



596638

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2010	.	
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The Committee on Communications, Energy, and Public Utilities (Fasano) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 366.042, Florida Statutes, is created to read:

366.042 Standards of electric service reliability for retail residential customers.-

(1) The commission shall adopt rules establishing standards of reasonable and reliable service for retail residential customers that an investor-owned utility must follow.



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13 (2) In developing these rules, the commission shall
14 analyze, along with other sources of information, each investor-
15 owned utility's annual distribution reliability report for
16 information that:

17 (a) Summarizes the number of electric outage events;

18 (b) Calculates the average duration of electric outage
19 events;

20 (c) Describes the cause of each electric outage event; and

21 (d) Calculates the utility's average service-restoration
22 time for each electric outage event;

23 (3) The commission shall use this information to establish
24 a threshold for when a utility's level of service is considered
25 unreasonable and unreliable based upon factors such as the
26 number and duration of outages, cause of outages, and the
27 average number of customers affected per outage.

28 (4) (a) An affected retail residential customer may file a
29 claim on a form specified by the commission which specifies the
30 number of electrical outages, the timeframe during which the
31 outages occurred, and the duration of each outage experience by
32 the customer. Customers shall be limited to filing one claim of
33 unreliable service within a 30 day period.

34 (b) Upon a finding that the investor-owned electric
35 utility's service to the retail residential customer that filed
36 a specific claim failed to meet the service reliability
37 standards adopted by the commission, the commission may order
38 the investor-owned electric utility to compensate the affected
39 retail residential customer for the failure to provide
40 reasonable and reliable service an amount not to exceed \$100 for
41 any given month such service was below standards as adopted by



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42 the commission.

43 (5) (a) The commission shall investigate all claims of
44 unreliable electric service filed by residential retail
45 customers to determine if the investor-owned electric utility
46 failed to meet the adopted standards.

47 (b) If the commission determines that an investor-owned
48 utility has failed to meet the service reliability standards
49 adopted by the commission, the commission may impose a penalty
50 of not more than \$5,000 for each day the violation continues.
51 The collected penalties shall be deposited into the General
52 Revenue Fund.

53 (6) Any compensation or penalties paid under this
54 subsection may not be recovered from the electric utility's
55 ratepayers.

56 Section 2. Section 367.112, Florida Statutes, is created to
57 read:

58 367.112 Standards of water or wastewater service
59 reliability for retail residential customers.-

60 (1) The commission shall adopt rules establishing standards
61 of reasonable and reliable service for retail residential
62 customers that an investor-owned utility must follow.

63 (2) In developing these rules, the commission shall
64 analyze, along with other sources of information, each investor-
65 owned utility's annual distribution reliability report for
66 information that:

67 (a) Describes the cause of each water outage event;

68 (b) Summarizes the number of wastewater backflow events;

69 and

70 (c) Calculates the utility's average service-restoration



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71 time for each water or wastewater outage events.

72 (3) The commission shall use this information to establish
73 a threshold for when a utility's level of service is considered
74 unreasonable and unreliable based upon factors such as the
75 number and duration of outages or backflow events, cause of
76 outages or backflow events, and the average number of customers
77 affected per outage or backflow event.

78 (4) (a) An affected retail residential customer may file a
79 claim on a form specified by the commission which specifies the
80 number of water or wastewater outages or backflow events, the
81 timeframe during which the outages or backflow events occurred,
82 and the duration of each outage or backflow event experience by
83 the customer. Customers shall be limited to filing one claim of
84 unreliable service within a 30 day period.

85 (b) Upon a finding that the investor-owned water or
86 wastewater utility's service to the retail residential customer
87 that filed a specific claim failed to meet the service
88 reliability standards adopted by the commission, the commission
89 may order the investor-owned water or wastewater utility to
90 compensate the affected retail residential customer for the
91 failure to provide reasonable and reliable service an amount not
92 to exceed \$100 for any given month such service was below
93 standards as adopted by the commission.

94 (5) (a) The commission shall investigate all claims of
95 unreliable water and wastewater service filed by residential
96 retail customers to determine if the investor-owned utility
97 failed to meet the adopted standards.

98 (b) If the commission determines that an investor-owned
99 utility has failed to meet the service reliability standards



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100 adopted by the commission, the commission may impose a penalty
101 of not more than \$5,000 for each day the violation continues.
102 The collected penalties shall be deposited into the General
103 Revenue Fund.

104 (6) Any compensation or penalties paid under this
105 subsection may not be recovered from the water or wastewater
106 utility's ratepayers.

107 Section 3. This act shall take effect July 1, 2010.

108
109
110 ===== T I T L E A M E N D M E N T =====

111 And the title is amended as follows:

112
113 Delete everything before the enacting clause
114 and insert:

115 A bill to be entitled
116 An act relating to standards of utility service
117 reliability for investor-owned utilities; creating s.
118 366.042, F.S.; requiring the Florida Public Service
119 Commission to adopt rules establishing standards of
120 reasonable and reliable service for retail residential
121 customers that an investor-owned utility must follow;
122 requiring the commission to analyze each investor-
123 owned utility's annual distribution reliability report
124 and other sources of information; requiring the
125 commission to establish a threshold for what
126 constitutes reasonable and reliable electric service;
127 providing that retail residential customers may file a
128 claim of unreliable of service with the commission;



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129 providing that the commission may direct investor-
130 owned utilities who are found to violate reliability
131 standards to compensate affected customers who have
132 filed such claim; requiring that the commission
133 investigate claims of unreliable service; authorizing
134 the commission to impose a penalty on an investor-
135 owned utility if it determines that the investor-owned
136 utility does not meet the reliability standards
137 adopted by the commission; providing for the penalty
138 to apply each day that the violation continues;
139 requiring that collected penalties be deposited into
140 the General Revenue Fund; creating s. 367.112, F.S.,
141 requiring the Florida Public Service Commission to
142 adopt rules establishing standards of reasonable and
143 reliable service for retail residential customers that
144 an investor-owned utility must follow; requiring the
145 commission to analyze each investor-owned utility's
146 annual distribution reliability report and other
147 sources of information; requiring the commission to
148 establish a threshold for what constitutes reasonable
149 and reliable water or wastewater service; providing
150 that retail residential customers may file a claim of
151 unreliable service with the commission; providing that
152 the commission may direct investor-owned utilities who
153 are found to violate reliability standards to
154 compensate affected customers who have filed such
155 claim; requiring that the commission investigate
156 claims of unreliable service; authorizing the
157 commission to impose a penalty on an investor-owned



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158 utility if it determines that the investor-owned
159 utility does not meet the reliability standards
160 adopted by the commission; providing for the penalty
161 to apply each day that the violation continues;
162 requiring that collected penalties be deposited into
163 the General Revenue Fund; providing an effective date.