

State of Florida



Public Service Commission

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

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COMMISSION
CLERK

DATE: February 21, 2013

TO: Office of Commission Clerk (Cole)

FROM: Office of the General Counsel (Lawson) *RL*
Office of Consumer Assistance and Outreach (Forsman, Hicks) *FC*
Division of Economics (King) *RL*
Division of Engineering (Moses) *JWO*

RE: Docket No. 120176-EI – Complaint of Frederick Smallakoff against Progress Energy Florida, Inc. concerning alleged improper bills, Case No. 1059336E.

AGENDA: 03/05/13 – Regular Agenda – Proposed Agency Action - Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Balbis

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: Please place on the Agenda immediately following staff's recommendation in Docket No. 060774-EI

FILE NAME AND LOCATION: S:\PSC\GCL\WP\120176.RCM.DOC

Case Background

This consumer complaint was initially filed informally with the Commission's Office of Consumer Assistance and Outreach (CAO) on April 4, 2012.¹ In the complaint, Mr. Smallakoff alleged that his electric bills for his account with Progress Energy Florida, Inc. (PEF) were unusually high. The total amount in dispute is \$320, in which he claimed his February, March and April 2012 bills were excessive. Mr. Smallakoff further complained of an improper

¹ Complaint Number 1059336E

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

additional deposit being levied against him, an improper disconnection of electrical service, and disputed the subsequent reconnection fee. Staff's informal investigations regarding Mr. Smallakoff's complaint indicate that the meter tests and voltage studies that PEF conducted at Mr. Smallakoff's residence were correctly performed, and that the facilities were operating within the Commission specified limits. Furthermore staff has reviewed Mr. Smallakoff's billing history, and it appears from the information provided that the account has been billed consistent with PEF's tariff and the Commission's rules and statutes. The following list is a summary of all of the investigative activity that has been performed on behalf of Mr. Smallakoff in an effort to address his complaint.

1. March 23, 2010 – PEF visited Mr. Smallakoff's residence and tested meter number 001438327. The results of the meter test were: full load - 100.10%, light load - 100.11%, which yielded a weighted average of 100.10%. These results confirmed that the subject meter was recording electric consumption accurately in accordance with Rule 25-6.052(2), Florida Administrative Code (F.A.C.), which requires that a meter, when tested, must not register less than 98% or no more than 102%. Although conducted prior to the initiation of this complaint the results of this test were used to evaluate this complaint.
2. March 20, 2012 – PEF records indicate Mr. Smallakoff's service was interrupted for an alleged past due balance in the amount of \$265.90. Mr. Smallakoff stated he would pay the balance under duress and made the payment in person at a pay station later that day. Mr. Smallakoff's service was restored several hours later. PEF also imposed an additional security deposit of \$280.00, which represented two months' average billing. Subsequently, PEF agreed to break the requested deposit into six monthly installments of \$46.67.
3. March 28, 2012 - PEF visited Mr. Smallakoff's residence a second time and tested meter number 001438327. The results of the meter test were: full load-100.13%, light load - 100.13%, which yielded a weighted average of 100.13%. These results confirmed that the subject meter was recording electric consumption accurately in accordance with Rule 25-6.052(2), F.A.C.
4. March 29, 2012 – At the request of Mr. Smallakoff, PEF removed meter number 001438327 and replaced it with a new meter identified as meter number 006292750.
5. April 3, 2012 – PEF completed a shop test of meter number 001438327, the results of this third meter test were: full load - 100.09%, light load - 100.09%, which yielded a weighted average of 100.09%. These results confirmed that the subject meter was recording electric consumption accurately in accordance with Rule 25-6.052(2), F.A.C.
6. April 5, 2012 – A PEF Senior Consumer Affairs Associate assigned to Mr. Smallakoff's case recommended and offered to organize a Home Energy Audit of Mr. Smallakoff's residence to identify any inefficiencies which may have an

adverse impact on Mr. Smallakoff's utility bills. Mr. Smallakoff declined this offer.

