

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Mr. Thomas) DOCKET NO. 950541-EI
L. Fuller against Florida Power) ORDER NO. PSC-95-1030-FOF-EI
Corporation regarding high) ISSUED: August 21, 1995
electric bills in Orange County.)

The following Commissioners participated in the disposition of this matter:

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

ORDER GRANTING REQUEST FOR HEARING

BY THE COMMISSION:

On December 27, 1994, Mr. Thomas Fuller filed a complaint with the Division of Consumer Affairs (CAF) asserting that Florida Power Corporation (FPC) had overbilled him. On April 27, 1995, the Florida Public Service Commission (FPSC) held an informal conference in its Orlando office. The parties did not reach a settlement; therefore, the FPSC docketed the complaint according to Rule 25-22.032(8), Florida Administrative Code.

We issued Proposed Agency Action Order No. PSC-95-0782-FOF-EI, on June 28, 1995, which informed Mr. Fuller that he was entitled to petition the Commission for a formal hearing on his complaint, and that the petition had to be received in the Commission's Division of Records and Reporting by the close of business on July 19, 1995.

On August 3, 1995, the Director of the Division of Records and Reporting received a letter written by Mr. Fuller requesting a formal proceeding. The letter was postmarked in Orlando on July 13, 1995, and later postmarked in Tallahassee on July 17, 1995. On August 3, 1995, the U.S. Postal Service delivered the letter to us.

Mr. Fuller addressed the envelope bearing the letter to the Division of Records and Reporting, Attn: Ms. Bayo, Betty Easley (sic) Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399. This address is not our official mailing address, but it is the actual address of the Division of Records and Reporting. Our recent move to this location, and occupation of two separate

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FPSC-RECORDS/REPORTING

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buildings, has caused confusion; and thus, it appears that Mr. Fuller attempted to comply with the time schedule set out in Order No. PSC-95-0782-FOF-EI. Therefore, under these circumstances, we grant the request for hearing.

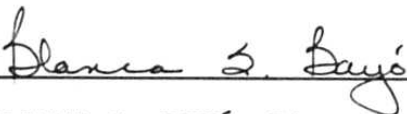
Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Mr. Thomas Fuller's letter protesting Order No. PSC-95-0782-FOF-EI, issued on June 28, 1995, titled Notice of Proposed Agency Action Order Denying Relief Against Florida Power Corporation, is a timely filed protest. It is further

ORDERED that the request for hearing is granted. It is further

ORDERED that this docket shall remain open pending conclusion of the hearing.

By ORDER of the Florida Public Service Commission, this 21st day of August, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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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

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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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.