages of the total utility generation and purchased power.

(4) Upon request of the any customer, but not more frequently than once each calendar year, the utility shall provide to the customer ~~transmit~~ a concise statement of the actual consumption of electric energy by that customer for each billing period during the previous 12 months.

Rulemaking Authority 366.05(1), 350.127(2) FS. Law Implemented 366.03, 366.04(2)(f), (6), 366.041(1), 366.05(1),

(3), 366.06(1) FS. History—New 7-29-69, Amended 11-26-80, 6-28-82, 10-15-84, Formerly 25-6.93, Amended 4-18-99, _____.

25-6.097 Customer Deposits.

~~(1) Deposit required; establishment of credit. Each utility's company's tariff shall state the methodology contain their specific criteria for determining the amount of the initial deposit charged for existing accounts and new service requests. The methodology shall conform to paragraph 366.05(1)(c), F.S. Each utility may require an applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the customer from complying with the utilities' rules for prompt payment of bills. Credit will be deemed so established if:~~

~~(a) The applicant for service furnishes a satisfactory guarantor to secure payment of bills for the service requested. For residential customers, a satisfactory guarantor shall, at the minimum, be a customer of the utility with a satisfactory payment record. For non-residential customers, a satisfactory guarantor need not be a customer of the utility. Each utility shall develop minimum financial criteria that a proposed guarantor must meet to qualify as a satisfactory guarantor. A copy of the criteria shall be made available to each new non-residential customer upon request by the customer. A guarantor's liability shall be terminated when a residential customer whose payment of bills is secured by the guarantor meets the requirements of subsection (2) of this rule. Guarantors providing security for payment of residential customers' bills shall only be liable for bills contracted at the service address contained in the contract of guaranty.~~

~~(b) The applicant pays a cash deposit.~~

~~(c) The applicant for service furnishes an irrevocable letter of credit from a bank or a surety bond.~~

(2) Each utility may require an applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the customer from complying with the utility's rules for payment of bills. Credit will be deemed so established if:

(a) The applicant for service furnishes a satisfactory guarantor to secure payment of bills for the service requested. For residential customers, a satisfactory guarantor shall, at a minimum, be a customer of the utility with a satisfactory payment record. For non-residential customers, a satisfactory guarantor need not be a customer of the utility. Each utility shall develop minimum financial criteria that a proposed guarantor must meet to qualify as a satisfactory guarantor. A copy of the criteria shall be made available to each new non-residential customer upon request by the customer. A guarantor's liability shall be terminated when a residential customer whose payment of bills is secured by the guarantor meets the requirements of subsection (3) of this rule. Guarantors providing security for payment of residential customers' bills shall only be liable for bills contracted at the service address contained in

the contract of guaranty.

(b) The applicant pays a cash deposit.

(c) The applicant for service furnishes an irrevocable letter of credit from a bank or a surety bond.

~~(3)(2)~~ Refund of deposits. After a customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the utility shall refund the residential customer's deposits and shall, at the utility's its option, either refund or pay the higher rate of interest specified below for nonresidential deposits, providing the customer has not, in the preceding 12 months:-

(a) Made more than one late payment of a bill (after the expiration of 20 days from the date of mailing or delivery by the utility).

(b) Paid with a check refused by a bank.

(c) Been disconnected for nonpayment, or at any time.

(d) Tampered with the electric meter, or

(e) Used service in a fraudulent or unauthorized manner.

~~(4)(3)~~ Deposits for existing accounts ~~New or additional deposits.~~ A utility may charge require, upon reasonable written notice to the customer of not less than thirty (30) days, a ~~new deposit, where previously waived or returned,~~ or ~~additional deposit on an existing account,~~ in order to secure payment of ~~current~~ bills. Such request for a deposit shall be separate and apart from any bill for service and shall explain the reason for the such new or additional deposit, ~~provided, however, that the total amount of the required deposit shall not exceed an amount equal to twice the average charges for actual usage of electric service for the twelve month period immediately prior to the date of notice. In the event the customer has had service less than twelve months, then the utility shall base its new or additional deposit upon the average actual monthly usage available. The deposit charged must conform to the requirements of Section 366.05(1)(c)1., F.S.~~

~~(5)(4)~~ Interest on deposits.