7. April 23, 2012 – CAO staff reviewed PEF's response to Mr. Smallakoff's complaint. Upon reporting its findings back to Mr. Smallakoff, he stated that CAO's response was incorrect with regards to its review of his account and the meter tests.
8. April 24, 2012 – Based on Mr. Smallakoff's continued dissatisfaction the complaint was forwarded to the Process Review Team for escalation to the process review phase of the complaint progression in accordance with Rule 25-22.032(7), F.A.C.
9. April 24, 2012 – Pursuant to Rule 25-22.032(3), F.A.C., PEF was sent notice that PEF must notify the Commission of all communications it has with Mr. Smallakoff and that PEF could not disconnect Mr. Smallakoff for nonpayment of the disputed amount. On numerous occasions, staff has informed Mr. Smallakoff that he is not obligated to pay the disputed amount (\$320) until this complaint is resolved. He has also been frequently informed that he is still required to pay for the undisputed amounts he incurs on a monthly basis.
10. May 4, 2012 – PEF conducted a second shop test of meter number 001438327 in the presence of Commission Engineering Safety staff. The results of this test were full load: 100.12%, light load: 100.12%, which yielded a weighted average of 100.12%. Staff subsequently conducted its own test using a Commission-owned Probewell portable meter tester. The results of the staff meter test were full load: 100.14%, light load: 100.16%, which yielded a weighted average of 100.26%. Staff reported that an inspection of meter number 00143827 found no conditions indicative of meter tampering. Staff also indicated that the minor variations between the five tests of the meter were well within the expected variations of tests conducted on different days, under variable conditions and with different kinds of equipment.
11. May 15, 2012 – The Process Review Group sent a letter to Mr. Smallakoff summarizing its review of his account activity and electrical consumption from April 2010 to March 2012. Staff stated that it appears that PEF has complied with all applicable statutes, rules, tariffs and orders of this Commission. As a result of Mr. Smallakoff's continued dissatisfaction and his objection to the Process Review Group's findings, the Consumer Affairs Office referred this complaint for Administrative Review to determine if informal complaint action was necessary or if the complaint should become the subject of a formal proceeding.
12. June 4, 2012 – After a review of the complaint file, legal staff sent Mr. Smallakoff another letter presenting staff's analysis and conclusions and included copies of an account audit summary and account energy consumption summary prepared by staff. Legal staff concurred with the Process Review Group's conclusion that it

appears PEF had complied with all applicable statutes, rules, tariffs and orders of this Commission.

13. June 19, 2012 – The Commission Clerk received a written request from Mr. Smallakoff to open a formal complaint against PEF. This docket was subsequently opened.
14. July 18, 2012 – Mr. Smallakoff contacted legal staff to complain about a disconnection notice he had received. Subsequently PEF indicated it had sent out an automated notice, possibly in error, and promptly sent a notice to the customer to disregard the cutoff notice.
15. On September 20, 2012 staff agreed to provide Mr. Smallakoff additional time to provide documentation and to bring this matter and a separate complaint by Mr. Smallakoff regarding Florida Power & Light Company in Docket No. 060774-EI before this Commission simultaneously. Mr. Smallakoff was notified by mail of this extension.
16. September 26, 2012 –A letter was sent to Mr. Smallakoff requesting that he furnish any information he may have in support of his complaint.
17. On November 20, 2012 – Legal staff had not received a response to its September 26, 2012 letter; therefore, a second request was sent via certified mail. The certified letter was returned as unclaimed and the letter was resent via first class mail.

This recommendation addresses the appropriate disposition of Mr. Smallakoff's complaint against PEF. The Commission has jurisdiction over this matter pursuant to Section 366.04, Florida Statutes (F.S.).

Discussion of Issues

Issue 1: What is the appropriate disposition of Mr. Smallakoff's complaint?

Recommendation: Mr. Smallakoff's complaint should be denied and he should pay the outstanding amount of \$340 as previously billed by the utility. It appears that Mr. Smallakoff's account was properly billed in accordance with Commission statutes, rules, and PEF's tariffs. Based on documentation provided, an audit of the account indicates that the account balance is accurate. The additional deposit has been accurately calculated and assessed. Furthermore, it does not appear that PEF has violated any jurisdictionally applicable provision of the Florida Statutes, the Florida Administrative Code, or its tariff in the handling of Mr. Smallakoff's account. (Lawson)

Staff Analysis:

Alleged Excessive Usage and Billing

The focus of the complaint has been an assertion of excessive billing. Mr. Smallakoff maintains that his bills for February, March, and April 2012 were abnormally high and that his electric usage could not have legitimately increased by such a large percentage.

In order to more clearly understand this claim, staff reviewed PEF's electric consumption history for Mr. Smallakoff's service address for the 24-month period of April 28, 2010, through March 27, 2012, which encompassed 729 days. For analytical purposes, staff prepared the attached Account Energy Consumption Comparison Summary (CCS) for that period of time. (Attachment A)

Comparison Chart 1 reflects a side-by-side comparison of kilowatt hour (kWh) usage for the 729-day period from April 28, 2010, through March 27, 2012. As reflected on Chart 1, during the 364-day period from April 28, 2010, through March 28, 2011, Mr. Smallakoff consumed 15,581 kWh, an average daily usage of 43 kWh (line 13, column G). For the corresponding 365-day period from April 27, 2011, through March 27, 2012, Mr. Smallakoff consumed 13,701 kWh, an average daily usage of 38 kWh (line 13, column N), which is a moderate decrease of 11.6 percent from the previous year. Highlighted lines 9 through 12, columns A through G and columns H through N indicate the typical expected seasonal usage spike that occurs during the winter and early spring season, which occurs due to lower temperatures. Comparison Chart 1 does not reflect any unusual trends or extraordinary anomalies that would indicate skewed or disproportionate kWh consumption; in fact, as noted, Mr. Smallakoff's kWh usage actually decreased from the previous year. Generally speaking, the comparison chart reflects rather consistent usage from one year to the next.

