

DOCKET NO. 960025-EI

REQUEST TO ESTABLISH DOCKET

Date 1/4/95

- 1. Division Name/Staff Name Division of Consumer Affairs
- 2. OPR LEGAL (MARTHA BROWN)
- 3. OCR Electric and Gas (David Wheeler)
- 4. Suggested Docket Title Complaint of Broward County Government Against Florida Power and Light Company regarding street light billing in Broward County.

5. Suggested Docket Mailing List (attach separate sheet if necessary)

A. Parties (Provide names of regulated companies or use abbreviation from list below if Parties should include all regulated companies in one or more industries; provide names and addresses of nonregulated companies; provide names, addresses, and affiliation (i.e., attorney, company liaison officer, or customer) of individuals.)

Steve Romig, Regional Mgr.  
Florida Power & Light Company  
7200 N.W. 4<sup>th</sup> St.  
Plantation, Florida 33317

MARY FRANCES BAKER  
Assistant County Attorney  
115 S. Andrews Avenue, Suite 423  
Fort Lauderdale, Florida 33301

B. Interested Persons/Companies (Provide names, complete mailing addresses, and affiliation. Use abbreviation from list below if Interested Persons should include all regulated companies in one or more industries.)

LEN A. GARVIN, President  
American Utility Bill Auditors, Inc.  
7040 W. Palmetto Pk. Rd.  
#2412  
BOCA RATON, Florida 33433

Larry E. Lyman - JOHNSON  
115 S. Andrews Ave., Suite 423  
Ft. Lauderdale, Florida 33301

REGULATED INDUSTRIES

Investor-Owned Electrics (EI)	Water Utilities (WU)
Electric Cooperatives (EC)	Local Exchange Telephone Cos. (TL)
Municipal Electrics (EM)	Interexchange Telephone Cos. (TI)
Gas Utilities (GU)	Coin-Operated Telephone Cos. (TC)
Wastewater Utilities (SU)	Shared Tenant Telephone Cos. (TS)
	Alternate Access Vendors (TA)

6. Check One:

- Documentation attached.
- Documentation will be provided with recommendation.

Name BROWARD COUNTY COMMISSIONERS

Company FLORIDA POWER AND LIGHT COMPANY

Request No. 36933P

Address LEN GARVIN - AUBA

Attn. Judi Zkiss

By JRD Time 11:12 AM Date 10/19/94

7040 W. PALMETTO PARK RD., STE. 2412

Consumer's Telephone # (407)-852-1872

To CO Time mail Date 10/20/94

City/Zip BOCA RATON 33433-9680 County BRO

Can Be Reached (305)-421-8860

Complaint Type eb-44

Account Number 7318916001381

Note \_\_\_\_\_

Has consumer contacted company? Yes  No \_\_\_\_\_ Who STEVE ROMIG

Justification N

See attached correspondence.  
11/10/94 Report received.  
12/13/94 Closed with letter.

Closed by JRD Date 12/13/94

Reply Received I

## CONSUMER REQUEST

# FLORIDA PUBLIC SERVICE COMMISSION

101 E. GAINES STREET  
TALLAHASSEE, FL. 32399-0850  
904-413-6100

PLEASE RETURN THIS FORM  
WITH REPORT OF ACTION TO:

Richard Durbin

DUE: 11/10/94

March 2, 1995

Ms. Mary Frances Bakke  
Assistant County Attorney  
Office of the County Attorney  
115 South Andrews Avenue, Suite 423  
Ft. Lauderdale, Florida 33301

Re: Informal Conference - Broward County vs Florida Power & Light Company

Dear Ms. Bakke:

This is a follow-up to your request for an informal conference. As discussed, the conference will be held on Tuesday, March 28, 1995 at 10:00 a.m. I have also confirmed this date with Florida Power & Light Company.

The conference will be held at the Broward County Governmental Center located at 115 South Andrews Avenue, Room 515 A., Fort Lauderdale. If you need directions, please call Ms. Patricia Sciacca at 305-357-7585.

I look forward to meeting you and hope that we can successfully resolve this matter. If you have any questions, please let me know.

Sincerely,

Beverlee S. DeMello, Director  
Division of Consumer Affairs

BSD:kt

cc: Florida Power & Light Company  
Ms. Patricia Sciacca, Broward County Governmental Center

John J. Copelan, Jr.  
County Attorney



OFFICE OF THE COUNTY ATTORNEY  
115 S. Andrews Avenue, Suite 423  
Fort Lauderdale, FL 33301

(305) 357-7600 • Telecopier (305) 357-7641 • Suncom 442-7600

February 10, 1995

Our File: 95-017.01

Bev Demello, Director  
Division of Consumer Affairs  
101 East Gaines Street  
Fletcher Building  
Tallahassee, Florida 32399-0850



**RE: FPL Electric Audit Issues**

Dear Ms. Demello:

This is a follow-up to our telephone conversation of February 7, 1995, in which you requested that I provide to you possible dates for the informal conference which we requested regarding our complaint with Florida Power and Light. Please schedule the conference at your convenience, but note that Deputy County Attorney Larry Lymas-Johnson or I have prior commitments on the following dates:

February 20: 9 a.m. - noon  
21: 2 p.m. - 5 p.m.

March 6: 9 a.m. - noon  
10: All day  
20: 9 a.m. - noon  
23: All day

April 3: 9 a.m. - noon  
17-21: Trial docket all week

*3/28 Tuesday*

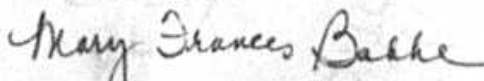
If you need to schedule after April, we will attempt to clear our calendars for any time period you choose.

I understand that you will be traveling to Broward County. I will be happy to coordinate the meeting and reserve a room in the Governmental Center to accommodate the conference when you select

Bev Demello  
Page 2  
February 10, 1995

a date. If I can assist you with any other arrangements in Broward County, please let me know. I look forward to hearing from you soon.

