

STATE OF FLORIDA

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GENERAL COUNSEL
(850) 413-6199

Public Service Commission

May 5, 2021

Kenneth J. Plante, Coordinator
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400
japc@leg.state.fl.us

VIA EMAIL

Re: Docket No. 20200240-WS; Rule 25-30.460, F.A.C., Application for Miscellaneous Service Charges

Dear Mr. Plante:

Enclosed are the following materials concerning the above referenced proposed rule:

1. A copy of the proposed rule.
2. There are no materials incorporated by reference in the proposed rule.
3. A copy of the F.A.R. notice.
4. A statement of facts and circumstances justifying the proposed rule.
5. A federal standards statement.
6. Statement of Estimated Regulatory Costs for the rule.

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2021 MAY -5 AM 11: 58
COMMISSION
CLERK

Mr. Kenneth J. Plante
May 5, 2021
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If there are any questions with respect to this rule, please do not hesitate to contact me at 850-413-6076 or mduval@psc.state.fl.us.

Sincerely,

/s/ Margo A. DuVal
Margo A. DuVal
Senior Attorney

Enclosures

cc: Office of Commission Clerk

1 **25-30.460 Application for Miscellaneous Service Charges.**

2 (1) All water and wastewater utilities may apply for miscellaneous service charges; and
3 ~~These charges shall be included in each company's tariff. If a utility provides both water and~~
4 ~~wastewater services, only a single charge shall be assessed for each of the miscellaneous~~
5 ~~service charges identified in subsection (2), and include rates for initial connections, normal~~
6 ~~reconnections, violation reconnections, and premises visit charges.~~

7 (2) The following identifies and defines miscellaneous service charges:

8 (a) A premises visit charge is levied when a service representative visits a premises to
9 discontinue service for nonpayment of a due and collectible bill and the customer pays the
10 service representative or otherwise makes satisfactory arrangements to pay the bill and service
11 is not discontinued. A premises visit charge is also levied when a service representative visits
12 a premises at the customer's request to (1) initiate service, (2) temporarily disconnect service,
13 (3) reconnect service after a temporary discontinuance, or (4) assess a service issue and it is
14 found to be the customer's responsibility. Initial connection charges are levied for service
15 initiation at a location where service did not exist previously.

16 ~~(b) Normal reconnection charges are levied for transfer of service to a new customer~~
17 ~~account at a previously served location, or reconnection of service subsequent to a customer~~
18 ~~requested disconnection.~~

19 ~~(b)(e)~~ A violation reconnection is a charge that is levied prior to reconnection of an
20 existing customer after discontinuance of service for cause according to subsection 25-
21 30.320(2), F.A.C., including a delinquency in bill payment. Violation reconnection charges
22 are at the tariffed rate for discontinuation of water service and actual cost for discontinuation
23 of wastewater service.

24 ~~(c)(d)~~ A convenience charge is levied when a utility bill is paid by debit or credit card.
25 ~~Premises Visit Charge is levied when a service representative visits a premises at the~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 ~~customer's request for complaint resolution and the problem is found to be the customer's~~
2 ~~responsibility.~~

3 (d)(e) An investigation of meter tampering charge is levied when an investigation reveals
4 evidence of unauthorized connection to, or tampering with, the utility's meter or equipment,
5 pursuant to paragraph 25-30.320(2)(j), F.A.C. Premises Visit Charge (in lieu of disconnection)
6 ~~is levied when a service representative visits a premises for the purpose of discontinuing~~
7 ~~service for nonpayment of a due and collectible bill and does not discontinue service because~~
8 ~~the customer pays the service representative or otherwise makes satisfactory arrangements to~~
9 ~~pay the bill.~~

10 (e) A late payment charge is levied when a customer is delinquent in paying a bill for
11 service, pursuant to subsection 25-30.335(4), F.A.C.

12 (f) A non-sufficient funds charge is levied when a customer's payment is refused by the
13 drawee because of lack of funds, lack of credit, or lack of an account, pursuant to Section
14 68.065, F.S.