Comparison Chart 2 represents Mr. Smallakoff's kWh usage for 2010 and 2011 for the eight-month period immediately preceding the seasonal spike periods identified on lines 9 through 12. As reflected, Comparison Chart 2 does not reflect any unusual trends or extraordinary anomalies that would indicate skewed or disproportionate kWh consumption; in fact, as noted, Mr. Smallakoff's kWh usage actually decreased from the previous year.

Generally speaking, the comparison chart reflects remarkably consistent usage from one year to the next.

Comparison Chart 3 compares Mr. Smallakoff's kWh consumption during the seasonal winter spike period of December 23, 2010, through March 28, 2011, and for the same period of December 27, 2011, through March 27, 2012, which is the period of time of the disputed billing statements. It appears that as compared to the 2010/2011 period, Mr. Smallakoff's 2011/2012 billed kWh usage decreased significantly. Average daily kWh usage decreased by 20.3 percent from 59 (line 27, column G) to 47 (line 27, column N). However, according to the National Weather Service, the winter of 2011/2012 was exceptionally mild; subsequently, it would be expected that Mr. Smallakoff's electric consumption would decrease from the previous year. Also note that winter peak period kWh consumption was the lowest it has been in three years.

Meter Testing

On rare occasions, a defective or malfunctioning electric meter can contribute to unusually high or low electric bills. As a result, PEF conducted a meter test at Mr. Smallakoff's residence on March 28, 2012. The results of the test confirmed the meter was functioning properly within guidelines established by this Commission. On March 29, 2012, meter number 001438327 was removed from the Smallakoff residence (at his request) and replaced with meter number 006292750. On April 3, 2012, PEF performed a bench test of meter number 001438327 at its facilities. For a second time, the results of the test confirmed that the meter was functioning properly within guidelines established by this Commission.

In accordance with Rule 25-6.060, F.A.C., Meter Test – Referee, at the request of staff, on May 4, 2012, a witnessed inspection and meter test was performed on meter number 001438327, the meter previously removed from the Smallakoff residence on March 29, 2012. Staff witnessed the test at PEF's facilities. For a third time, the results of the test confirmed that the meter was functioning properly within Commission guidelines. This confirmation was further validated by an independent test conducted by staff with a Commission-owned Probewell Portable Meter Tester, which obtained the same results. Furthermore, there was no evidence of meter tampering.

Staff notes that on March 23, 2010, prior to the events in this complaint, PEF had conducted a test of meter number 001438327 at the Smallakoff residence, and at that time the results indicated the meter was functioning properly within guidelines established by this Commission.

Account Audit Summary

Staff prepared a chronological summary of actions taken by PEF in order to investigate and address any concerns raised by Mr. Smallakoff. Staff also prepared the attached Account Audit Summary (Attachment B), which reflects all transactions applied to Mr. Smallakoff's account for the period of April 6, 2010, through April 28, 2012.

The chronological summary and Account Audit Summary indicate that Mr. Smallakoff's account history, over time, has been relatively consistent in terms of power consumption and billing assessments. It also suggests considerable interaction between Mr. Smallakoff and PEF most likely involving disputes over billing amounts, late fees and other service fees. Regardless of the outcome of these disputes, the Account Audit Summary indicates that PEF has promptly applied the relevant credits or debits to Mr. Smallakoff's account and appears to have followed all relevant Commission rules, statutes and tariffs. Several significant facts are emphasized in the following chronology in reference to data on the Account Audit Summary which demonstrate both the interaction between the utility and the customer, as well the manner in which PEF managed Mr. Smallakoff's account:

