

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

NOV 18 AM 11:23
COMMISSION CLERK

DATE: November 18, 2004

TO: Director, Division of the Commission Clerk & Administrative Services (Bayo) ²³

FROM: Office of the General Counsel (Brown) *NCS*
Division of Regulatory Compliance and Consumer Assistance (Hicks) *AMA*
Division of Economic Regulation (Kummer) *CSK* *192*

RE: Docket No. 041169-EI – Complaint Nos. 445185E, 446514E, 446515E, and 446516E Filed by Mr. Jude Alcegueire against Florida Power and Light Company for High Bills and Other Alleged Violations of Commission Rules and Statutes.

AGENDA: 11/30/04 – Regular Agenda – Proposed Agency Action – Interested Persons May Participate

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\ECR\WP\041169A.RCM.DOC

Case Background

This docket addresses a prolonged dispute involving several complaints filed by Mr. Jude Alcegueire against Florida Power & Light Company (FPL) over FPL's charges for electric service at Mr. Alcegueire's residence. Mr. Alcegueire filed four complaints between March 25, 2002 and April 1, 2002, which covered events from 1999, when Mr. Alcegueire first requested service at his Miramar residence, until 2002, when Mr. Alcegueire complained that FPL was not providing him sufficient information about its policies and practices in the provision of electric service. The dispute is ongoing. For several years, Mr. Alcegueire has refused to make full payment to FPL for the electric service it has billed, and Mr. Alcegueire claims that FPL continues to overbill him for electric service. Mr. Alcegueire estimates what he believes is an appropriate amount to pay for service to his house and pays that amount to FPL, disputing the rest. FPL's records reflect that the amount paid is consistently less than the amount billed. FPL contends that it has properly billed Mr. Alcegueire for electric service and complied with all applicable Commission rules and statutes. At this writing staff calculates that the amount due on

DOCUMENT NUMBER-DATE

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COMMISSION CLERK

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Mr. Alcegueire's account is \$2,430.02. This amount reflects a payment of \$150 made by the customer on November 3, 2004. Mr. Alcegueire asserts that the entire amount is in dispute in light of the unresolved complaints pending before the Commission and claims that FPL owes him money for damaged computer equipment and household goods.

Complaint No. 445185E concerns Mr. Alcegueire's contention that FPL charged him an excessive deposit when he applied for service in 1999, and improperly charged him interest on the amount due for his deposit, which increased his bills more than they should have been. FPL responds that it complied with Commission rules regarding deposits and has made offers to credit outstanding late payment charges. FPL states that its charge was consistent with Commission Rule 25-6.097, Florida Administrative Code, and it reduced the required deposit when Mr. Alcegueire's usage was lower than estimated. At this time, Mr. Alcegueire does not owe any further deposit for service.

Complaint No. 446514E concerns Mr. Alcegueire's contention that FPL improperly reviewed his credit report without his permission when it was determining the deposit he would owe for service. FPL responds that it did not review Mr. Alcegueire's credit report, and it complied with all applicable rules and statutes when it obtained Mr. Alcegueire's credit score to determine his deposit. FPL contends that it was not required to receive Mr. Alcegueire's consent to obtain his credit score, and that query did not adversely affect either his credit score or his credit report.

Complaint No. 446515E concerns Mr. Alcegueire's contention that his deposit was still too high and was incorrectly calculated on his bill to increase his monthly charges. FPL responds that it properly calculated Mr. Alcegueire's deposit and conducted several high bill investigations and meter readings to ensure the accuracy of his meter.

Complaint No. 446516E concerns Mr. Alcegueire's contention that FPL denied him access to procedures and policies for the establishment of electric service so that he could challenge FPL's actions regarding his request for service in 1999. FPL responds that its tariff sheet no. 6.010, revised June 1, 1999, and tariff sheet no. 6.011 address its policies for provision of electric service during the time in question.

PSC staff has fully investigated Mr. Alcegueire's complaints and made repeated attempts to resolve the ongoing dispute over the last several years, including investigations of the facilities by a staff engineer, four efforts to conduct informal conferences, three by phone from Tallahassee and once in person in Miami, and innumerable individual telephone calls with Mr. Alcegueire. The parties have not, however, been able to resolve the dispute informally. The July 29, 2004, letter to Mr. Alcegueire from Executive Director, Mary Bane, which is attached to this recommendation as part of Attachment A, outlines the staff's efforts to resolve Mr. Alcegueire's complaints through the informal complaint process. Pursuant to Rule 25-22.034, Florida Administrative Code, staff has opened this docket for the Commission to consider the complaints filed. The Commission has jurisdiction pursuant to sections 366.04 and 366.05, Florida Statutes.

To provide background on efforts taken to address Mr. Alcegueire's complaints, staff has compiled a chronology of the events and activities which have occurred. It is not a complete listing of every conversation or every detail of every conversation which occurred. Mr.

Alcegueire has spoken with several staff members, many of them multiple times, but the essence of the conversations and activities are captured in the summary below.

Nov 24, 1999	Customer established service at current address. FPL informed customer that based on his Equifax report, he would be required to pay a \$550 deposit prior to establishment of service in accordance with PSC rules. Customer requested his deposit be reduced to \$250 which was denied but payment arrangements were made for the balance of the deposit.
Dec. 6, 1999	Deposit was further reduced to \$500, and the \$50 credited to his account
Feb. 15, 2000	Account disconnected for non-payment. Customer requested payment extension and again raised the deposit issue. Deposit was further reduced to \$250 with the outstanding credit applied to his account although his account indicated that the average two months bill was \$350.
Mar. 26, 2000	Customer requested that his deposit be refunded, which FPL denied, explaining that the deposit balance was applied to the outstanding balance on his bill.
Oct. 6, 2000	Customer filed a high bill complaint. FPL removed and tested customer's meter and found it to be within allowed tolerance but issued a courtesy credit for the month of October 2000 to settle the complaint.
June 6, 2001	Customer again filed a high bill complaint. Despite repeated attempts, FPL stated that it was unable to reach the customer to discuss the matter and service was disconnected for a past due amount of \$278.
Aug. 20, 2001	Service was disconnected for a past due balance. Customer again contacted FPL and complained of high bills.
Aug. 22, 2001	FPL allowed reconnection for \$115 payment on the outstanding balance and conducted another high bill investigation. As part of this investigation, FPL again tested the meter and found it to be within tolerance. FPL found a window air conditioner operating, and a pool pump with no operable timer. A message was left explaining the meter test results. Customer called FPL and asked to speak with a supervisor. A supervisor returned the call but had to leave a message on the answering machine. FPL records do not indicate that customer called the supervisor back.
Aug. 30, 2001	Since the bills were determined to be accurate, final notice for service disconnection was again issued with a final due date of September 10, 2001.
Sept. 12, 2001	Customer contacted FPL executive offices and said bill was based on speculation. Test results were reviewed with the customer who then indicated that a resident in his household was on medically essential equipment. FPL mailed customer the MES application package but it was never returned. A payment arrangement was made and completed for the past balance due on August 20.
Oct. 1, 2001	Because bills continued to accrue, final notice for disconnection was issued with a due date of October 9, 2001. Customer contacted FPL on numerous occasions between October 9 and November 5, requesting to speak with a 'scientist' about appliance electric usage. When FPL informed him, there was no such person available and that he should contact the appliance manufacturer, he again filed a high bill complaint. On November 5, customer agreed to another high bill investigation.

Nov. 6, 2001	Investigation was completed and FPL did not find any abnormal conditions with the customer's equipment or FPL's meter.
Jan. 26, 2002	Customer reported flickering lights. FPL repaired the service drop that same day.
Feb. 1, 2002	Final notice of disconnection was issued with a final due date of Feb. 11, 2002. Customer contacted FPL about food spoilage from the Jan. 26 flickering, and indicated that he had experienced partial service outage from Jan 25 through Jan. 26. He requested \$900 in food loss, laundry service, a damaged light fixture, and the cost of minor electrical repairs. The customer did not provide the required documentation, however, FPL offered a courtesy payment of \$300 which was accepted by the customer.
Feb. 21, 2002	Customer again contacted FPL with a high bill complaint, alleging that the flickering condition repaired on Jan. 26 caused his electric bills to be high. Several attempts were made to explain that the problem repaired was at the weather head, before the meter.
Mar. 15, 2002	Customer agreed to another high bill investigation, however, when FPL arrived on Mar. 19 to perform investigation, customer refused the investigation, stating that he only wanted his previous bills credited. He spoke with a supervisor who reviewed the three previous high bill complaint investigations and two meter tests. Customer stated that the only way he would be satisfied was if his bills were no more than \$80 -\$90 per month. Based upon the review, supervisor declined to adjust the bills but offered to have the meter tested again.
Mar. 25, 2002	Meter serviceman went to customer's home to remove meter for testing, however customer denied access to meter, indicating that he had not requested the test. He reiterated that he only wanted his bills adjusted. Customer called FPL executive offices and spoke with the VP of Customer Services who again denied the requested relief. According to FPL, the customer then attempted to contact FPL Group CEO approximately 80 times that same day after his request to speak to the CEO was denied. FPL corporate security contacted the customer and informed him that any further contact with FPL's executive offices would be considered harassment and a police report was filed.
Mar. 25, 2002	PSC/CAF records show that the customer contacted the PSC concerning an overbilling situation with FPL which he said has been going on for 2 years. Complaint 446185E was opened.
April 1, 2002,	Customer again contacted CAF with additional complaints that FPL had run a credit check on him without his authorization and that the deposit requested by FPL to initiate service was too high. Customer was also upset that a complaint had been opened on his initial call "since there was no agreement." He stated that he wanted the complaint reassigned to another analyst and that he would file a new complaint every time a different issue came up. Case was reassigned. Four different complaints were opened. In addition to the original complaint 445185E, Complaint files 446514E (credit report run without his consent), 446515E (excessive deposit) and 446516E (request for policies and procedures for initiating service) were opened on 4/1/02.

April 15, 2002	Response received from FPL indicating that there was no record of a credit report on the customer's account but that an inquiry was made to Equifax for a credit score to determine an appropriate deposit. Further, Equifax does not show any inquiry from FPL in the last 24 months, saying that a utility inquiry would not affect the customer's credit report. FPL also provided the account history as outlined above.
May 15, 2002	Staff responded by letter to the customer on all the open complaints, concluding that it did not appear that FPL had violated any PSC rules or its tariff and closing the complaints.
Jun. 14, 2002	Customer faxes his request for an informal conference to PSC/CAF. (Attachment A, Page 14)
July 15, 2002	PSC by letter acknowledged the request for informal conference and enclosed the PSC/CAF Form X as specified by the then applicable Rule 25-22.032(8). Customer was instructed to complete form and return it to the PSC by no later than July 30, 2002, or the request for informal conference would be denied.
July 25, 2002	Customer returned the Form X but it was incomplete. The only information he provided was that he had talked with Dr. Bane and she had all the facts. He did not identify specific issues in dispute or a dollar amount in dispute, or indicate a suggested resolution. (Attachment A, Page 17)
Aug. 8, 2002	PSC General Counsel McLean sent a letter with a second Form X, indicating that the customer needed to respond to all the items in order to facilitate an informal conference and respond by no later than Aug. 16, 2002. (Attachment A, Page 18)
Aug. 13, 2002	Customer returned the second Form X, listing the issues to be addressed, stating that all facts were in dispute, that he did not know the dollar amount in dispute, and did not provide a proposed resolution. Again, he indicated that he had spoken with Dr. Bane on his concerns. (Attachment A, Page 20)
Aug. 22, 2002	Legal requested copy of customer's file, and responsibility for case was transferred to Legal Division.
Nov. 18, 2002	After review of file, Legal closes all complaints by letter to customer, explaining the findings on each issue raised.
Nov. 22, 2002	Customer sends fax addressed to Dr. Bane, providing more detail on the four original complaints and adding three new complaints alleging (1) FPL denied him access to documents that he needed to show that the meter stopped working and that he is therefore not responsible for the high bills; (2) that FPL did not follow Federal or state laws with regard to FPL's request for a credit score; and (3) that he be provided with a copy of the meter test performed by FPL showing the reading was not accurate "in the transformer need to be changed with two line connection." (Attachment A, Page 21)
Nov 2002 – Jun 2003	FPL and staff continue to work with customer to address his concerns and reach a mutually agreeable settlement.
July 22, 2003	Additional information received from FPL, providing a detailed response to each point raised by the customer as described in Nov. 22, 2002, fax from customer.
Aug 5, 2003	Copies of the Customer's CATS forms along with information gathered in response to the Customer's Nov. 21, 2002 letter forwarded to Legal.
Aug. 29, 2003	PSC sent letter to Customer establishing an informal conference by telephone on September 18, 2003.

