

THOMAS W. HART  
301 NE 5th Court  
Dania, Florida 33004  
(305) 920-7194

ORIGINAL  
FILE COPY

Public Service Commission  
Blanca S. Bayo, Director of Records and Reporting  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0870

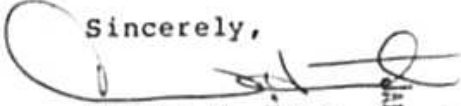
1/30/97

RE: Docket # 970047-EI

Dear Blanca S. Bayo:

Thank you for the recent letter. According to the information, the Commission will meet 2/4/97 to consider my complaint. Being that I have only recently received this notice, I may not be able to appear in person. Therefore, I am sending and faxing an affidavit along with exhibits for the Commission. It is necessary the Commission receive this packet before considering my complaint. Thank you for your attention to this matter.

Sincerely,

  
Thomas W. Hart  
H-954-920-7194  
O-305-868-7618

RECEIVED  
JAN 31 1 17 PM '97  
ADMINISTRATION  
MAIL ROOM

ACK \_\_\_\_\_  
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OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE  
01227 FEB-36  
FPSC-RECORDS/REPORTING

IN RE: DOCKET NO. 970047-EI

COMPLAINT OF MR. THOMAS HART AGAINST  
FLORIDA POWER & LIGHT COMPANY

AFFIDAVIT

STATE OF FLORIDA        )  
                                  )        SS:  
COUNTY OF DADE        )

BEFORE ME, the undersigned authority personally appeared THOMAS HART, who after first being duly sworn by me, deposes and says:

1. My name is Thomas Hart. I am the complainant in the above matter. I have personal knowledge of the facts set forth in this Affidavit.

2. I am the owner of a home located at 301 N.E. 5th Court, Dania, Florida 33004. I have owned that home continuously since 1983.

3. I have reviewed the Memorandum Report dated January 23, 1997 from the Division of Legal Services, Division of Electric and Gas and Division of Consumer Affairs to the Director, Division of Records and Reporting. The paragraph no. 2 of the case background section states that my kilowatt usage was "erratic". I have prepared a summary of kilowatt hours usage at my home since 1990. I drafted this summary with the assistance of Florida Power & Light. The average kilowatt usage for 1990 was 1138. The average kilowatt usage for 1991 was 1152. The average kilowatt usage for 1992 was 1089. The average kilowatt usage for 1993 was 1084. The average kilowatt usage for 1994 was 1009. The average kilowatt usage for 1995 was 758. The average kilowatt usage for 1996 was 843.

4. Florida Power & Light seeks to backcharge me for a six (6) year period. This is entirely arbitrary and unreasonable in light of the fact that the alleged rigging of the meter was not discovered until July, 1995. Certainly, a meter reader who reads the meter every month would have noticed the seal being broken if it had occurred prior to July, 1995. Consequently, there is no logic to back charging my account for six (6) years. At the very most, Florida Power & Light should seek to back-charge me since July, 1995.

5. In addition, Florida Power & Light uses an average of approximately 2500 kilowatt hours per month in calculating its formula on the amounts to backcharge me. This is entirely unreasonable and illogical. A review of the summary attached hereto as Exhibit "1" shows that my average kilowatt usage per month was 1010 over a seven year period. Furthermore, Florida Power & Light replaced the meter in May of 1996. Since that time, my average annual consumption has been significantly lower (843) than the prior six years. In essence, Florida Power & Light has not set forth any reasonable basis for backcharging me six (6) years and for using a multiplier of 2500 kilowatt hours per month in that formula.

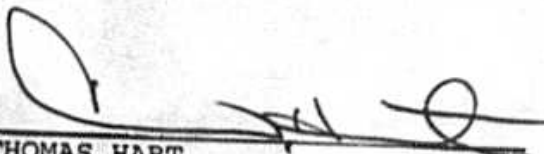
6. Lastly, I take exception to the statements made in the report regarding the testing of the meter. This testing apparently was not done by an independent laboratory but was done by Florida Power & Light. I would suggest that, in order for the Commission to consider this test report, it should require Florida Power & Light to obtain an independent testing company to verify its

allegations.

7. Attached hereto as Exhibit "2" is the backup documentation for Exhibit "1". These are actual billing worksheets that I obtained from Florida Power & Light which contain the information which is set forth in the summary.

8. Lastly, I take exception to Florida Power & Light Company's investigation techniques. A Florida Power & Light investigator admitted to me and admitted at the hearing, that he trespassed on my property and was peeping in my windows. This type of conduct should not be condoned by the Public Service Commission.

FURTHER AFFIANT SAYETH NAUGHT.

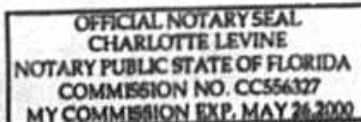
  
THOMAS HART

The foregoing Affidavit was acknowledged before me this 31st day of January, 1997, by THOMAS HART, who is personally known to me and who did (did not) take an oath, who deposes and says that he executed the foregoing and the information contained therein is true and correct to the best of his information, knowledge and belief.

