

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: November 3, 2016
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Kelley F. Corbari, Senior Attorney, Office of the General Counsel *KFC*
RE: **Docket No. 140220-WU** – Application for staff-assisted rate case in Polk County by Sunrise Utilities, LLC.

Attached please find a copy of a correspondence between Commission staff counsel and Sunrise Utilities, Inc. regarding improper disconnection complaint received by customer (John Bostwick). Please file the attached document in the documents tab of the above-referenced docket file.

Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact me.

KFC

RECEIVED-FPSC
2016 NOV -3 PM 2:45
COMMISSION
CLERK

Kelley Corbari

From: Kelley Corbari
Sent: Thursday, November 03, 2016 2:23 PM
To: 'L SZABO'
Cc: amybostwick8@gmail.com; Denise Vandiver - OPC; Keino Young
Subject: RE: AMY BOSTWICK-

Thank you. Again, this customer is not required to pay a reconnection fee.

Kelley F. Corbari,

Senior Attorney – Regulatory Analysis Section
Office of the General Counsel
FLORIDA PUBLIC SERVICE COMMISSION
Email: KCorbari@psc.state.fl.us
Direct Phone: (850) 413-6234
Direct Fax: (850) 413-6235

PLEASE NOTE: *Florida has a very broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message may be subject to public disclosure.*

From: L SZABO [mailto:l.szabo@rogers.com]
Sent: Thursday, November 03, 2016 2:20 PM
To: Kelley Corbari
Subject: Re: AMY BOSTWICK-

The water at Boswick house was turn on as of 6 am this morning.

On Thursday, November 3, 2016 1:11 PM, Kelley Corbari <KCorbari@psc.state.fl.us> wrote:

Mr. Szabo,

I have explained to you numerous times that a Utility must provide a customer with **notice of disconnect at least 5 working days BEFORE disconnection.**

The disconnection notice you provided me for the Bostwick is **dated November 2, 2016** and states that the **disconnection date is October 30, 2016**. Therefore, the final disconnection notice provided to the Bostwicks is **NOT** sufficient notice. Furthermore, the Bostwick's service was disconnected on 11/2, which was the date of the notice, yet the Bostick's payment receipt is dated October 30, 2016, which is the date provided on the notice.

Please make arrangements to reconnect the Bostwick's service immediately. Because Sunrise did not provide sufficient notice of disconnection, the Bostwick's are **not** responsible for paying the utility a reconnection fee.

If the Bostwick's service is not reconnected by the close of business today, the Utility may be subject to an enforcement action by the Commission for improper disconnection of service.

Sincerely,
Kelley Corbari

25-30.320 Refusal or Discontinuance of Service.

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

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

- (a) For noncompliance with or violation of any state or municipal law or regulation governing such utility service.
- (b) For failure or refusal of the customer to correct any deficiencies or defects in his piping or equipment which are reported to him by the utility.
- (c) For the use of utility service for any other property or purpose than that described in the application.
- (d) For failure or refusal to provide adequate space for the meter or service equipment of the utility.
- (e) For failure or refusal to provide the utility with a deposit to insure payment of bills in accordance with the utility's regulation.
- (f) For neglect or refusal to provide reasonable access to the utility for the purpose of reading meters or inspection and maintenance of equipment owned by the utility.
- (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) Without notice in the event of a condition known to the utility to be hazardous.
- (i) Without notice in the event of tampering with regulators, valves, piping, meter or other facilities furnished and owned by the utility.
- (j) Without notice in the event of unauthorized or fraudulent use of service. Whenever service is discontinued for fraudulent use of such service, the utility, before restoring service, may require the customer to make at his own expense all changes in piping or equipment necessary to eliminate illegal use and to pay an amount reasonably estimated as the deficiency in revenue resulting from such fraudulent use. Service shall not be discontinued if, prior to the arrival of the utility to discontinue service, the customer has:
 - 1. Paid for all fraudulent use of service;
 - 2. Demonstrated the fraudulent use has ceased;
 - 3. Paid all other applicable fees and charges; and
 - 4. The service condition allowing fraudulent use of service has been corrected.

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

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

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

- (a) Delinquency in payment for service by a previous occupant of the premises unless the current applicant or customer occupied the premises at the time the delinquency occurred and the previous customer continues to occupy the premises and such previous customer will receive benefit from such service.
- (b) Failure to pay for appliances or equipment purchased from the utility.
- (c) Failure to pay for a different class of service, except where two or more classes of service are rendered to the same customer at the same premises.
- (d) Failure to pay the bill of another customer as guarantor thereof.
- (e) Failure to pay a dishonored check service charge imposed by the utility.

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

- (a) Discontinuance is requested by or agreed to by the customer; or
- (b) A hazardous condition exists; or
- (c) Meters or other utility-owned facilities have been tampered with; or
- (d) Service is being obtained fraudulently or is being used for unlawful purposes.

Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.081, 367.111, 367.121 FS. History—New 9-12-74, Amended 4-3-80, 10-25-84, Formerly 25-10.74, 25-10.074, Amended 11-10-86, 1-1-91, 1-7-93, 11-30-93, 10-28-98.

Kelley F. Corbari,

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From: Sunrise&Alturas [<mailto:yourwaterutility@gmail.com>]
Sent: Thursday, November 03, 2016 12:54 PM
To: roth.danielle@leg.state.fl.us
Cc: Kelley Corbari
Subject: AMY BOSTWICK-

On Wednesday, November 2, 2016 2:39 PM, Kelley Corbari <KCorbari@psc.state.fl.us>

Mr. Szabo,

I was just contacted by Amy Bostwick (a Sunrise customer) who says her water service disconnected **without** notice. Ms. Bostwick says she paid her bill. A copy of the receipt is attached.