Sincerely,



Mary Frances Bakke  
Assistant County Attorney

MFB:fcl

cc: John Canada, Director Office of Budget and Management Policy  
Jim Flood, Director, Office of General Services  
Lee Billingsley, Director, Office of Transportation  
Richard Ronskavitz, Director, Traffic Engineering Division  
Carol Hartman, Program Manager, Office of Budget and  
Management Policy  
Larry Lymas-Johnson, Deputy County Attorney

John J. Copelan, Jr.  
County Attorney



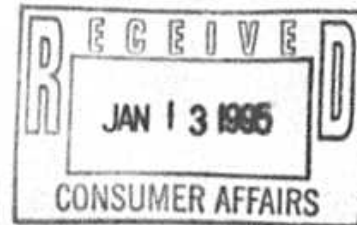
OFFICE OF THE COUNTY ATTORNEY  
115 S. Andrews Avenue, Suite 423  
Fort Lauderdale, FL 33301

(305) 357-7600 • Telecopier (305) 357-7641 • Suncom 442-7600

January 12, 1995

Our File: 95-017.01

Dick Durbin  
Senior Consumer Complaint Analyst  
Division of Consumer Affairs  
Fletcher Building  
101 East Gaines Street  
Tallahassee, FL 32399-0850



**Re: Request for Informal Conference  
Broward County vs. Florida Power & Light**

Dear Mr. Durbin:

Broward County hereby requests an informal conference pursuant to Rule 25-22.032(4), Florida Administrative Code, on the proposed resolution outlined in your letter dated December 14, 1994 (copy attached).

I certify that a copy hereof has been furnished to Kenneth W. Haile, Esquire, Florida Power & Light Company, 9250 W. Flagler Street, Miami, Florida 33102-9100 by U.S. Mail this 12th day of January 1995.

Very truly yours,

*Mary Frances Bakke*  
Mary Frances Bakke  
Assistant County Attorney

MFB:fcl  
Attachment

State of Florida

Commissioners  
J. FERRY DEASON, CHAIRMAN  
SUSAN E. CLARK  
JULY E. JOHNSON  
DEAN K. KIESLING  
R. E. GARCIA



DIVISION OF CONSUMER AFFAIRS  
GEORGE HANNA  
DIRECTOR  
(904) 413-6100  
TOLL FREE 1-800-352-3333

## Public Service Commission

December 14, 1994

Mr. Len Garvin  
American Utility Bill Auditors, Inc.  
7040 West Palmetto Park Road  
Suite 2412  
Boca Raton, FL 33433-9680

Dear Mr. Garvin:

This is concerning the complaint you filed on behalf of the Broward County Board of County Commissioners against Florida Power and Light (FPL).

In your complaint you have stated that FPL has been billing Broward County Government in error for street lights that should have been billed to municipalities within Broward County. FPL has claimed that it has been billing the street lights to the customer that ordered the service, Broward County. It is FPL's contention that if Broward County feels it should be reimbursed for the payments the county should recover the funds from the municipalities. American Utility Bill Auditors (AUBA) and Broward County have argued that FPL should issue credit to Broward County and that FPL should recover the revenue from the municipalities.

There does not appear to be any evidence that FPL was notified prior to your recent contact with the company that the billing for the street lights in question, which are owned and maintained by Broward County, was supposed to be sent to the municipalities. Had either Broward County or the municipalities provided such notice and FPL failed to bill the correct accounts then Rule 25-6.106(2), Florida Administrative Code, could be invoked and FPL would have to issue credit to Broward County and attempt to pursue reimbursement from the municipalities.

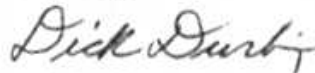
FPL was not a party to the Agreement for Trafficways Illumination between Broward County and the various municipalities. As such it had no way of knowing that the county and the municipalities had agreed that the municipalities would pay the energy charges associated with the street lights. FPL tendered the bills to the customer who ordered the service, Broward County.

The bills were paid without question so FPL had no way of knowing that there was a problem until such time as AUBA brought the subject up. Had Broward County government requested a billing detail from FPL for the purpose of auditing the street light bills, such a detail could have been provided and changes could have been made to the billing. I have not been presented with any indication that this was ever done.

Since it appears that FPL has billed Broward County for street light service as ordered by Broward County, no credit shall be required to be issued. Please note that this determination is subject to further review by the PSC. You have the right to request an informal conference pursuant to Rule 25-22.032(4), Florida Administrative Code. Should that conference fail to resolve the matter, the PSC staff will make a recommendation to the Commissioners for a decision. If you are dissatisfied with the Commission decision, you may request a formal Administrative hearing pursuant to section 120.57(1), Florida State Statutes.

If you have any questions, please let me know.

Sincerely,



Dick Durbin  
Senior Consumer Complaint Analyst  
Division of Consumer Affairs

DD:kl  
cc: Florida Power & Light Company



December 14, 1994

Mr. Len Garvin  
American Utility Bill Auditors, Inc.  
7040 West Palmetto Park Road  
Suite 2412  
Boca Raton, FL 33433-9680

Dear Mr. Garvin:

This is concerning the complaint you filed on behalf of the Broward County Board of County Commissioners against Florida Power and Light (FPL).

In your complaint you have stated that FPL has been billing Broward County Government in error for street lights that should have been billed to municipalities within Broward County. FPL has claimed that it has been billing the street lights to the customer that ordered the service, Broward County. It is FPL's contention that if Broward County feels it should be reimbursed for the payments the county should recover the funds from the municipalities. American Utility Bill Auditors (AUBA) and Broward County have argued that FPL should issue credit to Broward County and that FPL should recover the revenue from the municipalities.

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Page Two

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Since it appears that FPL has billed Broward County for street light service as ordered by Broward County, no credit shall be required to be issued. Please note that this determination is subject to further review by the PSC. You have the right to request an informal conference pursuant to Rule 25-22.032(4), Florida Administrative Code. Should that conference fail to resolve the matter, the PSC staff will make a recommendation to the Commissioners for a decision. If you are dissatisfied with the Commission decision, you may request a formal Administrative hearing pursuant to section 120.57(1), Florida State Statutes.

