

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by David E. Roomes against Florida Power & Light Company regarding power outages at his residence.

DOCKET NO. 990689-EI
ORDER NO. PSC-01-1240-FOF-EI
ISSUED: June 4, 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 GRANTING DISMISSAL

BY THE COMMISSION:

On August 12, 1997, Mr. David E. Roomes (customer) filed complaint 182914I against Florida Power & Light Company (FPL) regarding power outages at his residence, 3340 NW 71st Street, Coconut Creek, Florida.

On June 26, 1998, the Division of Consumer Affairs (CAF) received the customer's request for an informal conference. On January 14, 1999, an informal conference was held and it was determined that the parties disagreed on the number and/or duration of the outages. Therefore, the parties agreed to place two monitoring devices on Mr. Roomes' residence to obtain a baseline of data to determine the customer's complaints. After reviewing the data obtained from the monitoring devices, it was determined that blown fuses resulting from equipment failure on other parts of the system and severe weather, which affected several thousand Florida Power & Light (FPL) customers, were the causes of the outages. The customer maintained that he experienced more outages than FPL's data confirms.

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REPORTING

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By Order No. PSC-99-1481-PCO-EI, issued August 2, 1999, we assigned Mr. Roomes' complaint to the Division of Administrative Hearings (DOAH) to resolve the parties' factual dispute.

On February 21, 2000, FPL filed a Motion to Dismiss and for Sanctions against Mr. Roomes alleging that the customer failed to comply with any of the orders entered in this case. On March 9, 2000, the Administrative Law Judge (ALJ) issued an Order To Show Cause against Mr. Roomes why he has not complied with the October 19, 1999, Order Compelling Responses to Discovery and Canceling Hearing or the January 31, 2000, Order Requiring Status Report. Mr. Roomes never complied with the Order to Show Cause and, on April 10, 2000, the ALJ issued an Order Closing File in Case No. 99-3446. Since Mr. Roomes has failed to pursue this matter at DOAH, his complaint should be dismissed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the complaint by David E. Roomes against Florida Power & Light Company regarding power outages at his residence, is dismissed. It is further

ORDERED that this docket should be closed.

By ORDER of the Florida Public Service Commission this 4th day of June, 2001.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(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.