15 ~~(2) A utility may request an additional charge ("after hours charge") for overtime when the~~
16 ~~customer requests that the service be performed after normal hours. The after hours charge~~
17 ~~may be at the same rate specified for the existing charge during normal working hours. If the~~
18 ~~utility seeks a charge other than the normal working hours charge, the utility must file cost~~
19 ~~support.~~

20 (3) A utility may apply for after hours charges for a premises visit charge or violation
21 reconnection charge to account for the overtime when the customer requests that the service
22 be performed after normal business hours.

23 *Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.081, 367.121, 367.091*
24 *FS. History—New 11-30-93, Amended _____.*

25
CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions
from existing law.

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-30.460 Application for Miscellaneous Service Charges

PURPOSE AND EFFECT: To add clarity and specificity to rule language and to update the rule to address the various miscellaneous service charges.

Docket No. 20200240-WS

SUMMARY: The rule identifies and defines the various miscellaneous service charges for which water and wastewater utilities may request the Commission's approval and addresses how the utilities may assess these charges.

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, that it will not likely result in increased transactional costs to utilities required to comply with the rule, and that it is likely to result in cost reductions and administrative efficiencies.

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), 367.121, FS.

LAW IMPLEMENTED: 367.081, 367.121, 367.091, 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: Margo DuVal, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6076, mduval@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS: [TYPE AND STRIKE VERSION]

25-30.460 Application for Miscellaneous Service Charges.

(1) All water and wastewater utilities may apply for miscellaneous service charges; ~~and these charges shall be included in each company's tariff. If a utility provides both water and wastewater services, only a single charge shall be assessed for each of the miscellaneous service charges identified in subsection (2). and include rates for initial connections, normal reconnections, violation reconnections, and premises visit charges.~~

(2) The following identifies and defines miscellaneous service charges:

(a) A premises visit charge is levied when a service representative visits a premises to discontinue service for nonpayment of a due and collectible bill and the customer pays the service representative or otherwise makes satisfactory arrangements to pay the bill and service is not discontinued. A premises visit charge is also levied when a service representative visits a premises at the customer's request to (1) initiate service, (2) temporarily disconnect service, (3) reconnect service after a temporary discontinuance, or (4) assess a service issue and it is found to be the customer's responsibility. Initial connection charges are levied for service initiation at a location where service did not exist previously.

~~(b) Normal reconnection charges are levied for transfer of service to a new customer account at a previously served location, or reconnection of service subsequent to a customer requested disconnection.~~

~~(b)(e) A violation reconnection is a charge that is levied prior to reconnection of an existing customer after discontinuance of service for cause according to subsection 25-30.320(2), F.A.C., including a delinquency in bill payment.~~ Violation reconnection charges are at the tariffed rate for discontinuance of water service and actual cost

for discontinuation of wastewater service.

~~(c)(d)~~ A convenience charge is levied when a utility bill is paid by debit or credit card. Premises Visit Charge is levied when a service representative visits a premises at the customer's request for complaint resolution and the problem is found to be the customer's responsibility.

~~(d)(e)~~ An investigation of meter tampering charge is levied when an investigation reveals evidence of unauthorized connection to, or tampering with, the utility's meter or equipment, pursuant to paragraph 25-30.320(2)(j), F.A.C. Premises Visit Charge (in lieu of disconnection) is levied when a service representative visits a premises for the purpose of discontinuing service for nonpayment of a due and collectible bill and does not discontinue service because the customer pays the service representative or otherwise makes satisfactory arrangements to pay the bill.

~~(e)~~ A late payment charge is levied when a customer is delinquent in paying a bill for service, pursuant to subsection 25-30.335(4), F.A.C.

~~(f)~~ A non-sufficient funds charge is levied when a customer's payment is refused by the drawee because of lack of funds, lack of credit, or lack of an account, pursuant to Section 68.065, F.S.