1. March 29, 2010 - As reflected on line 1, column K of the Account Audit Summary, the account balance as of March 29, 2010, was \$496.36.
2. April 6, 2010 - As reflected on line 2, column H, the account was assessed a reconnection charge in the amount of \$40.00. This yielded an account balance of \$536.35 (line 2, column K).
3. April 26, 2010 - The reconnection charge billed to the Smallakoff account on April 6, 2010, was waived and the account was issued a credit adjustment of \$40.00 as reflected on line 4, column J. This yielded a new account balance of \$503.80 (line 4, column K).
4. April 28, 2010 - July 27, 2010 - Specific identified electric account debits and credits during this period of time are reflected on lines 5 - 52. The audit indicates that these debits and credits were properly applied to the account and that the account balance of \$446.17 as of July 27, 2010, is accurate.
5. August 1, 2011 - As reflected on line 53, column G, the account was assessed a reconnection fee in the amount of \$50.00, which yielded a new account balance of \$496.17 (line 53, column K).
6. August 3, 2011 - February 27, 2012 - Specific identified electric account debits and credits during this period of time are reflected on lines 54 - 71. The audit indicates that these debits and credits were properly applied to the account and that the account balance of \$451.87 as of February 27, 2012, is accurate (line 71, column K).
7. March 20, 2012 - As reflected on line 72, column G, the account was assessed a reconnection charge in the amount of \$40.00. This yielded an account balance in the amount of \$491.87 as of March 20, 2012 (line 73, column K).
8. March 21, 2012 - March 27, 2012 - Specific identified electric account debits and credits during this period of time are reflected on lines 73 - 75. The audit indicates that these debits and credits were properly applied to the account and that the account balance of \$334.52 as of March 27, 2012, is accurate (line 75, column K).

9. March 27, 2012 - A deposit assessment in the amount of \$280.00 was assessed to the account on March 20, 2012. On March 26, 2012, PEF agreed to break payment of the deposit into six payments of \$46.67 each. The first deposit assessment payment of \$46.67 was posted to the account on March 27, 2012 (line 76, column G). This resulted in a new account balance in the amount of \$381.19 (line 76, column K).
10. April 26, 2012 - The account balance as of this date is \$285.94 as reflected on line 79, column K.

Alleged Improper Disconnection

When the complaint was filed on April 4, 2012, Mr. Smallakoff indicated that his electric service was improperly disconnected without notice. As stated in Rule 25-6.105(5)(g), F.A.C., PEF or any other regulated electric utility may discontinue or refuse service for non-payment after a diligent attempt has been made to collect the unpaid amount, including at least five working days' written notice to the customer. PEF reported that on February 17, 2012, it sent a late notice that the account was past due by \$265.90 (an undisputed amount which is not subject to this complaint). PEF further reported that Mr. Smallakoff contacted the company on March 14, 2012, attempting to obtain a payment extension for the past due amount. The payment extension request was denied. Additionally, a March 2012, billing statement for the billing period of January 26, 2010, through February 27, 2012, provided a statement: "Your account has a past due amount of \$265.90 and electric service may be disconnected. Please pay immediately." PEF further reported that Mr. Smallakoff did not heed the notice and no payment was received. Subsequently, in accordance with Rule 25-6.105, F.A.C., service was disconnected on March 20, 2012. Therefore, it appears that service was properly disconnected at that time in compliance with the rule.

Disputed Reconnection Fee

Mr. Smallakoff disputed a reconnection fee of \$40.00 that was billed to his account in association with the disconnection referenced above. It is his belief that he should not have been charged a reconnection fee, since he claimed he received no notice of disconnection. As previously explained, it appears that he was given proper notice of disconnection. Furthermore, in accordance with PEF's Tariff, Section No VI, Eighteenth Revised Sheet No. 6.110, Establishment of Service, section 4, PEF is allowed to bill his account a charge of \$40.00 for the reconnection of service after the service was disconnected for non-payment. It does not appear that PEF was in violation of any Commission rule or its tariff in assessing his account a reconnection fee of \$40.00.

Alleged Unjustified and Excessive Deposit

Mr. Smallakoff complained that he was unjustly assessed an additional deposit in the amount of \$280.00. On March 20, 2012, Mr. Smallakoff's service was interrupted due to alleged non-payment. Upon receipt of \$265.90 later that day, Mr. Smallakoff's service was restored and he was mailed a notice advising him that a security deposit in the amount of \$280.00 would be required. This new deposit was in addition to an earlier deposit that was required at the time

service commenced. The assessed deposit of \$280.00 was calculated consistent with PEF's tariff, by adding the previous 12 months billing yielding total charges of \$1,694.11. PEF then divided that amount by 12 months yielding an average monthly billing in the amount of \$141.18. PEF then multiplied \$141.18 by two for a total of \$282.36. PEF's policy is to round down the deposit index to the nearest multiple of five, yielding a deposit index of \$280.00.