Sept. 2, 2003	Customer indicated that he did not want a telephonic conference because he wanted to see PSC staff and company representatives. He also objected to combining all his complaints into one informal conference – he wanted a separate conference for each one and said that his constitutional rights would be violated if separate conferences were not held.
Sept. 4, 2003	Customer was informed that he could either participate by telephone or come to Tallahassee for the informal conference. Customer insisted that PSC staff would have to come to south Florida and that he did not have to come to Tallahassee.
Sept. 9, 2003	Customer was informed that PSC legal staff had determined that his four complaints could be addressed in one informal conference. Customer again refused to participate in a telephonic informal conference.
Sept. 10, 2003	PSC General Counsel McLean confirmed by letter that the customer could participate telephonically or in person in Tallahassee on September 18, 2003, because due to limited resources staff could not travel to south Florida for the conference. (Attachment A, Page 24)
Sept. 17, 2003	Customer was informed that informal conference was cancelled and that a new informal conference would be scheduled. Customer requested that staff bring the PSC rules to the conference and that he had been told that staff would be coming down to Miami for the conference. He also requested that the conference be recorded and transcribed. He was informed that all informal conferences are recorded and that he could request a copy of the tape for transcription, but that the PSC did not transcribe the tape.
Nov. 19, 2003	Customer was sent a letter by both regular and certified mail indicating that a second informal conference would be held at 1:00 pm in the PSC's Miami office on December 12, 2003. (Attachment A, Page 25)
Dec. 8, 2003	Customer called to confirm the date and time of the informal conference.
Dec. 10, 2003	Staff called the customer to remind him of the informal conference and again provided the office address and the time for the conference.
Dec. 12, 2003	PSC and FPL staff were available to participate in an informal conference in the Miami PSC office at 1:00 pm. Customer called PSC General Counsel's office to say he was lost and that his arrival would be delayed. Customer arrived at 2:10 pm, Customer refused to be recorded and objected to CAF staff person conducting the hearing, stating he would only participate if someone else conducted the conference. The attending PSC attorney offered to conduct the conference but the customer refused to participate because the attorney was not a certified mediator. He stated he would be willing to return in 3 to 4 months, once the attorney had received the training. Customer also objected to conference being tape recorded, insisting on a court reporter because he believed the Florida Constitution mandated that an informal conference be recorded by a court reporter. Further, the customer objected to the nine FPL representatives at the conference, saying that he was an FPL stockholder and that those FPL employees should be back at the office working. FPL staff explained that the numerous FPL staff were present to be sure all his concerns were addressed. The informal conference was not held because the customer refused to participate.

Mar 2, 2004	Closure letter was sent to customer, by regular and certified mail. Letter detailed customer's refusal to participate and noted that pursuant to Rule 25-22.032(8), if a customer refuses to participate in an informal conference, then the original resolution stands. The letter states that all four complaints will be closed and no further action taken by the PSC.
Mar 9, 2004	Letter from General Counsel Melson to customer confirming telephone conversation with customer, reiterating the position that FPL had handled his complaint in full compliance with PSC informal complaint rules and that there had been no denial of his due process rights. The letter also indicates that the customer may file a formal, written complaint since the informal process has been exhausted. The letter described the procedure and rights under Chapter 120, Florida Statutes. The letter included a copy of the FAW rules on formal proceedings. (Attachment A, Page 27)
April 14, 2004	After a telephone conversation with customer, Dr. Bane sent a letter to customer providing four dates for a third informal conference. The letter also indicated that if the customer did not contact her by April 16, 2004, the conference would be scheduled for April 29, 2004. (Attachment A, Page 37)
April 15, 2004	Letter from Dr. Bane clarifying that the renewed offer for informal conference in lieu of a formal complaint was in response to customer's insistence that he had not abandoned the informal process. (Attachment A, Page 38)
April 16, 2004	Letter to Customer confirming April 29, 2004 date for third informal conference. (Attachment A, Page 40)
April 29, 2004	Third informal conference was attempted by telephone, pursuant to Dr. Bane's conversation with customer. Customer again refused to participate, stating that FPL had refused to provide him with the documents he had requested and that he could not proceed until he had those documents. Staff requested that the Customer provide FPL with a written list of the documents he alleged FPL had failed to provide and staff would ensure that he received them. Customer also raised issue of reliability, stating that FPL's transformer must be the cause of his high bills. Customer refused to talk to staff and insisted on speaking only to Dr. Bane. Staff requested PSC staff engineer perform a site inspection to determine if there appeared to be any malfunction with FPL's facilities serving the customer's home.
May 18, 2004	FPL representative hand delivered requested documents (53 pages) to customer's home.
May 24, 2004	A copy of the package of documents delivered to Customer pursuant to customer's April 4, 2004 list was provided to staff who determined that all the requested information, to the extent it was available, was included in package delivered to customer.
June 1, 2004	Staff engineer reported that he visited the customer's location on June 1 and that, apart from some tree trimming, he did not see anything that appeared to be malfunctioning. He also noted that FPL was in the process of installing a second transformer serving the Customer, splitting the load on the current transformer, which should result in more reliable service. The engineer noted that the customer apparently had refused to allow the FPL employees on his property to install the new transformer, and that the customer should be encouraged to do so, to improve his service reliability. (Attachment A, Page 42)

June 23, 2004	A fourth informal conference was scheduled for July 14, 2004.
July 9, 2004	Staff called customer to remind him of informal conference on July 14.
July 13, 2004	Fax from customer to Dr. Bane, indicating that he is willing to participate in informal conference but FPL will not provide him with the documents he requested. He insisted that Dr. Bane take charge and "make certain that no one at the public commission violate the law by (rushing) without applying the law of the state." (Attachment A, Page 56)
July 14, 2004	Staff attempted several times to contact customer to commence informal conference. Customer contacted Dr. Bane and left a message saying FPL had not responded to his request for documents. Dr. Bane returned the call and left a message informing the Customer that this was his last opportunity to participate in an informal conference and that the next step would be to take a recommendation to the Commissioners. Customer did not participate.
July 29, 2004	Dr. Bane sent letter to customer indicating that he had exhausted the informal conference proceedings and the next step would be a recommendation to the Commissioners. (Attachment A, Page 58)
Sept. 21, 2004	Staff opened Docket No. 041169-EI to address the Customer's complaints.
Oct. 21, 2004	Staff Recommendation was filed in Docket No. 041169-EI for the Nov. 2, 2004, Agenda Conference, recommending the Commission dismiss the complaints because it appeared that FPL's actions had not violated any applicable PSC rules, regulations or its tariff.
Oct. 26, 2004	Staff filed a request for deferral of the complaints from the Nov. 2 to the Nov. 30 Agenda Conference, based on the customer's assertion that an illness in his family prevented him from attending the Nov. 2 Agenda.
Oct. 27, 2004	Customer contacted technical staff and indicated that the recommendation contained errors and that he had a right to have the errors corrected prior to going to Agenda. Customer also asked who had conducted the investigation since he had never been contacted about an investigation. He insisted that since none of the staff members on the docket were "investigators" by job title, no investigation had been conducted. Customer was transferred to staff person's supervisor who reviewed the file and spoke with the customer who then maintained that his side of the story had not been presented in the recommendation. Supervisor sent a letter to customer, indicating that the customer's correspondence describing his concerns would be added to the recommendation attachments. The customer was further asked to respond in writing by Nov. 12 detailing any errors he saw in staff's original recommendation. (Attachment A, Page 61)
Nov. 2, 2004	The item was deferred to the Nov. 30, 2004 Agenda Conference.
Nov. 12, 2004	Customer did not respond to October 27 letter, however he contacted Dr. Bane on November 12 and said he never agreed to provide any comments as requested by the October 27 staff letter. He reiterated his assertion that no investigation had taken place. He also insisted that FPL did not have the authority to disconnect his service because FPL owed him approximately \$4,000 in damages. The customer was advised that the PSC has no jurisdiction over damage claims. The customer then indicated he intended to file a civil suit against FPL for the damages.
Nov. 18, 2004	Revised recommendation filed for Nov. 30. Agenda conference.

Discussion of Issues

ISSUE 1: What is the proper disposition of Mr. Alcegueire's complaints against Florida Power & Light?

RECOMMENDATION: The Commission should dismiss Mr. Alcegueire's complaints. FPL's charges to Mr. Alcegueire appear to be correct, and FPL has otherwise complied with applicable statutes and Commission rules. (Brown, Hicks, Kummer)

STAFF ANALYSIS: Complaint No. 445185E - filed 3/25/02. When Mr. Alcegueire first applied for service at his Miramar residence in 1999, FPL asked for a deposit of \$550, based on the usage of the previous resident. Mr. Alcegueire was a new customer and had not established any usage from which FPL could derive an appropriate deposit. This practice complies with Rule 25-6.097(3), Florida Administrative Code, which provides that, "[i]n the event the customer has had service less than twelve months, then the utility shall base its new or additional deposit upon the average actual monthly usage available." FPL responded to Mr. Alcegueire's complaint by reducing the required deposit by \$50.00 and agreeing to payment over time for the remaining amount. When Mr. Alcegueire demonstrated a usage pattern that was lower than the previous customer's usage, FPL reduced Mr. Alcegueire's deposit to \$250. It is staff's understanding that Mr. Alcegueire has paid all deposits due. FPL retains the deposit at this time and interest at 6% percent annually accrues for Mr. Alcegueire's benefit until the deposit is returned to the customer, pursuant to Rule 25-6.097(2), Florida Administrative Code. That rule provides that after 23 months FPL may refund the deposit if the customer has had continuous service and a satisfactory payment record. That has not been the case with Mr. Alcegueire's service and therefore FPL has retained the deposit. FPL's actions with respect to this complaint have been consistent with the Commission's rules and therefore staff recommends that this complaint be dismissed.

Complaint No. 446514E – filed 4/01/02. When FPL set the deposit amount for new service to Mr. Alcegueire it informed Mr. Alcegueire that it could not waive a deposit for service. At the time Mr. Alcegueire requested service, FPL used a credit score from Equifax as part of its determination whether a deposit would be required. While Mr. Alcegueire contends that FPL ran a full credit report on his credit history without his permission, the facts indicate that FPL only asked Equifax for a single credit score to determine if a deposit was needed. This practice is consistent with the practice of other utilities in setting appropriate deposits and it does not violate any Commission rules or statutes. Therefore, staff recommends that this complaint be dismissed.

Complaint No. 446515E – filed 4/01/02. In response to Mr. Alcegueire's complaint that his deposit was still set too high because he did not use that amount of electricity in a month, FPL conducted three high bill investigations and two meter tests. FPL also informed the customer that the deposit amount of \$250 was based on two months estimated usage and was therefore an accurate reflection of his monthly usage. After the first high bill investigation, FPL credited Mr. Alcegueire's account \$158.91 for repairs to an air conditioning unit and a possible meter reading error. During that investigation a meter test at Mr. Alcegueire's residence showed the meter to be 99.9 percent accurate. No other problems were found with Mr. Alcegueire's appliances or FPL's service facilities. FPL's second high bill investigation, however, showed

that Mr. Alcegueire's pool pump was running 24 hours a day, the central air conditioning unit for the house was not operable, and a window air conditioning unit was operating. A meter test conducted at that time showed that the meter was 99.7 percent accurate. FPL conducted another high bill investigation on November 6, 2001. No problems were found and the meter test showed 99.3 percent accuracy. Based on these facts, staff recommends that FPL has complied with all applicable rules and statutes and this complaint should be dismissed.

Complaint No. 446516E – filed 4/01/02. While Mr. Alcegueire contends in this complaint that FPL has not provided him with appropriate information regarding its policies and procedures in place when he requested service in 1999, it appears from the complaint record that FPL has provided Mr. Alcegueire with the requested information to the extent that it possesses that information. Staff reviewed the package of information and found it responsive to Mr. Alcegueire's request. Therefore, staff recommends that FPL has not violated any Commission rules or statutes and this complaint should be dismissed.

Conclusion

Staff scheduled four informal conferences to attempt to resolve Mr. Alcegueire's complaints, including one scheduled in Miami on his insistence that he be able to see other participants. He declined to participate in any of the scheduled informal conferences, asserting his rights were being violated by various actions by either the utility or the staff as noted in the chronology. Both staff and the utility have made every effort to accommodate the customer, including delivering numerous documents on outages and utility policies and rules Mr. Alcegueire said he needed to prove his complaints were valid. During the third informal conference, Mr. Alcegueire maintained that his high bills were a result of some malfunction of FPL's equipment, despite the results of previous meter testing. In a final effort to resolve these complaints, the Commission's staff engineer performed an on-site inspection of Mr. Alcegueire's residence to determine if there was any apparent malfunction of equipment. Apart from some recommended tree trimming, the engineer could detect nothing that would result in an equipment or wiring malfunction in FPL's facilities. After a staff recommendation in this docket was filed on October 21 for the November 2, 2004, Agenda Conference, Mr. Alcegueire contacted staff alleging that there were errors in the recommendation and that he had a right to have those errors corrected before the matter was considered by the Commission. By letter dated October 27, Mr. Alcegueire was instructed to respond in writing, detailing any errors he believed were present in the recommendation by November 12. In addition, staff agreed to include the customer's statement of his concerns in the recommendation. No response was received. Mr. Alcegueire has provided no evidence that FPL's position is incorrect or that FPL is in violation of any rule, policy or tariff.

Based on the foregoing, staff recommends that Mr. Alcegueire's complaints should be dismissed. FPL has complied with all applicable Commission rules and statutes. Based on FPL's billing records, as of the filing of this recommendation, the outstanding balance now due and owing to FPL for electric service from 1999 to the present is \$2,430.02. If this amount is not paid by the date the Commission's order in this docket becomes final, FPL will have the discretion, pursuant to Rule 25-6.105, Florida Administrative Code, to disconnect Mr. Alcegueire's service for nonpayment, pursuant to the procedures described therein. In a further effort to accommodate the customer, FPL has agreed to an eighteen-month payment plan,

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whereby the customer may pay \$135 per month, in addition to the current billed monthly usage, on the current bill due date until the past due amount is satisfied. Mr. Alcegueire should further be advised that no more complaints on the issues addressed in this recommendation will be entertained by the Commission.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected by the Commission's proposed agency action files a protest within twenty-one days of the issuance of the order this docket should be closed upon the issuance of a consummating order. (Brown)

STAFF ANALYSIS: If no person whose substantial interests are affected by the Commission's proposed agency action files a protest within twenty-one days of the issuance of the order this docket should be closed upon the issuance of a consummating order.

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06-14-02

dear ms.demello

THIS LETTER IS TO REQUEST A CONFERENCE ON ALL FOUR CHARGES AT THE
COMMISSION.PLEASE LET ME KNOW WHEN TO CONTACT YOU.THANKS

TRULY YOURS
JUDE ALCEGUEIRE
2913 SW 68 AV
MIRAMAR FL 33023.

