

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Albert
Sadaka against Florida Power &
Light Company regarding
backbilling.

DOCKET NO. 980864-EI
ORDER NO. PSC-98-1486-PCO-EI
ISSUED: November 5, 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 REFERRING DOCKET TO THE DIVISION OF ADMINISTRATIVE HEARINGS

BY THE COMMISSION:

On April 18, 1997, Mr. Albert Sadaka filed a complaint with the Commission's Division of Consumer Affairs (CAF) against Florida Power & Light Company (FPL). FPL backbilled Mr. Sadaka in the amount of \$15,451.79 for alleged unbilled energy and investigative charges from March 19, 1991, through March 21, 1997. Mr. Sadaka contends that the backbilled amount is not appropriate.

In a report provided to CAF, FPL stated that the backbilled amount was for service provided to 5600 South West 85th Street, Miami, Florida 33143, under the name Albert Sadaka. FPL records indicate that meter tampering had taken place at Mr. Sadaka's residence. FPL alleges that meter tampering occurred at this location from March 19, 1991, through March 21, 1998.

On July 16, 1997, CAF wrote Mr. Sadaka a letter advising that CAF's initial finding was that FPL appeared to be in compliance with applicable rules in its backbilling. Mr. Sadaka requested an informal conference. Subsequently, Mr. Sadaka requested that the informal conference be postponed. The informal conference was eventually held on June 23, 1998. No settlement was reached.

DOCUMENT NUMBER-DATE

12461 NOV-5 88

FPCO-RECORDS/REPORTING

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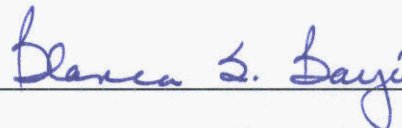
There appear to be disputed issues of material fact in this case which are best resolved by a formal evidentiary hearing. For this reason we refer this docket to the Division of Administrative Hearings for fact finding pursuant to Sections 120.569 and 120.57, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that this docket be referred to the Division of Administrative Hearings for fact finding pursuant to Sections 120.569 and 120.57, Florida Statutes. It is further

ORDERED that this Docket shall remain open, pending consideration of the Administrative Law Judge's Recommended Order.

By ORDER of the Florida Public Service Commission this 5th day of November, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

GAJ

Commissioner Deason dissents.

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

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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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.