In accordance with Rule 25-6.097(3), F.A.C., Customer Deposits, a utility may at any time require a new or additional deposit in order to secure payment of current bills. In doing so, the utility must provide at least 30 days' written notice separate and apart from any bill for service and shall explain the reason for the new or additional deposit. Furthermore, the new or additional deposit may not exceed an amount equal to twice the average charges for actual electric usage for the twelve month period immediately prior to the date of notice. PEF's Tariff Section No. IV, Third Revised Sheet No. 4.070, section 7.03, reflects Rule 25-6.097(3), F.A.C., by stating that "The Company (PEF) may require upon written notice of not less than thirty (30) days a new deposit, where previously waived or returned, or additional deposit in order to secure payment of current bills."

Based on information provided by PEF, it appears that the utility sent a separate notice to Mr. Smallakoff assessing an additional deposit of \$280.00 based on its statement that his payment history warranted an additional deposit to secure payment for current services. Payment of the deposit was not due for thirty days after the delivery of the notice and at the request of Mr. Smallakoff, payment of the deposit was broken into six monthly installments of \$46.67. The method used to calculate the additional deposit yields an amount that is slightly less than twice the average charges for actual electric usage for the twelve month period immediately prior to the date of notice as specified by Rule 25-6.097(3), F.A.C., Therefore, it does not appear that PEF was in violation of Rule 25-6.097(3), F.A.C., or its tariff in assessing Mr. Smallakoff's account a deposit of \$280.00.

Conclusion

Staff conducted a thorough and complete investigation of this matter and believes that PEF has complied with its tariff, and all applicable statutes and rules of the Commission. Based on the information provided to staff, it appears that Mr. Smallakoff's account was properly billed in accordance with Commission rules, statutes, and PEF's tariffs. Based on the documentation provided, an audit of the account indicates that the account balance is accurate. Mr. Smallakoff has presented no documentation or evidence that supports his contention that he was improperly billed or that his electric consumption is excessive; in fact, the available information indicates his usage is the lowest it has been in three years. Staff believes the additional deposit assessment has been accurately calculated and assessed. Furthermore, it does not appear that PEF has violated any jurisdictionally applicable provision of the Florida Statutes, the Florida Administrative Code, or its tariff in the handling of Mr. Smallakoff's account. Therefore, staff recommends that the Commission should deny Mr. Smallakoff's complaint and should pay the outstanding amount of \$340.00 as previously billed by the utility.

Docket No. 120176-EI
Date: February 21, 2013

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected files a protest to the Commission's proposed agency action order within 21 days, the docket may be closed upon issuance of a consummating order. (Lawson)

Staff Analysis: If no person whose substantial interests are affected files a protest to the Commission's proposed agency action order within 21 days, the docket may be closed upon issuance of a consummating order.

Account Energy Consumption Summary
 Frederick Smallakoff
 FPSC Complaint Number 1059336E
 Progress Energy Florida - Account Number 37972-55696
 Service Address - 6651 Coronet Dr., New Port Richey, FL 34655

ORIGINAL

Comparison Chart 1														
2010/2011							2011/2012							
	A	B	C	D	E	F	G	H	I	J	K	L	M	N
	Meter Read Date	Previous Reading	Current Reading	Read Type	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)	Meter Read Date	Previous Reading	Current Reading	Read Type	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)
1	4/28/2010	68480	69280		800	30	27	4/27/2011	84061	84843	Actual	782	30	26
2	5/27/2010	69280	70202		922	29	32	5/26/2011	84843	85748	Actual	905	29	31
3	6/25/2010	70202	71322		1120	29	39	6/27/2011	85748	87138	Actual	1390	32	43
4	7/27/2010	71322	72547		1225	32	38	7/27/2011	87138	88249	Actual	1111	30	37
5	8/26/2010	72547	73701		1154	30	38	8/25/2011	88249	89367	Actual	1118	29	39
6	9/27/2010	73701	74870		1169	32	37	9/26/2011	89367	90425	Actual	1058	32	33
7	10/27/2010	74870	75681		811	30	27	10/26/2011	90425	91245	Actual	820	30	27
8	11/24/2010	75681	76765		1084	28	39	11/28/2011	91245	92154	Actual	909	33	28
9	12/23/2010	76765	79200		2435	29	84	12/27/2011	92154	93456	Actual	1302	29	45
10	1/29/2011	79200	81592		2392	34	70	1/26/2012	93456	95508	Actual	2052	30	68
11	2/24/2011	81592	83215		1623	29	56	2/27/2012	95508	96934	Actual	1426	32	45
12	3/28/2011	83215	84061		846	32	26	3/27/2012	96934	97762	Actual	828	29	28
13	TOTALS				15581	364	43	TOTALS				13701	365	38

As indicated on Comparison Chart 1, for the period of 4/28/10 through 3/28/11, Mr. Smallakoff's total electric consumption was 15,581 kWh (line 13, column E), an average daily usage of 43 kWh (13, G). As shown on 13, L & N, for the approximate same time period of 4/27/11 through 3/27/12, Mr. Smallakoff's average daily electric consumption decreased by 11.6% to 13,701 kWh total for the period, or an average daily usage of 38 kWh. Lines 9 through 12, columns A through G and columns H through N indicate an apparent seasonal usage spike that occurs during the winter and early spring season - most likely due to lower temperatures.

