

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by David E. Roomes against Florida Power & Light Company regarding power outages at his residence.

DOCKET NO. 990689-EI
ORDER NO. PSC-99-1481-PCO-EI
ISSUED: August 2, 1999

The following Commissioners participated in the disposition of this matter:

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

ORDER REFERRING CASE TO THE DIVISION OF ADMINISTRATIVE HEARINGS

BY THE COMMISSION:

Mr. David E. Roomes submitted a complaint to the Division of Consumer Affairs concerning the quality of the electrical service provided to his residence by Florida Power & Light Company (FPL or Company). In response to Mr. Roomes' concerns, FPL personnel and Commission staff inspected the FPL facilities which provide service to Mr. Roomes. These facilities were found to be generally adequate, with some tree trimming needed on some lines leading from the electrical substation to Mr. Roomes' neighborhood, as Mr. Roomes' subdivision itself consists of underground facilities.

Mr. Roomes continued to experience outages and kept a log of these service interruptions. FPL also maintains records of service quality and the company's records are at odds with Mr. Roomes records. Commission staff conducted an informal conference on January 14, 1999, pursuant to Rule 25-22.032, Florida Administrative Code. The parties were unable to agree upon the number and/or duration of outages. We are therefore referring this dispute to the Division of Administrative Hearings.

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During the process, Mr. Roomes also raised concerns about his prior FPL residential electrical service at a previous address. Although this was not raised at the informal conference, we believe Mr. Roomes may also pursue these claims at the Division of Administrative Hearings to promote judicial economy and efficient government. FPL has no objection to the addition of the earlier service being heard with the instant complaint.

Therefore, based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the complaint of Mr. David E. Roomes against Florida Power & Light Company be assigned to the Division of Administrative Hearings for hearing. It is further

ORDERED that the docket remain open.

By ORDER of the Florida Public Service Commission, this 2nd day of August, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

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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.

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.