

### **25-6.097 Customer Deposits.**

(1) Each utility's tariff shall state the methodology for determining the amount of the deposit charged for existing accounts and new service requests. The methodology shall conform to Section 366.05(1)(c), F.S.

(2) Each utility may require an applicant for service to satisfactorily establish credit, but such establishment of credit shall not relieve the customer from complying with the utility's rules for payment of bills. Credit will be deemed so established if:

(a) The applicant for service furnishes a satisfactory guarantor to secure payment of bills for the service requested. For residential customers, a satisfactory guarantor shall, at a minimum, be a customer of the utility with a satisfactory payment record. For non-residential customers, a satisfactory guarantor need not be a customer of the utility. Each utility shall develop minimum financial criteria that a proposed guarantor must meet to qualify as a satisfactory guarantor. A copy of the criteria shall be made available to each new non-residential customer upon request by the customer. A guarantor's liability shall be terminated when a residential customer whose payment of bills is secured by the guarantor meets the requirements of subsection (3) of this rule. Guarantors providing security for payment of residential customers' bills shall only be liable for bills contracted at the service address contained in the contract of guaranty.

(b) The applicant pays a cash deposit.

(c) The applicant for service furnishes an irrevocable letter of credit from a bank or a surety bond.

(3) Refund of deposits. After a customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the utility shall refund the residential customer's deposits and shall, at the utility's option, either refund or pay the higher rate of interest specified below for nonresidential deposits, providing the customer has not, in the preceding 12 months:

(a) Made more than one late payment of a bill (after the expiration of 20 days from the date of mailing or delivery by the utility).

(b) Paid with a check refused by a bank.

(c) Been disconnected for nonpayment, or at any time.

(d) Tampered with the electric meter, or

(e) Used service in a fraudulent or unauthorized manner.

(4) Deposits for existing accounts. A utility may charge, upon written notice to the customer of not less than thirty (30) days, a deposit on an existing account in order to secure payment of bills. Such request for a deposit shall be separate and apart from any bill for service and shall explain the reason for the deposit. The deposit charged must conform to the requirements of Section 366.05(1)(c)1., F.S.

(5) Interest on deposits.

(a) Each electric utility which requires deposits to be made by its customers shall pay a minimum interest on such deposits of 2 percent per annum. The utility shall pay an interest rate of 3 percent per annum on deposits of nonresidential customers qualifying under subsection (3) when the utility elects not to refund such deposit after 23 months.

(b) The deposit interest shall be simple interest in all cases and settlement shall be made annually, either in cash or by credit on the current bill. This does not prohibit any utility paying a higher rate of interest than required by this rule. No customer depositor shall be entitled to receive interest on a deposit until and unless a customer relationship and the deposit have been in existence for a continuous period of six months, then the customer shall be entitled to receive interest from the day of the commencement of the customer relationship and the placement of deposit. Nothing in this rule shall prohibit a utility from refunding at any time a deposit with any accrued interest.

(6) Record of deposits. Each utility shall keep records to show:

(a) The name of each customer making the deposit;

(b) The premises for which the deposit applies;

(c) The date and amount of deposit; and,

(d) Each transaction concerning the deposits such as interest payments, interest credited or similar transactions.

(7) Receipt for deposit. The utility shall provide a receipt to the customer for any deposit received from the customer.

(8) Refund of deposit when service is discontinued. Upon termination of service, the deposit and accrued interest may be credited against the final account and the balance, if any, shall be returned promptly to the customer but in no event later than fifteen (15) days after service is discontinued.