

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Thomas W.
Hart against Florida Power &
Light Company regarding
backbilling.

DOCKET NO. 970047-EI
ORDER NO. PSC-98-0922-AS-EI
ISSUED: July 7, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

ORDER APPROVING SETTLEMENT AGREEMENT

BY THE COMMISSION:

On August 14, 1996, Mr. Thomas W. Hart contacted the Division of Consumer Affairs (Consumer Affairs) and complained that Florida Power & Light Company (FPL) had unjustly accused him of current diversion. Mr. Hart also disputed a bill in the amount of \$9,327.01 from FPL for usage not recorded or previously billed because of the alleged meter tampering. This amount also included FPL's investigative charges. An inquiry was taken and sent to FPL for a full report. On August 26, 1996, Consumer Affairs received a report from the company outlining the activities of the two parties in attempting to resolve the issue of current diversion and backbilling.

On September 30, 1996, Mr. Hart was notified by letter that, based on the information reviewed, the amount of FPL's rebilling appeared to be reasonable. On October 10, 1996, by letter, Mr. Hart requested an informal conference. The informal conference was held on Friday, December 6, 1996. No settlement was reached by the parties at the informal conference.

By Order No. PSC-97-0215-FOF-EI issued on February 24, 1997, we voted to dismiss Mr. Hart's complaint. Mr. Hart timely protested the Order and the matter was referred to the Division of

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Administrative Hearings (DOAH). The Commission was granted leave to intervene.

While the matter was pending at DOAH, Mr. Hart and FPL reached a settlement. This settlement disposed of the controversy and resulted in the dismissal with prejudice of Mr. Hart's case at DOAH. DOAH relinquished jurisdiction over the matter and returned the matter to the Commission for final disposition in an Order Closing File dated April 30, 1998.

The Settlement Agreement provides for payment of \$4,621.70, or approximately one half the backbilled amount. This sum is to be paid by Mr. Hart to FPL in monthly installments of \$400.00. FPL has waived the 1.5% late payment charge as long as Mr. Hart does not default on any monthly payments. If Mr. Hart defaults, the entire unpaid balance is due and payable; the late charge shall accrue, and FPL may proceed with immediate disconnection of electric service in accordance with its approved tariff and Commission Rules. The parties agree that this settlement is binding upon them. They have waived any right to further review by the Commission in accordance with Rule 25-22.032(11), Florida Administrative Code. The settlement agreement is included in this Order as Attachment A and is incorporated herein by reference.

The parties agree that the Settlement Agreement is a satisfactory resolution of Docket No. 970047-EI. Therefore, the Settlement Agreement is approved. No further action by the Commission is necessary in this docket.

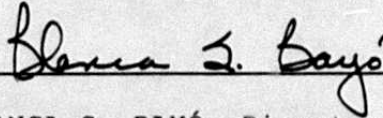
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Settlement Agreement between Mr. Thomas W. Hart and Florida Power & Light Company is approved. It is further

ORDERED that this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 7th
day of July, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

GAJ

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

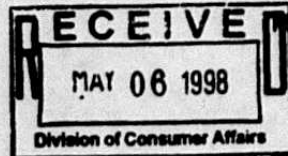
Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days 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.

hegal



Florida Power & Light Company, P. O. Box 029100, Miami, FL 33102-9100

(305) 552-4657



May 5, 1998

FEDERAL EXPRESS

Beverlee DeMello, Director
Division of Consumer Affairs
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: **Complaint of Thomas W. Hart against Florida Power & Light Company
FPSC Docket No. 970047-EI**

Dear Ms. DeMello:

Pursuant to Rule 25-22.032 (11) enclosed for filing please find the original fully executed

Settlement Agreement for the above referenced matter.

Very truly yours,

Robert E. Stone
Attorney

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MAIL ROOM

RES:bb

Enclosure

cc: Jeremy Koss, Esq.
Grace Jaye, Esq.

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LEGAL DIVISION

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FPSC-RECORDS/REPORTING