Please have someone contact Ms. Bostwick **immediately** to resolve this matter.

Thank you,
Kelley

Kelley F. Corbari,

Senior Attorney – Regulatory Analysis Section
Office of the General Counsel
FLORIDA PUBLIC SERVICE COMMISSION
Email: KCorbari@psc.state.fl.us
Direct Phone: [\(850\) 413-6234](tel:(850)413-6234)
Direct Fax: [\(850\) 413-6235](tel:(850)413-6235)

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From: AMY BOSTWICK [mailto:amybostwick8@gmail.com]
Sent: Wednesday, November 02, 2016 2:32 PM
To: roth.danielle@leg.state.fl.us
Cc: Kelley Corbari
Subject:

I got my water shut off today by a William Scott which I don't know if he even works for the water company or not. But he shut my water off and put a lock on it. But we paid our bill and we didn't receive a cut off notice at all. And he put a note saying to call the water company but he gave me a wrong number. But we really need our water and we don't know who to contact.

Thank you for contacting Sunrise Customer and Billing Department-

Based on the Customer payment history and their relation with Sunrise Utility-

The Customer has the reoccurring habit of not to paying their bills on time.

Prior the Customer water service is disconnected, a Final Notice is sent.
- a copy of the Final Notice is attached with the current date.(as the software data cannot print a previously dated document but it is saved as record)

As it is stated on every Sunrise Invoice and/or Final Notice, SUNRISE UTILITY is available and to be contacted on yourwaterutility@gmail.com

William Scott was acting on behalf of Sunrise Utility as he was trusted with the Cut Off list and the Customer's payment.

- I am attaching the document he had at hand.

Mr. Scott works for Sunrise Utilities and no unauthorized person would have the confidential and detailed information to disconnected services for nonpayment.

The Customer's attached receipt was dated on 10/30/16-

This purchaser's receipt dated 10/30/16 cannot be recorded on the same day, not even the next day to be updated with Sunrise.

Simply because we never received as of today.

As a resolution in the future for the Customer we suggest; instead to rush herself to the PSC she should contact Sunrise: yourwaterutility@gmail.com

-with the same photo copy of her receipt attached- and as a response we can adjust to her late payment by acknowledging the receipt validity or as prof of payment.

Then we can contact Mr. Scott not to discontinue their service.

Sunrise Utility would really appreciate if they could make their payment in time but at the least they could do, to contact us that they are late.

Without bringing up the same situation occurred in August and September 2016, we ask politely the Customer to pay her bills in time.

In case the Customer has any question or concern regarding her bill, do not hesitate to contact Sunrise Utility Customer and Billing Department.

We saw the receipt now that was forwarded and as a courtesy from Sunrise we accept as payment- please, contact us to make arrangement for re-connection.

The re-connection fee can be payed when the service is restored by Mr.Scott.

Account Number 2512 EC- 2512 Edmond Circle

According to our records their account is delinquent.

Amount Past Due -----\$74.75

Reconnect fee-----\$15.00

Amount Now Due-----\$89.75

Sincerely,

Sunrise Utilities

Sunrise Utilities, LLC

P.O. Box 2608
Eaton Park, FL 33840
yourwaterutility@gmail.com
(863) 510-1318

Final Notice

11/2/2016

Amount Past Due	\$67.57
Late Fee	\$7.00
Amount Now Due	\$74.57

John Bostwick
2512 Edmond Circle
Auburndale, FL 33823

Amount Remitted

Account Number	Service Address	Service Cut Off Date
2512EC	2512 Edmond Circle	

Detach Top and Return With Payment

According to our records your account is delinquent. Your service is subject to disconnect if the past due balance is not paid in full by the service disconnection date which is OCTOBER 30, 2016.

If you believe the past due amount is incorrect, please contact us at yourwaterutility@gmail.com

Please note that Debbie Valle is no longer with this company.

It is your responsibility to ensure the delinquency is remedied. You have until 12:00 p.m. on the above service cut off date to pay the balance due. If your balance is not paid your service will be disconnected.

Your service will only be reconnected after your balance is paid in full along with a \$15.00 reconnect fee.

Sincerely,

Sunrise Utilities, LLC

Customer Cutoff Notices / Collection Information

Customers who have not made min payment of 0.00 in the last 30 days and owe over 0.00

Customer Name	Service Adr Contact Nbr	Account Number Work Phone	Reading Sequence	Last Bill Amount	Last Bill Date	Last Payment	Last Pay Date	Current Balance
John Bostwick 2512 Edmond Circle Auburndale, FL 33823	2512 Edmond Circle 863/258-3417	2512EC	403	25.05	11/1/2016	-63.00	9/30/2016	67.57
	Additional Notes:						Pending Late Fee	7.00
							Pending Amount Due	74.57
		Total Due	67.57	Pending Late Fees	7.00	Total Pending Amount Due		74.57

AMSCOT

The Money Superstore™

2178729615

Purchaser's Receipt

10/30/16

DATE Fee: 0.00

AMOUNT

T.C. \$\$35.52

NO 2178729615

PAY TO THE ORDER OF

AMSCOT CORPORATION
P.O. BOX 25137
TAMPA, FL 33622-5137