

ORIGINAL

Timolyn Henry

070359 - EI

From: Sylvester Herrera [slymaster02@msn.com]
Sent: Monday, June 04, 2007 6:56 PM
To: Filings@psc.state.fl.us
Subject: FORMAL PETITION
Attachments: PSC Petition 060407.pdf

Attached are the petition and certificate of service in one PDF document as requested.

Sylvester Herrera
Tel. 561-846-0070
Fax: 866-377-3932

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DOCUMENT NUMBER-DATE

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6/5/2007

STATE OF FLORIDA PUBLIC SERVICE COMMISSISON

SYLVESTER HERRERA)	PSC Case No. 715144E
)	
Complainant)	
)	COMPLAINT FOR IMPROPER BILLING
v.)	
)	
FLORIDA POWER & LIGHT COMPANY)	
)	
Respondent.)	
)	

FORMAL PETITION FOR RELIEF

COMES HERE NOW Sylvester Herrera Complainant, and request the Commission grant him the relief sought against FPL for improper billing. This Complainant filed an informal complaint with the Public Service Commission against FPL on December 01, 2006. The complaint could not be resolved at the informal level, hence the instant petition.

1. FPL improperly billed (overbilled) my account, 08122-25571 at 1416 Donwoods Lane Royal Palm Beach, FL 33411, during the months of January 2006 to October 2006. Particularly during the months of May 2006 through October 2006.

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2. The high billings are especially egregious during the months of July 2006 through October 2006 when the residence was only occupied on Saturday nights and Sundays. The only appliances drawing any electricity were the air conditioning unit left on automatic (at 80 degrees) and the refrigerator.
3. After the meter was replaced on October 12, 2006 the amount of kilowatts used was reduced by half. The use of kilowatts since then has remained far under the usage calculated by FPL during the same months in 2006.
4. An e-mail requesting a meter check of the meter installed during the months in question (January 2006 to October 2006) was sent to FPL on October 11, 2006, one day after they removed the meter #5C80028. The replacement meter (digital meter 7C14852) was not installed until October 12, 2006. The request for the meter check and the payment for reconnection were done online via FPL's website, minutes from each other on the night of October 11, 2006.
5. A confirmation e-mail for the payment and the meter check request were sent on October 12, 2006 at 7:08 am and at 7:16 am, respectively. FPL's email records show that they received my meter check request at 10:33 pm on October 11, 2006¹. If FPL had sufficient turn around time to install a

¹ This is one day after the meter was removed but no meter was installed as replacement yet. The fact that FPL received my payment in sufficient time to replace my meter on October 12, 2006 is also proof that they received my meter check request in a timely manner in order to act on it. There is proof (in an FPL letter dated October 26, 2006) that FPL still had possession of the meter at least until October 26, 2006. The defense that FPL had no obligation to retain a meter they removed, leaves unanswered a very relevant question as to why would FPL replace a meter less than two years old, which was allegedly functioning properly, absent a customer complaint? Since FPL has no record showing when the meter was destroyed, or whether in fact it was

new meter upon receipt of my electronic payment, then it can be reasonably deduced that they had sufficient time to act on my request for a meter check of meter #5C80028.

6. FPL had an obligation under, **Rule 25-6.094 Complaints and Service Requests**. (1) The utility shall make a full and prompt [emphasis added] investigation of all customer complaints and other service requests", [emphasis added] to "promptly" investigate my complaint. FPL failed to comply. FPL's willful failure resulted in injury to this appellant, to wit meter #5C80028 status remained a secret from this Complainant and his request for a meter check went unaddressed.

7. Further evidence that meter #5C80028 was faulty, is the observation by the FPL collector, that if the same meter was reinstalled, it ran the risk of damaging the electrical equipment at this Complainant's residence.

8. FPL has no policy stating that all meters must be removed when the power is disconnected for non-payment².

9. FPL's willful failure to investigate or test a faulty meter, especially after one of their own collectors made a claim that such meter was faulty to the point that it required replacement is inconsistent with fair dealings with its customers. A "faulty meter" discovered by FPL should have been tested to determine whether or not FPL was erroneously billing a client. FPL's failure to conduct a

destroyed, one must rely on the October 26, 2006 letter that the meter in question was still available.

²This Complainant has a witness whose electric service was disconnected for non-payment yet FPL did not remove the meter. Absent such blanket policy, why would FPL deem fit to remove the meter at this Complainant's residence?

meter check under these circumstances would lead any prudent and reasonable person to believe that FPL is not treating its customers fairly when it may not be in FPL's favor.

This Complainant is fully persuaded that the meter removed from his residence on October 10, 2006 was faulty and that FPL received a timely request for a meter check of said meter. That FPL purposely and willfully failed to conduct such test upon request and after one of their own collector's came to the conclusion that said meter was faulty to the point that it may cause damage to the electrical components at this Complainant's residence if re-installed. The fact that the kilowatts usage was reduced by half after the installation of the new digital meter is further proof that said meter was improperly recording the usage, resulting in the improper billing.

Based on the foregoing this Complainant requests his Complaint be fully investigated and that he be granted the proper relief from FPL (adjust the billing from January 2006 to October 2006 and credit this Complainant accordingly).

Dated this 02nd , day of June 2007

s/Sylvester Herrera

Sylvester Herrera
1416 Donwoods Lane
Royal Palm Beach, FL 33411
Tel. No. (561)846-0070
Fax No. (866)377-3972

CERTIFICATE OF SERVICE

I certify that the attached document(s) was (were) sent by regular mail, unless otherwise indicated below, on this day, June 04, 2007, to each of the following:

Florida Power and Light Company
P.O. Box 029100
Miami, FL 33102-9100