

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Ron Dvorak) DOCKET NO. 960582-EI
against Florida Power & Light) ORDER NO. PSC-96-0840-FOF-EI
Company regarding billing for) ISSUED: July 1, 1996
electric consumption prior to)
establishment of an account.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER FINDING TRANSFER OF PAST DUE AMOUNTS REASONABLE

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 May 12, 1995, Ron Dvorak filed a complaint with the 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 different accounts may all be related.

DOCUMENT NUMBER-DATE

07002 JUL-1 96

FPSC-RECORDS/REPORTING

ORDER NO. PSC-96-0840-FOF-EI
DOCKET NO. 960582-EI
PAGE 2

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

Based on our review, it appears that FPL's action in transferring the balances on three accounts to Mr. Dvorak was appropriate. The three accounts in question are: 10410 S.W. 200 Street, opened in the name of Ron Fletcher; 18710 S.W. 105 Place,

opened in the name Ron Fletcher; and 18710 S.W. 105 Place, opened in the name Viking Marine.

FPL's investigators believe that Ron Dvorak and Ron Fletcher are one and the same person. The social security numbers provided to FPL when the account for Mr. Dvorak and the account for Mr. Fletcher were established at 10410 S.W. 200 Street, differ by only one digit. Also, when Mr. Dvorak opened the account at 18686 S.W. 105 Place on January 3, 1995, he used the social security number that FPL records showed belonged to Ron Fletcher.

FPL's investigation found that Mr. Dvorak was born in Florida on January 22, 1955. Mr. Dvorak provided FPL with a Tennessee driver's license number. The County Sheriff's office in Smithville, Tennessee, advised FPL that the driver's license was issued to Ronald Fletcher. The driver's license listed Ronald Fletcher's date of birth as January 22, 1954 and his address as Rt. 2 Box 115AA, Smithville, TN. This address was also used by Mr. Dvorak in 1985.

Mr. Dvorak states that the residence he owns at 10410 S.W. 200 Place was previously rented by Mr. Fletcher. Alvin Davidson, the previous owner of the property, told FPL that he had rented the residence to Ron Dvorak for five to six years prior to Mr. Dvorak purchasing the house in March, 1993. Mr. Davidson stated he did not know anyone named Ron Fletcher.

With respect to the Ron Fletcher and Viking Marine accounts at 18710 S.W. 105 Place, Mr. Dvorak claims he did not have a relationship with Ron Fletcher and Viking Marine during the time these accounts were active. Mr. Dvorak claims he purchased Viking Marine from Ron Fletcher. Mr. Dvorak agreed to provide FPL with a copy of the contract for purchase of the Viking Marine, however no documents were ever produced. In addition, on September 23, 1994, a caller identifying himself as Ron Dvorak contacted FPL to request a payment extension for Viking Marine. Both Mr. Fletcher's account 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, we conclude that FPL has provided sufficient documentation to establish that Ron Dvorak benefitted from the service provided for the three accounts in question. Pursuant to Rule 25-6.105(8), Florida Administrative Code, a utility may hold a current customer responsible for the delinquency

ORDER NO. PSC-96-0840-FOF-EI
DOCKET NO. 960582-EI
PAGE 4

in payment for service by the previous customer where the previous customer continues to occupy the premises and benefit from such service. Having benefitted from the service at the accounts in question, Mr. Dvorak should be required to pay the outstanding charges, totalling \$842.13.

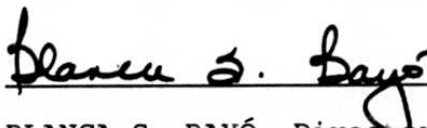
Based on the foregoing, it is .

ORDERED by the Florida Public Service Commission that the transfer of past due amounts for the accounts identified in the body of this Order to the account of Ronald Dvorak by Florida Power & Light Company was reasonable. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 1st day of July, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

VDJ

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 22, 1996.

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.

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 substantially 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.