If you have any questions, please let me know.

Sincerely,

Dick Durbin  
Senior Consumer Complaint Analyst  
Division of Consumer Affairs

DD:kt  
cc:Florida Power & Light Company

October 20, 1994

Mr. Len Garvin  
AUBA  
Broward County Commissioners  
7040 W. Palmetto Park Road  
Suite 2412  
Boca Raton, Florida 33433-9680

Dear Mr. Garvin:

Thank you for your recent letter concerning Florida Power & Light Company.

We will look into the matter you outlined and get back in touch with you at the conclusion of our investigation.

Sincerely,

Dick Durbin  
Consumer Affairs Analyst  
Division of Consumer Affairs

DD:kt

## STREETLIGHT AUDIT FINDINGS SUMMARY

Each of the 30 audit findings represents a group of lights found to be within city boundaries where the electric charge is on the Broward County's bill. For each finding the FP&L RFMS report indicates that the electricity has been charged to Broward County since installation.

The findings fall into three scenario groups. Audit findings in **Group I** are County road projects. For County Road projects it is the County's procedure to enter a Traffic Illumination Agreement with the City. These agreements assign responsibility for energy costs to the City. It is also procedure to notify FP&L of the agreement. Audit findings in **Group II** are not County projects. For these there is no evidence that the County initiated service. Audit findings in **Group III** are streetlights on properties that have been annexed to Cities since installation.

### **GROUP I ARE COUNTY PROJECTS:**

E-4-D: Ft. Lauderdale: 74 lights Cypress Creek Rd, CSX-RR to 31st Ave.

Installed: completion of road project #5029: 7/93

Traffic illumination agreement: City Ft. Lauderdale

Letter transmitting TIA sent to City Clerk on 7/26/90

Estimated refund \$16,676 for 26 months

**STATUS: No change**

**FPL summary of 11/27:** States that no authorization received from city, but cannot produce authorization from County. Failed to mention supporting documentation of TIA Transmittal letter to city.

E-4-F: Ft. Lauderdale: 14 lights, Powerline Rd, Cypress Creek Rd to McNab Rd

Installed: completion of road project #5021: 10/85

Letter notifying FP&L of energy arrangement 8/85

Estimated refund \$20,919 for 119 months

**STATUS: FPL identified 14 lights instead of the audit finding of 12. The auditor confirmed 14 lights and adjusted the refund accordingly.**

**FPL summary of 11/27:** States that no authorization received from city, but cannot produce authorization from County. Failed to mention supporting documentation of TIA Transmittal Letter to FPL.

E-4-G: Dania & Hollywood: 46 lights, Stirling Rd, 1800 Blk to 3100 Blk  
Installed: completion '76 project #2011: 1/83

Letter transmitting TIA sent to Hollywood City Clerk on 5/80

Estimated refund \$102,679 for 152 months

**STATUS: No change**

**FPL summary of 11/27:** States that no authorization received from city, but cannot produce authorization from County. Failed to mention supporting documentation of TIA Transmittal Letter to the City.

E-4-L: Plantation and Sunrise: 27 lights (FPL states 29) on Sunrise Blvd. west of the Turnpike:  
from NW 55th Ave to NW 11 place

Installed: 26 on 3/81 and 1 on 1/79 (FPL says installation dates were '77 and '79)

Traffic illumination agreement: City of Plantation signed 2/80 (from FPL)

Transmission letter for TIA to the City of Plantation on March 18, 1980

Estimated refund: \$2,608.87 for 200 months and \$76,082.87 for 174 months.

**STATUS: FPL identified 29 lights and questioned the install date. The auditor confirmed that 26 of the lights were installed on 3/81 and 1 on 1/79 and adjusted the refund accordingly.**

**FPL summary of 11/27:** States that no authorization received from city, but cannot produce authorization from County. Failed to mention supporting documentation of TIA Transmittal Letter to the City, and TIA that City forwarded to FPL during the audit investigation.

E-4-M: Hollywood: 4 lights, Stirling Rd. west of the Turnpike

Installed: completion of '78 bond project #4125: 5/84

Traffic illumination agreement: City of Hollywood signed 4/80

Letter transmitting TIA sent to Hollywood City Clerk on 5/80

FP&L maintains the poles for these streetlights

Estimated refund \$5,809 for 136 months

**STATUS: No change**

**FPL summary of 11/27:** States that no authorization received from city, but cannot produce authorization from County. Failed to mention supporting documentation of TIA Transmittal Letter to the City. Further it is our understanding that FPL maintains these poles.

E-4-N: Tamarac: 32 lights, Commercial Blvd, White Oaks Ln to Rock Island

Installed: completion of '76 bond project #2008: 1986

Traffic illumination agreement: City of Tamarac signed 12/79

Transmission letter to FP&L May 22, 1980.

Estimated refund: \$42,919 for 111 months to 1986

**STATUS: FPL offered documentation from BC to modify lights on commercial in 1982. This documentation may have been submitted in BCS. role to provide maintenance to the lights and predates the installation date of the lights for which a refund is being requested.**

**FPL summary of 11/27:** Failed to mention supporting documentation of TIA Transmittal Letter to FPL. Suggests that additional documentation was uncovered since our last meeting, including: BC billing authorization for 58 lights in Nov 80. City billing authorization for 19 lights in Jan 81. Letter from BC Director to Tamarac.

