

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of James) DOCKET NO. 940851-EI
Crapanzano against FLORIDA POWER) ORDER NO. PSC-94-1154-FOF-EI
& LIGHT COMPANY regarding) ISSUED: September 19, 1994
rebilling for estimated usage of)
electricity.)
_____)

The following Commissioners participated in the disposition of this matter:

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

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.

CASE BACKGROUND

On February 1, 1994, a complaint was filed with this Commission's Division of Consumer Affairs by Mr. James Crapanzano against Florida Power & Light Company (FPL). The complaint stated that FPL had rebilled Mr. Crapanzano for the period January 1988 through August 1993 for a total of \$8,326.08, including investigative charges, due to meter tampering. According to Mr. Crapanzano, he believes the tampering occurred beginning June 1991 and that the rebilling should start then.

In a report dated February 18, 1994, FPL advised the Commission that on August 17, 1993, one of its meter readers observed a wire in Mr. Crapanzano's meter canopy. Upon further inspection, the meter reader noted that with the wire in the canopy, the disk had completely stopped. On August 29, 1993, an

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investigator went to Mr. Crapanzano's premises and observed a wire in the meter canopy and the disk not turning. On August 31, 1993, the meter was removed for testing.

According to FPL, the inspection revealed a hole in the meter canopy, a wire in the meter canopy, and scratches on the disk, metal frame, and canopy. The canopy seal was intact. With the wire in the hole, the meter tested zero percent weighted average accuracy.

Based on that information, Commission Staff advised Mr. Crapanzano on May 23, 1994, that according to Commission rules, FPL may rebill for unmeasured electric energy usage caused by meter tampering and that FPL had complied with these rules. (Rule 25-6.104 F.A.C.)

Subsequently, Mr. Crapanzano requested an informal conference in accordance with Rule 25-22.032 F.A.C. The conference was held on July 28, 1994, in Fort Lauderdale, Florida. At the conference, in an effort to settle this matter, Mr. Crapanzano indicated that if FPL would reduce the months rebilled, and begin with June 1991 instead of January 1988, Mr. Crapanzano would be willing to pay his current charges plus fifty dollars monthly on the rebilled amount over a three-year period. After the three years, he would pay the balance in full in one lump sum.

At the conference, FPL argued that there is no evidence of the exact date that the diversion began and that although there was a drop in usage in June 1991, the customer's usage was erratic throughout the period originally rebilled. FPL also argued that after the diversion was discovered and the wire removed, the customer's usage increased dramatically. According to FPL, it considered it appropriate to reject the offer of settlement by Mr. Crapanzano, however, FPL offered to allow the customer to pay the rebilled amount in three installments over a three-month period.

After reviewing the evidence presented at the informal conference, Staff recommended that FPL had complied with all applicable statutes and Commission rules in regard to this rebilling.

We find that the electric meter at Mr. Crapanzano's residence had been tampered with, and was not accurately registering. We also find that FPL acted properly in rebilling Mr. Crapanzano. We further find that the amount rebilled is reasonable and that Mr. Crapanzano should be required to repay FPL.

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Accordingly, the complaint of Mr. James Crapanzano against Florida Power & Light is hereby denied.

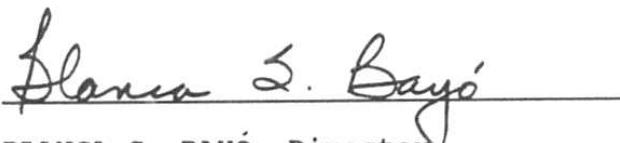
In consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that Mr. James Crapanzano's complaint against Florida Power & Light Company is hereby denied. It is further

ORDERED that Florida Power & Light Company is hereby ordered to rebill Mr. James Crapanzano for \$8,326.08. It is further

ORDERED that this Order shall become final and this docket shall be closed unless an appropriate petition for formal proceedings 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 19th day of September, 1994.


BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

MRC

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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on October 10, 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 substantially 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.