

FLORIDA PUBLIC SERVICE COMMISSION  
Capital Circle Office Center • 2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

M E M O R A N D U M

MAY 30, 1996

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF LEGAL SERVICES (JOHNSON) *VJY RGM MB*  
DIVISION OF CONSUMER AFFAIRS (DURBIN) *CSK*  
DIVISION OF ELECTRIC & GAS (GOAD) *JDJ*

RE: DOCKET NO. 960582-EI - FLORIDA POWER & LIGHT COMPANY -  
COMPLAINT OF RON DVORAK AGAINST FLORIDA POWER & LIGHT  
COMPANY REGARDING BILLING FOR ELECTRIC CONSUMPTION PRIOR  
TO ESTABLISHMENT OF AN ACCOUNT.

AGENDA: 06/11/96 - REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\LEG\WP\960582EI.RCM

CASE BACKGROUND

On May 12, 1995, Ron Dvorak filed a complaint with the Public Service Commission's Division of Consumer Affairs (CAF) against Florida Power and Light Company (FPL). Mr. Dvorak complained that FPL had transferred the balance of unpaid bills for three accounts that were opened in the name of Ron Fletcher and Viking Marine to his account. He stated that he was not responsible for these unpaid electric bills.

In its response to the complaint, FPL stated its Revenue Protection Fraud Department began an investigation in February, 1995. Dishonored checks given to FPL for payment of different electric accounts were determined to have been drawn on the same checking account. Several other factors caused FPL to believe that six (6) different accounts may all be related. The accounts were:

Ron Fletcher 10410 S.W. 200 Street, Miami  
Ronald Dvorak 10410 S.W. 200 Street, Miami

DOCUMENT NUMBER-DATE

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Ron Fletcher	10705 S.W. 216 Street, #220, Miami
Ron Fletcher	18710 S.W. 105 Place, Miami
Viking Marine	18710 S.W. 105 Place, Miami
Ron Dvorak	18686 S.W. 105 Place, Miami

The account at 10410 S.W. 200 Street was opened on September 15, 1986 in the name of Ron Fletcher. Service was disconnected for non-payment on December 20, 1993. Mr. Fletcher left an outstanding balance of \$315.49.

On December 20, 1993, an account was opened at 10410 S.W. 200 Street in the name of Ronald Dvorak. The social security number given for this account differs by one digit from the social security number on Mr. Fletcher's account.

Service in the name of Ron Fletcher at 10705 S.W. 216 Street was active from August 19, 1992 until February 10, 1994. The outstanding balance for this account was transferred to another account in Ron Fletcher's name at 18710 S.W. 105 Place. The account at 18710 S.W. 105 Place was active from February 1, 1994, until April 25, 1994. Mr. Fletcher left owing \$170.88 on this account.

On April 25, 1994, a new account at 18710 S.W. 105 Place was opened under the name Viking Marine, with the same telephone number as that used by Mr. Fletcher. The account was active until October 24, 1994. A balance of \$355.76 was left outstanding.

An account in the name of Ron Dvorak was opened at 18686 S.W. 105 Place on January 3, 1995. Ron Fletcher's social security number was provided to FPL for this account.

On March 11, 1995, \$842.13 was transferred to Mr. Dvorak's account at 10410 S.W. 200 Street. This represents the outstanding balances from the two accounts in Mr. Fletcher's name (\$315.49 and \$170.88) and the account in the name of Viking Marine (\$355.76). Mr. Dvorak contacted FPL and advised the company that he was not responsible for the transferred balance.

In a letter dated August 16, 1995, CAF advised Mr. Dvorak of the results of CAF's investigation of his complaint. CAF determined that FPL had established that there was a sufficient relationship among Mr. Dvorak, Mr. Fletcher, and Viking Marine to conclude that Mr. Dvorak had benefitted from the electricity consumed, but not paid for. CAF, therefore concluded that FPL's

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transfer of the \$842.13 balance to Mr. Dvorak's account was reasonable.

An informal conference was held on September 13, 1995, however resolution of the complaint was not achieved. In addition, numerous post-conference contacts and settlement attempts have failed. Because of this, staff sets forth the following recommendation.

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and the Viking Marine account were paid with checks drawn on the same account. The checks do not contain a pre-printed name or check number. They appear to have been written by Ron Dvorak. FPL asserts that the call from Mr. Dvorak plus the checks written by Mr. Dvorak indicate a relationship between Mr. Fletcher and Viking Marine.

Based on the above, staff believes that FPL has provided sufficient evidence to establish that Ron Dvorak benefitted from the service provided for the three accounts in question.

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ISSUE 2: Should Mr. Dvorak be held responsible for the outstanding bills totalling \$842.13 that FPL transferred to his account?

RECOMMENDATION: Yes. Mr. Dvorak should be responsible for payment of \$842.13.

STAFF ANALYSIS: Pursuant to Rule 25-6.105(8), Florida Administrative Code, a utility may hold a current customer responsible for the delinquency in payment for service by the previous customer where the previous customer continues to occupy the premises and benefit from such service. As discussed in Issue 1, FPL has provided sufficient evidence to indicate that Ron Dvorak and Ron Fletcher are the same person. Therefore, Mr. Dvorak should be required to pay the outstanding charges, totalling \$842.13.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes, if no protest is filed within 21 days of the issuance of this order.

STAFF ANALYSIS: Pursuant to Rule 25-22.029(4), Florida Administrative Code, any person whose substantial interests are affected by the proposed agency action shall have 21 days after the issuance of the order to file a protest. If no protest is filed, the docket should be closed.