

State of Florida



ORIGINAL

Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

RECEIVED-FPSC

04 SEP 2 11:28 AM '04

COMMISSION CLERK

DATE: September 2, 2004

TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director

FROM: Adrienne E. Vining, Senior Attorney, Office of the General Counsel *AEV*

RE: Docket No. 040543-EI - Complaint by Michael Hedrick against Florida Power & Light Company regarding backbilling for alleged meter tampering.

Please insert the attached documentation into the above-referenced docket file.

AEV/slc

CMP _____

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DOCUMENT NUMBER-DAT

09638 SEP-2 3

FPSC-COMMISSION CLERK

Fax

To: Adrienne Vining, Esq.

From: Michael R. Hedrick

Fax: 850-413-7180

Pages: 3 Including Cover

Phone: 850-413-6183

Date: 7/30/04

Re: Docket No. 040543-EI

CC: File

2 Page letter attached.

Michael R. Hedrick
2011 N. 57th Terrace
Hollywood, FL 33021

July 30, 2004

Adrienne Vining
Senior Attorney
Office of the General Counsel
State of Florida – PSC
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

**RE: Hedrick/Florida Power & Light Co.
Docket No. 040543-EI**

Dear Ms. Vining:

On July 29, 2004 I received via U.S. Mail, a copy of a memorandum issued in the above referenced matter.

First, please be advised that this is the first and only time I have ever received any type of documentation from the Commission, other than correspondence, that contained any details regarding this matter, as provided to the Commission by Florida Power & Light Co. ("FPL")

I note with great concern that the report is severely lacking in detail. Most importantly, none of the information that was requested by, and provided to the Commission's assigned investigator (Ms. Raspberry?) was included in this report. In fact, FPL notified me that they had made a request to the Commission for a copy of the extensive documentation that I sent to your investigator, and was told that it did not exist. I know your investigator did indeed receive the documentation, because she called me to discuss it upon receipt more than ten months ago.

Also of concern is that the crux of this report, is based solely on the information that was provided to the commission by FPL. Much of the information provided is erroneous and in fact, incorrect. FPL has misstated the actual consumption figures to the Commission. Either that, or FPL sent an entirely different set of figures to me. Since the commission never provided me with any type of reports received from FPL as promised by the commission, I was unable to raise the issue of incorrect data sooner.

Also missing in this report, is the fact that FPL was challenged on the accuracy of their meter testing, in that I made requests to have the meters independently tested which was my right, requests that were denied by FPL. I made repeated demands to FPL to re-perform their double meter testing which they also refused. Then, in late March or early April of this year, FPL again placed a secondary monitoring meter on my home to record consumption. This test lasted three and one half months. The data from that testing was also never provided to me, nor, I assume, was it provided to the commission as if it were provided, it would have called into serious question FPL's assertions made after their first test.

I still assert that FPL's testing was flawed, that mistakes were made which FPL does not want to admit since even though flawed, the testing is in their favor.

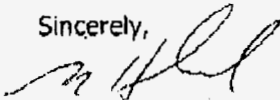
FL-PUC
7.30.04 Letter - Vining
Docket No. 040543-E1
Page -2

For the reasons stated herein, the fact that data reported to the commission in order to persuade it to generate a finding in favor of FPL, and the fact that FPL has withheld data from a second testing not only from the commission but from me as well, *I request that the Commission hold it's August 3, 2004 Proposed Agency Action meeting regarding this docket in abeyance until all documentation can be requested by the commission and evaluated on it's merit and relevance to this matter.*

It is regretful that the commission has given me but 2 business/4 calendar days to re-arrange my highly sensitive work schedule to make attempts to attend this meeting. It would be impossible for me to make arrangements on such short notice, and I take exception to the fact that the commission waited until the last possible moment to inform me of this meeting.

Your prompt response to my request will be greatly appreciated.

