

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Ms. Gloria)	DOCKET NO. 900689-EI
Blair Against Florida Power and)	ORDER NO. 24763
Light Company regarding)	ISSUED: 7-5-91
Backbilling)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 J. TERRY DEASON
 BETTY EASLEY
 MICHAEL McK. WILSON

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

On October 25, 1990 the Commission issued Order No. 23669 (a PAA) which found that FPL had acted properly in backbilling Mrs. Blair for estimated electricity consumed, but not metered. The Order found that the amount of the backbilling should be thirty two hundred dollars (\$3,200.00) payable in equal monthly installments over five years. Mrs. Blair timely filed a protest to the Proposed Agency Action and the matter was referred to the Division of Administrative Hearings to conduct the formal hearing. During the pendency of the action and before the hearing was held, the parties reached a negotiated settlement. This settlement agreement is attached to this Order as Attachment "A". The agreement provides for the payment of \$1,720.51 in thirty six equal monthly installments of \$47.79. Based on this agreement, the Division of Administrative Hearings has relinquished jurisdiction back to the Commission. We find that this agreement comports with all applicable requirements and should be approved.

In consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that the Settlement Agreement entered into by the parties is hereby approved. It is further

DOCUMENT NUMBER-DATE

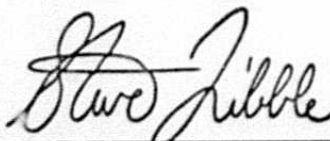
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FPSC-RECORDS/REPORTING

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ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 5th
day of July, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

R V E

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.

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 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 or sewer 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.

SETTLEMENT AGREEMENT

This Agreement is between Florida Power & Light Company, referred to as first party, and Leon Blair and Gloria Blair, jointly and severally, collectively referred to as second party.

1. First party asserts a claim against second party based on the following facts and considerations:

a) Florida Power & Light Company backbilled Mr. Leon Blair, the customer of record, in the amount of Six Thousand Four Hundred Two and 14/100 dollars (\$6,402.14) for the unmeasured electric energy usage caused by meter tampering which allegedly may have occurred prior to the ownership of the premises by the second party.

b) The amount backbilled covered the period from January of 1985 through August 23, 1988 (the date the new meter was read).

c) The second party resided at 931 S. W. 29th Avenue, Fort Lauderdale, Florida 33312, Customer Account Number 71-19-047-12030-0-3 and received electric service at this address during the entire period of the backbilling.

d) The second party's account was backbilled in accordance with Florida Public Service Commission (Commission) Rules, Florida Statutes, and the first party's tariffs.

2. Second party neither acknowledges nor denies receiving the benefit of the electric service at the above address, asserts

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that the first party was contacted by the second party (which assertions first party denies) on numerous occasions regarding extremely erratic electric consumption during the 1985 - 1988 time period, and further, disputes the amount of the backbilling.

3. Both the first party and the second party wish to reach a full and final settlement of all matters and all causes of action arising out of the facts and claims as set forth above.

4. In consideration of the mutual covenants and agreements to be performed, and for other good and valuable consideration, the parties agree as follows:

a) Leon Blair and Gloria Blair, jointly and severally, agree to pay Florida Power & Light Company the sum of One Thousand Seven Hundred Twenty and 51/100 dollars (\$1,720.51) over thirty six (36) months. This figure represents approximately one year of backbilling. The repayment will be made as follows:

1. Forty Seven and 79/100 dollars (\$47.79) shall be billed by the first party to the second party on a monthly basis in addition to the current monthly billings for electric service rendered.

2. The Forty Seven and 79/100 dollars (\$47.79) monthly amount will not be subject to interest. The failure of the second party to pay the \$47.79 by its monthly due date will not subject the second party to a late payment charge of 1.5% on the unpaid balance of \$47.79 unless the second party fails to make two

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(2) consecutive monthly payments of the \$47.79 and thereby fails to adhere to these payment arrangements. Failure to make two (2) consecutive monthly payments will result in a late payment charge of 1.5% being applied to the unpaid balance of the backbilling charges.

3. The \$47.79 amount will continue to be billed and paid monthly until the total sum of \$1,720.51 is paid in full by the second party.

4. If any two (2) consecutive monthly payments of \$47.79, in addition to the current monthly bill, is not paid by its due date, the second party shall be deemed to be in default of this Settlement Agreement and FPL may proceed with disconnection of electric service in accordance with its approved tariff and the rules of the Commission.

5. Upon execution of this Settlement Agreement, the second party agrees to request that the State of Florida, Division of Administrative Hearings (Case No. 91-000229) relinquish jurisdiction to the Commission and, in a joint petition with the first party, seek approval from the Commission of this Settlement Agreement in Docket No. 900689-EI.

6. Both the first party and the second party acknowledge that they are represented by legal counsel and that this Settlement Agreement represents a reasonable accommodation of the parties disputed claims and should be approved, in its entirety, by the

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Commission.

7. The date of execution shall be the date the last signatory below signs this Settlement Agreement.

8. The Staff of the Commission does not object to the terms and conditions of this settlement, nor does it oppose a Motion to Relinquish Jurisdiction based on the terms and conditions of this settlement.

Dated April 25, 1991

Leon Blair
Leon Blair

Dated April 25, 1991

Gloria Blair
Gloria Blair

Dated April 24, 1991

Curt J. Batman
Florida Power & Light Company
By Curt J. Batman
System Revenue Protection
Coordinator

Settlement