

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Nemesia) DOCKET NO. 920522-EI
Rodriguez against Florida Power) ORDER NO. PSC-92-0569-FOF-EI
and Light Company regarding) ISSUED: 06/25/92
backbilling for current)
diversion.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION

ORDER DENYING COMPLAINT

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On February 13, 1992 a complaint was filed with this Commission by Mr. Raul Rodriguez (on behalf of Nemesia Rodriguez) (Mrs. Rodriguez's son) against Florida Power and Light Company (FPL). It alleged that Mrs. Rodriguez was billed for current diversion, and that the backbill was originally approximately \$4500, but later lowered by FPL to approximately \$1500.

An informal conference, pursuant to Rule 25-22.032(4) F.A.C., was conducted by a staff member of the Commission's Division of Consumer Affairs on May 8, 1992 at the Commission's Miami District Office. Mr. Rodriguez attended the meeting, but stated that his mother was unable to attend. Also attending was a representative of FPL.

At the conference Mr. Rodriguez recounted several occupancy changes at the residence over the past few years which he believed may have caused a fluctuation in consumption. He also said central air conditioning had been installed in January 1990, and that could have also caused a reduction in consumption.

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Mr. Rodriguez further indicated that he believed that someone installed an unauthorized meter to cause him harm. Although he cannot provide evidence to support that belief, he indicated that the problems with the unauthorized meter and other personal mishaps could have been caused by his ex-wife.

FPL on July 23, 1991 discovered that there was an unauthorized meter at Mrs. Rodriguez's residence. On that date the meter read 19879, and seven days later, on July 30, 1991, the unauthorized meter read 20485 indicating 606 kilowatt hours had been used. Based on an approved method of projection, the usage would have been 2600 KWH for a 30-day period if operating correctly.

At the conference, FPL identified inconsistencies of the kilowatt-hour consumption in February 1991 and March 1991. Because of billing inconsistencies throughout the billing history, FPL argued that manual diversion had been occurring over a long period of time at Mrs. Rodriguez's residence.

FPL indicated that based on the information provided by Mr. Rodriguez it had reduced the amount it sought for backbilling from \$4622.34 to \$1444.68.

After reviewing the evidence presented at the conference and the post-conference filings submitted by the parties, Staff found that FPL had complied with all applicable statutes and rules in regarding this backbilling.

We find that the electric meter at Mrs. Rodriguez's residence had been tampered with and was not accurately registering. We find that FPL acted properly in backbilling Mrs. Rodriguez. We find that the amount of the backbill is reasonable. Accordingly, the complaint of Mrs. Nemesia Rodriguez against Florida Power and Light Company is hereby denied.

In consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that Mrs. Nemesia Rodriguez's complaint against Florida Power and Light Company is hereby denied. It is further

ORDERED that this Order shall become final and the docket shall be closed unless an appropriate petition for formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

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By ORDER of the Florida Public Service Commission, this 25th
day of June, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

MRC:bmi

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on July 16, 1992.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.