Account Energy Consumption Summary
 Frederick Smallakoff
 FPSC Complaint Number 1059336E
 Progress Energy Florida – Account Number 37972-55696
 Service Address – 6651 Coronet Dr., New Port Richey, FL 34655

ORIGINAL

Comparison Chart 2														
2010							2011							
A	B	C	D	E	F	G	H	I	J	K	L	M	N	
Meter Read Date	Previous Reading	Current Reading	Read Type	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)	Meter Read Date	Previous Reading	Current Reading	Read Type	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)	
14	4/28/2010	88480	69280		800	30	27	4/27/2011	84061	84843	Actual	782	30	26
15	5/27/2010	69280	70202		922	29	32	5/28/2011	84843	85748	Actual	905	29	31
16	6/25/2010	70202	71322		1120	29	39	6/27/2011	85748	87138	Actual	1390	32	43
17	7/27/2010	71322	72547		1225	32	38	7/27/2011	87138	88249	Actual	1111	30	37
18	8/26/2010	72547	73701		1154	30	38	8/25/2011	88249	89367	Actual	1118	29	39
19	9/27/2010	73701	74870		1169	32	37	9/26/2011	89367	90425	Actual	1058	32	33
20	10/27/2010	74870	75681		811	30	27	10/26/2011	90425	91245	Actual	820	30	27
21	11/24/2010	75681	76765		1084	28	39	11/26/2011	91245	92154	Actual	909	33	28
22	TOTALS				8285	240	35	TOTALS				8093	245	33

Comparison Chart 2 represents Mr. Smallakoff's kWh usage for 2010 and 2011 for the 8 months period immediately preceding the seasonal spike periods. As reflected, Mr. Smallakoff's total and daily average kWh usage for the identified period is remarkably consistent.

Comparison Chart 2													
Winter Peak Usage Period 2010/2011							Winter Peak Usage Period 2011/2012						
A	B	C	D	E	F	G	H	I	J	K	L	M	N
Meter Read Date	Previous Reading	Current Reading	Read Type	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)	Meter Read Date	Previous Reading	Current Reading	Read Type	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)
23	12/23/2010			2435	29	84	12/27/2011	92154	93456	Actual	1302	29	45
24	1/26/2011			2392	34	70	1/26/2012	93456	95508	Actual	2052	30	68
25	2/24/2011			1623	29	56	2/27/2012	95508	96934	Actual	1426	32	45
26	3/28/2011			846	32	26	3/27/2012	96934	97762	Actual	828	29	29
27	TOTALS			7296	124	59	TOTALS				5608	120	47

Comparison Chart 3 compares Mr. Smallakoff's usage during the seasonal winter spike period for 12/23/10 through 3/28/11 and for the same period for 12/27/11 through 3/27/12 the period of time of his disputed billing statements. It is quite apparent that as compared to the 2010/2011 period, his 2011/2012 kWh billed usage decreased significantly. His average daily kWh usage decreased by 20.3 % from 59 (27, G) to 47 (27, N). However, it should be noted that according to the National Weather Service, the winter of 2011/2012 was exceptionally mild. Subsequently, it would be expected that Mr. Smallakoff's electric consumption would decrease from the previous year. His winter peak period kWh consumption was the lowest it has been in three years.

Account Audit Summary
Frederick Smallakoff
FPSC Complaint Number 1059336E
Progress Energy Florida – Account Number 37972-55696
Service Address – 6651 Coronet Dr., New Port Richey, FL 34655