ORIGINAL

Case 445185 E
Case 446514 E
Case 446515 E
Case 446516 E

ORIGINAL

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

STATE OF FLORIDA



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

Public Service Commission

FACSIMILE TRANSMITTAL COVER SHEET

RE: Inquiry No. 445185E
446514E, 446515E, and 446516E
DATE: 06/24/03
TO: Roseanne Lucas
UTILITY/BUSINESS: FP & L
FAX NUMBER: Speed Dial #06

CARMEN PEÑA
DIVISION OF CONSUMER AFFAIRS
BUREAU OF CONSUMER OUTREACH
FAX NUMBER: 850-413-6110

ORIGINAL

COMMENTS: Jude Alcegueire's informal conference
request letter received July 11, 2002.
Margarita
(for Carmen Peña)

NUMBER OF PAGES, INCLUDING THIS COVER SHEET: 2

Jun-24-03 08:15 AM

<u>Identification</u>	<u>Result</u>	<u>Pages</u>	<u>Type</u>	<u>Date</u>	<u>Time</u>	<u>Duration</u>	<u>Diagnostic</u>
FL POWER&L	OK	02	Sent	Jun-24	08:15A	00:00:35	0025c2030022

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ORIGINAL



FLORIDA PUBLIC SERVICE COMMISSION
INFORMAL CONFERENCE REQUEST FORM

ORIGINAL

FPSC Complaint Number: 445185E, 446514E, 446515E, & 446516E

Customer's Name: Mr. Jude Alceguiere

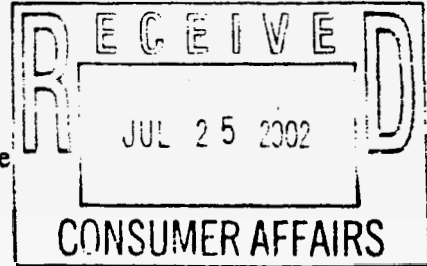
Authorized Representative:

Address: 2913 Southwest 68th Avenue

Address: Hollywood, FL 33023

Telephone Number (voice): 1-954-965-9740 (Fax):

E-mail address (if any):



Please address the following statements using additional pages if necessary.

Please identify the issues to be resolved. I TALKED TO Ms Mary Bone
THE EXECUTIVE DIRECTOR. I NEED FORMAL
SEPARATED HEARING:

Please describe the facts that are in dispute. Ms. Mary Bone HAVE
THE FACT:

Please identify the dollar amount in dispute. to BE DETERMINED.

Please provide a suggested resolution or the relief sought. ?

NOTICE: This form must be postmarked by July 30, 2002. Failure to provide this information may result in denial of the informal conference request.

STATE OF FLORIDA

COMMISSIONERS:
 LILA A. JABER, CHAIRMAN
 J. TERRY DEASON
 BRAULIO L. BAEZ
 MICHAEL A. PALECKI
 RUDOLPH "RUDY" BRADLEY



GENERAL COUNSEL
 HAROLD A. MCLEAN
 (850) 413-6248

Public Service Commission

August 8, 2002

Mr. Jude Alceguiere
 2913 Southwest 68th Avenue
 Hollywood, FL 33023

Dear Mr. Alceguiere:

Thank you for returning the Florida Public Service Commission Informal Conference Request Form (Form X) to the agency. This form has been carefully designed to discover the specifics of your complaint, and what action you would like the Florida Public Service Commission to take.

I have enclosed a second Informal Conference Request Form for your attention. Please tell this agency, on this form, what your complaint is, its dollar amount, and what action you wish to see this agency take. In the absence of this information, Staff will recommend that your complaint(s) be dismissed.

Sincerely,

 A handwritten signature in black ink, appearing to be "H. McLean", written over a light gray rectangular background.

Harold A. McLean, General Counsel

HAM/anc
 Enclosure

ORIGINAL



FLORIDA PUBLIC SERVICE COMMISSION INFORMAL CONFERENCE REQUEST FORM

FPSC Complaint Number: 445185E, 446514E, 446515E, & 446516E

Customer's Name: Mr. Jude Alceguiere

Authorized Representative:

Address: 2913 Southwest 68th Avenue

Address: Hollywood, FL 33023

ORIGINAL

Telephone Number (voice): 1-954-965-9740 (Fax):

E-mail address (if any):

Please address the following statements using additional pages if necessary.

Please identify the issues to be resolved. _____

Please describe the facts that are in dispute. _____

Please identify the dollar amount in dispute. _____

Please provide a suggested resolution or the relief sought. _____

NOTICE: This form must be postmarked by August 16, 2002. Failure to provide this information may result in denial of the informal conference request.



FLORIDA PUBLIC SERVICE COMMISSION
INFORMAL CONFERENCE REQUEST FORM

ORIGINAL

FPSC Complaint Number: 445185E, 446514E, 446515E, & 446516E

Customer's Name: Mr. Jude Alceguiere

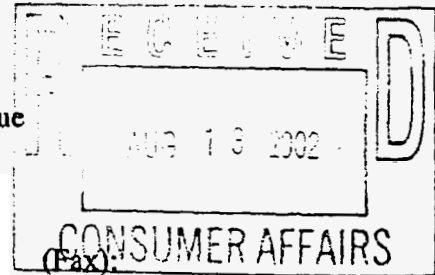
Authorized Representative:

Address: 2913 Southwest 68th Avenue

Address: Hollywood, FL 33023

Telephone Number (voice): 1-954-965-9740

E-mail address (if any):



Please address the following statements using additional pages if necessary.

Please identify the issues to be resolved. NO POSIT REQUIREMENT, OVERBILL, CREDIT CHECK, state how violation: 445185E, 446514E, 446515E, 446516E,

Please describe the facts that are in dispute. ALL OF THE ABOVE -

Please identify the dollar amount in dispute. I don't know

Please provide a suggested resolution or the relief sought. I don't know:

I HAVE SPOKE to MARY BANE on this case

NOTICE: This form must be postmarked by August 16, 2002. Failure to provide this information may result in denial of the informal conference request.

From: Jude Alcegueire

To: Katherine Echemnach / Public Service Commission State of Florida

ORIGINAL

Rec'd at BCO
Nov. 22, 2002

- 1) Dr Bone - copy
- 2) Fax to FPL

From: Jude Alcegueire
To: Mary Bane / Public Service Commission State of Florida

Dear Ms. Bane,
I am responding to the request of the commission to provide more detail for each complaint.

Complaint 1: (No. 445185E) I accused (FPL) of charging excessive deposit in violation of rule 35-6097(3) in violation of state law and abusing his authority by charging me more then the regular deposit (FPL) never refund to me any 50 dollars or lower then the initial deposit if you look at the record since the beginning I've been paying more then I use. Starting in December 1999 still today I believe (FPL) mislead the commission in the billing record will show that (FPL) violate state law.

Complaint 2: (No. 446514E) Once again (FPL) have violated the Law of the state by illegally, maliciously, run my credit report without my permission. In a letter from the commission date May 15, 2002 stating that (FPL) did run a credit score on me without my authorization in violation of state and federal law. Clearly stating any lending or credit institution who is using credit history or score to establish credit for any citizen (must) have their consent to do so. And I'm also filing charges for violating my right.

Complaint 3: (No. 446516E) I am accusing (FPL) for using a policy against me in 1999 that was in violation of the commission code. By unjustly denied me the right to have access to a policy applying against me.

Complaint 4: (No. 445185E) I am accusing (FPL) of using a deposit as a bill and charge me interest on it and therefore combine a deposit with a actual bill and making me payment higher then it is suppose to be in violation of state law.

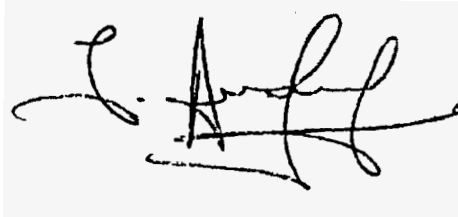
Complaint 5: New complaint: I'm accusing (FPL) of denying me the right to a document so I can prove when the meter (stopped) working it was (FPL) fault and (FPL) equipment consequently I was not responsible for the high bill on a monthly bases. I am asking the commission to help me get a copy of this report concerning the technician who came to my home to fix the meter when it stopped.

New complaint: I am asking the commission to investigate (FPL) base on the fact when (FPL) ran my credit they did not follow Federal or state law in regard my credit by providing me a (adverse action) notice require by law.

New complaint: I m asking the commission to help me retrieve a copy of a report from a test (FPL) just done in my property last week showing the meter reading test was not accurate in the transformer need to be changed with two line connection.

Finally I want the commission to help me get all the over charge money (FPL) get from me illegally into hold (FPL) accountable for his action I have more charges to come in the week ahead.

Truly yours,
Jude Alcegueire

A handwritten signature in black ink, appearing to read "J. Alcegueire", written over a light gray rectangular background.

ORIGINAL

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



GENERAL COUNSEL
HAROLD A. MCLEAN
(850) 413-6248

Public Service Commission

September 10, 2003

Mr. Jude Alceguiere
2913 S.W. 68th Avenue
Hollywood, FL 33023

SEP 11 2003

Re: September 18, 2003, Informal Conference

Dear Mr. Alceguiere:

I am writing to confirm the Commission's position concerning your informal conference scheduled for Thursday, September 18, at 9:30 a.m. As you discussed with Mary Anne Helton of my office, you may participate in this conference by telephone or you may attend in person by coming to the Commission's offices in Tallahassee. Due to the limited resources of this agency, we do not have the option of traveling to you.

In addition, each of the four complaints filed by you (PSC Complaint Nos. 445185E, 446514E, 446515E, and 446516E) will be addressed at the September 18 informal conference. No separate conferences will be scheduled for these complaints.

Sincerely,

A handwritten signature in black ink, appearing to read "Harold McLean".

Harold McLean
General Counsel

HmcL\MAH\dm

cc: Mary Bane
Beverlee DeMello
Mary Anne Helton
John Plescow
Adrienne Vining

ORIGINAL

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STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



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

Public Service Commission

November 19, 2003

Certified & Regular Mail

Mr. Jude Alcegueire
2913 Southwest 68th Avenue
Hollywood, Florida 33023

Re: Informal Conference Request
PSC Inquiries No. 445185E, 446514E, 446515E, and 446516E
Mr. Jude Alcegueire vs Florida Power & Light Co.

ORIGINAL

Dear Mr. Alcegueire:


This is in regards to the informal conference you requested. It will be held at the PSC's Miami office located at **3625 Northwest 82nd Avenue, Suite 400, on Friday, December 12, 2003**. The office phone number there is 470-5600. We will begin at **1:00 p.m.**

We wish to emphasize that this process is informal and the PSC's staff will only act as a mediator to the discussion. We hope that both sides will participate fully and reach a fair settlement. Both parties have a chance to participate in the decision and outcome of the complaint. We have provided a Settlement Agreement form to the company.

Mr. Jude Alcegueire
Page 2
November 19, 2003

If, however, a settlement is not reached, our staff will prepare a recommendation to the Commissioners on how the matter should be resolved. Please remember that the PSC must base its decision in this matter on Florida's rules and statutes. Also, the parties may incur additional expenses in attending an agenda conference to defend their side of the case.

Sincerely,


John Plescow
Regulatory Consultant
Bureau of Consumer Outreach

c: Florida Power & Light Co.
Dr. Mary Bane
Attorney Adrienne Vining

ORIGINAL

STATE OF FLORIDA

COMMISSIONERS:
BRAULIO L. BAEZ, CHAIRMAN
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



GENERAL COUNSEL
RICHARD D. MELSON
(850) 413-6248

Public Service Commission

March 9, 2004

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Jude Alcegueire
2913 S.W. 68th Avenue
Hollywood, FL 33023

Dear Mr. Alcegueire:

This is to confirm our telephone conversation this morning. After speaking with you last Thursday afternoon, I reviewed Ms. DeMello's letter closing your four informal complaints against Florida Power & Light Company (FPL) and consulted with members of the Commission staff regarding the history of those complaint files.

Based on that review, I have concluded that the Commission staff handled your complaints in full compliance with the Commission's informal complaint rules, and that there has been no denial of any of your due process rights. I have also concluded that Ms. DeMello acted properly, and within the scope of her authority, in closing the complaint files.

Because your complaints were being handled using the Commission's informal complaint procedures, the closure of those complaints does not constitute final agency action. If you wish to pursue this matter further, you must file a formal, written complaint with the Commission pursuant to Rules 25-22.036(2) and 28-106.201, Florida Administrative Code. Copies of the pertinent sections are enclosed for your convenience. Please note that the complaint must contain a statement of the facts that you allege entitle you to relief and the specific relief that you are requesting. Further, if you dispute any portion of the outstanding balance owed to FPL, your complaint must specifically identify the dollar amount in dispute and state the facts which you assert support your position. Attachment A to this letter itemizes the information that must be contained in a formal complaint. Failure to include the required information can result in dismissal of the complaint.

If you elect to file such a complaint, you will have the right to a hearing pursuant to Chapter 120, Florida Statutes, prior to the Commission taking final agency action. That complaint may be assigned for hearing either to the full Commission, a panel of Commissioners, or an Administrative Law Judge at the Division of Administrative Hearings.

Please be advised that the closure of the informal complaints permits FPL to disconnect service in the event your outstanding balance remains unpaid. Nevertheless, I have requested that FPL

Mr. Jude Alcegueire
Page 2
March 9, 2004

not take such action before March 31, 2004, to give you an opportunity to file a formal complaint if you choose to do so.

Also enclosed at your request is a copy of Rule 25-22.032, F.A.C., in effect at the time the Commission staff traveled to Miami to conduct the informal conference you requested. Under the rule, such a conference can be held by telephone, video teleconference or in person and the Commission is responsible for tape-recording, but not transcribing, the conference.

I understand that since we talked last Thursday afternoon, you have telephoned numerous members of the Commission staff, including Dr. Bane, Mr. Hill, Ms. DeMello, and others. To facilitate a consistent response to your complaints, I will act as your point of contact for future communications to the Commission. Accordingly, Dr. Bane and I have directed our staffs to redirect any future telephone calls regarding these matters to me.