E-4-X: Davie: 5 lights, Stirling Rd and the Turnpike

Installed: completion of '78 bond project #4125: 2/87

Traffic illumination agreement: City of Davie

Estimated refund: \$6,069 for 103 months

**STATUS: No change.**

**FPL summary of 11/27:** States that no authorization received from city, but cannot produce authorization from County.

E-4-Z: Plantation: 12 lights, Peters Rd, 55th Ter to 50th Av

Installed: completion of '76 bond project #2013: 3/81

Cover letter to City of Plantation 3/80

Estimated refund: \$34,315 for 96 months

**STATUS: No change.**

**FPL summary of 11/27:** States that no authorization received from city, but cannot produce authorization from County. Represents different documentation <sup>from</sup> that BC audit file. BC audit file contains TIA Transmittal letter to the City, FPL suggests that they have copy of TIA.

E-4-AF: Ft. Lauderdale: 9 lights, Commercial Blvd and NW 9th Ave

Installed: completion of '76 bond project #2007: 3/81

Traffic Illumination Agreement: City of Ft Lauderdale, 5/79

Transmission letter to FPL for Traffic Illumination agreement 5/80

Estimated refund: \$26,336 for 174 months

**STATUS: FPL said that of 11 lights in original finding only 9 were on Commercial and that they met our obligation per the TIA to pay for 8. The auditor confirms that there are only 9 lights on Commercial but maintains that they are not BC responsibility as other lights satisfy this. The refund have been adjusted accordingly.**

**FPL summary of 11/27: States that no authorization received from city, but cannot produce authorization from County. Failed to mention supporting documentation of TIA Transmittal Letter to FPL.**



**GROUP II ARE NOT COUNTY PROJECTS:**

E-4-H: Plantation: 46 lights, Sunrise Blvd, at SR7 interchange

Installed: 9/76

Can not be identified as a County project.

Estimated refund \$160,067 for 228 months

**STATUS: No change**

**FPL summary of 11/27:** FDOT may have evidence that this is a County project. Nevertheless, many county projects plan for energy costs to be paid by the municipality.

E-4-I: Pembroke Pines: 27 lights, University Dr. north of Pembroke Rd. east side adjacent to North Perry Airport

Installed: 12/74

Can not be identified as a County project.

Estimated refund \$126,960 for 249 months

**STATUS: No change**

**FPL summary of 11/27:** FDOT may have evidence that this is a County project. Nevertheless, many county projects plan for energy costs to be paid by the municipality.

E-4-J: Davie: 2 lights, University Drive and Griffin Road

Installed: 1/77

Can not be identified as a County project.

Estimated refund: \$6,451 for 220 months

**STATUS: No change**

E-4-K: Davie: 2 light, University Dr. and Orange Dr.

Installed: 1/77

Can not be identified as a County project.

Estimated refund: \$6,451 for 220 months

**STATUS: No change**

E-4-O: Pembroke Pines: 27 lights, University Drive, Hollywood Blvd to Pembroke Rd. west side

Installed: 7/82

Can not be identified as a County project.

FP&L maintains the poles for these streetlights

Estimated refund: \$83,425 for 158 months

**FPL summary of 11/27:** Says that these lights are owned by FPL. Our documentation suggests that these lights are owned by BC but maintained by FPL.

E-4-Q: Davie: 5 lights, SW 24 St (NOVA Dr.); Pine Island to University. The North Side is unincorporated the south Davie.

Installed: 8/91

Can not be identified as a County project.

/ FP&L maintains the poles for these streetlights

Estimated refund: \$1,811 for 45 months

**STATUS: No change**

**FPL summary of 11/27:** Says that these lights are owned by FPL. Our documentation suggests that these lights are owned by BC but maintained by FPL. Suggests that additional documentation was uncovered since our last meeting by referencing a work order for the five lights.

E-4-R DROPPED

**FPL summary of 11/27:** Correctly indicates that this item is dropped but failed to remove it from the total refund requested.

E-4-S: Pembroke Pines & Miramar: 2 lights, Pembroke Rd & Palm Av

Installed: 1/82

Interlocal w/ Pembroke Pines (12/87) for joint fund of improvements states "8. City shall be responsible for the maintenance of all landscaping, street lighting and irrigation, in addition to being responsible for maintenance of the roadway." (this agreement refers to lights that replaced the lights we are paying for)

Physical check: poles have been removed since installation

Estimated refund: \$3,614 for 164 months

**STATUS:** FPL questioned the 1/82 date. Auditor confirmed that BC is paying for lights installed in 1982. We believe that the 1987 lights are replacement lights and that we were not involved in the installation of the lights installed in 1/82.

E-4-T: Pembroke Pines: 18 lights, Sheridan St, Palm Av to 93 ter

Traffic illumination agreement: City of Pembroke Pines on 4/80 (ADDRESS DOESN'T MATCH)

Estimated refund: \$24,775 for 113 months

**STATUS:** FPL identified 18 lights, rather than the 12 identified in the audit and points out that the address in the agreement does not match the audit finding address. This finding was moved to group 2. The savings have been recalculated for 18 lights (new total).

E-4-W: Hollywood & Seminole Tribe: ~~4 lights~~ NW 64th Av, 30th St to Sterling Rd  
8 lights on Sterling Road

Installed: 4 in 4/84, 8 in 4/87

4 lights in Seminole Reservation cannot be identified as a County project.

8 lights on Stirling are part of a County project and covered by a TIA.

Estimated refund: \$16,434 for various months

**STATUS: FPL identified 12 lights instead of the original audit finding of 8. The auditor confirmed 12 and recalculated savings to reflect 12 lights .**

**STATUS: No change.**

E-4-AB: Plantation: 6 lights, Broward Blvd and SR7

Installed: 3/81

This can not be identified as a County project.

The poles may have been replaced. County has requested that they be removed from County billing.

Estimated refund: \$17,558 for 174 months

**STATUS: FPL states that these lights are part of a circuit being paid for by the county. The map submitted by FPL indicates the lights on Broward Blvd (referenced in the audit) and lights in an adjoining neighborhood that are not part of the audit finding. No change.**

E-4-AC: Margate: 2 lights Corner of Copans and SR7

Installed: 12/83

Can not be identified as a County project.