	Debits							Credits		K
	A	B	D	E	F	G	H	I	J	
	Date	Transaction Type	Meter Number	BILLED KWH USAGE	Electric Service Charges	Other Charges	Total New Charges	Payment	Other Credit Adjustments	Account Balance
1	March 29, 2010	Previous Balance								\$496.35
2	April 6, 2010	Reconnection Charge				\$40.00	\$40.00			\$536.35
3	April 22, 2010	Late Payment Charge				\$7.45	\$7.45			\$543.80
4	April 26, 2010	Credit Adjustment					\$0.00		(\$40.00)	\$503.80
5	April 28, 2010	Billing Statement 3/29/10 - 4/28/10	1438327	800	\$103.32		\$103.32			\$607.12
6	April 29, 2010	Payment					\$0.00	(\$196.35)		\$410.77
7	May 19, 2010	Payment					\$0.00	(\$103.36)		\$307.41
8	May 24, 2010	Late Payment Charge				\$5.00	\$5.00			\$312.41
9	May 27, 2010	Billing Statement 4/28/10 - 5/27/10	1438327	922	\$117.70		\$117.70			\$430.11
10	June 15, 2010	Credit Adjustment					\$0.00		(\$5.00)	\$425.11
11	June 17, 2010	Payment					\$0.00	(\$117.70)		\$307.41
12	June 22, 2010	Late Payment Charge				\$5.00	\$5.00			\$312.41
13	June 25, 2010	Billing Statement 5/27/10 - 6/25/10	1438327		\$143.62		\$143.62			\$456.03
14	July 15, 2010	Payment					\$0.00	(\$148.62)		\$307.41
15	July 21, 2010	Late Payment Charge				\$5.00	\$5.00			\$312.41
16	July 27, 2010	Billing Statement 6/25/10 - 7/27/10	1438327	1225	\$158.26		\$158.26			\$470.67
17	August 16, 2010	Payment					\$0.00	(\$163.26)		\$307.41
18	August 20, 2010	Late Payment Charge				\$5.00	\$5.00			\$312.41
19	August 26, 2010	Billing Statement 7/27/10 - 8/26/10	1438327	1154	\$148.36		\$148.36			\$460.77
20	September 15, 2010	Payment					\$0.00	(\$153.57)		\$307.20
21	September 21, 2010	Late Payment Charge				\$5.00	\$5.00			\$312.20
22	September 27, 2010	Billing Statement 8/26/10 - 9/27/10	1438327	1169	\$150.45		\$150.45			\$462.65
23	October 18, 2010	Payment					\$0.00	(\$155.45)		\$307.20

ORIGINAL

Account Audit Summary
Frederick Smallakoff
FPSC Complaint Number 1059336E
Progress Energy Florida – Account Number 37972-55696
Service Address – 6651 Coronet Dr., New Port Richey, FL 34655

ORIGINAL

	Debits							Credits		K
	A	B	D	E	F	G	H	I	J	
	Date	Transaction Type	Meter Number	BILLED KWH USAGE	Electric Service Charges	Other Charges	Total New Charges	Payment	Other Credit Adjustments	Account Balance
24	October 21, 2010	Late Payment Charge				\$5.00	\$5.00			\$312.20
25	October 27, 2010	Billing Statement 9/27/10 - 10/27/10	1438327	811	\$104.63		\$104.63			\$416.83
26	November 11, 2010	Payment					\$0.00	(\$109.63)		\$307.20
27	November 22, 2010	Late Payment Charge				\$5.00	\$5.00			\$312.20
28	November 24, 2010	Billing Statement 10/27/10 - 11/24/10	1438327	1084	\$138.61		\$138.61			\$450.81
29	December 23, 2010	Payment					\$0.00	(\$143.61)		\$307.20
30	December 22, 2010	Late Payment Charge				\$5.00	\$5.00			\$312.20
31	December 23, 2010	Billing Statement 11/24/10 - 12/23/10	1438327	2435	\$308.49		\$308.49			\$620.69
32	January 18, 2011	Payment					\$0.00	(\$313.49)		\$307.20
33	January 20, 2011	Late Payment Charge				\$5.00	\$5.00			\$312.20
34	January 26, 2011	Billing Statement 12/23/10 - 1/26/11	1438327	2392	\$302.82		\$302.82			\$615.02
35	February 21, 2011	Late Payment Charge				\$9.23	\$9.23			\$624.25
36	February 24, 2011	Billing Statement 1/26/11 - 2/24/11	1438327	1623	\$201.46		\$201.46			\$825.71
37	February 28, 2011	Payment					\$0.00	(\$307.82)		\$517.89
38	March 18, 2011	Payment					\$0.00	(\$219.69)		\$307.20
39	March 22, 2011	Late Payment Charge				\$5.00	\$5.00			\$312.20
40	March 28, 2011	Billing Statement 2/24/11 - 3/28/11	1438327	846	\$102.35		\$102.35			\$414.55
41	April 19, 2011	Payment					\$0.00	(\$107.35)		\$307.20
42	April 21, 2011	Late Payment Charge				\$5.00	\$5.00			\$312.20
43	April 27, 2011	Billing Statement 3/28/11 - 4/27/11	1438327	782	\$95.29		\$95.29			\$407.49
44	May 18, 2011	Payment					\$0.00	(\$100.29)		\$307.20
45	May 23, 2011	Late Payment Charge				\$5.00	\$5.00			\$312.20

