

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Paul Harrod ) DOCKET NO. 940015-EI  
against Florida Power and Light ) ORDER NO. PSC-94-0193-FOF-EI  
Company Regarding Rebilling for ) ISSUED: February 14, 1994  
estimated usage of electric )  
consumption due to meter )  
tampering. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JULIA L. JOHNSON  
DIANE K. KIESLING  
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION

ORDER DENYING COMPLAINT

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 substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On September 29, 1993, a complaint was filed with this Commission by Mr. Paul Harrod (Mr. Harrod) against Florida Power & Light Company (FPL). Mr. Harrod requested that the Commission investigate FPL's backbilling of his account. Mr. Harrod indicated that he has paid FPL \$2,358.41 under protest. FPL claims that it billed Mr. Harrod properly according to Rule 25-6.104, Florida Administrative Code, which provides that "In the event of unauthorized or fraudulent use, or meter tampering, the utility may bill the customer on a reasonable estimate of the energy used."

This matter began when a FPL meter reader reported on April 13, 1993 that he found Mr. Harrod's electric meter making a noise and the disk was not moving. On April 20, 1993 a meterman inspected and observed that the disk had been raised. The meter was removed for testing and a new meter was installed on that date. The meter test showed that it was recording at a full load 77.38

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percent and at a light load 00.00 percent which resulted in a weighted average accuracy of 61.90 percent. As a result of this test and using the average percentages of usage method Mr. Harrod was backbilled for \$4,061.04 on June 14, 1993. After a number of discussions between an FPL representative, Mr. Harrod and his attorney, FPL reduced the backbilled amount to \$2,385.41. The reduced amount was determined by FPL after receiving additional information from Mr. Harrod about the house being empty most of the day and the number of occupants. The new amount was calculated by using the meter test results.

On January 3, 1994, an informal conference was held between the parties and a representative of the Commission staff which did not result in a settlement of this matter.

After reviewing the evidence presented at the informal conference our staff recommended that FPL should be found to have complied with all applicable statutes and rules in regards to Mr. Harrod's backbilling.

We find that the electric meter at Mr. Harrod's residence had been tampered with and it was not accurately registering. We also find that FPL acted properly in backbilling Mr. Harrod. We further find that the amount backbilled is reasonable.

Accordingly, the complaint of Mr. Paul Harrod against Florida Power and Light Company should be denied.

In consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that Mr. Paul Harrod's complaint to require Florida Power and Light Company to refund \$2,385.41 is hereby denied. It is further

ORDERED that this Order shall become final and this docket shall be closed unless an appropriate petition for formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

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By ORDER of the Florida Public Service Commission, this 14th  
day of February, 1994.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )  
MRC:bmi

by: Kay Helton  
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.

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 March 7, 1994.

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.

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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 wastewater 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.