

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Mrs. Hyman)	DOCKET NO. 900511-EI
Taplin against Florida Power & Light)	ORDER NO. 23128
Company regarding high electric bill.)	ISSUED: 6-28-90
)	

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTIONORDER DENYING REFUND

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 January 18, 1990, Mrs. Hyman Taplin of 208 Ontario Place, West Palm Beach, Florida filed a complaint with the Commission alleging that the Florida Power & Light Company (FPL or utility) had overbilled her for electric consumption. According to Mrs. Taplin, she and her husband moved out of that residence January 17, 1989, and the house remained unoccupied until January 5, 1990. Mrs. Taplin stated that she felt that the bills she was receiving from FPL for the unoccupied house were extremely high and after receiving a bill for \$276.00 for electric service from August 18, 1989 to September 19, 1989 she complained to the utility. Mrs. Taplin's ultimate justification for this complaint was that her bill dropped to an average of \$40 per month after the utility tested her meter.

On October 31, 1989, according to FPL, its representative visited the property to investigate the possible reasons for the high kilowatt hour consumption. FPL's representative found that the air conditioner was set at 81 degrees and the pool pump was running. He also found that the air conditioner

DOCUMENT NUMBER-DATE

05719 JUN 28 1990

FPSC-RECORDS/REPORTING

ORDER NO. 23128
DOCKET NO. 900511-EI
PAGE 2

grill was obstructed with dust and air could not circulate properly. On November 6, 1989 the meter was removed for testing. The test results indicated that the meter registered at a weighted average accuracy of 100.3% well within the Commission's accuracy standard of plus or minus 2% zero error.

On February 27, 1990, after the Commission's Division of Consumer Affairs conducted an informal investigation, a letter was sent to Mrs. Taplin explaining that the meter was tested and found to be working within the limits set by Commission rules and regulations and that there was no evidence that the meter had been test improperly. It was explained that the proper rates had been applied and there was no basis for requiring an adjustment to the bill.

On April 10, 1990, Mrs. Taplin by letter requested an informal conference in accordance with Rule 25-22.032, Florida Administrative Code. On May 16, 1990, a representative of the Division of Consumer Affairs conducted an informal conference in Palm Beach County. At the conference Mrs. Taplin maintained that she felt the meter was not registering properly and that she could not have possibly used the amount of electricity for which FPL had billed. Mrs. Taplin was thereafter advised that there was no evidence supporting FPL's improper billing.

A review of the foregoing indicate that all parties have made a good faith attempt to investigate and resolve Mrs. Taplin's complaint that she was overbilled for September-October 1989 by FPL due to a defective meter.

In consideration of the foregoing we find that the electric energy usage billed to Mr. and Mrs. Taplin at 208 Ontario Place, West Palm Beach, Florida, by FPL reflects the actual consumption registered by the electric meter, that it was registering within the Commission's prescribed accuracy standards as determined by the meter test conducted on November 6, 1989. We further find that the requested refund should be denied.

It is, therefore,

ORDERED by the Florida Public Service Commission that the complaint registered by Mr. and Mrs. Hyman Taplin against Florida Power & Light Company as described in the body of this order is denied. It is further

ORDER NO. 23128
DOCKET NO. 900511-EI
PAGE 3

ORDERED that this docket be closed should no protest, petition for formal proceeding or notice of appeal be timely filed.

By Order of the Florida Public Service Commission,
this 28th day of JUNE, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.

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 July 20, 1990.

ORDER NO. 23128
DOCKET NO. 900511-EI
PAGE 4

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.