

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Mr. & Mrs.) DOCKET NO. 940536-WU
Robert E. Reid against SOUTHERN) ORDER NO. PSC-94-0750-FOF-WU
STATES UTILITIES, INC. regarding) ISSUED: June 20, 1994
high water bills in Collier)
County.)
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION

ORDER RESOLVING CUSTOMER COMPLAINT

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the actions discussed herein are preliminary in nature, and, as such, 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 November 23, 1993, Mr. Robert E. Reid filed a complaint with our Division of Consumer Affairs (Consumer Affairs) regarding the billing of his account by Southern States Utilities, Inc. (SSUI or company). SSUI billed Mr. Reid for 173,300 gallons for the October 1993, billing period and 142,380 gallons for the November 1993, billing period. Mr. Reid raised concerns about the high level of water consumption and the possible malfunction of the water meter.

Mr. Reid left his Florida residence on April 25, 1993 and returned on November 2, 1993. During that time, Mr. Reid contracted with the Hideaway Beach Association for the lawn maintenance. Someone tended to the property almost daily and passed by from eight to ten times daily performing other duties in Hideaway. Mr. Reid stated that the sprinkler system has five zones and operates approximately 10-15 minutes per zone or approximately one hour daily when in use. Mr. Reid set the sprinkler system to operate two days weekly when he left in April 1993, and discussed the setting with the grounds-people. Mr. Reid stated that the setting was the same when he returned on November 2, 1993.

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According to Mr. Reid, the maintenance group told him that it found no evidence of leakage or sprinkler malfunction. Mr. Reid also noted that all of the water to the house was turned off except for the lawn sprinklers. In his complaint to Consumer Affairs, Mr. Reid asserted that something must have happened to cause an abnormal meter reading between September 15, 1993 and November 5, 1993 and that the reported consumption for this period could not be accurate.

A field test of the meter revealed no abnormal function. Mr. Reid agreed to a bench test of the meter at the urging of SSUI and Consumer Affairs. However, Mr. Reid stated that he expected the bench test to confirm the field test, and that both tests would show that the meter performed satisfactorily with a small volume of water over a short test period, but that the tests would not confirm the integrity of the meter or document any evidence of a mechanical or physical problem. Mr. Reid pointed out that the usages for October and November 1993 were high by a factor of 10, and stated that it was reasonable to conclude that some type of mechanical malfunction occurred in the meter. Mr. Reid emphasized that he refused to accept that the reported volumes of the periods in question actually passed through his meter.

On December 6, 1993, SSUI reported to Consumer Affairs that a field accuracy test performed on the meter on November 16, 1993, revealed that the meter was 100 percent accurate. The company also confirmed that an additional 142,380 gallons of water registered on the meter between October 18, 1993 and November 16, 1993. After speaking with Mr. Reid on December 2, 1993, the company agreed to send a request to Precision Meters, Inc. to take the meter apart for inspection of the register and internal gearing. The company said that the inspection would be performed after Precision Meters performed a bench test on the meter.

On January 13, 1994, SSUI informed Mr. Reid and Consumer Affairs that Precision Meters' bench test indicated that the meter was functioning properly. The company also stated that Precision Meters could not take the meter apart for inspection because the meter register was completely sealed, and any attempt to forcefully take it apart would destroy the integrity of the meter. The company further stated that the customer's lawn maintenance caretaker verified going by the customer's residence once a week during the time the customer was away.

On January 26, 1994, Consumer Affairs sent the customer a letter explaining that no error on the part of the utility was found, the meter tested within the guidelines set by Commission rules, and that it appeared the billing was correct.

In response to the meter test results, Mr. Reid stated that he expected that the bench test would confirm the field test, and that there was a possibility that the problem was with the internal operation of the meter because there was no physical evidence that the water was consumed. Mr. Reid reiterated his objection to the bills and his belief that something had happened to cause the meter to register improperly. The company offered to deliver the meter to Mr. Reid for his personal inspection or testing. Mr. Reid declined this offer.

Mr. Reid advised Consumer Affairs that he had received a service disconnection notice, and requested that the staff contact the company for further review of the billing. Consumer Affairs contacted SSUI on February 17, 1994 and asked the company not to disconnect the service. SSUI reiterated that it would not make an adjustment of Mr. Reid's bill, but offered him the opportunity to pay the \$880.11 balance in monthly installments of \$100. Mr. Reid had paid \$55 on the October bill and \$53 on the November bill. Mr. Reid was also advised of the possibility of service disconnection for nonpayment.

Consumer Affairs advised Mr. Reid of the outcome of the initial investigation and the informal conference procedure. At Mr. Reid's request, Consumer Affairs conducted an informal conference in Fort Myers on April 18, 1994 with Mr. & Mrs. Reid, representatives from Southern States, and PSC staff attending. No settlement was reached.

The meter connected to Mr. Reid's residence registered consumption of 173,300 gallons for the October billing period and 142,380 gallons for the November billing period. As a result of these readings, SSUI billed Mr. Reid \$554.24 for October and \$433.87 for November. Mr. Reid has objected to these readings and subsequent bills. However, Mr. Reid could not provide any evidence, other than the high bills and his belief the meter malfunctioned, that the billing was incorrect. Based on the meter readings and the meter test results, we find that Mr. Reid's bills are accurate. Because Mr. Reid's meter was operating within the accuracy limits established by this Commission, we find that the meter readings were correct and SSUI properly billed Mr. Reid's account \$988.11 for the water consumption registered on the meter for October and November, 1993.

Therefore, Mr. Reid's account shall not be adjusted for those billing periods. Mr. Reid may wish to avail himself of the monthly payment arrangements previously offered by SSUI. We recognize Mr. Reid's concern over the meter readings and resulting bills. However, in the absence of any evidence to the contrary, and in

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light of the results of the meter tests, we cannot find that the meter readings and the billing are incorrect.

If no substantially affected person files a request for a hearing under Section 120.57, Florida Statutes, within 21 days from the date of this Order, no further action will be required and the docket shall be closed.

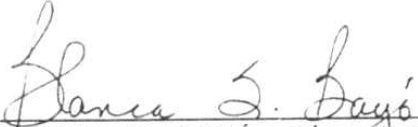
Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the complaint filed by Mr. Robert Reid against Southern States Utilities, Inc, is resolved as set forth in the body of this Order. It is further

ORDERED that no adjustments shall be made to Mr. Reid's meter readings or resulting bills for October and November of 1993. It is further

ORDERED that this Order shall become final and the 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.

By ORDER of the Florida Public Service Commission, this 20th day of June, 1994.



BLANCA S. BAYÓ, 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

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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 11, 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.

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.