~~(2)~~ A utility may request an additional charge ("after hours charge") for overtime when the customer requests that the service be performed after normal hours. The after hours charge may be at the same rate specified for the existing charge during normal working hours. If the utility seeks a charge other than the normal working hours charge, the utility must file cost support.

~~(3)~~ A utility may apply for after hours charges for a premises visit charge or violation reconnection charge to account for the overtime when the customer requests that the service be performed after normal business hours. *Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.081, 367.121, 367.091 FS. History—New 11-30-93, Amended _____.*

NAME OF PERSONS ORIGINATING PROPOSED RULE: Shannon Hudson, Terence Bethea

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 4, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 46, Number 138, July 16, 2020.

STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE

Rule 25-30.460 identifies and defines the various miscellaneous service charges for which water and wastewater utilities may request the Commission's approval and addresses how the utilities may assess these charges. The amendments update the definitions of available miscellaneous service charges, simplify the definition of the after hours charge, and clarify that utilities providing both water and wastewater services should assess only one instance of a miscellaneous service charge for a single event.

STATEMENT ON FEDERAL STANDARDS

There are no federal standards for this rule.

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: October 23, 2020

TO: Margo A. DuVal, Senior Attorney, Office of the General Counsel

FROM: Sevini K. Guffey, Public Utility Analyst III, Division of Economics *SKG*

RE: **Statement of Estimated Regulatory Costs** for the Proposed Adoption of Rule 25-30.460, Florida Administrative Code (F.A.C.), Application for Miscellaneous Service Charges

Commission staff is proposing revisions to Rule 25-30.460, F.A.C., Application for Miscellaneous Service Charges. The rule is applicable to all water and wastewater utilities that are under the Commission's jurisdiction. The purposes of these proposed rule revisions are to provide clarity to definitions of the various miscellaneous service charges, and to make interpretation and application of this rule more consistent and clear. The proposed revisions are discussed in detail in the staff recommendation. The proposed revisions will enable the utilities to interpret and apply the rule in a consistent manner, and also provide clarity about the miscellaneous service charges, which in turn is expected to result in reduced number of customer inquiries to the utilities and to the Commission regarding miscellaneous charges.

The attached Statement of Estimated Regulatory Costs (SERC) addresses the economic impacts and considerations required pursuant to Section 120.541, Florida Statutes (F.S.). Commission staff issued a SERC data request on August 10, 2020 to all Commission regulated water and wastewater utilities. Two utilities responded; on September 3, 2020, Florida Utility Services 1, LLC responded with a suggested revision to add "permanent disconnection" to rule paragraph (2)(a). On September 9, 2020, Indiantown Company filed a letter stating that they will not be responding to the SERC data request, as Indiantown Company will transfer its ownership to the Village of Indiantown.¹

The SERC analysis indicates that the proposed rule amendments will not likely increase regulatory costs, including any transactional costs or have an adverse impact on business competitiveness, productivity, or innovation in excess of \$1 million in the aggregate within five years of implementation. The proposed rule amendments would not potentially have adverse impacts on small businesses, would have no implementation cost to the Commission or other state and local government entities, and would have no impact on small cities or counties.

¹ Document No. 06132-2020, filed on September 8, 2020 and Document No. 06222-2020 filed on September 9, 2020.

No regulatory alternatives were submitted pursuant to Section 120.541(1)(g), F.S. The SERC concludes that none of the impacts/cost criteria established in Sections 120.541(2)(a), (c), (d), and (e), F.S., will be exceeded as a result of the proposed rule revisions.

cc: SERC File

FLORIDA PUBLIC SERVICE COMMISSION
STATEMENT OF ESTIMATED REGULATORY COSTS
Rule 25-30.460, F.A.C., Application for Miscellaneous Service Charges

1. Will the proposed rule have an adverse impact on small business? [120.541(1)(b), F.S.] (See Section E., below, for definition of small business.)

