

By the Committee on Communications, Energy, and Public Utilities; and Senator Fasano

579-03527-10

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1 A bill to be entitled
2 An act relating to standards of utility service
3 reliability for investor-owned utilities; creating s.
4 366.042, F.S.; requiring the Florida Public Service
5 Commission to adopt rules establishing standards of
6 reasonable and reliable electric service for retail
7 residential customers which an investor-owned utility
8 must follow; requiring the commission to analyze each
9 investor-owned utility's annual distribution
10 reliability report and other sources of information;
11 requiring the commission to establish a threshold for
12 what constitutes reasonable and reliable electric
13 service; providing that retail residential customers
14 may file a claim of unreliable service with the
15 commission; providing that the commission may direct
16 investor-owned utilities that are found to violate
17 reliability standards to compensate affected customers
18 who have filed such claim; requiring that the
19 commission investigate claims of unreliable service;
20 authorizing the commission to impose a penalty against
21 an investor-owned utility if the commission determines
22 that the utility does not meet the reliability
23 standards adopted by the commission; providing for the
24 penalty to apply each day that the violation
25 continues; requiring that collected penalties be
26 deposited into the General Revenue Fund; creating s.
27 367.112, F.S.; requiring the Florida Public Service
28 Commission to adopt rules establishing standards of
29 reasonable and reliable water and wastewater service

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30 for retail residential customers which an investor-
31 owned utility must follow; requiring the commission to
32 analyze each investor-owned utility's annual
33 distribution reliability report and other sources of
34 information; requiring the commission to establish a
35 threshold for what constitutes reasonable and reliable
36 water and wastewater service; providing that retail
37 residential customers may file a claim of unreliable
38 service with the commission; providing that the
39 commission may direct investor-owned utilities that
40 are found to violate reliability standards to
41 compensate affected customers who have filed such
42 claim; requiring that the commission investigate
43 claims of unreliable service; authorizing the
44 commission to impose a penalty against an investor-
45 owned utility if the commission determines that the
46 utility does not meet the reliability standards
47 adopted by the commission; providing for the penalty
48 to apply each day that the violation continues;
49 requiring that collected penalties be deposited into
50 the General Revenue Fund; providing an effective date.

51
52 Be It Enacted by the Legislature of the State of Florida:

53
54 Section 1. Section 366.042, Florida Statutes, is created to
55 read:

56 366.042 Standards of electric service reliability for
57 retail residential customers.-

58 (1) The commission shall adopt rules establishing standards

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59 of reasonable and reliable electric service for retail
60 residential customers which an investor-owned utility must
61 follow.

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

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

67 (b) Calculates the average duration of electric outage
68 events;

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

70 (d) Calculates the utility's average service-restoration
71 time for each electric outage event.

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, cause of outages, and the
76 average number of customers affected per outage.

77 (4) (a) An affected retail residential customer may file a
78 claim on a form specified by the commission which specifies the
79 number of electrical outages, the timeframe during which the
80 outages occurred, and the duration of each outage experienced by
81 the customer. Customers shall be limited to filing one claim of
82 unreliable service within a 30-day period.

83 (b) Upon a finding that the investor-owned electric
84 utility's service to the retail residential customer who filed a
85 specific claim failed to meet the service reliability standards
86 adopted by the commission, the commission may order the
87 investor-owned electric utility to compensate the affected

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88 retail residential customer for the failure to provide
89 reasonable and reliable service an amount not to exceed \$100 for
90 any given month such service was below standards as adopted by
91 the commission.

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

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

102 (6) Any compensation or penalties paid under this section
103 may not be recovered from the electric utility's ratepayers.

104 Section 2. Section 367.112, Florida Statutes, is created to
105 read:

106 367.112 Standards of water and wastewater service
107 reliability for retail residential customers.—

108 (1) The commission shall adopt rules establishing standards
109 of reasonable and reliable water and wastewater service for
110 retail residential customers which an investor-owned utility
111 must follow.

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

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

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117 (b) Summarizes the number of wastewater backflow events;
118 and

119 (c) Calculates the utility's average service-restoration
120 time for each water outage or wastewater backflow event.

121 (3) The commission shall use this information to establish
122 a threshold for when a utility's level of service is considered
123 unreasonable and unreliable based upon factors such as the
124 number and duration of outages or backflow events, cause of
125 outages or backflow events, and the average number of customers
126 affected per outage or backflow event.

127 (4) (a) An affected retail residential customer may file a
128 claim on a form specified by the commission which specifies the
129 number of water or wastewater outages or backflow events, the
130 timeframe during which the outages or backflow events occurred,
131 and the duration of each outage or backflow event experienced by
132 the customer. Customers shall be limited to filing one claim of
133 unreliable service within a 30-day period.

134 (b) Upon a finding that the investor-owned water or
135 wastewater utility's service to the retail residential customer
136 who filed a specific claim failed to meet the service
137 reliability standards adopted by the commission, the commission
138 may order the investor-owned water or wastewater utility to
139 compensate the affected retail residential customer for the
140 failure to provide reasonable and reliable service an amount not
141 to exceed \$100 for any given month such service was below
142 standards as adopted by the commission.

143 (5) (a) The commission shall investigate all claims of
144 unreliable water and wastewater service filed by residential
145 retail customers to determine if the investor-owned utility

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146 failed to meet the adopted standards.

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

153 (6) Any compensation or penalties paid under this section
154 may not be recovered from the water or wastewater utility's
155 ratepayers.

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