Sincerely,



Michael R. Hedrick

CC: File

Adrienne Vining

From: MHED [mhed@mindspring.com]
Sent: Wednesday, August 18, 2004 2:40 PM
To: Adrienne Vining
Subject: Fw: Hedrick/FPL FPSC #040543-E1
Importance: High

Ms. Vining:

Below is the letter that I sent to Rita Lynn at FPL this date. You will note that since the letter's creation, several of it's items have now been clarified. Please don't take it to heart that I apply blame to the commission for my lack of knowledge. I had understood from the beginning that the commission would take it upon itself to provide each of the parties with all information as it was received. Therefore, the commission will be taking a poke in the nose in my letter to FPL. :)

Again, it was a pleasure speaking with you today. I look forward to a timely conclusion of this matter.

As an aside, thank you for your reassuring conversation on my dilemma in handling the media. It is not my intention to make light of this very serious issue and I do not wish to participate in anything media related as far as this matter is concerned.

Michael Hedrick
954-894-4047

----- Original Message -----

From: MHED
To: Rita Lynn@fpl.com
Sent: Wednesday, August 18, 2004 10:16 AM
Subject: Hedrick/FPL FPSC #040543-E1

Ms Lynn:

I am not certain if you are still the contact person at FPL who is working with the above referenced matter, but I offer the following as an update.

First, let me say that during the writing of this letter, I received an email from one of your attorneys addressing the issues I raised over the commission memorandum. While it made minute changes, I don't believe it addressed the issues that I was concerned with.

As you are aware that the Commission set aside it's visitation of this issue at it's Agenda Conference that was previously scheduled for August 3, 2004.

My reasoning for requesting the postponement is varied. The most important reason however, appears to be that we were both denied each other's documentation that was provided to the Commission during the investigative process. Most importantly, your meter testing results, as well as the figures used by FPL in it's computation of backbilling, was never provided to me. I was left to believe that the bills sent to me by FPL/Linda Cochran, were all that was sent to the Commission. After reading the Commission Memorandum of July 22, 2004; I find that such was not the case.

Equally important, it appears that the Commission failed to provide to FPL, all of the documentation that was requested of me by their investigator. I believe that documentation would have shed a lot of light on the reasoning behind what FPL must surely believe was erratic energy consumption, when compared to previous norms. Coupled with my travel schedules, the investigator assured me that indeed some serious questions would

8/31/2004

need to be addressed, even though my documentation did not address or change any of the approved methods used in backbilling, it was apparent that I had indeed performed massive repairs, upgrades and improvements to my home that would make noticeable changes to energy consumption, coupled by the fact that I had a new position at work that took me away from my home for unscheduled long periods of time, she completely understood the drops and rises in energy consumption. Even I could see why FPL would raise an eyebrow at such radical changes.

I assure you it was never my intention to withhold any information from FPL during this process. I was basically told by the Commission investigator that anything I sent to them would be provided to FPL, and likewise that anything that was provided to them by FPL would be sent to me. Obviously, the Commission has failed in its goal regarding this matter. In looking at what has been done so far by the Commission, or more importantly what has not been done, I feel the only thing I can do at this juncture is to re-submit everything I can find that was sent to their investigator, only this time submit it directly to their senior counsel instead.

Neither of us was afforded the opportunity to fully review and understand each other's positions, and I believe that left me in the most disadvantaged position.

Two things bother me greatly regarding the Commission's handling of this matter. Perhaps the most important is the fact that the Commission waited until I had only two business days before the scheduled Agenda Conference to notify me that this matter would be heard, and to send me the Commission's Memorandum detailing everything they considered, which I found to be severely lacking considering all that had been done.