Yes

No

If the answer to Question 1 is "yes", see comments in Section E.

2. Is the proposed rule likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after implementation of the rule? [120.541(1)(b), F.S.]

Yes

No

If the answer to either question above is "yes", a Statement of Estimated Regulatory Costs (SERC) must be prepared. The SERC shall include an economic analysis showing:

A. Whether the rule directly or indirectly:

(1) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)1, F.S.]

Economic growth

Yes No

Private-sector job creation or employment

Yes No

Private-sector investment

Yes No

(2) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)2, F.S.]

Business competitiveness (including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets)

Yes No

Productivity

Yes No

Innovation

Yes No

(3) Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule? [120.541(2)(a)3, F.S.]

Yes

No

Economic Analysis: The purposes of the proposed revisions to Rule 25-30.460, F.A.C., are to provide clarity in the definitions of the various miscellaneous service charges, and to make interpretation and application of this rule more consistent and clear. The proposed changes will provide greater clarity to customers and utilities in defining their various miscellaneous service charges and make interpretation and application of the rule more straightforward.

The reduced utility time required to appropriately interpret and apply the rule in a rate case process would result in rate cases being processed in a more efficient and cost-effective manner, which translates to less rate case expenses being passed on to customers. Additionally, the clarity of the rule could result in fewer customer inquiries to the Commission and to the utilities.

B. A good faith estimate of: [120.541(2)(b), F.S.]

(1) The number of individuals and entities likely to be required to comply with the rule.

131 Commission regulated water and wastewater utilities will be required comply with this rule.

(2) A general description of the types of individuals likely to be affected by the rule.

Types of individuals to be affected by the rule will be the approximate 111,176 water customers and 74,009 wastewater customers of the Commission regulated water and wastewater utilities.

C. A good faith estimate of: [120.541(2)(c), F.S.]

(1) The cost to the Commission to implement and enforce the rule.

None. To be done with the current workload and existing staff.

Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

(2) The cost to any other state and local government entity to implement and enforce the rule.

- None. The rule will only affect the Commission.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(3) Any anticipated effect on state or local revenues.

- None.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

D. A good faith estimate of the transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rule. "Transactional costs" include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used, procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring or reporting, and any other costs necessary to comply with the rule. [120.541(2)(d), F.S.]

- None. The rule will only affect the Commission.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

E. An analysis of the impact on small businesses, and small counties and small cities: [120.541(2)(e), F.S.]

(1) "Small business" is defined by Section 288.703, F.S., as an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

- No adverse impact on small business.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(2) A "Small City" is defined by Section 120.52, F.S., as any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. A "small county" is defined by Section 120.52, F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

- No impact on small cities or small counties.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

F. Any additional information that the Commission determines may be useful.
[120.541(2)(f), F.S.]

- None.

Additional Information:

G. A description of any regulatory alternatives submitted and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule. [120.541(2)(g), F.S.]

- No regulatory alternatives were submitted.
- A regulatory alternative was received from
 - Adopted in its entirety.
 - Rejected. Describe what alternative was rejected and provide a statement of the reason for rejecting that alternative.

Julie Phillips

From: Margo DuVal
Sent: Wednesday, May 05, 2021 11:09 AM
To: 'japc@leg.state.fl.us'
Cc: 'Jackson, Jamie'; Julie Phillips
Subject: Public Service Commission's Docket No. 20200240-WS - Proposed amendment of Rule 25-30.460, F.A.C.
Attachments: 20200240 proposal packet for JAPC.pdf

Good morning,

Please see the attached Proposal Packet for the amendment of Rule 25-30.460, F.A.C., Application for Miscellaneous Service Charges.

Thank you,

Margo

Margo A. DuVal
Senior Attorney
Appeals, Rules, & Mediation Section
Office of the General Counsel
FLORIDA PUBLIC SERVICE COMMISSION
Phone: 850-413-6076
Email: mduval@psc.state.fl.us

***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.*