  
Notary Public, State of Florida

My Commission Expires:

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THOMAS W. HART

301 NE 5th Court  
Dania, Florida 33004  
(305) 920-7194

Florida Public Service Commission  
ATTENTION: Beverlee DeMello, Director  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0867

1/10/97

Dear Ms. DeMello:

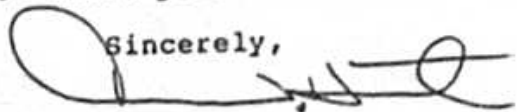
It was a pleasure to meet with you and thank you for your time at our informal conference 12/6/96. As you recommended, I had a conference with Mr. Scott Davis 12/19/96 in an effort to settle this matter. Unfortunately, we did not reach an agreement. Both parties basically maintained the same respective positions that you heard at the informal conference.

To reiterate for the record; FP&L alleges the dials on the meter at the property owned by myself were reset or set back on 4 occasions between August 1995 and December 1995. After December 1995, no further discrepancies were noted, however, a new meter was installed in April 1996. FP&L then through some guesstimate/formula, computed an amount and then back-billed me for 6 years. Using this guesstimate/formula, FP&L concluded that I should be using approximately 2500 KW per month and that is what I used every month on the average for the last 6 years.

The records on the KW consumption for the last year show an average of 844KW per month. This is 1/3 of what FP&L has estimated. The actual average consumption record is certainly more accurate than their formula.

I am certainly willing to get rid of this case but common sense has to prevail. If the seal was broken in late July 1995, then that should be the starting date for their computation using the actual average consumption of record. If there are any further questions or information needed please contact me. Thank you.

Sincerely,



Thomas W. Hart  
H-954-920-7194  
O-305-868-7616

KWH SUMMARY

0350

Name : THOMAS W HART  
 Address : 301 NE 5TH CT  
 Bill Account : 22814-51605  
 OLBA : OLDBA:72-17-068-67640-3

DANIA

Meter Set Date : 11/1/75  
 Meter Number : 5C47661  
 Customer Connect Date: 10/3/83  
 Case Number : 627060539

97	MONTH	1996	1995	1994	1993	1992	1991	1990
414	JAN	425 1/22/96	1133 1/23/95	21 1111	20 824	23 1164	23 1203	23 1317
	FEB	482 2/20/96	791 2/21/95	22 1000	21 788	21 997	21 753	21 748
	MAR	860 3/20/96	629 3/22/95	23 812	22 957	23 1118	22 1210	22 739
	APR	897 4/18/96	519 4/20/95	21 754	21 752	21 1147	22 960	20 1006
	MAY	1196 5/17/96	591 5/19/95	20 1172	20 965	20 1235	21 984	22 1038
	JUN	1267 18	1000 6/20/95	21 1129 6/21/94	21 1545	19 1142	20 990	21 1223
	JUL	1265	868 7/20/95	21 994 7/21/94	21 1028	21 1282	22 1697	23 1356 72 MONTH
	AUG	1119	879 8/18/95	19 1007 8/19/94	20 1401	21 1430	21 1454	22 1452
	SEP	886	735 9/19/95	20 1175 9/20/94	21 1244	21 1204	20 1191	20 1331
	OCT	692	783 10/18/95	20 1227 10/20/94	20 1234	20 867	22 1320	22 1329
	NOV	520	573 11/17/95	21 807 11/21/94	19 1150	19 724	22 889	22 1020
	DEC	518	597 12/19/95	21 923 12/21/94	21 1120	18 762	23 1174	21 1100
	TOTAL	843 AV 3860	758 AV 9098	1009 AV 7262	1084 AV	1089 AV	1152 AV	1138 AV

\* = Current Diversion Documented and New Meter Installation

Prepared By: 

**Additio<sup>n</sup> Billing Worksheet - Central Area**

**Customer Information**

22814-51605 72 17 068 ELE ACT  
 THOMAS W HART  
 301 NE 5TH CT  
 DANIA FL 33004  
 GMAD

10/3/83 1/044/ 5C12565  
 PH (954)920-7194 S SPEC  
 S/T# 471-46-7193 CDIN  
 P OLDBA:72-17-068-67640-3

Case # 62706053  
 Meter # 5C 47661  
 Set Date 11/1/75  
 Svc To Date 6/21/90  
 ASBILL 72562  
 REBILL 174577  
 ADDITIONAL 102015

#	Month	Year	KWH	%	Yearly
1	Aug	95	3020 *	9.94	30382
2	Nov	95	2460 **	8.56	28738
3					
4					

Average of Total Yearly Usage == >

29560

**Statements**

Account Rebilled From 6/21/90 To NMS, 05/13/96 . Using Seasonal Average Percentage.

