

REQUEST TO ESTABLISH DOCKET  
(PLEASE TYPE)

Date 12-30-96

Docket No. 970048 - FI

1. Division Name/Staff Name Division of Legal Services (Keating)
2. OPR Legal (Keating)
3. OCR Division of Consumer Affairs & Division of Electric and Gas
4. Suggested Docket Title Complaint of Jesse A. Jones against Florida Power and Light Company concerning backbilling.

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES ONLY for regulated companies or ACRONYMS ONLY regulated industries, as shown in Rule 25-22.104, F.A.C.
- B. Provide COMPLETE name and address for all others. (Match representatives to clients.)

1. Parties and their representatives (if any)

<u>Mr. Jesse A. Jones</u>	<u>Florida Power and Light Company</u>
<u>6540 N.W. 35th Avenue</u>	
<u>Miami, FL 33147</u>	

2. Interested Persons and their representatives (if any)


6. Check one:

- Documentation is attached.  
 Documentation will be provided with the recommendation.

State of Florida



## Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

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**DATE:** December 23, 1996

**TO:** Bob Elias - Bureau Chief of Electric and Gas in Legal

**FROM:** Leroy A. Rasberry - Bureau Chief of Complaint Resolutions *LAR*

**RE:** Informal Conference Requests Recommendation To Deny

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Please review the attached files of Jesse A. Jones vs. Florida Power and Light Company and James E. Timo vs. Gulf Power Company.

Staff has done a preliminary review of both files and suggests that a recommendation to deny both requests be made to the Commissioners. Please advise if you believe otherwise.

LAR:ewe

JESSE A. JONES

"REQUEST FOR INFORMAL CONFERENCE"

On July 17, 1996, Mr. Jones filed a complaint against Florida Power and Light Company (FPL) with the Florida Public Service Commission (PSC) because he received a bill for \$19,380.31. On July 31, Staff received a report from FPL concerning this customer's account.

- The customer's meter was replaced on March 20. The replacement meter came directly from the factory and had not been used.
- The customer's old meter was tested on April 4, and it registered a weighted average accuracy of 51.57%. This means the meter was not working within the guidelines set by the PSC.
- On April 5, a reading was taken on the newly installed meter. It was found to be registering within the PSC's guidelines.

The PSC rules provide that electric meters must register a weighted average accuracy between 98% and 102%. FPL's records indicated that the problem with the customer's old meter dated back to 1992 when his kilowatt hour (KWH) consumption dropped from 40,000 KWH per month to less than 10,000 KWH per month in many months.

Florida Public Service Commission (PSC) Rule 25-6.103 (2) (a) states:

"Except as provided by this paragraph, a utility may backbill in the event that a meter is found to be slow, non-registering or partially registering. A utility may not backbill for any period greater than twelve (12) months from the date it notifies a customer that his or her meter is slow, non-registering or partially registering. If it can be ascertained that the meter was slow, non-registering or partially registering for less than twelve (12) months prior to notification, then the utility may backbill only for the lesser period of time. In any event, the customer may extend the payments of the backbill over the same amount of time for which the utility issued the backbill."

FPL calculated the backbilled amount of \$19,403.27 based upon the customer's daily average KWH consumption after the new meter was installed. This method appears to provide the most reliable backbilling method, since basing the backbilling on the customer's consumption prior to the meter failing, would render a higher bill.

The customer's meter was tested and found to be underrecording the customer's consumption. Additionally, FPL's records indicate that the customer's consumption fell drastically in 1992. The recorded consumption for the period beginning March 20 and ending April 5, was used to estimate the customer's electric consumption and indicates that the customer was underbilled for his actual consumption. The methods used to estimate the amount of the unrecorded consumption and the backbilling period of 12 months comply with the PSC rules. Unless the customer can show that either the period used to estimate his consumption was an aberration or his consumption during the 12 month backbilling period would be less than FPL asserts, I would recommend that the customer's request for an informal conference be rejected.