Estimated refund: \$2,708 for 141 months

**STATUS: FPL identified info suggesting these lights were part of a signalization project. BC has identified additional documentation to confirm that this was a county signalization project and that FPL was notified that the city would be responsible for the energy charges. No change.**

E-4-AE: Dania: 16 lights, SW 44 St (n/o Griffin Rd)

Installed: 5/93

Can not be identified as a County project.

FP&L maintains the poles for these streetlights

Estimated refund: \$3,497 for 28 months

**STATUS: No change.**

E-4-AG: DROPPED

**FPL summary of 11/27:** Correctly indicates that this item is dropped but failed to remove it from the total refund requested.

E-4-AH: Oakland Park: 1 light, 554 NW 46 Ct

Installed: 6/84

Can not be identified as a County project.

FP&L maintains the poles for these streetlights

Estimated refund: \$1,821 for 131 months

**STATUS: No change.**

**E-4-Na: DROPPED**

**FPL summary of 11/27:** Correctly indicates that this item is dropped but failed to remove it from the total refund requested

**GROUP III: PROPERTIES THAT WERE ANNEXED TO CITIES SINCE THE  
INSTALLATION OF THE STREETLIGHTS**

E-4-A: Dania: 18 lights Ravenswood Rd 4000 to 4700 blk

Annexed to Dania 1/1/91

Citizen Services records indicate that this is not part of any existing or prior streetlight district

Estimated refund from annexation: \$9,623 for 56 months

**STATUS: No change.**

E-4-C: Deerfield Beach: 43 lights, Powerline Rd, Hillsboro Blvd to Green Rd.

Installed: completion of '78 bond project #4119: 4/82

Traffic illumination agreement: City Deerfield Beach. Agreement states that the lights should be divided between the jurisdictions based on boundaries.

Letter transmitting TIA and describing electric payment responsibility was sent to FPL by letter on 4/12/82

Impossible to do a physical check because these lights do not have grid #s on the poles.

Estimated refund from annexation: \$26,111 for 61 months

**STATUS: FPL's indicates that Deerfield is paying for the 19-/-lights indicated in the TIA. However, the number of lights in Deerfield jurisdiction was increased with annexation in 1990. The refund has been recalculated from annexation date.**

E-4-E: Dania & Hollywood: 44 lights, Griffin Rd, CSX-RR to SW 40th Ave.

This project began as a '78 bond project (#4110W) and the County completed the design. The project was taken over and administered by the state after design. The state is the party that initiated energy service.

The bulk of this part of Griffin Road was annexed in either 10/90 or 11/89. Planning records show that the north side of Griffin between Ravenswood to 35th was annexed from the County to Dania 10/90. The south side from 35th to 40th was annexed from the County to Hollywood 11/89.

Installed: 1/87

Estimated refund from annexation: \$25,656 for 59 months

**STATUS: No change.**

E-4-U: Cooper City: 2 lights, Sterling Rd and Palm Ave (one NE, one NW)

Installed: 4/83

The County notified FPL of intention to add services via exhibit C in 2/83. TE records indicate that the poles were removed and replaced by FDOT 4/92. County is paying for removed lights and has requested that they be removed from County billing via exhibit C 3/95.

According to Planning records the NE and SE corner of the intersection were annexed to Cooper City in 11/87. The SW corner was annexed in 2/83. The NW corner was annexed sometime between 83 and 86.

Estimated refund from annexation: \$2,584 (one for 147 months, one for 124 months)

**STATUS: No change**



E-4-Y: Davie: 2 lights, Griffin Rd, 4610 & 4640 (w/o SR7)

Installed: 1/87

This project began as a '78 bond project (#4110W) and the County completed the design. The project was taken over and administered by the state after design. The state is the party that initiated energy service.

Estimated refund: \$1,378 for 68 months

**STATUS: FPL indicates that this property was unincorporated until 1990. The savings were recalculated to represent 1/1990 to 1995. This finding should be moved to group III.**

E-4-AA: Hollywood: 11 lights, Griffin Rd east of SR7

installed: 1/87

This project began as a '78 bond project (#4110W) and the County completed the design. The project was taken over and administered by the state after design. The state is the party that initiated energy service.

Planning records show this was annexed from unincorporated to Hollywood in July 1990.

Estimated refund from annexation: \$6,814 for 62 months

**STATUS: No change**

E-4-AD: Parkland: 1 light, Corner of Johnson Rd and SR7

Installed: 3/83

The County notified FPL of intention to add services via exhibit C in 3/83. TE records indicate that the poles may have been replaced. County has requested that they be removed from County billing via exhibit C 3/95.

According to Planning records this property was annexed to Parkland 10/84.

Estimated refund from annexation: \$1,193 for 127 months

**STATUS: No change.**

E-4-AI: Dania: 3 lights Griffin Rd w/o CSX-RR

Annexed to Dania 1/1/91

Estimated refund from annexation: \$741 for 56 months

**STATUS: No change.**



November 27, 1995

Ms. Beverlee S. DeMello, Director  
Division of Consumer Affairs  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL, 32399-0850

Subject: Informal Conference between Broward County and FPL, November 30, 1995

Dear Ms. DeMello,

In an effort to expedite our conference on the 30th, attached is a summary of Broward County's position on their complaint along with a summary of FPL's position in response. The summary of the County's position is to the best of my understanding, based on our numerous meetings and discussions. A copy of this summary is also being provided to Ms. Carol Hartman of Broward County.

Hopefully these attachments will facilitate our meeting. Please let me know if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink that reads "Steve Romig". The signature is fluid and cursive, with the first name "Steve" and last name "Romig" clearly legible.

