

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**IN RE: PETITION FOR RULEMAKING TO REQUIRE  
ALL FLORIDA-LICENSED UTILITIES TO PROVIDE  
IMMEDIATE LIVE-AGENT ACCESS IN AUTOMATED  
TELEPHONE AND ARTIFICIAL INTELLIGENCE  
CUSTOMER SERVICE SYSTEMS**

**PETITION FOR RULEMAKING**

Petitioner, **Kerry Lutz**, a Florida resident and ratepayer of utilities regulated by this Commission, pursuant to Section 120.54(7), Florida Statutes, and Rule 28-103.006, Florida Administrative Code, hereby petitions the Florida Public Service Commission (the "Commission") to initiate rulemaking proceedings to adopt a rule requiring **all utilities licensed to do business in the State of Florida** — including electric, gas, water, wastewater, and telecommunications utilities — to provide an immediate live-agent bypass option in all automated telephone menus and artificial intelligence customer-service systems. In support thereof, Petitioner states:

**I. PETITIONER INFORMATION**

1. Name: Kerry Lutz
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4. Email: khl@kerrylutz.com

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**II. STATEMENT OF SUBSTANTIAL INTEREST**

5. Petitioner is a customer of utilities regulated by this Commission and is "substantially affected" within the meaning of Section 120.54(7), Florida Statutes, by the absence of any Commission rule requiring live-agent access in automated customer service systems.
6. The proliferation of automated telephone trees and AI-gated customer service systems — deployed by virtually every utility licensed to operate in Florida — has created systemic

barriers that prevent ratepayers from: (a) reporting safety emergencies in real time; (b) disputing erroneous billing charges; (c) requesting service disconnection deferrals under hardship; and (d) accessing basic account services without surrendering personal data to third-party artificial intelligence platforms. These barriers constitute a failure of adequate and efficient service within the meaning of Chapters 364, 366, and 367, Florida Statutes.

7. Current automated systems are frequently engineered to discourage live-agent contact rather than facilitate it, creating “infinite loop” architectures that exhaust callers — particularly senior citizens, persons with disabilities, and those facing genuine emergencies — before any human assistance is offered or reached.

### III. TEXT OF PROPOSED RULE

#### 8. *Proposed Rule — Live Agent Access Requirement:*

*Any utility regulated by or licensed through the Florida Public Service Commission that utilizes an automated telephone menu system, interactive voice response system, or artificial intelligence assistant for customer service purposes shall:*

*(a) Provide a clear, audible, and conspicuous option for the caller to be transferred immediately to a live human representative. This option must be presented within the first sixty (60) seconds of any automated interaction;*

*(b) Honor the selection of the digit ‘0’ or the spoken word ‘agent,’ ‘representative,’ or ‘human’ at any point during the automated interaction as a command to route the caller to a live-agent queue, without further automated interrogation;*

*(c) Not require a customer to complete automated screening, disclose account credentials, or submit to biometric or AI-driven identification as a precondition to live-agent access;*

*(d) Post estimated live-agent wait times within thirty (30) seconds of queue placement; and*

*(e) Maintain records of monthly average live-agent wait times and call abandonment rates, which shall be reported to the Commission quarterly and made available for public inspection.*

#### IV. FACTS AND ARGUMENTS IN SUPPORT

9. **Life-Essential Services Demand Human Accountability.** Florida utilities supply electricity, natural gas, water, wastewater, cable television, internet and telecommunications services that are indispensable to health, safety, and daily life. The Commission has a statutory mandate under Chapters 364, 366, and 367, Florida Statutes, to ensure these services are provided “adequately” and “efficiently.” Service that is inaccessible by human telephone contact during an emergency is, by definition, neither adequate nor efficient.
10. **Deliberate Design to Suppress Human Contact.** Industry evidence and ratepayer experience confirm that current automated systems are architecturally optimized to minimize live-agent call volume — a cost-reduction strategy implemented at the direct expense of service quality and consumer protection. This structural mismatch between utility financial incentives and the public service obligation justifies Commission intervention through rulemaking.
11. **Disproportionate Harm to Vulnerable Populations.** Senior citizens, persons with disabilities, non-English-speaking ratepayers, and those in crisis situations are systemically disadvantaged by AI-gated service architectures. The Commission’s consumer protection mandate requires affirmative rules to ensure these populations retain meaningful access to the utilities they are legally required to fund through regulated rates.
12. **Data Privacy and Compelled AI Interaction.** AI-driven customer service systems collect, process, and retain biometric voice data, call metadata, and behavioral patterns. Conditioning live-agent access on submission to such systems imposes an uncompensated data-extraction toll on ratepayers as a condition of receiving services they have already paid for. This practice implicates the Florida Digital Bill of Rights and warrants regulatory proscription.

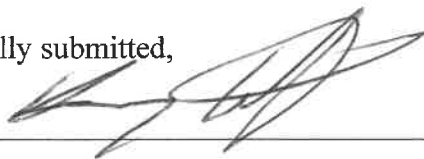
13. **Statutory Authority Is Clear.** The Commission possesses ample authority under Sections 364.01, 366.04, 366.05, 367.111, and related provisions of Florida law to adopt and enforce customer service quality standards. The proposed rule falls squarely within the Commission’s existing jurisdiction and requires no additional legislative authorization.
14. **No Comparable Rule Currently Exists.** Neither the Commission’s existing Quality of Service rules nor any other provision of Florida Administrative Code affirmatively requires a live-agent bypass in automated utility customer service systems. This regulatory gap has grown significantly as utilities have accelerated AI-driven automation of customer contact. Rulemaking is the appropriate vehicle to close this gap prospectively and uniformly across all regulated entities.

#### V. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that the Florida Public Service Commission:

- (a) Publish notice of this Petition for Rulemaking in the Florida Administrative Register within thirty (30) days of receipt, as required by Section 120.54(7)(c), Florida Statutes;
- (b) Initiate formal rulemaking proceedings to adopt the Live Agent Access Requirement set forth in Section III herein, or a substantially equivalent rule, applicable to all utilities licensed to do business in the State of Florida;
- (c) In the event the Commission declines to initiate rulemaking, provide Petitioner a written statement of the specific reasons for such refusal, as required by Section 120.54(7)(d), Florida Statutes; and
- (d) Grant such other and further relief as the Commission deems just, appropriate, and in the public interest.

Respectfully submitted,



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**Kerry Lutz**

Petitioner, Pro Se