Very truly yours,



Richard D. Melson
General Counsel

RDM/mee

cc: Dr. Bane, Executive Director
Office of the Governor - *Chank Conks*
Office of the Attorney General - *Becky Kring*
Office of Public Counsel - *Charlie Beck*
Florida Power & Light Company - *Bill Feaster*

The original and seven copies of a formal complaint must be filed with the following:

Director, Division of Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

A formal complaint must contain the following information:

1. The Commission's name and address. (Rule 28-106.201)
2. Your name, address, and telephone number. (Rule 28-106.201)
3. The name, address and telephone number of your representative, if any. (Rule 28-106.201)
4. The name and address of the company against whom the complaint is lodged. (Rule 25-22.036)
5. The rule, order, or statute that the company has violated. (Rule 25-22.036)
6. The actions that constitute the violation. (Rule 25-22.036)
7. A statement of all disputed issues of material fact and the ultimate facts alleged. (Rule 28-106.201)
8. The specific relief requested, including any penalty sought. (Rule 25-22.036)

(5) Prohibited Communications – No Commission employee shall directly or indirectly relay to a Commissioner any communication from a party or an interested person which would otherwise be a prohibited ex parte communication under Section 350.042, Florida Statutes. Nothing in this subsection shall preclude non-testifying advisory staff members from discussing the merits of a pending case with a Commissioner, provided the communication is not otherwise prohibited by law. However, a staff member who testifies in a case shall not discuss the merits of that case with any Commissioner during the pendency of that case.

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57, 350.042 FS. History–New 3-24-93.

Subpart B Prehearing Procedures

25-22.036 Initiation of Formal Proceedings.

(1) Application. An application is appropriate when a person seeks authority from the Commission to engage in an activity subject to Commission jurisdiction.

(2) Complaints. A complaint is appropriate when a person complains of an act or omission by a person subject to Commission jurisdiction which affects the complainant's substantial interests and which is in violation of a statute enforced by the Commission, or of any Commission rule or order.

(3) Form and Content.

(a) Application. An application shall be governed by the statute or rules applicable to applications for authority. In the absence of a specific form and content, the application shall conform to this rule.

(b) Complaint. Each complaint, in addition to the requirements of paragraph (a) above shall also contain:

1. The rule, order, or statute that has been violated;
2. The actions that constitute the violation;
3. The name and address of the person against whom the complaint is lodged;
4. The specific relief requested, including any penalty sought.

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57, 350.123, 364.035, 364.05, 364.057, 364.058, 364.335, 364.337, 366.04, 366.06, 366.071, 366.076(1), 366.8255, 367.031, 367.045, 367.071, 367.081, 367.0814, 367.0817, 367.082, 367.0822, 367.091, 367.101, 367.171 FS. History–New 12-21-81, Formerly 25-22.36, Amended 5-3-99, 7-17-00.

25-22.0376 Reconsideration of Non-Final Orders.

(1) Any party who is adversely affected by a non-final order may seek reconsideration by the Commission panel assigned to the proceeding by filing a motion in support thereof within 10 days after issuance of the order. The Commission shall not entertain a motion for reconsideration of an order disposing of a motion for reconsideration.

(2) A party may file a response to a motion for reconsideration within 7 days after service of the motion for reconsideration.

(3) Failure to timely file a motion for reconsideration or a response shall constitute a waiver of the right to do so.

(4) Any motion or response filed pursuant to this rule shall contain a concise statement of the grounds therefor and the signature of counsel or other person filing the motion.

(5) Oral argument on any motion filed pursuant to this rule may be granted at the discretion of the Commission. A party who fails to file a written response to a point on reconsideration shall be precluded from responding to that point during oral argument.

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS. History–New 9-3-95, Amended 7-11-96.

25-22.039 Intervention.

Persons, other than the original parties to a pending proceeding, who have a substantial interest in the proceeding, and who desire to become parties may petition the presiding officer for leave to intervene. Petitions for leave to intervene must be filed at least five (5) days before the final hearing, must conform with Uniform subsection 28-106.201(2), F.A.C., and must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. Intervenors take the case as they find it.

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS. History–Formerly 25-2.34, Amended 12-21-81, Formerly 25-22.39.

25-22.0405 Notices of Hearing.

The Commission will require a public utility in a proceeding to publish additional notices of hearing in newspapers of general circulation in the area affected and to give notice to its customers by mail, if the Commission finds that it is necessary in order to afford adequate notice to the customers of the utility.

Specific Authority 350.127(2), 366.05, 367.121(1)(f) FS. Law Implemented 120.569, 120.57, 364.03, 364.035(1), 364.07, 364.14, 364.15, 364.16, 364.27, 366.04, 366.05, 367.081, 367.111 FS. History–New 1-27-72, Formerly 25-2.981, Amended 12-21-81, 9-27-83, Formerly 25-22.405, Amended 5-3-99.

28-106.109 Notice to Interested Parties.

If it appears that the determination of the rights of parties in a proceeding will necessarily involve a determination of the substantial interests of persons who are not parties, the presiding officer may enter an order requiring that the absent person be notified of the proceeding and be given an opportunity to be joined as a party of record.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History—New 4-1-97.

28-106.110 Service of Papers.

Unless the presiding officer otherwise orders, every pleading and every other paper filed in a proceeding, except applications for witness subpoenas, shall be served on each party or the party's representative at the last address of record.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History—New 4-1-97.

28-106.111 Point of Entry into Proceedings and Mediation.

(1) The notice of agency decision shall contain the information required by Section 120.569(1), F.S. The notice shall also advise whether mediation under Section 120.573, F.S., is available as an alternative remedy, and if available, that pursuit of mediation will not adversely affect the right to administrative proceedings in the event mediation does not result in a settlement.

(2) Unless otherwise provided by law, persons seeking a hearing on an agency decision which does or may determine their substantial interests shall file a petition for hearing with the agency within 21 days of receipt of written notice of the decision.

(3) An agency may, for good cause shown, grant a request for an extension of time for filing an initial pleading. Requests for extension of time must be filed with the agency prior to the applicable deadline. Such requests for extensions of time shall contain a certificate that the moving party has consulted with all other parties, if any, concerning the extension and that the agency and any other parties agree to said extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

(4) Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days waives the right to request a hearing on such matters.

(5) The agency may publish, and any person who has timely requested mediation may, at the person's own expense, cause the agency to publish, a notice of the existence of the mediation proceeding in the *Florida Administrative Weekly* or in a newspaper of general circulation in the affected area. The mediation notice can be included in the notice of intended agency action.

(a) The notice of the mediation proceeding shall include:

1. A statement that the mediation could result in a settlement adopted by final agency action;
2. A statement that the final action arising from mediation may be different from the intended action set forth in the notice which resulted in a timely request for mediation;
3. A statement that any person whose substantial interests may be affected by the outcome of the mediation shall within 21 days of the notice of mediation proceeding file a request with the agency to participate in the mediation; and
4. An explanation of the procedures for filing such a request.

(b) The notice shall also advise that in the absence of a timely request to participate in the mediation, any person whose substantial interests are or may be affected by the result of the mediation waives any right to participate in the mediation, and that waiver of participation in the mediation is also a waiver of that person's ability to challenge the mediated final agency action pursuant to Chapter 120, F.S.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.573 FS. History—New 4-1-97, Amended 3-18-98.

PART II HEARINGS INVOLVING DISPUTED ISSUES OF MATERIAL FACT**28-106.201 Initiation of Proceedings.**

(1) Unless otherwise provided by statute, initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 1/2 by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.

(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.

Specific Authority 120.54(3), (5) FS. Law Implemented 120.54(5), 120.569, 120.57 FS. History—New 4-1-97, Amended 9-17-98.

28-106.202 Amendment of Petitions.

The petitioner may amend the petition prior to the designation of the presiding officer by filing and serving an amended petition in the manner prescribed for filing and serving an original petition. The petitioner may amend the petition after the designation of the presiding officer only upon order of the presiding officer.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History—New 4-1-97.

28-106.203 Answer.

A respondent may file an answer to the petition.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History—New 4-1-97.

28-106.204 Motions.

(1) All requests for relief shall be by motion. All motions shall be in writing unless made on the record during a hearing, and shall fully state the action requested and the grounds relied upon. The original written motion shall be filed with the presiding officer. When time allows, the other parties may, within 7 days of service of a written motion, file a response in opposition. Written motions will normally be disposed of after the response period has expired, based on the motion, together with any supporting or opposing memoranda. The presiding officer shall conduct such proceedings and enter such orders as are deemed necessary to dispose of issues raised by the motion.

(2) Unless otherwise provided by law, motions to dismiss the petition shall be filed no later than 20 days after service of the petition on the party.

(3) Motions, other than a motion to dismiss, shall include a statement that the movant has conferred with all other parties of record and shall state as to each party whether the party has any objection to the motion.

(4) Any party may move for summary final order whenever there is no genuine issue as to any material fact. The motion may be accompanied by supporting affidavits. All other parties may, within seven days of service, file a response in opposition, with or without supporting affidavits. A party moving for summary final order later than twelve days before the final hearing waives any objection to the continuance of the final hearing.

(5) Motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History—New 4-1-97.

28-106.205 Intervention.

Persons other than the original parties to a pending proceeding whose substantial interest may be determined in the proceeding and who desire to become parties may petition the presiding officer for leave to intervene. Except for good cause shown, petitions for leave to intervene must be filed at least 20 days before the final hearing. The petition shall conform to subsection 28-106.201(2), F.A.C., and shall include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. The presiding officer may impose terms and conditions on the intervenor to limit prejudice to other parties.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History—New 4-1-97.

service of any entity over which it has jurisdiction.

(2) In any instance where there is an immediate threat to the public health, safety or welfare, no notice shall be required prior to the Commission's decision to seek the relief described in subsection (1).

(3) Seeking relief in circuit court is not conditioned on conducting a hearing pursuant to Chapter 120, Florida Statutes.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.015, 366.05(10), 367.121(i)(j), F.S. (1993)

History: New 3/21/94.

25-22.031 Reserved.

25-22.032 Customer Complaints.

1. Intent; Application and Scope.

It is the Commission's intent that disputes between regulated companies and their customers be resolved as quickly, effectively, and inexpensively as possible. This rule establishes informal customer complaint procedures that are designed to accomplish that intent. This rule applies to all companies regulated by the Commission. It provides for expedited processes for customer complaints that can be resolved quickly by the customer and the company without extensive Commission participation. It also provides a process for informal Commission resolution of complaints that cannot be resolved by the company and the customer.

(2) Any customer of a Commission regulated company may file a complaint with the Division of Consumer Affairs whenever the customer has an unresolved dispute with the company regarding electric, gas, telephone, water, or wastewater service. The complaint may be communicated orally or in writing. The complaint shall include the name of the company against which the complaint is made, the name of the customer of record, and the customer's service address. Upon receipt of the complaint, a staff member will determine if the customer has contacted the company and, if the customer agrees, will put the customer in contact with the company for resolution of the complaint using the transfer-connect system described in subsection(3), or by other appropriate means if the company does not subscribe to the transfer-connect system. If the customer does not agree to be put in contact with the company, for those companies subscribing to the transfer-connect system, the staff member will submit the complaint to the company for resolution in accordance with the three-day complaint resolution process set forth in subsection (4). For those companies not subscribing to the transfer-connect system, the staff member will submit the complaint to the company for resolution in accordance with the provisions of subsection (5).

(3) Transfer-connect system.

(a) Each company subject to regulation by the Commission may provide a transfer-connect (warm transfer) telephone number by which the Commission may directly transfer a customer to that company's customer service personnel. When the transfer is complete, any further charges for the call shall be the responsibility of the company and not the Commission or the customer. Each company that subscribes to the transfer connect system must provide customer service personnel to handle transferred calls during the company's normal business hours and at a minimum from Monday through Friday, 9:00 A.M to 4:00 P.M., Eastern time, excluding all holidays observed by the company.

(4) Complaints resolved within three (3) days.

Companies that subscribe to the transfer-connect system may resolve customer complaints within three days in the following manner:

(a) The Commission staff member handling the complaint will forward a description of the complaint to the company for response and resolution. The three day period will begin at 5:00 p.m. on the day the information is sent to the company and end at 5:00 p.m. on the third day, excluding weekends and holidays. If the company satisfactorily resolves the complaint, the company shall notify the staff member of the resolution.

(b) The Commission will contact the customer to confirm that the complaint has been resolved. If the customer confirms that the complaint has been resolved, the complaint will not be reported in the total number of complaints shown for that company in the Commission Consumer Complaint Activity Report. However, the Commission will retain the information for use in enforcement proceedings, or for any other purpose necessary to perform its regulatory obligations.

(c) If the customer informs the Commission staff member that the complaint has not been resolved, the Commission will notify the company and require a full report as prescribed in subsection (5).

(d) For purposes of this subsection a complaint will be considered "resolved" if the company and the customer indicate that the problem has been corrected, or the company and the customer indicate that they have agreed to a plan to correct the problem.

(5) Complaints not resolved within three days.

If the customer does not agree to contact the company directly, if the customer is not satisfied with the company's proposed resolution of the complaint, or if the company does not subscribe to the transfer-connect system, a Commission staff member will investigate the complaint and attempt to resolve the dispute in the following manner:

(a) The staff member will notify the company of the complaint and request a response. The company shall provide its response to the complaint within fifteen (15) working days. The response shall explain the company's actions in the disputed matter and the extent to which those actions were consistent with applicable statutes and regulations. The response shall also describe all attempts to resolve the customer's complaint.

(b) The staff member investigating the complaint may request copies of bills, billing statements, field reports, written documents, or other information in the participants' possession that may be necessary to resolve the dispute. The staff member may perform, or request the company to perform, any tests, on-site inspections, and reviews of company records necessary to aid in the resolution of the dispute.