Account Audit Summary
 Frederick Smallakoff
 FPSC Complaint Number 1059336E
 Progress Energy Florida – Account Number 37972-55696
 Service Address – 6651 Coronet Dr., New Port Richey, FL 34655

ORIGINAL

			Debits				Credits		K	
	A	B	D	E	F	G	H	I		J
	Date	Transaction Type	Meter Number	BILLED KWH USAGE	Electric Service Charges	Other Charges	Total New Charges	Payment	Other Credit Adjustments	Account Balance
46	May 26, 2011	Billing Statement 4/27/11 - 5/26/11	1438327	905	\$108.86		\$108.86			\$421.06
47	June 14, 2011	Payment					\$0.00	(\$113.86)		\$307.20
48	June 21, 2011	Late Payment Charge				\$5.00	\$5.00			\$312.20
49	June 27, 2011	Billing Statement 5/26/11 - 6/27/11	1438327	1390	\$170.75		\$170.75			\$482.95
50	July 15, 2011	Payment					\$0.00	(\$175.75)		\$307.20
51	July 21, 2011	Late Payment Charge				\$5.00	\$5.00			\$312.20
52	July 27, 2011	Billing Statement 6/27/11 - 7/27/11	1438327	1111	\$133.97		\$133.97			\$446.17
53	August 1, 2011	Reconnection Charge				\$50.00	\$50.00			\$496.17
54	August 3, 2011	Payment					\$0.00	(\$307.20)		\$188.97
55	August 17, 2011	Payment					\$0.00	(\$138.97)		\$50.00
56	August 25, 2011	Billing Statement 7/27/11 - 8/25/11	1438327	1118	\$134.89		\$134.89			\$184.89
57	September 16, 2011	Payment					\$0.00	(\$134.89)		\$50.00
58	September 20, 2011	Late Payment Charge				\$5.00	\$5.00			\$55.00
59	September 26, 2011	Billing Statement 8/25/11 - 9/26/11	1438327	1058	\$126.99		\$126.99			\$181.99
60	October 18, 2011	Payment					\$0.00	(\$126.99)		\$55.00
61	October 20, 2011	Late Payment Charge				\$5.00	\$5.00			\$60.00
62	October 26, 2011	Billing Statement 9/26/11 - 10/26/11	1438327	820	\$99.48		\$99.48			\$159.48
63	October 27, 2011	Payment					\$0.00	(\$55.00)		\$104.48
64	November 17, 2011	Payment					\$0.00	(\$104.48)		\$0.00
65	November 28, 2011	Billing Statement 10/26/11 - 11/28/11	1438327	909	\$109.30		\$109.30			\$109.30
66	December 14, 2011	Payment					\$0.00	(\$109.30)		\$0.00
67	December 27, 2011	Billing Statement 11/28/11 - 12/27/11	1438327	1302	\$164.16		\$164.16			\$164.16

Account Audit Summary
 Frederick Smallakoff
 FPSC Complaint Number 1059336E
 Progress Energy Florida - Account Number 37972-55696
 Service Address - 6651 Coronet Dr., New Port Richey, FL 34655

ORIGINAL

A	B	D	E	Debits			Credits		K
				F	G	H	I	J	
Date	Transaction Type	Meter Number	BILLED KWH USAGE	Electric Service Charges	Other Charges	Total New Charges	Payment	Other Credit Adjustments	Account Balance
68	January 18, 2012	Payment				\$0.00	(\$164.16)		\$0.00
69	January 26, 2012	Billing Statement 12/27/11 - 1/26/12	1438327	2052	\$265.90	\$265.90			\$265.90
70	February 21, 2012	Late Payment Charge			\$5.00	\$5.00			\$270.90
71	February 27, 2012	Billing Statement 1/26/12 - 2/27/12	1438327	1426	\$180.97	\$180.97			\$451.87
72	March 20, 2012	Reconnection Charge			\$40.00	\$40.00			\$491.87
73	March 21, 2012	Payment				\$0.00	(\$265.90)		\$225.97
74	March 22, 2012	Late Payment Charge			\$5.00	\$5.00			\$230.97
75	March 27, 2012	Billing Statement 2/27/12 - 3/27/12	1438327	828	\$103.55	\$103.55			\$334.52
77	April 5, 2012	Payment				\$0.00	(\$185.97)		\$195.22
78	April 18, 2012	Payment				\$0.00	(\$61.19)		\$134.03
79	April 26, 2012	Billing Statement 3/27/12 - 4/26/12	1438327 & 6292750	799	\$151.91	\$151.91			\$285.94