(a) Each electric utility which requires deposits to be made by its customers shall pay a minimum interest on such deposits of 2 percent per annum. The utility shall pay an interest rate of 3 percent per annum on deposits of nonresidential customers qualifying under subsection ~~(3)(2)~~ when the utility elects not to refund such deposit after 23 months. ~~Such interest rates shall be applied within 45 days of the effective date of the rule.~~

(b) The deposit interest shall be simple interest in all cases and settlement shall be made annually, either in cash or

by credit on the current bill. This does not prohibit any utility paying a higher rate of interest than required by this rule. No customer depositor shall be entitled to receive interest on a his deposit until and unless a customer relationship and the deposit have been in existence for a continuous period of six months, then the customer he shall be entitled to receive interest from the day of the commencement of the customer relationship and the placement of deposit. Nothing in this rule shall prohibit a utility from refunding at any time a deposit with any accrued interest.

~~(6)(5)~~ Record of deposits. Each utility ~~having on hand deposits from a customer or hereafter receiving deposits from them~~ shall keep records to show:

- (a) The name of each customer making the deposit;
- (b) The premises for which the deposit applies ~~occupied by the customer~~;
- (c) The date and amount of deposit; and
- (d) Each transaction concerning the deposits such as interest payments, interest credited or similar transactions.

~~(7)(6)~~ Receipt for deposit. The utility shall provide a receipt to the customer for any deposit received from the customer ~~A non-transferable certificate of deposit shall be issued to each customer and means provided so that the customer may claim the deposit if the certificate is lost. Where a new or additional deposit is required under subsection (3) of this rule, a customer's cancelled check or validated bill coupon may serve as a deposit receipt.~~

~~(8)(7)~~ Refund of deposit when service is discontinued. Upon termination of service, the deposit and accrued interest may be credited against the final account and the balance, if any, shall be returned promptly to the customer but in no event later than fifteen (15) days after service is discontinued.

Rulemaking Authority 366.05(1), 350.127(2) FS. Law Implemented 366.03, 366.041(1), 366.05(1), 366.06(1) FS.

History—New 7-29-69, Amended 5-9-76, 7-8-79, 6-10-80, 10-17-83, 1-31-84, Formerly 25-6.97, Amended 10-13-88, 4-25-94, 3-14-99, 7-26-12, _____.

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, Base or Basic Service charge.

2. Energy (KWH) charges, exclusive of fuel, in cents per KWH, ~~including amounts for on and off peak if the customer is time-of-day metered, and applicable cost recovery clause charges energy conservation costs.~~

3. Demand (KW) charges, exclusive of fuel, in dollar cost per KW, if applicable, for any demand charges included in the utility's rate structure and applicable cost recovery clause charges ~~including amounts for on and off peak if the customer is time-of-day metered.~~

4. Fuel (KWH) ~~charges~~ cost in cents per KWH (no fuel costs shall be included in the Energy or Demand base charges for demand or energy).

5. Total electric cost which, at a minimum, is the sum of ~~the customer charge, total fuel cost, total energy cost, and total demand cost.~~ charges 1 through 4 above but can include other line item charges (e.g., Florida Gross Receipts Tax, etc.).

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.

11. The rate and amount of the "Asset Securitization Charge," pursuant to paragraph 366.95(4)(b), F.S., 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 where and how that such information may be obtained from ~~by contacting the utility's local business office.~~

(i) Where budget billing is used, ~~the bill shall contain~~ the current month's actual consumption and charges should be shown separately from budgeted amounts.

(j) If applicable, the information required by subsection 366.8260(4), F.S., and subsection 366.95(4), F.S.

(k)(i) The name and address of the utility and plus the telephone toll-free number(s) and web address 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 advancement or postponement of ~~The regular meter reading date is governed by subsection 366.05(1)(b), F.S. 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 prorated ~~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), 366.05(1),

366.051, 366.06(1), 366.8260(4), 366.95(4) FS. History—New 2-25-76, Amended 4-13-80, 12-29-81, 6-28-82, 5-16-

83, 2-4-13, _____.

SUMMARY OF THE RULE

The rule amendments make the rules consistent with recent amendments to Section 366.05, F.S. The rule amendments also implement billing notice requirements in Section 366.95, F.S., for electric utilities that have obtained a financing order for nuclear assets and caused nuclear asset recovery bonds to be issued.

Rule 25-6.093 – Amendments state that by paper or electronic bill insert, billing statement, website or electronic notification, the utility shall give to each of its customers a summary of all available electric rates. The amendments also clarify the rule and remove language that is redundant to the implementing statute.