(6) During the complaint process, a company shall not discontinue service to a customer because of any unpaid disputed bill. However, the company may require the customer to pay that part of a bill which is not in dispute. If the company and the customer cannot agree on the amount in dispute, the staff member will make a reasonable estimate to establish an interim disputed amount until the complaint is resolved. If the customer fails to pay the undisputed portion of the bill the company may discontinue the customer's service pursuant to Commission rules.

(7) The staff member will propose a resolution of the complaint based on the information provided by all participants to the complaint and applicable statutes and regulations. The proposed resolution may be either oral or written. Upon request, either participant shall be entitled to a written copy of the proposed resolution.

(8) Informal Conference. If a participant objects to the proposed resolution the participant may request an informal conference on the complaint.

(a) The request for an informal conference shall be in writing and filed with

the Division of Consumer Affairs within 30 days after the proposed resolution is sent to the participants.

(b) When the request for an informal conference is received, the Director of the Division of Consumer Affairs will assign a Commission staff member to process the request for an informal conference. The staff member will advise the participants to complete Form X (PSC/CAF Form X), incorporated by reference herein, and return the form to the Commission within fifteen (15) days. A copy of Form X may be obtained from the Division of Consumer Affairs. At a minimum, the participants shall provide the following information on the form:

1. A statement describing the facts that give rise to the complaint;
2. A statement of the issues to be resolved; and
3. A statement of the relief requested.

The informal conference shall be limited to the complaint and the statement of facts and issues identified by the participants in the form. The Commission staff will notify the requesting participant that the request for an informal conference will be denied if the requesting participant's form is not received within the 15 days.

(c) The Director of the Division will review the statements and either appoint a staff member to conduct the informal conference, or make a recommendation to the Commission for dismissal based on a finding that the complaint states no basis upon which relief may be granted.

(d) If a conference is granted, the staff member appointed to conduct the conference shall not have participated in the investigation or proposed resolution of the complaint.

(e) After consulting with the participants, the staff member will send a written notice to the participants setting forth the unresolved issues, the procedures to be followed at the informal conference, the dates by which written materials are to be filed, and the time and place for the conference. The conference may be held by telephone conference, video teleconference, or in person, no sooner than ten days following the notice.

(f) At the conference, the participants shall have the opportunity to present information, orally or in writing, in support of their positions. During the conference, the staff member may encourage the parties to resolve the dispute. The Commission will be responsible for tape-recording, but not transcribing, the informal conference. A participant may arrange for transcription at his own expense.

(g) The staff member may permit any participant to file additional information, documentation, or arguments. The opposing participant shall have an opportunity to respond.

(h) If a settlement is not reached within 20 days following the informal conference or the last post-conference filing, whichever is later, the staff member shall submit a recommendation to the Commission for consideration at the next available Agenda Conference. Copies of the recommendation shall be sent to the participants.

(i) If the Director denies the request for an informal conference, the participants shall be notified in writing. Within 20 days of giving notice, the staff shall submit a recommendation for consideration at the next available Agenda Conference. Copies of the recommendation shall be sent to the participants.

(j) The Commission will address the matter by issuing a notice of proposed agency action or by setting the matter for hearing pursuant to section 120.57, Florida Statutes.

(9) At any point during the complaint proceedings, a participant has the

right to be represented by an attorney or other representative. For purposes of this rule a representative may be any person the party chooses, unless the Commission sets the matter for hearing. If the Commission sets the matter for hearing, the participants may be represented by an attorney or a qualified representative as prescribed in Rule 28-106.106, Florida Administrative Code, or may represent themselves. Each participant shall be responsible for his own expenses in the handling of the complaint.

(10) At any time the participants may agree to settle their dispute. If a settlement is reached, the participants or their representatives shall file with the Division of Consumer Affairs a written statement to that effect. The statement shall indicate that the settlement is binding on both participants, and that the participants waive any right to further review or action by the Commission. If the complaint has been docketed, the Division of Consumer Affairs shall submit the settlement to the Commission for approval. If the complaint has not been docketed, the Division will acknowledge the statement of settlement by letter to the participants.

(11) Record retention and auditing.

(a) All companies shall retain notes or documentation relating to each Commission complaint for two years, beginning when the complaint was first received.

(b) All companies shall file with the Commission, beginning 60 days after the effective date of this rule and monthly thereafter, a report that summarizes the following information for the preceding calendar month:

1. The total number of calls handled via transfer connect, including the customer's name, a brief description of the complaint, and whether or not the complaint was addressed;

2. The number of complaints handled under the three day complaint resolution procedure; and whether the complaint was resolved.

(c) The Commission shall have access to all such records for audit purposes. **Specific Authority** 350.127(2), 364.19, 364.0252, 366.05, 367.121, FS.

Law Implemented 364.01, 364.0252, 364.03(1), 364.183, 364.185, 364.15, 364.19, 364.337(5), 366.03, 366.04, 366.05, 367.011, 367.111, 367.121, 120.54, 120.569, 120.57, 120.573, FS.

History--New 01-03-89, Amended 10-28-93, 06-22-00.

25-22.033 - Communications Between Commission Employees and Parties - The Commission recognizes that Commission employees must exchange information with parties who have an interest in Commission proceedings. However, the Commission also recognizes that all parties to adjudicatory proceedings need to be notified and given an opportunity to participate in certain communications. The intent of this rule is not to prevent or hinder in any way the exchange of information, but to provide all parties to adjudicatory proceedings notification of and the opportunity to participate in certain communications.

(1) This rule shall govern communications between Commission employees and parties to docketed proceedings before the Commission. This rule shall not apply in proceedings under sections 120.54, 120.565, 367.0814, Fla. Stat., proposed agency action proceedings before the Commission has voted to issue a proposed agency action order, non-rate case tariffs, workshops or internal affairs meetings. Also exempted are docketed and undocketed audits, telephone service evaluations, and electric and gas safety inspections. Nothing in this rule is intended to modify or supersede the procedural requirements for formal discovery under the Commission's rules and applicable provisions of the Florida Rules of Civil

COMMISSIONERS:
BRAULIO L. BAEZ, CHAIRMAN
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

STATE OF FLORIDA



EXECUTIVE DIRECTOR
MARY ANDREWS BANE
(850) 413-6055

Public Service Commission

April 14, 2004

Mr. Jude Alcegueire
2913 S.W. 68th Avenue
Hollywood, FL 33023

Re: PSC Inquiry Nos. 445185E, 446514E, 446515E and 446516E

Dear Mr. Alcegueire:

As we discussed by telephone earlier today, we can conduct the informal conference by telephone on any of the following days, April 19, 20, 28, or 29, at a time to be selected by you. Please phone me at (850) 413-6066 to identify the date and time of your choice. If I do not hear from you by 3:00 p.m. this Friday, April 16, the informal conference will be scheduled for April 29 at 11:00 a.m. If I am unavailable when you phone, please press "0" and an attendant will answer and take your message for me.

I look forward to hearing from you so that we can move forward with resolving your complaints.

Sincerely,

A handwritten signature in cursive script that reads "Mary A. Bane".

Mary A. Bane
Executive Director

MAB/ba

000 37

COMMISSIONERS:
 BRAULIO L. BAEZ, CHAIRMAN
 J. TERRY DEASON
 LILA A. JABER
 RUDOLPH "RUDY" BRADLEY
 CHARLES M. DAVIDSON

STATE OF FLORIDA



EXECUTIVE DIRECTOR
 MARY ANDREWS BANE
 (850) 413-6055

Public Service Commission

April 15, 2004

Mr. Jude Alcegueire,
 2913 S.W. 68th Avenue
 Hollywood, FL 33023

Re: PSC Inquiry Nos. 445185E, 446514E, 446515E and 446516E

Dear Mr. Alcegueire:

I am responding to your voice mails of last evening and this morning. You have asked why we are offering you an informal conference regarding your complaints after you were notified by letter that you must file a written, formal complaint if you wish to pursue the matter further. We attempted to hold an informal conference in Miami on December 12 of last year to try to address your complaints. Staff from the Commission and employees of FP&L were present to try to reach some resolution. You arrived an hour late and then refused to participate, thereby abandoning the informal process.

When we spoke on the phone yesterday, you insisted that you had not abandoned the informal process and demanded that you be given a second opportunity for an informal conference. In agreeing to revert to the informal process, I am trying to accommodate your request for a second chance to resolve your complaints without having to file a formal complaint.

As I indicated in the letter which was delivered to you this morning by Airborne Express, we can conduct the informal conference by telephone on any of the following days, April 19, 20, 28, or 29, at a time to be selected by you. Please phone me at (850) 413-6066 to identify the date and time of your choice. If I do not hear from you by 3:00 p.m. this Friday, April 16, the informal conference will be scheduled for April 29 at 11:00 a.m. If I am unavailable when you phone, please press "0" and an attendant will answer and take your message for me.

38

I look forward to hearing from you so that we can move forward with resolving your complaints.

Sincerely,



Mary A. Bane
Executive Director

MAB/ba

ATTACHMENT A
COPY SENT
U.S. MAIL
AND
AIRBORN
EXP

COMMISSIONERS:
BRAULIO L. BAEZ, CHAIRMAN
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

STATE OF FLORIDA



DIVISION OF REGULATORY
COMPLIANCE AND CONSUMER
ASSISTANCE
DAN HOPPE
DIRECTOR
(850) 413-6100
TOLL FREE 1-800-342-3552

Public Service Commission

April 16, 2004

**BY FEDERAL EXPRESS
& REGULAR MAIL**

Mr. Jude Alcegueire
2913 S.W. 68th Avenue
Hollywood, FL 33023

**Re: Informal Conference Request
PSC Inquiry Nos. 445185E, 446514E, 446515E, 446516E
Mr. Jude Alcegueire vs. Florida Power and Light Company**

Dear Mr. Alcegueire:

I have been appointed as the Commission staff member to conduct an informal conference on the above complaints. Your informal conference will be held by telephone on **Thursday, April 29, 2004 at 11:00 a.m.**

On the day of the conference, we will call you at **1-954-965-9740**, which is the number provided in your complaint. If this number should change, or if you would like to receive the call at another location, please notify me no later than Monday, April 26, 2004. Once we are connected, we will add the company representatives to the conference call.

Pursuant to Rule 25-22.032, Florida Administrative Code, the unresolved issues are as set forth in your letter of November 22, 2002 to Dr. Mary Bane, a copy of which is attached. If you wish to submit any additional written materials to be considered at the conference, they must be received by me no later than Monday, April 26.

We wish to emphasize that this process is informal and the Commission's staff will only act as a mediator to the discussion. All participants at the conference will have the opportunity to present information orally or in writing in support of their positions. During the conference, the staff may encourage the parties to resolve the dispute.

BY FEDERAL EXPRESS

Mr. Jude Alcegueire

Page 2

April 16, 2004

We hope that both sides will participate fully and reach a fair settlement. Both parties have a chance to participate in the decision and outcome of the complaint. We have provided a Settlement Agreement form to the company to document any settlement that may be reached.

If, however, a settlement is not reached within 20 days after the conference (by May 19, 2004), our staff will prepare a recommendation to the Commissioners on how the matter should be resolved. Please remember that the Commission must base its decision in this matter on Florida's rules and statutes. Also, the parties may incur additional expenses in attending an agenda conference to defend their side of the case.

If you have any questions about the procedures to be followed at the informal conference, please contact me at (850) 413-6449.

Sincerely,



Rhonda L. Hicks
Chief, Bureau of Complaint Resolution

cc: Mary A. Bane, Executive Director
Martha Carter Brown, Staff Attorney
Connie Kummer, Division of Economic Regulation
Florida Power & Light Company

Ernesto Rencurrell

From: Jim Ruehl
Sent: Thursday, April 29, 2004 3:18 PM
To: Ernesto Rencurrell
Subject: FW: request for site visit by PSC engineer

Hi Ernie here is a complaint I would like for you to look into. This is a long running complaint and as you can see there are several things we would like you to check on. If you have any questions please call Connie for she is handling this one.

Thanks
 Jim

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

From: Connie Kummer
Sent: Thursday, April 29, 2004 3:16 PM
To: Jim Ruehl
Cc: Martha Brown; Rhonda Hicks
Subject: request for site visit by PSC engineer

Complaints 445185E, 446514E, 446515E and 446516E were filed by Mr. Jude Alcequeire, 2913 S.W. 68th Avenue, Hollywood, Florida 33023. Although the original complaints addressed a deposit issue, during an informal conference call, an issue arose concerning the proper measurement of electricity to Mr. Alcequeire's residence. The customer is disputing bills based on the assertion that he is not using the amount of electricity being registered on the meter. FPL has performed a meter test, showing the meter to be within tolerance, however, the customer insists that the problem is not necessarily in the meter but in the transformer or other distribution equipment, causing the meter reading to be inaccurate. Please have a field engineer make an appointment with FPL to complete the following tasks:

1. Obtain copies of, and review any meter tests performed on the meter serving that address in the last five years, if available;
2. Obtain copies of, and review any tests performed or work orders issued for service on the meter or transformer serving that address in the last 5 years, if available;
3. Obtain copies of, and review any tests performed or work orders issued on any reliability complaints at that address in the last 5 years, if available;
4. Perform a site visit to visually inspect the pole, transformer and meter for any unusual conditions which might impact the amount of electricity registering on the meter;
5. If the customer consents, accompany an FPL employee in the conduct of a energy audit of the residence. An audit was done some years ago, but it appears some changes may have taken place in appliances or number of residents in the home since the last audit.

The complete complaint file is rather large, and the original complaints dealt primarily with deposits but if you believe a complete copy would be helpful, we'll be a happy to supply it. I would appreciate if the site visit could be completed within the next two weeks, but if that is not possible, please advise me when it can be completed. FPL is aware that we will asking for a site visit and should be prepared to accommodate whomever is assigned. If you or the engineer assigned have any questions, please let me know.