Steve Romig  
Regional Manager  
Florida Power & Light Co.  
7200 N. W. 4th St.  
Plantation, FL, 33317

Copies to:

Ms. Carol Hartman, Broward County  
Ms. Anne Grealy, FP&L  
Mr. Ken Haile, FP&L

*Enclosure 3/2/95*

Attachments:

Summary of Positions of Broward County and FPL (prepared by FPL 11/27/95)  
FPL Findings by Audit Item

*ms. [unclear]*

NOV 28 1995  
DIVISION OF CONSUMER AFFAIRS

**Summary of Positions of Broward County and FPL**  
(prepared by FPL 11/27/95)

Broward County's position is as follows:

The County has been billed incorrectly for various street lights, and these billings should be refunded to the County. These incorrect billings fall into one of three general categories:

**Group I: "Broward County road projects"**

It is the County's procedure to enter into a Traffic Illumination Agreement (TIA) with the respective City, and this agreement indicates that the County will install and maintain street lights, but the city is responsible for energy charges.

**Group II: "Not County initiated projects"**

There is no evidence that the County initiated service to these lights.

**Group III: "Annexations"**

Street lights which were previously the County's responsibility but are in areas that were annexed by various cities, thus making the cities responsible for energy charges.

Broward County is requesting a refund of all energy charges, plus interest, back to the date of installation (or annexation for Group III). Requested refund period ranges from two to 21 years.

FPL's position is as follows:

1. The street lights in question are, for the most part, customer owned lights, in which case FPL only connects service to the lights at the specific request of a customer. Billing is the responsibility of the party requesting service unless other specific billing arrangements have been made with FPL. For Groups I and II, FPL would not have connected service to the lights without a specific customer request, and the requesting party would be the one to be billed for energy charges.
2. For all of the lights in question, FPL never received authorization from any of the cities to put the service into their names for billing. This was validated after contacting several of the cities in question in recent months, all of which verified that they had never previously notified FPL to bill them for any of the lights.
3. When new street lights are billed for the first time, a notification is sent to the customer along with the first month's bill. This notification (FPL form number 151) puts the customer on notice of the street light facilities that are being charged, as well as providing a breakdown of the facilities. The customer can then notify FPL if the new charges are in error. Broward County did not notify FPL of any errors when these billings commenced, so we had no reason to believe any of the billings were in error.
4. Broward County paid these monthly bills without ever questioning their accuracy or validity. Had the County at any time asked for a review of the accounts, FPL could have provided a list of the facilities and locations being billed just as we did for the current Broward County auditor.

(FPL position - cont.)

5. In the case of those involving Traffic Illumination Agreements (Group I), FPL was never authorized by any of the cities to bill them for service. Broward County installed and currently maintains these facilities, and was the party that requested service. FPL has previously suggested to Broward County that, since their contracts were with the cities and not FPL, that the County request reimbursement from the cities directly. It is not fair or appropriate to ask FPL's ratepayers to make refunds to the County for a misunderstanding that apparently occurred between the County and the respective cities.

6. In the case of the annexations (Group III) FPL cannot arbitrarily change billing responsibility for any accounts just because there is an annexation. Broward County typically pays energy charges for traffic signal accounts in annexed areas, and these continued to be the responsibility of the County. Without specific authorization from a city to take over street light billing, there would be no justification to change the billing.

7. In the case of those that the County states are not County projects (Group III), records are generally not available due to the age of these claims. However, FPL was able to find documentation on several to show that the County did indeed request service (the County has since dropped three of these claims from its overall list). This reinforces the fact that FPL would only have connected these lights originally as a result of a specific customer request, and just because the County or FPL does not have records documenting the original request does not mean that Broward County did not make the request.

8. It is unfair to ask FPL ratepayers to give money to the County when the County should have raised a question at the time the lights were connected or at some time thereafter (some are up to 21 years ago). FPL would not be able to collect these backbillings from any city, since there is no documentation to substantiate the County's claim that the lights were erroneously billed in the first place. The Florida Statute of Limitations would also be a defense to any claims over five years old. It is unfair to expect FPL to pay Broward County for claims going back up to 21 years and then only be able to collect against the cities for five years, assuming we could collect anything at all.

Conclusion: None of these claims have shown that FPL failed to bill a city when FPL was so authorized by a city. Broward County was notified when billing for the lights commenced, and did not question the bills. They also paid all subsequent bills without ever questioning their accuracy, so FPL had no reason at any time to believe there was a problem. When the current County auditor asked for a list of lights, FPL complied and assisted the County in their efforts to analyze the bills. FPL has also been proactive in contacting the cities regarding responsibility for billings, and all of the cities contacted stated that they had never previously authorized FPL to bill the cities for lights. There is also no documentation to substantiate the County's claim that the lights were erroneously billed in the first place. Overall, there is no basis whatsoever for any refund.

Approved  
FPL Billing  
8/1/04

County Director  
8/1/04

How would  
County collect?

Summary of FPL Findings by Audit Item

Group 1: "County Road Projects": County's procedure is to enter into a Traffic Illumination Agreement (TIA) with the City.					
Ref.	No. of Lights	Amount Claimed	Date of TIA	Date of Installation	Status
E-4-D	74 (customer owned)	\$16,676	Feb, 1990	Jul, 1993	Cypress Creek Road, CSXRR to 31st Ave. No billing authorization ever received from City No agreement ever transmitted to FPL Over 3 years elapsed from time agreement signed until lights installed City contacted by FPL 7/95 and agreed to assume billing to avoid disconnection of lights, but denies any responsibility for past billings.
E-4-F	14 (customer owned)	\$20,919	No Agreement	Oct, 1985	Powerline Road, Cypress Creek to McNab No billing authorization ever received from City No agreement ever transmitted to FPL City contacted by FPL 7/95 and agreed to assume billing to avoid disconnection of lights, but denies any responsibility for past billings.
E-4-G	46 (customer owned)	\$102,679	No Agreement	Jan, 1983	Stirling Road, 1800 block to 3100 block (I-95 to SR 441) No billing authorization ever received from either City (Dania & Hollywood) No agreement ever transmitted to FPL
E-4-L	27 (customer owned)	\$78,691	No Agreements (agreements provided are not TIAs, and do not address energy charges)	Mar, 1981	Sunrise Blvd, 55th Ave to 11 Pl No billing authorization ever received from either City (Plantation or Sunrise) No agreement ever transmitted to FPL Plantation contacted by FPL 5/95 and agreed to assume billing for 16 lights to avoid disconnection but denies any responsibility for past billings. States that they never previously authorized FPL to bill Plantation for any of these lights City of Sunrise contacted 5/95 and denies any responsibility for billing of the remaining lights
E-4-M	4 (customer owned)	\$5,809	Apr, 1980	May, 1984	Stirling Road west of the Turnpike No billing authorization ever received from City (Hollywood) No agreement ever transmitted to FPL Installation of lights occurred four years after agreement executed

