

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rules 25-30.130, Record of Complaints, and 25-30.355, Complaints, F.A.C.

DOCKET NO. 20170222-WS
ORDER NO. PSC-2018-0223-NOR-WS
ISSUED: May 2, 2018

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
JULIE I. BROWN
DONALD J. POLMANN
GARY F. CLARK
ANDREW GILES FAY

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has proposed the amendment of Rules 25-30.130, Records of Complaints and 25-30.355, Complaints, Florida Administrative Code, relating to water and wastewater utilities' requirements for responding to and keeping records of customer complaints.

The attached Notice of Proposed Rules appeared in the May 2, 2018, edition of the Florida Administrative Register.

If timely requested, a hearing will be held at a time and place to be announced in a future notice. Written requests for hearing and written comments on the rules must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than May 23, 2018.

ORDER NO. PSC-2018-0223-NOR-WS
DOCKET NO. 20170222-WS
PAGE 2

By ORDER of the Florida Public Service Commission this 2nd day of May, 2018.



CARLOTTA S. STAUFFER
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.

KGWC

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NOS.: RULE TITLES:

25-30.130 Record of Complaints

25-30.355 Complaints

PURPOSE AND EFFECT: To amend the rules to update and clarify water and wastewater utilities' requirements for responding to and keeping a record of customer complaints

Docket No. 20170222-WS

SUMMARY: Rule 25-30.130, F.A.C. is being amended to require water and wastewater utilities to keep a record of all complaints received, to identify the information required to be in the record, to require the record to be maintained five years, and to require a utility to provide the record to the Commission upon Commission staff's request.

Rule 25-30.355, F.A.C. is being amended to clarify the definition of complaint, to specify a time frame for a utility to acknowledge and to respond to a customer complaint, to require a utility to specify in its acknowledgement whether any additional action will be taken on the customer's complaint, and to require each utility to have a procedure for receiving and responding to emergency calls 24 hours a day.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment will not have an adverse impact on economic growth, business competitiveness, or small business.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127(2), 367.0812(5), 367.121(1) FS.

LAW IMPLEMENTED: 367.0812(1), 367.111, 367.121(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-30.130 Record of Complaints.

(1) Each utility shall maintain a record of all complaints ~~each signed, written complaint~~ received by the utility ~~from any of that utility's customers.~~

(2) ~~Each~~ ~~The~~ record shall show ~~include~~ the name and address of the complainant; the nature of the complaint; the date received; the result of any ~~the~~ investigation; the disposition of the complaint; and the date of ~~the~~ disposition ~~of the complaint~~. The word "complaint" as used in this rule is defined in subsection 25-30.355(2), F.A.C.

(2) Notwithstanding the requirements of paragraph 25-30.110(1)(a), F.A.C., utilities shall maintain a record of each complaint for a minimum of five years from the date of receipt and shall provide a copy of records of

complaints to the Commission upon Commission staff's request. Documentation relating to customer complaints processed under Rule 25-22.032, F.A.C., shall be retained as set forth in paragraph 25-22.032(10)(a), F.A.C. Rulemaking Authority 350.127(2), 367.0812(5), 367.121(1) FS. Law Implemented 367.0812(1), 367.111, 367.121(1) FS. History--New 9-12-74, Formerly 25-10.30, 25-10.030, Amended 11-10-86, _____.

25-30.355 Complaints.

(1) A utility shall give a customer verbal or written acknowledgement of the utility's receipt of the customer's complaint no later than three business days after it receives the complaint. The utility shall specify in its acknowledgement whether any additional action will be taken on the issue(s) raised by the customer. A utility shall investigate the complaint and give the customer a verbal or written response no later than 15 days after it receives the complaint. ~~make a full and prompt acknowledgement and investigation of all customer complaints and shall respond fully and promptly to all customer requests.~~

(2) ~~For the purpose of this rule~~ The word "complaint" as used in this rule means shall mean an objection made to the utility by a the customer by telephone call, by e-mail, by letter, or on the utility's website form as to the utility's charges, facilities or service; ~~that where the disposal of the complaint~~ requires action by ~~on the part of the~~ utility.

(3) Each utility shall have a procedure for receiving and responding to emergency calls 24 hours a day. Examples of emergencies shall include reports of water or wastewater main breaks or conditions caused by utility-owned facilities where property damage or personal injury is reasonably foreseeable. ~~Replies to inquiries by the Commission's staff shall be furnished within fifteen (15) days from the date of the inquiry and shall be in writing, if requested.~~

Rulemaking Authority 350.127(2), 367.0812(5), 367.121(1) FS. Law Implemented 367.0812(1), 367.111, 367.121(1) FS. History--New 9-12-74, Formerly 25-10.70, 25-10.070, Amended 11-10-86, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathryn G.W. Cowdery

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 43, Number 26, February 8, 2017.