

MACFARLANE AUSLEY FERGUSON & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET

P. O. BOX 281129 32302

TALLAHASSEE, FLORIDA 32302

(904) 274-9115 FAX (904) 277-7860

MACFARLANE AUSLEY FERGUSON & McMULLEN

227 SOUTH CALHOUN STREET, SUITE 2300

TALLAHASSEE, FLORIDA 32302

(904) 274-9115 FAX (904) 277-7860

RECEIVED
96 APR 11 AM 9:28

FLORIDA DEPARTMENT OF APPEALS

400 CLEVELAND STREET

P. O. BOX 1000 34614

CLEARWATER, FLORIDA 34615

(813) 461-0000 FAX (813) 462-6447

April 10, 1996

IN REPLY REFER TO:

HAND DELIVERY

Ms. Mary Anne Helton
Division of Appeals
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Re: Docket No. ⁹⁵¹⁴⁸⁵ 951545-EU; Petition to Initiate Changes to Rule 25-6.049, F.A.C., Measuring Customer Service, by Micrometer Corporation

Docket No. 960020-EU; Petition to Initiate Rulemaking to Amend Rule 25-6.049, F.A.C., Measuring Customer Service, by Vistans Management Ltd.

Dear Mary Anne:

Enclosed are Tampa Electric Company's Post Workshop Comments submitted pursuant to the workshop conducted on March 27, 1996.

Sincerely,


James D. Beasley

JDB/bjm

Enclosure

cc: Connie Kummer (w/encl.)
Angie Llewellyn (w/encl.)

DOCUMENT NUMBER DATE

04213 APR 11 96

FPSC-RECORDS/REPORTING

**TAMPA ELECTRIC COMPANY
POST WORKSHOP COMMENTS
IN DOCKET NOS. 951485-EU AND 960020-EU**

Tampa Electric appreciates this opportunity to provide post-workshop comments in Docket Nos. 951485-EU and 960020-EU. While these two dockets were combined because they are both requesting changes to Rule 25-6.049, F.A.C., Measuring Customer Service, Tampa Electric will address its comments to the two dockets separately because the relief sought by one docket is not the same as that which is sought by the other.

Docket No. 951485-EU

Regarding micromETER's petition to allow their equipment to be used under the control and ownership of landlords, tenant associations, etc. to fulfill the existing rule's individual metering requirement, Tampa Electric is opposed to this concept for many reasons. Tampa Electric recognizes the usefulness of systems, such as micromETER, which can be used by legitimate master metered accounts, such as grandfathered accounts and office complexes, to apportion the entity's electric bill fairly among its tenants. However, in the case of fulfilling the individual metering requirement, the Commission would lose the jurisdiction required to ensure/regulate:

- ▶ meter accuracy
- ▶ end-use consumer recourse against high-bills
- ▶ timeliness of billing
- ▶ disconnection of service
- ▶ deposits and interest on deposits
- ▶ late payment penalties
- ▶ billing information

While micromETER claims that converting a trailer park or condominium association from individually metered accounts to one master metered account will reduce the cost of utility charges by the amount of the individual customer charges, neither micromETER nor the Commission can ensure that the landlord or tenant association will not increase their charges to each of their tenants by more than the amount of the utility's individual customer charge in order to cover the cost of their capital and O&M investments related to metering and billing, nor can they ensure that a profit will not be factored in as well. Furthermore, the true utility rate "savings" which would be realized as a result of using a micromETER system in fulfillment of the individual metering requirement would be limited to the utility's avoided cost. This

may or may not be the entire amount of the individual customer charge. As a result, there is no apparent benefit to the end-use consumer and no real benefit to the proposed customer of record, the landlord or condominium association.

Regarding conservation issues, Tampa Electric Company uses billing inserts to advise customers of energy saving measures and conservation programs. This communication to the end user of electric services would be hindered, if not made impossible to accomplish, if residences were master metered. While the company could allow for an increased number of bill inserts to these accounts, there would be no assurance that the end use consumers would actually receive these inserts.

In addition, the Commission would have no jurisdiction to ensure that the equipment was being used to accurately allocate electric bills to end-use consumers. Under these circumstances, the potential for abuse would be great. Likewise, non-payment for the end-use consumer's electric bill or a high bill complaint could result in eviction.

Docket No. 960020-EU

Regarding VISTANA's petition requesting that timeshares be excluded from the individual metering requirement, Tampa Electric Company agrees that most timeshares function like hotels. Since hotels are currently excluded from the individual metering requirement, timeshares should not be required to submit to individual metering. However, should a timeshare which is currently individually metered request to be changed to a master metered account, that timeshare should bear the full cost of the conversion so that the utility's remaining customers are held harmless. The final rule should allow for flexibility so that the most cost effective solution to the individual situation can be implemented. For instance, equipment behind the meter may be leased, purchased at the time of the conversion, or financed over a period of months; a master meter may be installed on the side of each building or at each transformer; etc. Of course, the timeshare would be given the choice and would not be forced to convert to a master metered account.

The final rule should also be clear that only qualifying timeshare buildings will be allowed to be master metered. A qualifying timeshare building would be owned by one entity and only timeshare accommodations would be provided. Any buildings which contain full-time residents cannot be master metered. This would preempt condominium associations or apartment complexes from claiming timeshare status in order to be master metered.

