

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of JANITA GIBSON	)	DOCKET NO. 900083-EI
against (customer of record - STANLEY	)	
ROBINSON) against FLORIDA POWER & LIGHT	)	ORDER NO. 22676
COMPANY regarding high bills and electric	)	
consumption.	)	ISSUED: 3-13-90
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The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 JOHN T. HERNDON

NOTICE OF PROPOSED AGENCY ACTIONORDER DENYING REQUEST FOR CREDIT

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On September 25, 1989, Ms. Gibson filed a complaint against Florida Power and Light (FPL) alleging that the amount charged to Mr. Stanley Robinson, customer of record, had been averaging \$300 a month and she believed this was too high. She said that she only used the air conditioner (a/c) at night and has a gas stove.

In a report submitted by FPL to the Florida Public Service Commission (FPSC) on October 12, 1989, the company advised that Ms. Gibson had been contacted and an appointment scheduled for 10:30 a.m., September 8, 1989, which Ms. Gibson failed to keep. Mr. Crumbley left a business card for Ms. Gibson to facilitate rescheduling the appointment, but Ms. Gibson did not respond.

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On September 25, 1989, after receiving her FPSC complaint, Mr. Crumbley contacted Ms. Gibson. He performed an energy audit and discussed the results, her previous kilowatt hour consumption and FPL's meter testing process. Ms. Gibson advised Mr. Crumbley that her a/c unit had been repaired in July. Mr. Crumbley explained that the higher than normal electric bills were probably due to an a/c setting of 70 degrees for 12 hours a day and recommended a setting of 78 degrees or higher. Mr. Crumbley showed Ms. Gibson how to read the electric meter and provided tips on how to more effectively manage her electricity consumption.

On September 27, 1989, the meter was removed for testing. The test results for the old meter reflected the meter registered an average accuracy of 99.8%. Mr. Crumbley contacted Ms. Gibson and explained that the meter was working within the limits required by the FPSC and that the proper rates had been applied. Ms. Gibson indicated that although she understood FPL's explanation, she would await the review of the FPSC.

Ms. Gibson, by letter, to the FPSC dated October 16, 1989, enclosed her FPL bills from the time she moved into the house in 1987 until the date of her letter. She disputed the meter test and said she felt the test was not correct.

After the Division of Consumer Affairs conducted an informal investigation, Ms. Melinda Guess, Consumer Affairs Analyst, wrote the customer on November 3, 1989, and explained that the results of the energy audit indicated that the high bills could be attributed to the a/c setting. Ms. Guess explained that the old meter was registering properly and that there was no basis for adjusting the disputed bill.

Ms. Gibson wrote FPSC on November 28, 1989, and requested an informal conference. The case was assigned to Stella Maloy.

On December 26, 1989, Ms. Maloy spoke with Ms. Gibson and Ms. Gibson disputed the 1989 June billing for \$375.35; the July billing for \$308.38; the August billing for \$325.76; the September billing for \$302.40; and a portion of the October billing.

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Because the meter had been replaced on September 27, 1989, the disputed amount for the October billing would be for seven (7) days usage from September 20 to September 27, amounting to around \$60.25. Ms. Maloy agreed to review the complaint and follow up with a letter outlining the current undisputed billing that the customer needed to pay to avoid service interruption. A letter was mailed to Ms. Gibson on December 28, 1989, outlining the undisputed amount of \$372.42 for service from the October billing through the November billing. Ms. Gibson was advised that this amount should be paid to avoid service interruption. FPL made arrangements for Ms. Gibson to pay.

Ms. Gibson's billings for June 20, 1989 through September 20, 1989 totaled \$1,644.45, including \$315.56 past due balance prior to the June billing. Ms. Gibson paid \$1,015.51 during this period, as undisputed, leaving a balance of \$628.94. The \$60.25 disputed amount for the October billing brought the total disputed amount to \$689.19.

An informal conference, pursuant to commission rule, was held on January 25, 1990, in Fort Lauderdale, after which the dispute remained unresolved.

At the conference Ms. Gibson maintained that she could not possibly have used the amount of electricity for which she had been billed and should not be responsible for the bills. However, she did not present any conclusive evidence that the meter had malfunctioned or that improper rates had been applied.

Rule 25-22.032(8), Florida Administrative Code, requires the Commission to dispose of this matter by issuing a notice of proposed agency action, or by setting it for hearing pursuant to Section 120.57, Florida Statutes. No party requested a hearing. A notice of proposed agency action was issued scheduling the issue for the March 6, 1990, Agenda Conference in Tallahassee. Ms. Gibson appeared and maintained that she could not have consumed the amount of electricity indicated in the disputed bills. A representative from FPL appeared and indicated that the meter had been tested on September 28, 1989, and found to be registering within the Commission's prescribed accuracy limits.

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In consideration of the foregoing, it is

ORDERED that Florida Power & Light Company has not overbilled Ms. Gibson for more than the actual consumption registered by the electric meter. It is further

ORDERED that Ms. Gibson's electric meter was in proper working order and registering within this Commission's prescribed accuracy limits as determined by a meter test conducted on September 28, 1989. It is further

ORDERED that Ms. Gibson's request that she be granted a credit of \$689.19 for electric usage billed by Florida Power & Light Company is denied.

By ORDER of the Florida Public Service Commission,  
this 13th day of MARCH, 1990.

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STEVE TRIBBLE  
Director of Records and Reporting

( S E A L )

BAB

by: Kay Flynn  
Chief, Bureau of Records

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

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The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on April 3, 1990.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.