Secondly, I was bothered by the fact that you requested of the Commission, copies of all of the documentation that they requested from me, and that I had sent to them, after hearing reference to them during the mediation, only to be told that they did not exist. Extensive work and effort was put forth on my part to pull all of that information together and get it to the Commission in the time allowed. While I understand that you have now received most of those, and that your office had to procure them from the Commission's website instead of receiving them in a timely manner at the time they were submitted. You should have had that documentation in your hands for consideration well before the mediation. It troubles me that your counsel would say that making improvements to one's home doesn't have any affect on energy consumption. That doesn't look good for FPL, who constantly advertises saving energy. It's like telling customers to go ahead and do energy saving measures, but don't be surprised when we claim meter tampering when your usage goes down, and we come after you with administrative law sanctioned back billing. Your counsel informs the Commission that my repairs are insignificant, as they took place over a four year period. This wasn't the case. Clearly, the oldest "repair" was the replacement of the all in one heating/cooling unit. The bulk of everything else was performed well within the time frame that this issue is concerning.

It was after sending all of that documentation to the Commission that I found it hard to believe that FPL was still adamant about the testing they had performed, and that there was no reason to re-visit the issue and search for possible error. It bothered me greatly that FPL asserted in May of 2003, the difference between the remote meter, and the meter on my home had differences in readings that exceeded 3000 kwh. I thought it foolish not to believe that something had gone wrong. Now I find that FPL stood behind their testing because they had no direct or verifiable knowledge of anything that was done to my home in the way of energy saving improvements, nor were they privy to the knowledge that I had been absent from my home for long periods of time during the months/years in question. Again, only to find out these things two days before a scheduled hearing does not set well with me, and I'm betting at this juncture that it does not set well with you either. I noted with interest that no attempt was made to repair the figures used in backbilling that occurred during testing. Namely the meter change, while FPL did correct the date of the change, it did not correct the fact that it used the entire month's usage in the figures reported to the Commission, as the usage for the 14 day period after the meter change. FPL reports the 14 day usage at 1131, when the actual usage was 371. What FPL reported was more than three times the actual amount. Of course, you also didn't know to address the issue that 2 days after the meter was changed, I left town for 17 days. The reporting of the correct figures is paramount in getting all parties to understand not only how actual usage can fluctuate due to my circumstances, but that a higher figure may have been used when calculating backbilling.

For lack of any other avenues, I will contact FPSC Senior Counsel Adrienne Vining (850-413-6183) in an attempt to garner further direction as to what should be done at this point, short of starting this entire debacle over again, this time making sure each party is sufficiently informed, and kept completely in the loop. This matter has been going on for a year and a half now and I'm quite tired of it, and I'm sure you are too. I would like to see this matter concluded, and I want each of us to be treated fairly by the Commission, something I feel that they have not been, at least with me.

Lastly, and I apologize for being long winded, but it has been some time since we communicated, I would like to address the remote meter that was placed on my home this past April 5th. There was no mention of it by the Commission, and there was no information given as to it's results. There was also the curious fact that the remote meter remained in place for something like three and one half months before it was removed. I happened to be home on the day a tree trimmer came to my door wanting to check tree branches in the wires in my back yard. At first I thought it odd, since I have no trees in the wires as I keep mine well trimmed. The other oddity I found was that he never looked at any trees, but went straight to the pole and identified the remote meter being in place. I told him how long I thought it had been there and he said "they obviously forgot it was here" and the next day, someone came and removed the remote meter. What was the result of this testing? Your counsel said it was in line with meter usage, but no hard numbers were mentioned.

Any input you would like to offer today before I contact Ms. Vining would be greatly appreciated, and welcomed. I am in receipt of your counsel's letter, but it does not address anything I wasn't expecting. If we don't put the attorneys aside and put our own personal touches on this matter, it's bound to end up where we don't want it to.

Thank you for your time and dedication to this matter.