Summary of FPL Findings by Audit Item

Group 1 Continued					
E-4-N	34 (customer owned)	\$42,919	Dec, 1979	Nov, 1980	<p>Commercial Blvd, White Oak to Rock Island</p> <p>Lights installed as part of TIA between BC and Tamarac in Nov 1980 (bond project #2008)</p> <p>Billing was initiated to BC for 58 lights in Nov, 1980, as BC was requesting service to these customer owned lights, and FPL did not have billing authorization from Tamarac</p> <p>Billing for 19 of the lights was subsequently transferred to Tamarac in Jan, 1981, due to authorization from the City.</p> <p>No other billing authorization received from Tamarac</p> <p>Documents dated 1982 reflect an acknowledgement by BC of billing responsibility for lights in this area:</p> <p style="padding-left: 40px;">Request from BC Director Traffic Eng dated 1/7/82 to upgrade rating of the lights</p> <p style="padding-left: 40px;">Letter from BC Director to Tamarac - acknowledges BC paying for lighting</p>
E-4-X	5 (customer owned)	\$6,069	May, 1979	Feb, 1987	<p>Stirling Road &amp; the Turnpike</p> <p>No billing authorization ever received from City (Davie)</p> <p>No agreement ever transmitted to FPL</p> <p>Installation of lights occurred eight years after agreement executed</p>
E-4-Z	12 (customer owned)	\$34,315	Aug, 1979	Mar, 1981	<p>Peters Rd, 55 Ter to 50 Av</p> <p>No billing authorization ever received from City (Plantation)</p> <p>No agreement ever transmitted to FPL</p> <p>Plantation contacted by FPL 5/95 and agreed to assume billing for lights to avoid disconnection but denies any responsibility for past billings. States that they never previously authorized FPL to bill Plantation for any of these lights</p>
E-4-AF	9 (customer owned)	\$26,336	May, 1979	Mar, 1981	<p>Commercial Blv at Fowerline (NW 9th)</p> <p>No billing authorization ever received from City (Ft Lauderdale)</p> <p>Ft Laud contacted by FPL 6/95 and agreed to assume billing for lights to avoid disconnection but denies any responsibility for past billings. States that they never previously authorized FPL to bill Ft Laud for any of these lights</p>
Total	225	\$334,413			

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#3

Summary of FPL Findings by Audit Item

Group 2: "Not County Initiated Projects": No evidence that the County initiated service to these lights.					
Ref.	No. of Lights	Amount Claimed	Date of TIA	Date of Installation	Status
E-4-H	46 (customer owned)	\$160,068	NA	Sep, 1976	Sunrise Blv, west of SR 7 BC states this is not a County project City of Plantation indicated that the City is not responsible for billings FDOT informed FPL that BC maintains these lights, and believes this to be a County project FDOT has requested copies of their files from Tallahassee (10/95)
E-4-I	27 (customer owned)	\$126,960	NA	Dec, 1974	University Dr north of Pembroke Road (east side adjacent to Perry airport) BC states this is not a County project City of Pembroke Pines indicated that the City is not responsible for billings FDOT informed FPL that BC maintains these lights, and believes this to be a County project FDOT has requested copies of their files from Tallahassee (10/95) Representative from airport also states that BC maintains these lights FDOT states that these lights have been an issue as to responsibility between BC and FDOT for a number of years, and BC has previously acknowledged they maintain the lights
E-4-J	2 (customer owned)	\$6,451	NA	Jan, 1977	University Dr and Griffin Rd (south side) BC states this is not a County project Town of Davie denies any responsibility for lights
E-4-K	2 (customer owned)	\$6,451	NA	Jan, 1977	University Dr and Griffin Rd (north side) BC states this is not a County project Town of Davie denies any responsibility for lights
E-4-O	27 (FPL)	\$83,426	NA	Jul, 1982 ?	University Dr, Hollywood Blv to Pembroke Rd (west side) BC states this is not a County project City of Pembroke Pines indicated that the City is not responsible for billings



Summary of FPL Findings by Audit Item

Group 2 Continued					
E-4-Q	5 (FPL)	\$1,811	NA	Aug, 1991	SW 24 St, Pine Island to University 2 lights do not exist in the field, and were removed from billing 4/10/95 (no record of any previous notification from BC) 3 lights were installed on the same work order with two other lights that have been billed to Town of Davie, indicating an agreement at the time of installation to split billing. FPL contacted Davie on 4/95, and they agreed to assume billing to avoid disconnection of lights, but denies any responsibility for past billings
E-4-R	8 (FPL)	\$4,423	NA	Oct, 1991	Hiatus Rd, 800 block to 1200 block (south of SR 84) BC states this is not a County project These lights were requested by the Broward County Director of Traffic Engineering on Feb 13, 1991 <i>Broward County dropped this claim per letter from John Canada dated 9/20/95</i>
E-4-S	2 (customer owned)	\$3,614	NA	Jan, 1982	Pembroke Rd and Palm Ave BC previously indicated this was associated with County Road Project 5019 -- now indicates this was not a county project FPL has discontinued billing, as lights and poles no longer exist in the field - no record of any notification from customer as to when they were being removed Since facilities have been removed, there is no way to determine who installed and/or maintained facilities.
E-4-T	18 (customer owned)	\$24,775	NA	Apr, 1986	Sheridan St, Palm Av to 93rd BC previously indicated this was associated with County Road Project 4132 -- now indicates this was not a county project
E-4-W	12 (8 cust, 4 FPL)	\$12,864	NA	1983-1984	Stirling Rd 8 customer owned lights part of a circuit maintained by BC - Traffic Illumination Agreement provided for Stirling Rd from US 441 to University, which includes these lights 4 FPL lights - FPL contacted Seminole Reservation, who agreed to assume billing to avoid disconnection of lights, but denies any responsibility for past billings

