

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Andy's) DOCKET NO. 940103-GU
Linen Service against City Gas) ORDER NO. PSC-94-0222-FOF-GU
Company of Florida regarding) ISSUED: February 28, 1994
charges for gas.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION

ORDER DENYING COMPLAINT

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On June 7, 1993, a complaint was filed with the Commission by Mr. Michael Ratner of Andy's Linen Service (Mr. Ratner). Mr. Ratner questioned the accuracy of a gas meter a in bill received in March, 1993 from City Gas Company of Florida (City Gas).

Mr. Ratner, after receiving the high bill, had requested that the meter be replaced and tested for accuracy by City Gas in April, 1993. After the testing City Gas indicated the meter was found to be accurate within the parameters established by Rule 25-7.087 Florida Administrative Code.

In his complaint, Mr Ratner stated that since the meter was changed that his bills have returned to normal. His conclusion was that the meter was obviously not registering properly. He also stated that he inspected the meter index with a magnifying glass on June 4, 1993 and observed that "the little gears shine, as if new, and the large gears are tarnished as one would expect in a meter that was in use for a year and a half."

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According to City Gas, its representative and his assistant had visually inspected the index and found no evidence of tampering with any of the gears or screws. He also stated that the gears all appeared to be the original.

On July 23, 1993, an employee of the Commission's Bureau of Gas Regulation inspected the meter in question and reported that the meter registered at a weighted average of 101.6%, which is within the range of accuracy required by Rule 25-7.087 Florida Administrative Code.

Subsequently the Commission staff sent Mr. Ratner a preliminary finding on October 27, 1993, indicating that the meter was accurate and that there appeared to be no evidence that the meter or its register had been tampered with, therefore no adjustment to the gas bill would be appropriate. Mr. Ratner then requested an informal conference which was held on December 2, 1993. In attendance at the informal conference was Mr. Ratner, representatives of City Gas, and a representative of the Commission staff. The conference did not result in a settlement of this matter.

After reviewing the evidence represented at the informal conference and submitted in this docket, our staff recommends that City Gas should be found to have complied with all applicable statutes and rules regarding Mr. Ratner's complaint.

Accordingly, we find that the gas meter at Andy's Linen Service was registering accurately and had not been tampered with and that the bill in question was rendered properly. Therefore, the complaint of Andy's Linen Service against City Gas Company of Florida should be denied.

In consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that Andy's Linen Service's Complaint against City Gas Company of Florida is hereby denied. It is further

ORDERED that this Order shall become final and this docket shall be closed unless an appropriate petition for formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

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By ORDER of the Florida Public Service Commission, this 28th
day of February, 1994.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)
MRC:bmi

by: Kay Flynn
Chief, Bureau of Records

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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on March 21, 1994.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water 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 of the effective date 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.