Thanks,

Connie Kummer

Connie Kummer

From: Ernesto Rencurrell
Sent: Wednesday, June 02, 2004 7:06 AM
To: Jim Ruehl
Cc: Connie Kummer
Subject: Customer Complaint #445185E--Address-2913 S.W. 68 Avenue,Miramar--Name-Jude Alcegueire

6/2/2004

I visited the area of the above-mentioned subject on 6/1/2004. Since Florida Power and Light issued a work order to install an added transformer, I proceeded to check the current transformer which services Mr. Alcegueire. This transformer has a capacity of 50 KVA. Its transformer load number is 8-7069-9795-0-4. This transformer services a total of 17 customers including Mr. Alcegueire and is in the R/O 3008 S.W. 67 Lane. Whether overloaded or not, FPL has proposed to install a 50 KVA transformer on the pole located in the R/O Mr. Alcegueire's property.

I looked at the existing open wire secondary circuit and single phase primary circuit which is currently serving Mr. Alcegueire's home for possible tree contacts. There are two tree contacts with the open wire secondary circuit and the locations are as follows:
1) Need trimming on tree in R/O 2919 S.W. 68 Avenue due to touching and rubbing on open wire secondary circuit and very close to primary circuit.
2) Need trimming on tree in the R/O 3007 S.W. 68 Avenue due to touching and rubbing on open wire secondary circuit.
I didn't find any other particular condition which could affect Mr. Alcegueire.

Mr. Alcegueire needs to cooperate with FPL for them to replace the existing pole(35 feet tall) with a taller pole(40 feet) in the R/O his property to accomodate the new 50 KVA transformer.

If there are any questions please let me know.

Ernie Rencurrell

May-19-04 07:04pm From-FPL RATES & TARIFFS

305 552 3949

T-480 P.001/010 5-075



Customer Inquiry Response

Customer's First Name: JUDE
 Last / Business Name: ALCEGUEIRE
 Alternate Name:
 Service Address: 2913 SW 68TH AVE
 MIRAMAR, FL 33023

FPSC Log: 445185E Received From: Ernie
 Account #: 20902-31081 Response Type: Supplemental 2

Response Comments:

1. Obtain copies of, and review any meter tests performed on the meter servicing that address in the last five years, if available;

The original meter 5C11541 serving this customer was set on July 1, 1989. The customer connected service, at this address, November 24, 1999. Meter 5C11541 was removed for testing on October 23, 2000 and subsequently tested on October 27, 2000. The test results indicated the meter was operating at a Weighted Average of 99.53%, which is within allowable tolerance (Attachment #1).

Meter number 5C36526 was set on October 23, 2000 and removed for testing on August 23, 2001. Meter number 5C36826 was tested on August 28, 2001 and was found to be operating at a Weighted Average of 99.72%, which is within acceptable tolerance (Attachment #2).

Meter number 5C72808 was set on August 23, 2001 and is currently serving this premise

A chart with the customer's billing history from January 2000 thru April 2004 is also provided (Attachment #3).

2. Obtain copies of, and review any tests performed or work orders issued for service on the meter or transformer serving that address in the last 5 years, if available;

In an effort to thoroughly check the service/voltage, FPL installed a Recording Volt Meter (RVM) at Mr. Alcegueire's premise on November 14th, 2002, which monitored his service from November 15th thru November 19th. The results indicated the voltage was within allowable limits (Attachment #4A and #4B).

May-19-04 07:04pm From-FPL RATES & TARIFFS

305 552 3848

T-480 P.003/013 F-07E

Jude Alcegueire
445185E

The Area Service Center has engineered a job to upgrade the existing facilities that are serving Mr. Alcegueire's residence. FPL will split the existing bus and add an additional transformer on an existing pole that is located in the rear of Mr. Alcegueire 's property. The existing pole will also need to be changed out to a taller pole and a support guy wire will be installed for support. A new transformer will then be installed. (Attachment #5 and #5).

The Area Service Center has made numerous attempts to contact Mr. Alcegueire, in order to complete the work. However, they have not been able to speak with him. On December 15 and 16, 2003 an FPL crew upgraded the existing transformer serving Mr. Alcegueire.

3. Obtain copies of, and review any tests performed or work orders issued on any reliability complaints at that address in the last 5 years, if available;

Attached is the Outage History from January 1, 1999 thru April 20, 2004 (Attachment #7), which includes trouble tickets generated to investigate a specific problem at the premise.

4. Perform a site visit to visually inspect the pole, transformer and meter for any unusual conditions which might impact the amount of electricity registering on the meter;

In February, 2003, Phillip Gonzalez, Service Planner, visited the site and took field notes to upgrade the existing facilities serving Mr. Alcegueire.

5. If the customer consents, accompany an FPL employee in the conduct of an energy audit of the residence. An audit was done some years ago, but it appears some changes may have taken place in appliances or number of residents in the home since the last audit.

FPL is willing to meet with the customer and an FPSC Field Engineer, at the customer's premise.

Approval Signature:	<u>Juan Khourv</u>
Approver's Title:	<u>Power Systems Supervisor</u>
Date of Approval:	<u>05/19/2004</u>

May-19-04 07:04pm From-FPL RATES & TARIFFS

305 552 3849

T-480 P 004/013 F-076

ATTACHMENT
#1



FPL

FPL METER TEST REPORT

FPL SYMBOL..... 5C
 COMPANY NUMBER: 36526
 SERIAL NUMBER.. S020336826
 TYPE CODE..... 37
 DISTRICT..... 72
 ADDRESS..... 2913 SW 62 AVE
 PFID..... 001644787
 → DATE OF TEST... 8/28/2001 09:50:36
 AS FOUND TEST RESULTS: SF: 99.68 SP: 99.72
 AS LEFT TEST RESULTS : SF: 99.68 SP: 99.72
 DIAL READING IN.: 12642
 DIAL READING OUT: 12652
 TEST REASON.... SHP
 CREEP (YES/NO).... N
 OPERATOR..... PJB
 KWH BOARD #..... 2552
 REGISTER TEST (VERIBOARD) RESULTS: 10/10
 DEMAND BOARD #..... 1
 KWD & ERROR AF.....
 KWD & ERROR AL.....
 TRANSMITTAL NUMBER:
 TRANSMITTAL DATE..:
 TAMPER INFORMATION.: 53

SL: 99.68	WA: 99.72
SL: 99.68	WA: 99.72

GENERAL REMARKS..

COMMENTS: _____

SIGNATURE _____ DATE _____

May-19-04 07:05pm From:FPL RATES & TARIFFS

305 552 3646

T-480 P 005/019 F-016

ATTACHMENT #2



FPL

FPL METER TEST REPORT

FPL SYMBOL..... 5C
 COMPANY NUMBER: 11541
 SERIAL NUMBER.: G084211541
 TYPE CODE..... 29
 DISTRICT..... 72
 ADDRESS..... 2913 SW 68 AVE
 EPID..... 001644787
 DATE OF TEST..: 10/27/2000 14:31:31
 AS FOUND TEST RESULTS: SF: 99.93 SP: SL: 99.9 WA: 99.93
 AS LEFT TEST RESULTS: SF: 99.93 SP: SL: 99.9 WA: 99.93
 DIAL READING IN.: 00738
 DIAL READING OUT: 00747
 TEST REASON...: SHP
 CREEP (YES/NO)....: N
 OPERATOR.....: P35
 KWH BOARD #:.....: 2552
 REGISTER TEST (VERIBOARD) RESULTS: 10/9
 DEMAND BOARD #:.....: 2
 KWD % ERROR RE.....
 KWD % ERROR AL.....
 TRANSMITTAL NUMBER:
 TRANSMITTAL DATE...
 TAMPER INFORMATION.:

GENERAL REMARKS...

COMMENTS: _____

SIGNATURE _____ DATE _____

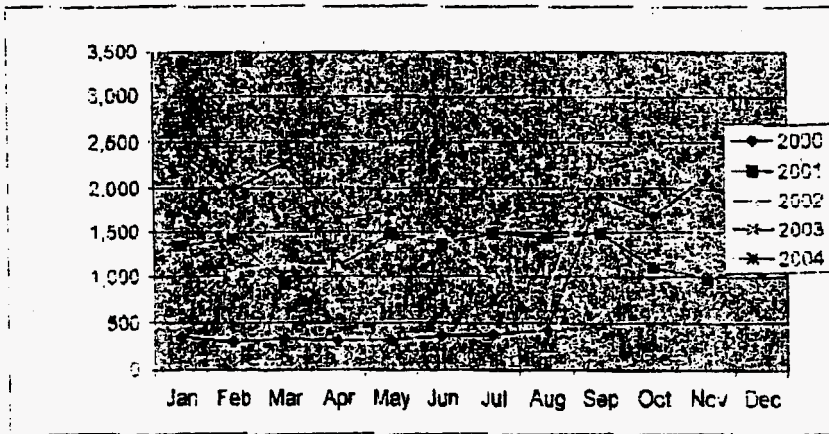
Mar-19-04 07:05pm From=FPL RATES & TARIFFS

305 552 3649

Name: Jude Alcegueire

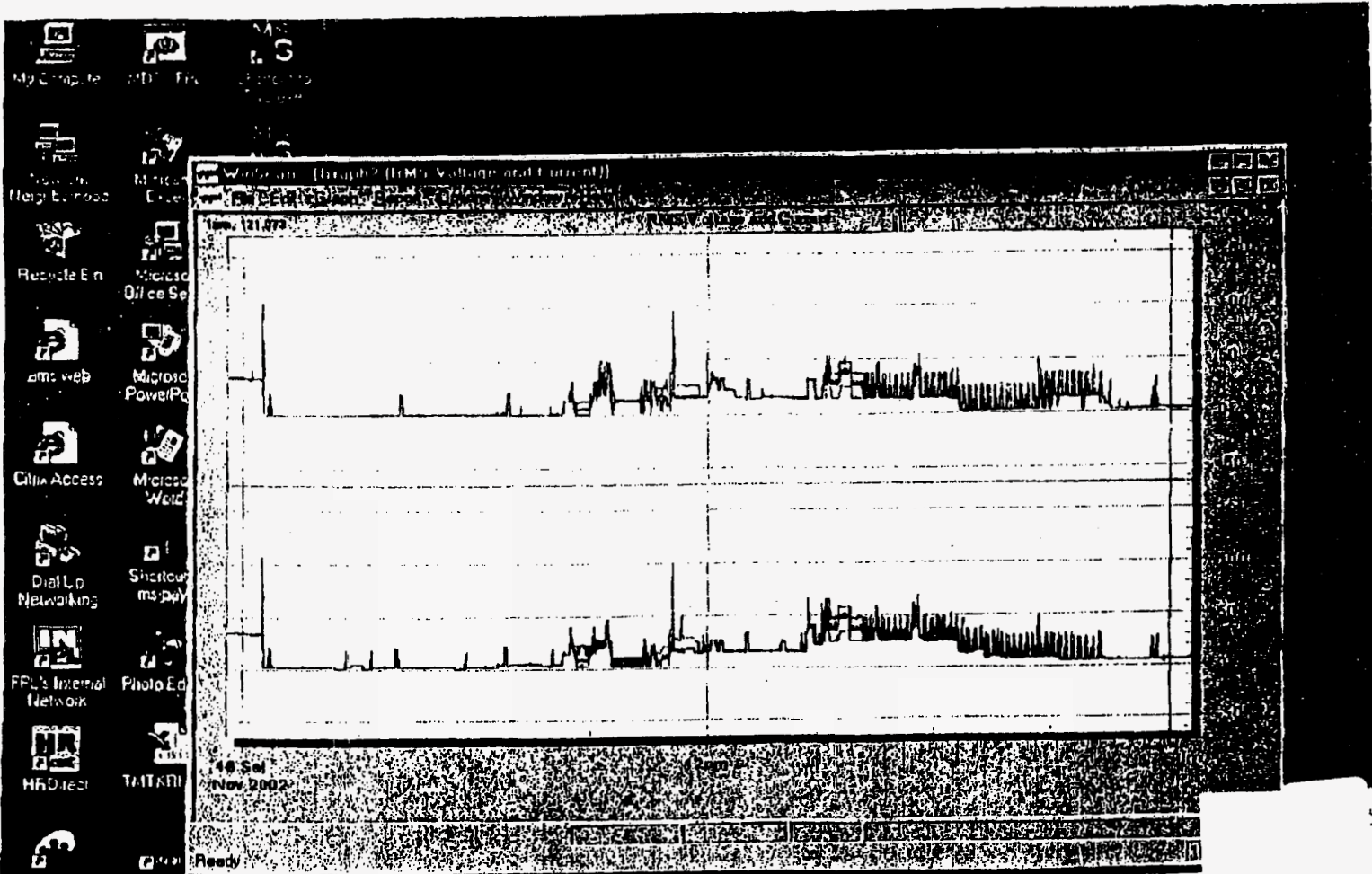
Account Number: 20902-31081

	2000	2001	2002	2003	2004
Jan	361	1,344	1,637	2,413	2400
Feb	296	1,422	1,057	2,456	1980
Mar	331	923	1,144	1,855	2,266
Apr	310	1,092	1,108	1,968	1,646
May	319	1,488	1,358	2,299	1,739
Jun	364	1,363	1,495	2,547	
Jul	378	1,488	983	2,689	
Aug	424	1,435	849	2,727	
Sep	1,904	1,490	2,226	2,811	
Oct	1,682	1,101	2,368	2,540	
Nov	2,149	981	1,951	2,090	
Dec	1,051	1,108	1,762	2,104	