Rule 25-6.097 – Amendments state that the methodology for determining the amount of customer deposits shall conform to paragraph 366.05(1)(c), F.S. The amendments also clarify the rule and remove language that is redundant to the implementing statute.

Rule 25-6.100 – Amendments implement paragraph 366.95(4)(b), F.S., where applicable, that the rate and amount of the “Asset Securitization Charge” shall be separately itemized on each customer bill. The amendments also clarify the rule and remove language that is redundant to the implementing statute.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The amendments conform the rules to recent amendments to Section 366.05, F.S., and to Section 366.95(4), F.S. The amendments also clarify the rules and remove language that is redundant to the implementing statute.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.

COMMISSIONERS:
JULIE I. BROWN, CHAIRMAN
LISA POLAK EDGAR
ART GRAHAM
RONALD A. BRISÉ
JIMMY PATRONIS

STATE OF FLORIDA



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

Public Service Commission

January 12, 2016

Mr. Ernest Reddick
Florida Department of State
Administrative Code and Register Section
Room 701, the Capitol
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

Re: Rule Certification Packet for Rules 25-7.079, 25-7.083 and 25-7.085, F.A.C.

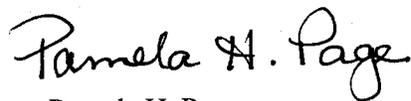
Dear Mr. Reddick:

Enclosed for filing is a complete rule certification packet for Rules 25-7.079, 25-7.083 and 25-7.085, F.A.C., consisting of:

- (1) One compact disc containing the coded text of the rules;
- (2) There are no materials incorporated by reference into these rules;
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rules, including the legal citations and history notes;
- (5) One original and two copies of the summary of the rules;
- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rules; and
- (7) One original and two copies of the summary of the hearings held on the rules.

Please let me know if you have any questions. The contact name and information for this rule are Pamela H. Page, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6214, php@psc.state.fl.us.

Sincerely,

A handwritten signature in cursive script that reads "Pamela H. Page".

Pamela H. Page
Senior Attorney

Enclosures

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-7.079

25-7.083

25-7.085

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)

Carlotta S. Stauffer
CARLOTTA S. STAUFFER

Commission Clerk _____

Title 7

Number of Pages Certified _____

25-7.079 Information to Customers.

(1) ~~Each utility shall, upon request, give its customers such information and assistance as is reasonable, in order that the customer may secure safe and efficient service.~~ The utility shall, when requested, by the customer, provide to the any customer information as to the method of reading meters and derivation of billing therefrom.

(2) Upon request of the any customer, it ~~shall be the duty of the utility~~ shall ~~to~~ provide to the customer, a copy and/or explanation of the utility's rates applicable to the type or types of service furnished or to be furnished to the such customer, ~~and to assist him in obtaining the rate which is most advantageous for his service requirements.~~

Rulemaking Authority 366.05(1) FS. Law Implemented 366.03, 366.05(1), 366.06 FS. History—New 1-8-75,

Repromulgated 5-4-75, Formerly 25-7.79, Amended _____.

25-7.083 Customer Deposits

~~(1) Deposit required; establishment of credit. Each utility's company's tariff shall state the methodology contain their specific criteria for determining the amount of the initial deposit charged for existing accounts and new service requests. The methodology shall conform to Section 366.05(1)(c), F.S. Each utility may require an applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the customer from complying with the utilities' rules for prompt payment of bills. Credit will be deemed so established if:~~

~~(a) The applicant for service furnishes a satisfactory guarantor to secure payment of bills for the service requested. For residential customers, a satisfactory guarantor shall, at the minimum, be a customer of the utility with a satisfactory payment record. For non-residential customers, a satisfactory guarantor need not be a customer of the utility. Each utility shall develop minimum financial criteria that a proposed guarantor must meet to qualify as a satisfactory guarantor. A copy of the criteria shall be made available to each new non-residential customer upon request by the customer. A guarantor's liability shall be terminated when a residential customer whose payment of bills is secured by the guarantor meets the requirements of subsection (6) of this rule. Guarantors providing security for payment of residential customers' bills shall only be liable for bills contracted at the service address contained in the contract of guaranty.~~

~~(b) The applicant pays a cash deposit.~~

~~(c) The applicant for service furnishes an irrevocable letter of credit from a bank or a surety bond.~~

~~(2) Each utility may require an applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the customer from complying with the utility's rules for payment of bills. Credit will be deemed so established if:~~

