

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-**

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**DATE:** May 28, 2013  
**TO:** Ann Cole, Commission Clerk, Office of Commission Clerk  
**FROM:** Cindy Miller, Office of the General Counsel *CM*  
**RE:** Docket No. 120246-WS

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RECEIVED-FPSC  
13 MAY 28 PM 1:00  
COMMISSION  
CLERK

Please file the attached rule certification packet for Rules 25-30.335, 25-30.350, and 25-30.351, F.A.C., in the docket file listed above.

Thank you.

Attachment

DOCUMENT NUMBER-DATE

02914 MAY 28 2013

FPSC-COMMISSION CLERK

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

STATE OF FLORIDA



GENERAL COUNSEL  
S. CURTIS KISER  
(850) 413-6199

# Public Service Commission

May 28, 2013

Ms. Liz Cloud  
Florida Department of State  
Administrative Code and Weekly Section  
Room 701, the Capitol  
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

FILED  
2013 MAY 28 AM 11:13  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

**Re: Rule Certification Packet for Rules 25-30.335, F.A.C., 25-30.350, F.A.C., and 25-30.351, F.A.C.**

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rules 25-30.335, F.A.C., 25-30.350, F.A.C., and 25-30.351, F.A.C., consisting of:

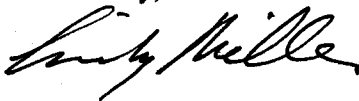
- (1) One compact disc containing the coded text of the rules;
- (2) There are no materials incorporated by reference into these rules.
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rule, including the legal citations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

DOCUMENT NUMBER - DATE  
02914 MAY 28 2013  
FPSC-COMMISSION CLERK

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Please let me know if you have any questions. The contact name and information for this rule are Cindy Miller, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6082, [cmiller@psc.state.fl.us](mailto:cmiller@psc.state.fl.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy Miller". The signature is written in a cursive style with a large initial "C" and "M".

Cindy Miller  
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.

25-30.335

25-30.350

25-30.351

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)

  
\_\_\_\_\_  
ANN COLE

Commission Clerk  
Title \_\_\_\_\_  
3  
Number of Pages Certified

25-30.335 Customer Billing.

(1) Except as provided in this rule, a utility shall render bills to customers at regular intervals, and each bill shall indicate: the billing period covered; the applicable rate schedule; beginning and ending meter reading; the amount of the bill; the delinquent date or the date after which the bill becomes past due; and any authorized late payment charge.

(2) When a utility is unable to obtain an actual meter read, estimated bills may be provided.

(a) If the utility estimates a bill, the bill statement shall prominently show the word "Estimated" on the face of the bill. If the utility estimates the bill, the utility shall indicate on the bill that the amount owed is an estimated amount.

(b) The utility is obligated to timely correct any problems within the utility's control causing the need to estimate bills. In no event shall a utility provide an estimated bill to any one customer more than four times in any 12-month period due to circumstances that are within the utility's control and service obligations.

(c) Upon issuance of a second estimated bill in a 6 month period, the utility shall provide the customer with an explicit written explanation for the estimation, along with the utility contact information and the Commission toll-free complaint number, 1-800-342-3552.

(d) The utility shall maintain records, for a minimum of two years, detailing the number, frequency, and causes of estimated bills, which shall be made available upon request to the Commission or to any party to a rate proceeding for the utility.

(3) When service is rendered for less than 50 percent of the normal billing cycle, the utility shall prorate the base facility charges as though the normal billing cycle were 30 days, except that the utility may elect not to issue an initial bill for service if the service is rendered during a time period which is less than 50 percent of the normal billing cycle. Instead, the utility may elect to combine the amount owed for the service rendered during the initial time period with the amount owed for the next billing cycle, and issue a single bill for the combined time period. For service taken under flat rate schedules, 50 percent of the normal charges may be applied.

(4) A utility may not consider a customer delinquent in paying his or her bill until the 21st day after the utility has mailed or presented the bill for payment.