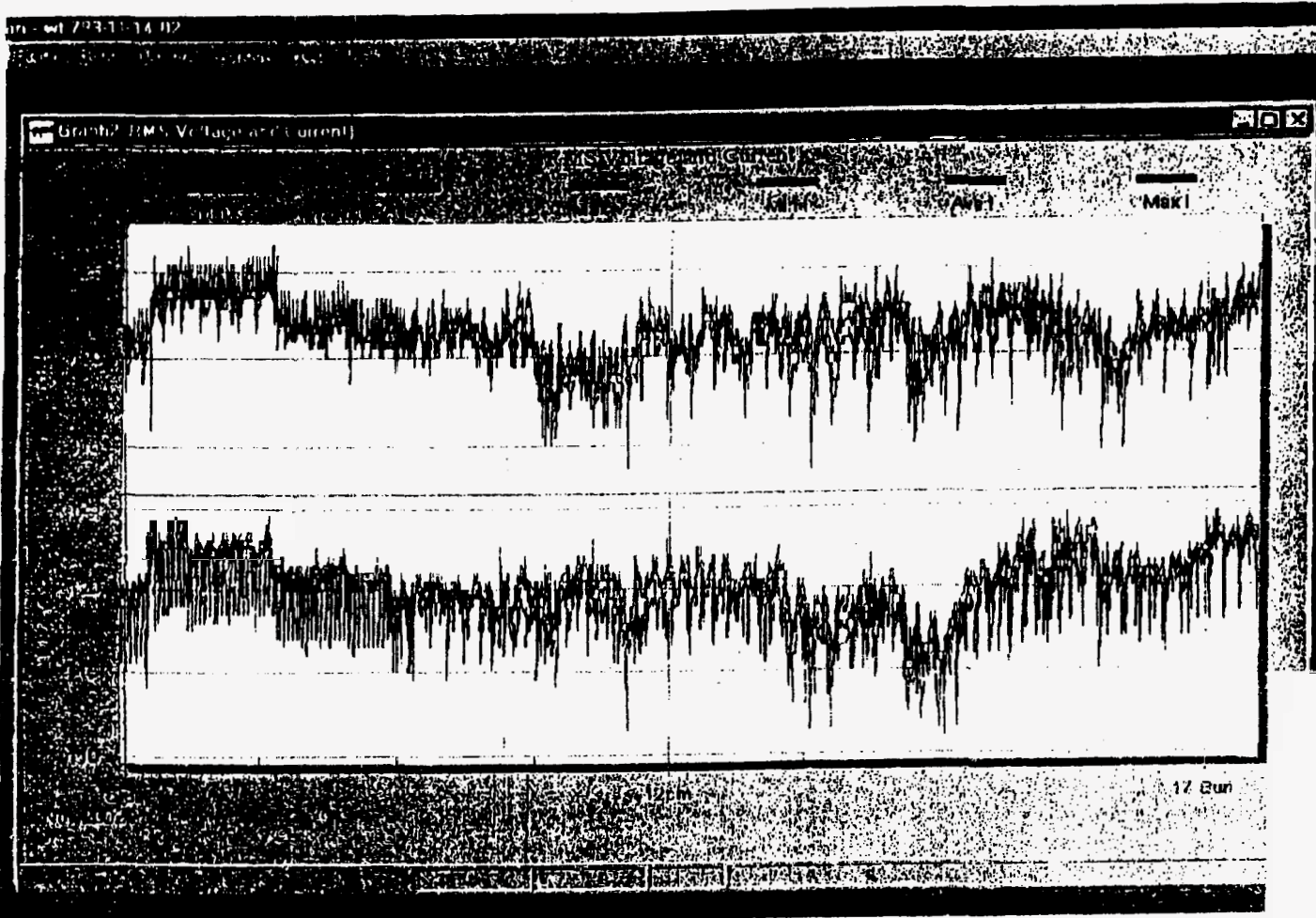


Notes: In early 2000, customer informed FPL that family was in Illinois.
 October 2000, attic inspection "0" ceiling insulation.
 August 2001, hvi revealed central air inoperable, small room a/c unit was in use.
 October 2002, field visit revealed a new 2.5 ton central unit operating, SEER 10.

MAY-18-04 07:09pm From: FPL RATES & TARIFFS 305 552 3848 T-689 P 007/013 F-076



b7



277

Mar-13-04

07:06PM

From: PUL BATES & TARIFFS

305 552 9818

T-480

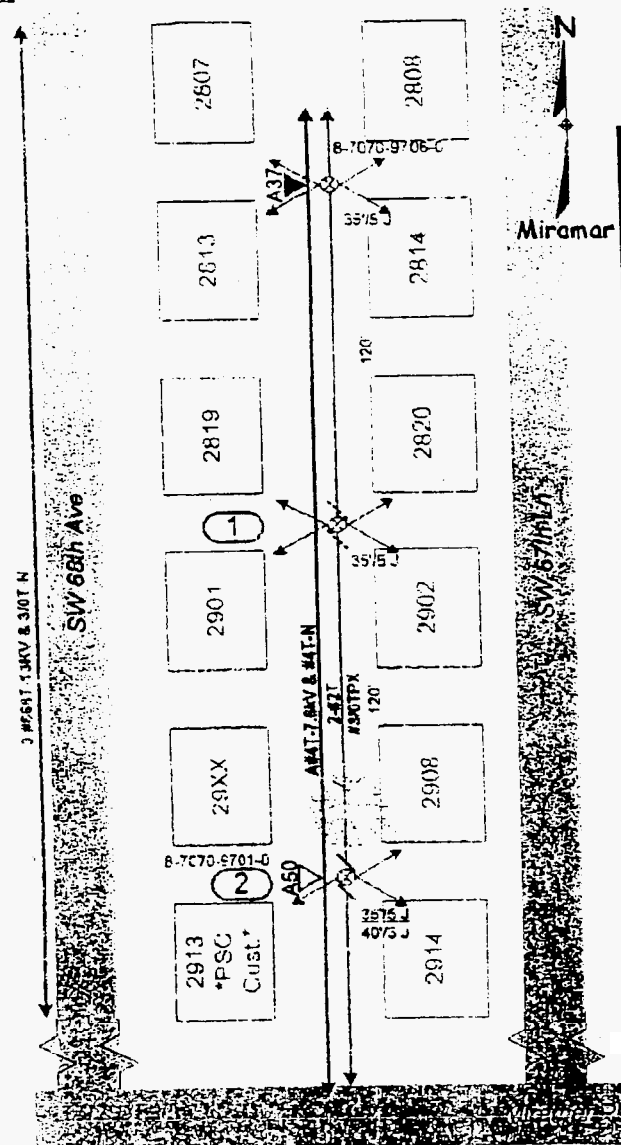
P. 008/013

F-07E

ATTACHMENT A

Page: 19 of 64 DT: 07:00 From: FPL RATES & TARIFFS 105 552 3649 T-480 P 902/013 F-07E

INACCESSIBLE 13 kV FUTURE 23 kV 23 kV SALT SPRAY



Construction Notes

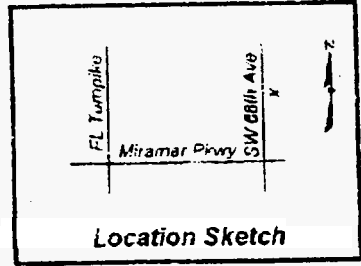
Locn 1

- Replace Tangent Secondary with Double Deadend to Change Wire Size
- Span 1 to 2
- Replace Open Wire Sec Bus with #3/0 TPX
- Install Secondary with semi slack to avoid down guy installation

Locn 2

- Replace existing pole with new 40/3 Pole
- Transfer Primary Facilities & Secondary Bus from South Side
- Install 50 kVa TX per DCS I-41.0.0
- Attach New TX to Secondary Bus
- Verify Services are connected to New TX/ Secondary Bus
- Tree Trimming Required

↔ INACCESSIBLE LOCN'S ↔



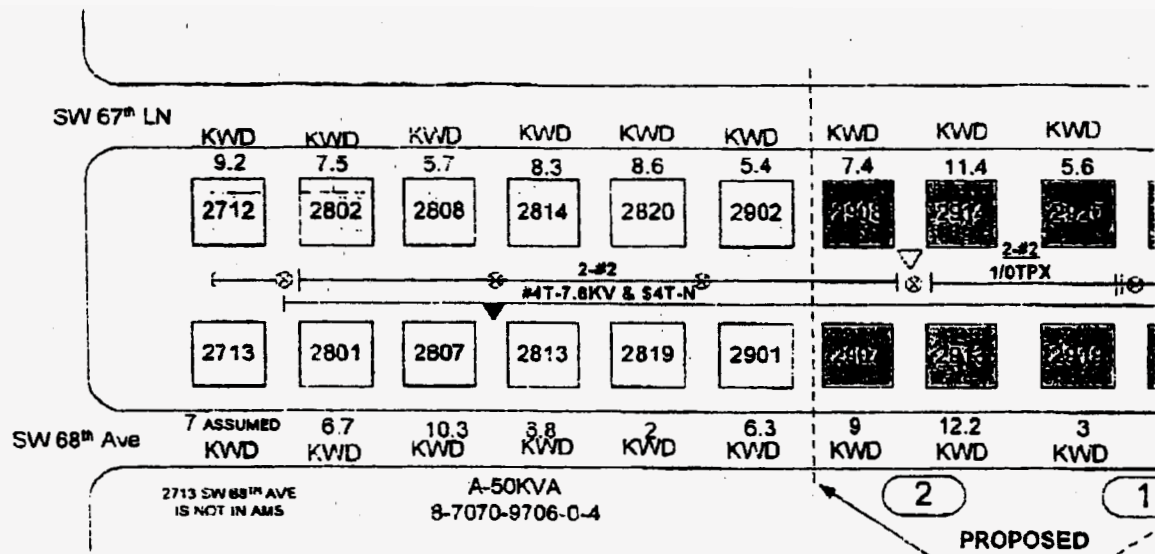
AS-BUILT CROWN PRINT		ALL REQUIRED WORKING DRAWINGS HAVE BEEN CHECKED & APPROVED TO BE WORKING PL. STANDARDS, VALUES ARE SHOWN AT ALL LOCATIONS.		FOR YOUR USE: COMPLETED AS SHOWN OR THE AS-BUILT PRINT - NO CHANGES ALLOWED OR NOTED.		AS-BUILT COPY	
DATE: 05/19/04		DRAWN BY: DSS		CHECKED BY: DSS		DATE: 05/19/04	
PROJECT: 525366		TWP: 51		R. 26		E. 1	
SCALE: N.T.S.		S. LI. MAP No.:		Pri Map No.:		20F	
WR 525366		IWR 0436-43-727		M/A		SB	

May-19-04 07:09pm From-FPL RATES & TARIFFS

365 552 3949

T-480 P.016/013 F-076

 INACCESSIBLE



PROPOSED A-50KVA
8-7070-9701-0-4
 (This TX is already in AMS, but does not have premises on the right TX)

CONSTRUCTION NOTES

LOC 1: Install secondary breakers or double deadend secondary as per crew discretion.
 LOC 1-2: Replace open wire secondary with 1/0TPX
 LOC 2: Replace 35/5 pole with a 40/3 pole Frame similar to E-5.1.0
 Fig. 3. Frame similar to I-42.0.1 fig 2. and install 50KVA AE TX



AS-BUILT CREW PRINT

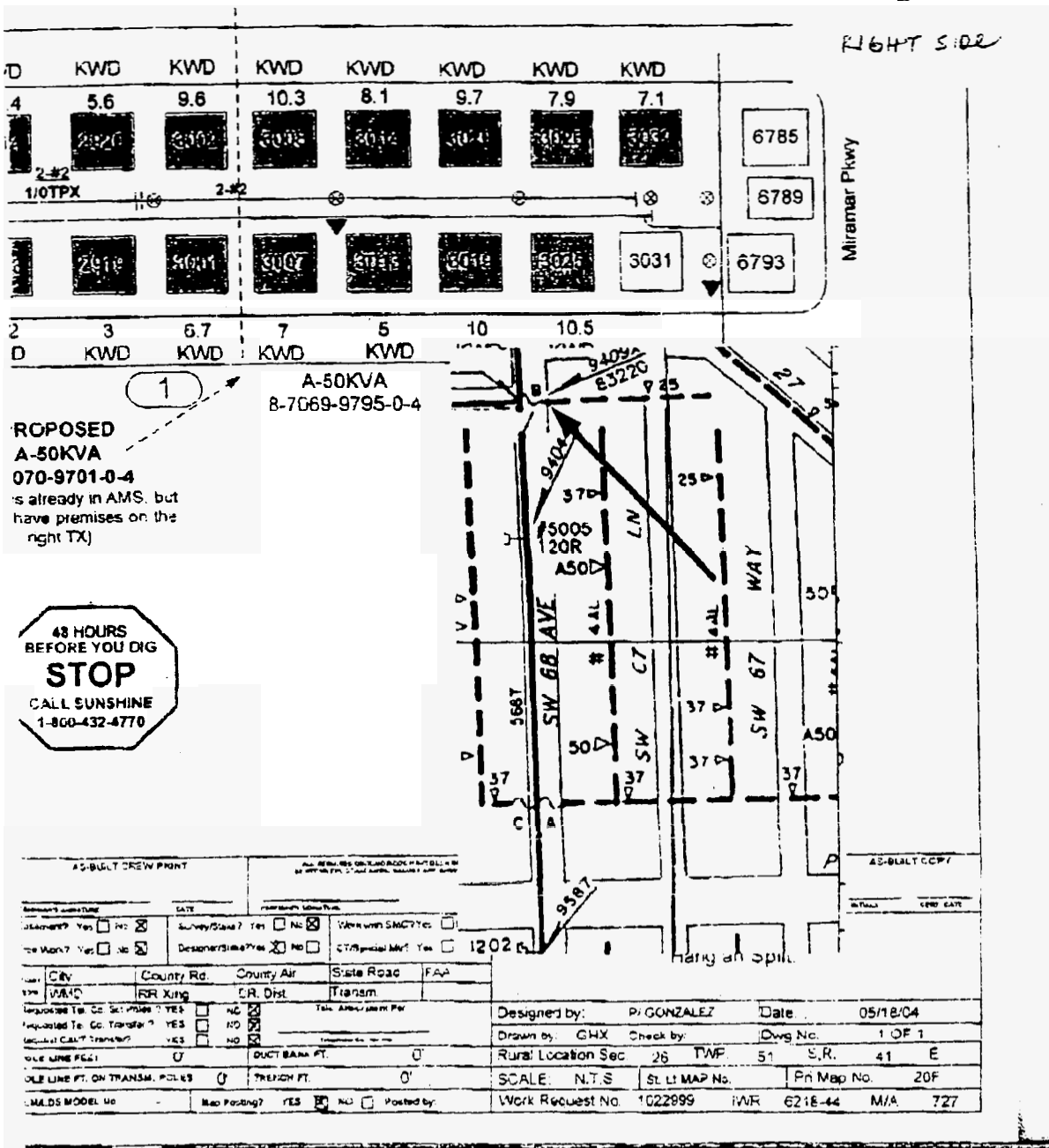
Equipment?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	S
True Work?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	CK
City	County	
WMD	RR Xing	
Requested Tel Co. Set Poles?	YES	
Requested Tel Co. Transfer?	YES	
Requesting CAUT Transfer?	YES	
POLE LINE FEET	0	
POLE LINE FT. ON TRANS. POLE		
FLAULDS MODEL	See	