~~(a) The applicant for service furnishes a satisfactory guarantor to secure payment of bills for the service requested. For residential customers, a satisfactory guarantor shall, at the minimum, be a customer of the utility with a satisfactory payment record. For non-residential customers, a satisfactory guarantor need not be a customer of the utility. Each utility shall develop minimum financial criteria that a proposed guarantor must meet to qualify as a satisfactory guarantor. A copy of the criteria shall be made available to each new non-residential customer upon request by the customer. A guarantor's liability shall be terminated when a residential customer whose payment of bills is secured by the guarantor meets the requirements of subsection (7) of this rule. Guarantors providing security for payment of residential customers' bills shall only be liable for bills contracted at the service address contained in~~

the contract of guaranty.

(b) The applicant pays a cash deposit.

(c) The applicant for service furnishes an irrevocable letter of credit from a bank or a surety bond.

(3)(2) Receipt for deposit. The utility shall provide a receipt to the customer for any deposit received from the customer. A non-transferable certificate of deposit shall be issued to each customer and means provided so that the customer may claim the deposit if the certificate is lost. When a new or additional deposit is required under subsection (3) of this rule a customer's cancelled check or validated bill coupon may serve as a deposit receipt.

(4)(3) Deposits for existing accounts. New or additional deposits. A utility may charge require, upon reasonable written notice to the customer of not less than 30 days, such request or notice being separate and apart from any bill for service, a new deposit, where previously waived or returned, or an additional a deposit on an existing account, in order to secure payment of current bills; provided, however, that the total amount of the required deposit shall not exceed an amount equal to the average actual charges for gas service for two billing periods for the 12-month period immediately prior to the date of notice. In the event the customer has had service less than 12 months, then the utility shall base its new or additional deposit upon the average actual monthly billing available. Such request for a deposit shall be separate and apart from any bill for service and shall explain the reason for the deposit. The deposit charged must conform to the requirements of Section 366.05(1)(c)1., F.S.

(5)(4) Record of deposit. Each utility having on hand deposits from customers or hereafter receiving deposits from them shall keep records to show:

- (a) The name of each customer making the deposit;
- (b) The premises for which the deposit applies occupied by the customer;
- (c) The date and amount of deposit; and
- (d) Each transaction concerning the deposit such as interest payments, interest credited or similar transactions.

(6)(5) Interest on deposits.

(a) Each gas utility which requests deposits to be made by its customers shall pay a minimum interest on such deposits of 2 percent per annum. The utility shall pay a minimum interest rate of 3 percent per annum on deposits of nonresidential customers qualifying under subsection (7)(6) below when the utility elects not to refund such a deposit after 23 months. Such interest rates shall be applied within 45 days of the effective date of the rule.

(b) The deposit interest shall be simple interest in all cases and settlement shall be made annually, either in cash or

by credit on the current bill. This does not prohibit any utility paying a higher rate of interest than required by this rule. No customer depositor shall be entitled to receive interest on a his deposit until and unless a customer relationship and the deposit have been in existence for a continuous period of six months, then the customer he shall be entitled to receive interest from the day of the commencement of the customer relationship and the placement of deposit. Nothing in this rule shall prohibit a utility from refunding at any time a deposit with any accrued interest.

(7)(6) Refund of deposit. After a customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the utility shall refund the residential customer's deposits and shall, at the utility's its option, either refund or pay the higher rate of interest specified above for nonresidential deposits, provided the customer has not, in the preceding 12 months:

- (a) Made more than one late payment of a bill (after the expiration of 20 days from the date of mailing or delivery by the utility);
- (b) Paid with check refused by a bank;
- (c) Been disconnected for nonpayment, or at any time;
- (d) Tampered with the gas meter; or
- (e) Used service in a fraudulent or unauthorized manner. ~~Nothing in this rule shall prohibit the company from refunding at any time a deposit with any accrued interest.~~

(8)(7) Refund of deposit when service is disconnected. Upon termination of service, the deposit and accrued interest may be credited against the final account and the balance, if any, shall be returned promptly to the customer but in no event later than fifteen (15) days after service is discontinued.

Rulemaking Authority 366.05(1), 350.127(2) FS. Law Implemented 366.03, 366.05(1) FS. History—New 1-8-75, Amended 6-15-76, 6-10-80, 1-31-84, Formerly 25-7.83, Amended 10-13-88, 4-25-94, 3-14-99, 7-26-12,

25-7.085 Customer Billing.