(5) Each utility shall establish each point of delivery as an independent customer and shall calculate the amount of the bill accordingly, except where physical conditions make it necessary to use additional meters or points of delivery for one class of service to a single customer on the same premises, or where such multiple meters or

delivery points are used for the convenience of the utility.

(6) A utility may not incorporate municipal or county franchise fees into the amount indicated as the cost for service on the customer's bill. Rather, the utility shall show any such franchise fee as a separate item.

(7) The utility shall maintain a record of each customer's account for the most current 2 years so as to permit reproduction of the customer's bills during the time that the utility provided service to that customer.

~~(8) In the event of unauthorized use of service by a customer, a utility may bill the customer on a reasonable estimate of the service taken. In addition, the utility may assess a fee to defray the cost of restoring service to such a customer provided that the fee is specified in the utility's tariff.~~

(9) If a utility utilizes the base facility and usage charge rate structure and does not have a Commission authorized vacation rate, the utility shall bill the customer the base facility charge regardless of whether there is any usage.

*Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.091, 367.121 FS. History—Amended 9-14-74, 6-21-79, Formerly 25-10.97, 25-10.097, Amended 11-10-86, 11-30-93, \_\_\_\_\_.*

25-30.350 Underbillings and Overbillings for Water and Wastewater Service. Backbilling.

(1) A utility may not backbill customers for any period greater than 12 months for any undercharge in billing which is the result of the utility's mistake.

(a) The utility shall allow the customer to pay for the unbilled service over the same time period as the time period during which the under billing occurred or some other mutually agreeable time period. The utility shall not recover in a ratemaking proceeding, any lost revenues which inure to the utility's detriment on account of this provision.

(b) The revised bill shall be calculated on a monthly basis, assuming uniform consumption during the month(s) subject to underbilling, based on the individual customer's average usage for the time period covered by the underbilling. The monthly bills shall be recalculated by applying the tariff rates in effect for that time period. The customer shall be responsible for the difference between the amount originally billed and the recalculated bill. All calculations used to arrive at the rebilled amount shall be made available to the customer upon the customer's request.

(2) In the event of an overbilling, the utility shall refund the overcharge to the customer based on available records. If the commencement date of the overbilling cannot be determined, then an estimate of the overbilling shall be made based on the customer's past consumption.

(3) In the event of an overbilling, the customer may elect to receive the refund as a one-time disbursement, if the

refund is in excess of \$20, or as a credit to future billings.

*Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.091, 367.121 FS. History–New 11-10-8,*

*Amended \_\_\_\_\_.*

25-30.351 Unauthorized Use.

In the event of unauthorized or fraudulent use of service or meter tampering, the utility shall bill the customer on an estimate of the water and/or wastewater services used based on the customer's past consumption.

*Rulemaking Authority 350.127, 367.121 F. S. Law Implemented 367.091, 367.121, F.S, New \_\_\_\_\_.*



## SUMMARY OF THE RULES

Rule 25-30.335, F.A.C., requires bill statements to prominently show the word "Estimated" on the bill. The utility is obligated to timely correct problems within the utility's control causing the need to estimate bills. The utility must provide the customer with contact information in certain circumstances. The utility must maintain records, for a minimum of two years, detailing the number, frequency and causes of estimated bills. Rule 25-30.350, F.A.C., is renamed to Underbilling and Overbilling. A new process is set out for both underbillings and overbillings. Rule 25-30.351, F.A.C., describes a process for billing for unauthorized use.

### WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The amendments to Rule 25-30.335, Customer Billing, are needed to discourage estimated bills for water and wastewater companies. Customers have a difficult time budgeting if they do not know the actual amounts owed. Rule 25-30.350, Backbilling, is amended to set out the process for the companies to follow in cases of overbilling. The rule already addresses underbillings, so the amendment is needed to address overbillings. Rule 25-30.351, Unauthorized Use, is needed to address the process for companies to follow in cases of fraudulent or unauthorized use.

### SUMMARY OF ANY HEARINGS HELD ON THE RULE

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