May-19-04 07:08pm From-FPL RATES & TARIFFS 305 552 3849 T-480 P.011/013 F-07E

INACCESSIBLE
 13 KV
 FUTURE 23 KV
 23 KV
 SALT SPRAY



City of Miramar



Outage History

Service Interruptions from January 1, 1999 thru April 20, 2004

Date	1999	2000	2001	2002	2003	2004
# of interruptions	1	0	0	1	3	1

Detailed Information regarding service interruptions from January 1, 1999 thru April 20, 2004

DATE	POWER OFF	POWER ON	DEVICE TYPE	CAUSE/REMARKS
10/15/99	5557 minutes		Lateral	Hurricane Irene
9/30/02	8:00AM 35 minutes	8:35AM	Lateral	Unknown / Fuse Switch
7/2/03	2:22PM 27 minutes	2:49PM	Feeder	Tree /limb
9/27/03	5:04PM 121 minutes	7:05PM	Feeder	Lightning
12/15/03	2:17PM 19 minutes	2:36PM	Lateral	Crew Request (Planned)
4/8/04	7:04PM 56 minutes	8:06PM	Feeder	Equipment failed, Jumper/cause unknown

* October 15, 1999, Hurricane Irene (Trouble ticket is no longer available)

FPL records also reflect the following trouble tickets were generated to investigate a specific problem that was occurring at his residence:

1/26/02 Trouble Ticket 234 generated at approximately 2:33 pm. Customer remarks, please check lights flickering since power disconnected last week. (Disconnected for non payment) Restoration Specialist responded and reworked all connections at weatherhead. No other problems were found.

12/15/03. On December 15, 2003 a prearranged interruption was scheduled to upgrade existing facilities that serve Mr. Alcegueire's home as well as other neighboring customers. The service was disconnected at approximately 9:00 a.m. and transformer was upgraded. Service was reconnected prior to 12 noon. Later that day, the crew was required to make minor adjustments and the service was disconnected for approximately 20 minutes. In addition, on December 16, 2003 a prearranged interruption to complete the work was conducted. The service was disconnected at approximately 10:30 a.m. and restored at approximately 12:15 p.m.

12/16/03 Trouble Ticket 362 generated at approximately 11:37a.m. Mr. Alcegueire contacted Customer Service and reported he was without power. Restoration Specialist (RS) arrived and reported "no trouble found." Voltage was normal. (119V 119V 238V) Trouble ticket was completed at 12:34p.m.

2004-04-20 07:58 PM FPL-RATES & TARIFFS 305 550 3649 1 9 9 012/2013 F-075

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Momentary Power Interruptions from January 1, 2002 thru April 20, 2004

2002:

JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
0	0	0	0	2	0	3	0	0	0	1	1

2003:

JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
0	0	1	0	1	2	7*	2	5**	0	3	0

* 5 momentary power interruptions were associated with extended that occurred outage on 7/2/03
 ** All 5 momentary power interruptions were associated with extended outage that occurred on 9/27/03

2004:

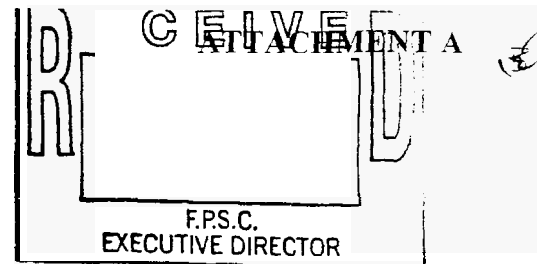
JAN	FEB	MARCH	APRIL
0	0	0	24*

* 12 of the 24 momentary power interruptions were associated with the extended outage that occurred on 4/8/04

308 562 2849
 1-480 P. 013/03 F-078

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From: Jude Alcegueire
To: Mary Bane



Dear Ms. Bane,

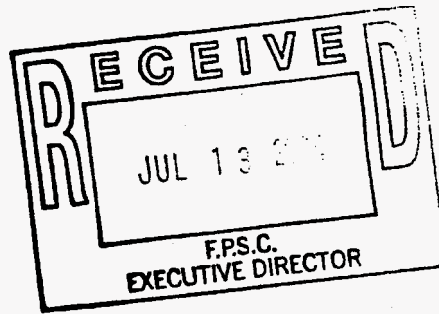
As you can recall our last conversation, I did promise you I will do anything possible in my part and attempt to resolve the conflict. In order to save time and tax payers' money but FPL refuses to provide me documents that are related to costumer policy and procedure. Also the lease I sent to FPL they only complied with one demand partially. FPL has informed me that their legal department refuses them to release those policies that relate to the costumer. Such as credit, deposit, outage, etc. therefore I have to contact the Attorney generals costumers division. Who has informed me, under state administrative law and constitution require if a company apply a policy to a costumer the costumer is entitled to verify if that policy is fair, non-bias, or prejudicial. Like any other company FPL should not violate state law when they apply this policy to the costumer. The Attorney division also informed me that the Florida public commission has the authority to subpoena any document a company refuses to provide voluntarily. In order for the state to conduct a fair, balance, impartial, and informal conference under state role and regulation. Ms. Bane I need you to take charge and make certain that no one at the public commission violate the law by (rushing) without applying the law of the state. I am ready to go for the informal conference when FPL provides those documents either to me or you, at any time you are ready.

Sincerely yours, Jude Alcegueire

CC: Miami Herald
CC: U.S. Department of Justice
CC: U.S. Civil Rights Division
CC: Office of the Attorney General

ORIGINAL

From: Judge Maguire
to: Mary Bane.



Cases:
445185 E
(445514 E)
446515 E
446116 E

ORIGINAL

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RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

STATE OF FLORIDA



EXECUTIVE DIRECTOR
MARY ANDREWS BANE
(850) 413-6068

Public Service Commission

July 29, 2004

Mr. Jude Alcegueire
2913 S. W. 68th Avenue
Hollywood, FL 33023

Re: PSC Inquiry Nos. 445185E, 446514E, 446515E, and 446516E

Dear Mr. Alcegueire:

Pursuant to our conversation on July 15th, I am responding to your request to be given another opportunity for an informal conference with Florida Power and Light Company (FPL). You maintain that you have not abandoned the informal process and that you are ready to participate in an informal conference when you have the information you requested from FPL. You indicated that FPL has still not provided the information you requested earlier, so, as promised, I met with PSC Staff and personally reviewed the list of information you requested and the responses FPL provided to you by letter dated May 18, 2004. I have attached a copy of your request and the information provided by FPL. PSC Staff has added sheets within the FPL response to clearly indicate which material is responsive to each of your 12 items. There is a response for every item on your list.

Commission Rule 25-22.032, Florida Administrative Code, sets forth the informal complaint process. Pursuant to this rule, once a complaint is filed and a party does not agree with the proposed resolution, an informal conference may be held in an attempt to resolve issues that remain in dispute. During an informal conference, the Commission's staff facilitates the discussion, and all parties are encouraged to participate fully and reach a fair settlement. We have attempted to have an informal conference on four occasions over the last year, all of which were unsuccessful because of your refusal to participate. Let me briefly remind you of our efforts.

- 1) Informal telephone conference scheduled for September 18, 2003

By letter dated August 29, 2003, Staff notified you of an informal conference scheduled for September 18, 2003. This conference was to be held via a telephone conference call. On September 2, 2003, you contacted Staff and expressed concerns with having an informal conference via telephone. You insisted that you wanted to have a "face-to-face" meeting with the company and Commission staff. As a result, the informal conference was cancelled to allow Staff and the parties to make travel arrangements in order to conduct the informal conference in Miami, Florida.

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Internet E-mail: contact@psc.state.fl.us

Mr. Jude Alcegueire
Page 2
July 22, 2004

2) Informal conference scheduled for December 12, 2003 in Miami

Friday, December 12, 2003, Staff traveled from Tallahassee to Miami to hold an informal conference to address your complaints. In addition to Staff from the Commission, employees of FPL were present to try to reach some resolution. You arrived an hour late and then refused to participate. In essence, by refusing to participate, you abandoned the informal complaint process. Subsequently, you were notified by letter from the PSC General Counsel, Rick Melson, dated March 9, 2004, that the PSC was closing the informal complaints and that you must file a written, formal complaint if you wished to further pursue your complaints.

3) Informal telephone conference scheduled for April 29, 2004

On April 14, 2004, you and I spoke by phone and you insisted that you be given another opportunity for an informal conference. In agreeing to revert to the informal process, I accommodated your request for another chance to resolve your complaints without your having to file a formal complaint, and an informal conference was scheduled.

On April 29, Staff attempted to conduct an informal conference via telephone. During that conference, you insisted that you were not prepared and needed some documents/information from FPL. While there was a brief exchange of dialogue between the parties, you insisted that this meeting not be considered an informal conference because FPL did not provide you with the documents you need to support your case. Staff ended the conference and you were instructed to fax a list of all of your needs to the company, and the company was instructed to respond.

A request for documents was faxed to FPL on May 10. On May 18, an FPL representative came to your home and hand-delivered its response to your request. The FPL response was also provided on May 24 to PSC Staff who reviewed your request and the company's response and determined that all of the requested information had been provided.

To further try to assist you, a PSC engineer visited your residence on June 1 and examined your meter and the lines in the vicinity of your house. The engineer noted a number of trees which needed trimming and which could create momentary interruptions to your electric service.

4) Informal telephone conference scheduled for July 14, 2004

By letter dated June 23, 2004, Staff offered you various dates that were available to conduct your informal conference. The letter clearly stated that if you did not select a date, your informal conference would be held on July 14. Since you did not select a date, the informal conference was scheduled as specified in the letter. On Friday, July 9, Staff contacted you to remind you of the upcoming informal conference. Staff attempted to contact you via telephone several times on July 14, 2004, to begin the informal conference. Rather than participate in the informal conference, you phoned me and left a message saying that FPL had not responded to your request for information. When I returned your call, I reached your answering machine and left a message explaining that the July 14 informal conference was your last opportunity to participate in an informal conference and that the next step would be to take your complaints to the commissioners. You did not participate.

Mr. Jude Alcegueire
Page 3
July 22, 2004

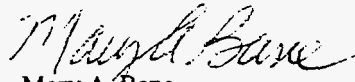
We have made four attempts to address your complaints through the informal complaint process. All four attempts have been unsuccessful. For this reason, I believe it is appropriate for Staff to proceed to the next phase of the complaint process, which is to present your complaints to the Commissioners.

In August 2004, Staff will prepare a recommendation to the Commissioners on how your complaints should be resolved. The Commissioners, who must base their decision on Florida's rules and statutes, will vote on Staff's recommendation in September 2004 during an agenda conference.

Staff will notify you once the recommendation is filed and you will receive a copy of the recommendation along with information on how you can participate in the agenda conference. If you are not happy with the Commissioners' decision, you will have the opportunity to protest that decision and request a hearing where evidence may be presented and sworn testimony taken.

I regret that we have been unable to resolve your complaints through the informal mediation process, but I am convinced that we need to move forward with the next step in the complaint process.

Sincerely,



Mary A. Bane
Executive Director

MAB/rh

cc: Richard D. Melson, General Counsel
Martha Carter Brown, Attorney
Rhonda L. Hicks, Bureau of Complaint Resolution

STATE OF FLORIDA

COMMISSIONERS:
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J. TERRY DEASON
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CHARLES M. DAVIDSON



TIMOTHY DEVLIN, DIRECTOR
DIVISION OF ECONOMIC REGULATION,
(850) 413-6900

Public Service Commission

October 27, 2004

Mr. Jude Alcegueire
2913 S.W. 68 Avenue
Miramar, Florida 33023

**RE: Docket No. 041169-EI - Complaint Nos. 445185E, 446514E, 446515E, and 446516E
Filed by Mr. Jude Alcegueire against Florida Power & Light Company**

Dear Mr. Alcegueire:

Per our October 27, 2004 telephonic conversation, attached is a copy of Rule 25-22.032, Florida Administrative Code entitled General Commission Staff Complaint Investigation.

As we discussed, I plan to attach to the staff recommendation correspondence from you explaining your side of the story. The Commission agenda vote has been changed to November 30, 2004. Please send me by November 12, 2004 a letter showing what is wrong with the staff recommendation. Based on what is in the file and anything you send me by November 12, staff may change its recommendation.

Also attached is a copy of the staff recommendation that was scheduled for the November 2, 2004 Agenda. As I am sure you are aware, the Commission may vote to approve, deny, or modify any staff recommendation submitted to it.

Sincerely,

Joseph D. Jenkins
Assistant Director
Division of Economic Regulation

JDJ/ms
Attachments

cc: w/o Attachment:
Docket File No. 041169-EI