

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of PASQUALE MORRONE)	DOCKET NO. 891270-WU
against CENTURY UTILITIES, INC.)	ORDER NO. 22336
regarding water bill in Palm Beach)	ISSUED: 12-26-89
County.)	
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, CHAIRMAN
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

NOTICE OF PROPOSED AGENCY ACTION

ORDER DENYING RELIEF REQUESTED

BY THE COMMISSION:

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

Century Utilities, Inc. (utility) is a utility providing water service to the public in Palm Beach County. On February 14, 1989, a customer of the utility, Mr. Pasquale Morrone filed a complaint alleging that his water bills normally run \$10 per month, and that his most recent bill was \$790.32, representing some 322,750 gallons of water. The bill in dispute was for the service period from December 3, 1988, to January 7, 1989, during which Mr. Morrone was allegedly in New York.

On February 16, 1989, a utility representative met Mr. Morrone at his apartment and checked his toilet for leaks by using blue dye in the tank. No leak was found. However, the utility representative flushed the toilet several times and observed that the flapper would not seat properly after flushing, causing the water to run continuously. We are advised

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that Mr. Morrone was present during the utility representative's investigation and observed the toilet's malfunction.

Mr. Morrone contends the flapper not seating properly could not account for the excessive water usage since he turns off the water under the toilet each time he goes back up north. Mr. Morrone further alleges that his next door neighbor has a key to his apartment so that she can check on the apartment periodically and she did not report seeing or hearing running water in his apartment during his absence.

On February 24, 1989, the Commission's Miami District Office arranged the bench test of Mr. Morrone's water meter. The bench test, which was witnessed by our Staff on March 14, 1989, indicated that the meter was 99.6% accurate on the maximum rate, 100% accurate on the intermediate rate, and 10% on the minimum rate. The rates of flow were well within the limits allowed by Rule 25-30.262, Florida Administrative Code.

On March 29, 1989, by way of letter, a utility representative informed Mr. Morrone that his bill would be adjusted from \$790.32 to \$414.36, for a total credit of \$375.96. The utility further informed Mr. Morrone that the adjustment was based on the utility's "catastrophic high bill adjustment" policy and in the interest of good customer relations.

On March 30, 1989, by way of letter, the Vice President of Operations of Century Utilities advised the Commission of the utility's efforts to determine the cause of the excessive usage, and the fact that the utility was voluntarily adjusting Mr. Morrone's bill from \$790.32 to \$414.36 in the interest of good customer relations.

On April 4, 1989, based upon the results of the Division of Consumer Affairs' informal investigation, our Staff wrote Mr. Morrone and explained that in order for the Commission to require an adjustment to his water bill, the Commission must first have evidence of inaccurate meter readings, improper rate application, or an improperly working meter. Mr. Morrone was advised that since none of these conditions were found, in Staff's opinion, no further adjustment to the bill was warranted.

On May 1, 1989, Mr. Morrone's daughter called the Commission's Division of Consumer Affairs and stated that Mr.

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Morrone wished to pursue his complaint since he was not satisfied with the Commission's informal findings. On May 2, 1989, our Staff wrote Mr. Morrone and informed him that the Commission would further investigate his complaint. Mr. Morrone was also provided with a copy of the Commission's rules relating to customer complaints.

On May 26, 1989, Mr. Morrone wrote our Staff enclosing a report from his plumber advising an inspection of his apartment found everything to be in good working order and that no leaks were discovered. On June 7, 1989, our Staff wrote Mr. Morrone acknowledging the plumber's report and advising that a copy of the report would be sent to the utility for its review and comments.

On June 15, 1989, the utility wrote Mr. Morrone and explained that the utility could not be sure what caused the high registration on the water meter, nevertheless the water did pass through the meter, and that no further adjustment to Mr. Morrone's bill would be made by the utility.

On June 20, 1989, our Staff wrote Mr. Morrone and explained that it appeared that the utility had billed his account properly, and in Staff's opinion, the adjustment to his bill appeared to be reasonable.

On September 20, 1989, Mr. Morrone's attorney wrote the Commission requesting an informal conference. On November 1, 1989, an informal conference pursuant to Rule 25-22.032, Florida Administrative Code, was conducted in West Palm Beach by our Staff, after which the dispute remained unresolved.

Conclusion

Based upon our review of the evidence and related documents, we find that Century Utilities, Inc. did not bill Mr. Pasquale Morrone for more than the actual consumption registered by Mr. Morrone's water meter during the service period December 3, 1988 to January 7, 1989. Further, we find that the water meter serving Mr. Pasquale Morrone's residence during the aforementioned service period did not register in excess of this Commission's prescribed accuracy limits as set forth in Rule 25-30.262, Florida Administrative Code. Accordingly, we find that Mr. Pasquale Morrone shall not be granted relief from payment of the \$414.36 balance of his above-discussed water bill as requested in his complaint.

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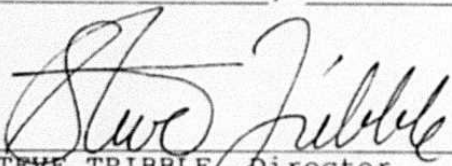
Upon due consideration of the above, it is, therefore,

ORDERED by the Florida Public Service Commission that the relief requested in the complaint of Mr. Pasquale Morrone against Century Utilities, Inc. regarding his water bill is hereby denied as set forth in the body of this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition in the form provided by Rule 25-22.36, Florida Administrative Code, is received by the Director, Division of Records and Reporting, at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the date set forth in the Notice of Further Proceedings, below.

ORDERED that if no protest is timely received, this docket shall be closed.

By ORDER of the Florida Public Service Commission
this 26th day of December, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JRF

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.

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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 January 16, 1990.

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, and as reflected in a subsequent order.

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 sewer 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.