(1) Bills shall be rendered monthly. With the exception of a duplicate bill, each customer's bill shall show at least the following information:

(a) The meter reading and the date the meter was read plus the meter reading for the previous period. When an electronic meter is used, the gas volume consumed for the billing month may be shown. If the gas consumption is estimated, the word "estimated" shall prominently appear on the bill.

(b) Therms and cubic feet consumed.

(c) The total dollar amount of the bill, indicating separately:

1. Customer, Base or Basic Service charge.

2. Energy (therm) charges exclusive of fuel cost in cents per therm.

3. Fuel (therm) charges cost in cents per therm (no fuel costs shall be included in the charge for energy).

4. Total gas cost which at a minimum is the sum of charges 1 through 3 above but can include other line item charges (e.g., Florida Gross Receipts Tax) the customer charge, total fuel cost and total energy cost.

5. Franchise fees, if applicable.

6. Taxes, as applicable on purchases of gas by the customer.

7. Any discount or penalty, if applicable.

8. Past due balances.

9. 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 therm 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.

(i) Where budget billing is used, the bill shall contain the current month's consumption and charges separately from budgeted amounts.

(j) The name of the utility plus the address, ~~and~~ telephone number(s) and web address ~~of the local office~~ where the

bill can be paid and questions concerning the bill can be answered.

(2) All gas utilities shall charge for gas service on a thermal basis instead of on a volume basis. The provisions governing customer billing on a thermal basis shall be as follows:

(a) The unit of service shall be the "Therm."

(b) The number of therms which shall have been taken by consumer during a given period shall be determined by multiplying the difference in the meter readings in cubic feet at the beginning and end of the period by the conversion factors in paragraph (1)(h) including a heating-value factor which has been determined as prescribed in paragraph (c) below.

(c) The heating-value factor for gas utilities receiving and distributing natural gas shall be the average thermal value of the natural gas received and distributed during the preceding month. In case the average heating value during the calendar month has been below the standard, then the value to be used in determining the factor shall be the heating value standard minus a deduction of one percent (1%) for each one percent (1%) or fraction thereof that the average heating value has been below the standard.

(d) The consumer shall be billed to the nearest one-tenth of a therm.

(3) Whenever the period of service for which an initial or opening bill would be rendered is less than the normal billing period, no bill for that period need be rendered if the volume amount consumed is carried over and included in the next regular monthly billing. If, however, a bill for such period is rendered, the applicable charges, including minimum charges, shall be prorated.

(4) When there is sufficient cause, estimated billings may be used by a utility provided that with the customer's third consecutive estimated billing the customer is informed of the reason for the estimation and whom to contact to obtain an actual meter reading if one is desired. An actual meter reading must be taken at least once every six months. If an estimated bill appears to be abnormal once an actual meter reading is obtained, the bill for the entire estimation period shall be computed at a rate based on use of service during the entire period and the estimated bill shall be deducted. If there is substantial evidence that such use occurred during only one billing period, the bill shall be computed.

(5) ~~The advancement or postponement of r~~Regular meter reading dates is governed by subsection 366.05(1)(b), F.S.
~~may be advanced or postponed not more than five days without a proration of the billing for the period.~~

(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 county may collect that fee only from its customers receiving service within that county.

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

(c) 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) FS. Law Implemented 366.05(1), 366.06(1) FS. History—New 12-15-73,

Repromulgated 1-8-75, Amended 5-4-75, 11-21-82, 12-26-82, Formerly 25-7.85, Amended 10-10-95, 7-3-96,

SUMMARY OF THE RULE

The rule amendments conform the rules to recent amendments to Section 366.05, F.S., and clarify and simplify the rules and delete unnecessary and redundant rule language.

Rules 25-7.079 – Amendments clarify that upon request of the customer, the utility shall provide to the customer a copy and/or explanation of the utility's rates applicable to the type or types of service furnished or to be furnished to the customer. The amendments also remove language that is redundant to the implementing statute.

Rule 25-7.083 – Amendments state that the methodology for determining the amount of customer deposits shall conform to paragraph 366.05(1)(c), F.S. The amendments also clarify the rule and remove language that is redundant to the implementing statute.

Rule 25-7.085 – Amendments state that the advancement or postponement of regular meter reading dates is governed by subsection 366.05(1)(b), F.S. The amendments also clarify the rule.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The amendments conform the rules to recent amendments to Section 366.05, F.S. The rule amendments also clarify the rules and remove language that is redundant to the implementing statute

SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.