Michael Hedrick
954-894-4047

FLORIDA POWER & LIGHT COMPANY

FACSIMILE TRANSMITTAL SHEET

TO: JOHN PLESCOW (6116) FROM: ROSEANNE LUCAS

COMPANY:
FPL

DATE:
08/24/04

FAX NUMBER:

SENDER'S PHONE NUMBER:
(305) 552-4602

PHONE NUMBER:

SENDER'S FAX NUMBER:
(305) 552-3849

Re: Hedrick
Docket #040543EI

TOTAL NUMBER OF PAGES
INCLUDING COVER SHEET:
5

FOR REVIEW INTERIM FINAL SUPPLEMENTAL

NOTES/COMMENTS

Per your request, attached is the information you requested regarding the Hedrick docket:

- Actual meter readings taken from the remote set meter
- Actual copies of the remote set meter test reports

Cc: Adrienne Vining

(6184)

**Michael Hedrick
Bill Account #
94141-28141**

Aug-24-04 04:26pm From=RATES DE: AM 305-552-2737 T 188 P 002/005 F-66

Remote Meter Readings #211303

House Meter Readings #2C70297

Date	Kwh Rdg	Usage	Projection	Remarks
5/20/03	003442			Set Date
5/30/03	004235	793/10	2379	Regular Read Day
6/30/03	007255	3020		Regular Read Day
7/14/03	008777	1522/14	3261	Removal Date
7/16/03	008788			Tested @ 100%
4/01/04	21686			Tested @ 100%
4/05/04	21686			Set Date
4/30/04	22824	1138/25	1366	Regular Read Day
6/01/04				Regular Read Day
6/22/04	26184	3360/53	1902	Remote removal date
4498 kwh / 78 days = 57.6 kwh p/day				

Date	Kwh Rdg	Usage	Projection	Remarks
4/30/03	3132			
5/30/03	4042	910		Regular Read Day
6/30/03	5136	1094		Regular Read Day
7/14/03	5896	760/14	1628	
2764 kwh / 75 days = 36.8 kwh p/day				
New meter set 7/16/03	5C19704			
4/01/04	08846			
4/30/04	10146	1300		Regular Read Day
6/01/04	11981	1835		Regular Read Day
6/30/04	13656	1675		Regular Read Day
4810 kwh / 90 days = 53.4 kwh p/day				

RE: Michael Hedrick – Remote Meter Testing

Docket #040543E1

The remote meter was tested on FPL's Veriboard, which utilizes a comparison method for testing meters. In this method, the meter under test is compared to a highly accurate meter, commonly called a reference standard. This method applies the same power, or watts, to the test meter and the reference standard for the same length of time, and the rotating time of the test meter is compared to that of the reference standard. If both meters register the same number of rotations the results would be recorded, as follows: 10/10, and would be considered as registering 100% accurate.

A reading of 11/11 would still be considered 100%; the meters were simply run a bit longer on the veriboard.

Northern Revenue Protection Department
Transmittal for Fisher Pierce Snoopex Meter #

RECEIVED BY: Tumblina T.
DATES: 7-16-03

LOCATION: MTC/MTC
METER ID#: 211303
SERIAL NUMBER: _____

TEST RESULTS

READING IN: 008778 READING OUT: 008788 RAN: 10/10

COMMENTS: _____

RETURNED DATE: _____

SIGNATURE: [Signature]

RECEIVED BY: [Signature]
NAME: _____
DATE: 7-17-03

LOCATION: M.R.P.
SEAL COLOR #: _____
SIGNATURE: _____

1

Northern Revenue Protection Department
Transmittal for Fisher Pierce Snooper Meter #

RECEIVED BY: Tumbling T.
DATE: 4-1-04

LOCATION: MTC/MTC
METER ID# 211303
SERIAL NUMBER 15001

TEST RESULTS

READING IN 21675 READING OUT 21686 RAN 11/11

COMMENTS

RETURNED DATE 4-1-04

SIGNATURE [Signature]

RECEIVED BY:

NAME [Signature]
DATE 4/2/04

LOCATION AOW
SEAL COLOR # _____
SIGNATURE _____