In addition, Tampa Electric feels that it is appropriate to exempt overnight marinas from the individual metering requirement. The conversion issues which apply to timeshare facilities would also apply to overnight marinas, and the presence of permanent live-aboard residents would disqualify the marina from exception status.

In any case, there must be a clearly defined line of demarcation beyond which the utility's responsibility ends.

25-6.049 Measuring Customer Service.

(1) All energy sold to customers, except that sold under flat rate schedule, shall be measured by commercially acceptable measuring devices owned and maintained by the utility, except where it is impractical to meter loads, such as street lighting, temporary or special installations, in which case the consumption may be calculated, or billed on demand or connected load rate or as provided in the utility's filed tariff.

(2) When there is more than one meter at a location the metering equipment shall be so tagged or plainly marked as to indicate the circuit metered. Where similar types of meters record different quantities, (kilowatt-hours and reactive power, for example), metering equipment shall be tagged or plainly marked to indicate what the meters are recording.

(3) Meters which are not direct reading shall have the multiplier plainly marked on the meter. All charts taken from recording meters shall be marked with the date of the record, the meter number, customer, and chart multiplier. The register ratio shall be marked on all meter registers. The watt-hour constant for the meter itself shall be placed on all watt-hour meters.

(4) Metering equipment shall not be set "fast" or "slow" to compensate for supply transformer or line losses.

(5)(a) Individual electric metering by the utility shall be required for each separate occupancy unit of new commercial establishments, residential buildings, condominiums, cooperatives, marinas, and trailer, mobile home and recreational vehicle parks for which construction is commenced after January 1, 1981.—This

~~requirement shall apply whether or not the facility is engaged in a time-sharing plan.~~ Individual electric meters shall not, however, be required:

1. In those portions of a commercial establishment where the floor space dimensions or physical configuration of the units are subject to alteration, as evidenced by non-structural element partition walls, unless the utility determines that adequate provisions can be made to modify the metering to accurately reflect such alterations;
2. For electricity used in central heating, ventilating and air conditioning systems, or electric back up service to storage heating and cooling systems;
3. For electricity used in specialized-use housing accommodations such as hospitals, nursing homes, living facilities located on the same premises as, and operated in conjunction with, a nursing home or other health care facility providing at least the same level and types of services as a nursing home, convalescent homes, facilities certificated under Chapter 651, Florida Statutes, college dormitories, convents, sorority houses, fraternity houses, motels, hotels, and similar facilities;
4. For separate, specially-designated areas for overnight occupancy at trailer, mobile home, ~~unit, or other facility~~ and recreational

vehicle parks where permanent residency is not established and for marinas where living aboard is prohibited by ordinance, deed restriction, or other permanent means.

(b) For purposes of this rule:

1. "Occupancy unit" means that portion of any commercial establishment, single and multi-unit residential building, ~~mobile home or recreational vehicle park, or marina~~ or trailer, mobile home or recreational vehicle park, or marina ~~which is set apart from the rest of such facility by clearly determinable boundaries as described in the rental, lease, or ownership agreement for such unit.~~ which is set apart from the rest of such facility by clearly determinable boundaries as described in the rental, lease, or ownership agreement for such unit.
2. "~~Time-sharing plan~~" means any arrangement, plan, scheme, or similar device, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, or right-to-use agreement or by any other means, whereby a purchaser, in exchange for a consideration, receives a right to use accommodations or facilities, or both, for a specific period of time less than a full year during any given year, but not necessarily for consecutive years, and which extends for a period of more than three years.
3. The construction of a new commercial establishment, residential building, marina, or trailer, mobile

home or recreational vehicle park shall be deemed to commence on the date when the building structure permit is issued.

4. ~~The term "qualifying time-share facility" means an individual building or entire resort where the ownership and management is by a single entity and no individual occupancy unit is used for any other purpose than overnight occupancy.~~ The individual metering requirement is waived for any time-sharing facility for which construction was commenced before December 23, 1982, in which separate occupancy units were not metered in accordance with subsection (5)(a).
5. "Overnight Occupancy" means use of an occupancy unit for a short term such as per day or per week where permanent residency is not established.
6. The term "cost", as used herein means only those charges specifically authorized by the electric utility's tariff, including but not limited to the customer, energy, demand, fuel, and conservation charges made by the electric utility plus applicable taxes and fees to the customer of record responsible for the master meter payments. The term does not include late payment charges, returned check charges, the cost of the distribution system behind the master meter, ~~the cost of sub-metering,~~ the cost of billing, and other such costs.

- (a) Where individual metering is not required under Subsection (5)(a) and master metering is used in lieu thereof, reasonable apportionment methods, including sub-metering may be used by the customer of record or the owner of such facility solely for the purpose of allocating the cost of the electricity billed by the utility.
- (b) Any fees or charges collected by a customer of record for electricity billed to the customer's account by the utility, whether based on the use of sub-metering or any other allocation method, shall be determined in a manner which reimburses the customer of record for no more than the customer's actual cost of electricity.
- (7) Each utility shall develop a standard policy governing the provisions of sub-metering as provided for herein. Such policy shall be filed by each utility as part of its tariffs. The policy shall have uniform application and shall be nondiscriminatory.

Specific Authority 366.05(1) FS.

Law Implemented 366.05(3) FS.

History--Amended 7-29-69, 11-26-80, 12-23-82, 12-28-83, Formerly 25-6.49, Amended 7-14-87, 10-5-88.