Summary of FPL Findings by Audit Item

Group 2 Continued						
E-4-AB	6 (customer owned)	\$17,558	NA	Mar, 1981	Broward Blv & SR7 BC states this is not a County project, but these lights are part of a circuit maintained and paid for by Broward County City of Plantation denies any responsibility for any billing, past or future FPL received request from BC dated 3/2/95 to remove lights from billing, and notified BC that the County must disconnect lights from its circuit before billing can stop - FPL has not received this notification of disconnect by Broward County as of 11/95	
E-4-AC	2 (customer owned)	\$2,708	NA	Dec, 1983	Copans Rd and SR 7 BC states this is not a County project, but lights were installed and service requested by a contractor working for BC (Craven Thompson). Lights are on BC traffic signal poles, installed by BC contractor Craven Thompson. Service requested by BC contractor on 7/15/83.	
E-4-AE	16 (FPL)	\$3,497	NA	May, 1993	SW 44 St, s/o Griffin BC states this is not a County project FPL contacted City of Dania, who agreed to rebilling of the lights as of 5/93	
E-4-AG	7 (FPL)	\$2,439	NA	Jul, 1985	9th Ter and 10th Ave, south of Commercial Blvd BC states this is not a County project These lights are part of taxing district 22, and installation was authorized by Broward County in November, 1982 <i>Broward County dropped this claim per letter from John Canada dated 9/20/95</i>	
E-4-AH	1 (FPL)	\$1,921	NA	Jun, 1984	554 NW 46 Ct BC states this is not a County project Light no longer exists in field - billing discontinued as of 4/13/95	
E-4-Na	27 (FPL)	\$30,039	NA	'81 - '85	The Woodlands - various locations BC states this is not a County project, and that the County would not install streetlights in a city residential neighborhood These lights were all requested in writing on different occasions from 1982 through 1987 by BC Director of Public Works and/or Assistant County Administrator <i>Broward County dropped this claim per letter from John Canada dated 9/20/95</i>	
Total	208	\$489,005				

Summary of FPL Findings by Audit Item

Group 3: "Annexations": Streetlights on properties that have been annexed to the cities since installation.					
Ref.	No. of Lights	Amount Claimed	Date of TIA	Date of Annexation	Status
E-4-A	18 (FPL)	\$9,623	NA	Jan, 1991	Ravenswood, 4000 block to 4700 block BC states this is not part of any existing or prior street light district Broward County Director of Traffic Engineering requested lights via Exhibit C dated February 13, 1991, which is subsequent to annexation date of January 1, 1991 FPL not previously notified or authorized to change billing responsibility as a result of the annexation
E-4-C	43 (customer owned)	\$26,111	NA	Jan, 1990	Powerline, Hillsborough to Green These lights were installed by Broward County and billed to BC as part of project #4119 The lights in question are in an area annexed by Deerfield Beach in 1990 FPL was never authorized by BC or the City to change billing as a result of annexation
E-4-E	44 (customer owned)	\$25,656	NA	Oct, 1990	Griffin Road, RR to SW 40 Ave These lights are maintained by Broward County (verified with FDOT) The lights in question are in an area annexed by Dania and/or Hollywood FPL was never authorized by BC or the City to change billing as a result of annexation
E-4-U	2 (customer owned)	\$2,585	NA	Feb, 1983	Stirling & Palm Service to these lights originally requested by BC Director Traffic Engineering in Feb, 1983 BC indicates this area annexed by Cooper City between 1983 and 1986 BC also states that FDOT replaced these lights in April, 1992 FPL was never authorized to change billing responsibility by BC, FDOT, or the City as a result of either the annexation or FDOT light replacement FPL was notified by Broward County on March 2, 1995, that the lights had been removed, and FPL subsequently discontinued billing of the lights
E-4-Y	2 (customer owned)	\$1,386	NA	Jan, 1990	Griffin Rd, 4610 & 4640 These lights are part of a circuit maintained and paid for by BC (verified with FDOT) The lights in question are in an area annexed by the Town of Davie in January, 1990 FPL was never authorized by BC or Davie to change billing as a result of annexation
E-4-AA	11 (customer owned)	\$6,814	NA	Jul, 1990	Griffin Rd, East of SR 7 The lights in question are in an area annexed by Hollywood in July, 1990 FPL was never authorized by BC or the city to change billing as a result of annexation

Summary of FPL Findings by Audit Item

Group 3 Continued					
E-4-AD	1 (customer owned)	\$1,193	NA	Oct, 1984	Johnson Rd & SR 7 Broward County requested service to these lights on March 14, 1983 The lights in question are in an area annexed by Parkland in October, 1984 FPL was never authorized by BC or the city to change billing as a result of annexation BC requested the billing be discontinued March 2, 1995 due to removal of the lights , and the billing has been discontinued
E-4-AI	3 (customer owned)	\$742	NA	Jan, 1991	Griffin Rd west of RR The lights in question are in an area annexed by Dania in January, 1991 FPL was never authorized by BC or the city to change billing as a result of annexation
Total	124	\$74,110			

MR. DUBIN

10/12/94

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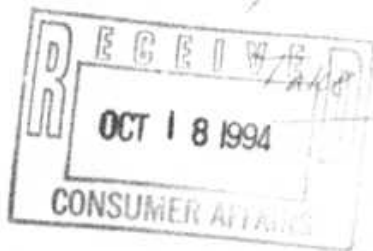
Hope your feeling

Better Today you h. +

I would like to guide

the Package when you

see it, to explain etc  
the details.



CASE  
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