

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Michelle P. Ohlson against Florida Power Corporation for alleged improper backbilling.

DOCKET NO. 010288-EI
ORDER NO. PSC-01-1160-AS-EI
ISSUED: May 21, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER APPROVING SETTLEMENT AGREEMENT

BY THE COMMISSION:

On November 8, 1999, Mrs. Michelle P. Ohlson (Mrs. Ohlson or customer) filed complaint 289393E against Florida Power Corporation (FPC or Company) for alleged improper backbilling. On November 10, 1999, the Public Service Commission's Division of Consumer Affairs (CAF) requested information from FPC regarding the customer's billing concern.

On December 9, 1999, CAF received FPC's report. On January 7, 2000, CAF sent the customer a letter explaining the outcome of its investigations, which revealed that the account was properly backbilled for the meter problem. On February 25, 2000, CAF received Mrs. Ohlson's letter requesting an informal conference.

At the April 3, 2001 Agenda Conference, we voted to grant Mrs. Ohlson's informal conference request with the opportunity for the customer and FPC to negotiate a settlement. On April 10, 2001, FPC filed a Settlement Agreement dated April 9, 2001, and signed by all of the parties. The agreement is included in this order as Attachment A and is incorporated by reference herein. We have jurisdiction under Section 366.05, Florida Statutes, to approve the settlement agreement.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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Pursuant to Rule 25-22.032(10), Florida Administrative Code, a settlement reached by parties to a customer complaint shall indicate that it is binding on both parties and that the parties waive any right to further review or action by the Commission. As stated in the settlement agreement, FPC and Michelle P. Ohlson agree that this settlement represents satisfactory resolution of the issues in this docket and waive any right to further review or action by the Commission. The parties also agree that this settlement is binding upon them.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the settlement agreement which is attached as Attachment A and incorporated herein, is approved. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 21st day of May, 2001.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.

STATE OF FLORIDA

Commissioners:
E. LEON JACOBS, JR., CHAIRMAN
BRAULIO L. BAEZ
J. TERRY DEASON
LILA A. JABER
MICHAEL A. PALECKI



DIVISION OF CONSUMER AFFAIRS
BEVERLEE DEMELLO, DIRECTOR
(850)413-6100
TOLL FREE 1-800-342-3552

Public Service Commission

SETTLEMENT AGREEMENT

Complaint Number: 289393E

By signing the following statement, the parties agree that a satisfactory resolution of the complaint has been reached and understand that the settlement is binding on both parties and that the parties waive any right to further review or action by the Commission.

Florida Power agrees to reduce the backbilling of \$463.00 to \$32.61 to be paid with the May billing. The backbilling is a result of a stuck meter rebill of 8469 kwh which reflects billings for the partial month of May, full month of June, July, August and 5 days in September, 1999.

Stacy P. Nelson
Customer

04/09/2001
Date

Carl C. Call
Company

4/9/01
Date