\* P = ( 302 KWH /3Days \* 30 Days) = 3020

\*\* P = ( 574 KWH /7Days \* 30 Days) = 2460

2451 / 29 = 84.52 Per Day. 84.52 \* 25 Days On Old Meter = 2113 .

2113 + 122 NMS Usage = 2235

Service To - 96

Month	Days	KWH Reading	KWD Rding	KWH Asbilled	KWD	% Usage	KWH Rebilled	KWD	Remarks
Dec				518		6.71			
Nov				520		8.56			
Oct				692		9.96			
Sep				886		10.32			
Aug				1117		9.94			
Jul				1265		9.96			
Jun				1267		10.01			
May	05/17/96	29	122	1196		8.29	2235		
Apr	04/18/96	29	0	897		6.69	1978		
Mar	03/20/96	29	99103	860		6.14	1815		
Feb	02/20/96	29	98243	482		6.85	2025		
Jan	01/22/96	33	97761	425		6.57	1942		

Service To - 95

Dec	12/19/95	32	97336	597		6.71	1983		
Nov	11/17/95	30	96739	573		8.56	2530		
Oct	10/18/95	29	96166	783		9.96	2944		
Sep	09/19/95	32	95383	735		10.32	3051		
Aug	08/18/95	29	94648	879		9.94	2938		
Jul	07/20/95	30	93769	868		9.96	2944		
Jun	06/20/95	32	92901	1000		10.01	2959		
May	05/19/95	29	91901	591		8.29	2451		
Apr	04/20/95	29	91310	519		6.69	1978		
Mar	03/22/95	29	90791	629		6.14	1815		
Feb	02/21/95	29	90162	791		6.85	2025		
Jan	01/23/95	33	89371	1133		6.57	1942		

CDIC CHARGES \$387.99

Billed By: JORGE ZAMORA

DATE 6/25/96

*Thomas 6/26/96*

**Addit<sup>o</sup> Billing Worksheet - Central Area**

**Customer Information**

22814-51605 72 17 068 ELE ACT  
 THOMAS W HART  
 301 NE 5TH CT  
 DANIA FL 33004  
 GMAD

10/3/83 1/044/ 5C12565  
 PH (954)920-7194 S SPEC  
 S/T# 471-46-7193 CDIN  
 P OLDBA:72-17-068-67640-3

Case # 62706053  
 Meter # 5C 47661  
 Set Date 27699  
 Svc To Date 33045  
 ASBILL  
 REBILL  
 ADDITIONAL

#	Month	Year	KWH	%	Yearly
1	Aug	95	3020 *	9.94	30382
2	Nov	95	2460 **	8.56	28738
3					
4					

Average of Total Yearly Usage == >

29560

**Statements**

Account Rebilled From 6/21/90 To NMS, 05/13/96 . Using Seasonal Average Percentage.

\* P = ( 302 KWH /3Days \* 30 Days) = 3020

\*\* P = ( 574 KWH /7Days \* 30 Days) = 2460

2451 / 29 = 84.52 Per Day. 84.52 \* 25 Days On Old Meter = 2113 .

2113 + 122 NMS Usage = 2235

Service To - 94

Month	Days	KWH Reading	KWD Rding	KWH Asbilled	KWD	% Usage	KWH Rebilled	KWD	Remarks
Dec	12/21/94	30	88238	923	923	7.73	2285		
Nov	11/21/94	32	87315	807	807	8.49	2510		
Oct	10/20/94	30	86508	1227	1227	9.06	2678		
Sep	09/20/94	32	85281	1175	1175	9.99	2953		
Aug	08/19/94	29	84106	1007	1007	9.97	2947		
Jul	07/21/94	30	83099	994	994	10.51	3107		
Jun	06/21/94	32	82105	1129	1129	9.34	2761		
May	05/20/94	29	80976	1172	1172	8.24	2436		
Apr	04/21/94	29	79804	754	754	7.31	2161		
Mar	03/23/94	29	79050	812	812	6.51	1924		
Feb	02/22/94	32	78238	1000	1000	6.34	1874		
Jan	01/21/94	31	77238	1111	1111	6.51	1924		

Service To - 93

Dec	12/21/93	32	76127	1120	1120	7.41	2190		
Nov	11/19/93	30	75007	1150	1150	8.23	2433		
Oct	10/20/93	29	73857	1234	1234	10.02	2962		
Sep	09/21/93	32	72623	1244	1244	10.97	3243		
Aug	08/20/93	30	71379	1401	1401	11.31	3343		
Jul	07/21/93	30	69978	1028	1028	10.42	3080		
Jun	06/21/93	32	68950	1545	1545	8.71	2575		
May	05/20/93	29	67405	965	965	6.87	2031		
Apr	04/21/93	30	66440	752	752	6.32	1868		
Mar	03/22/93	29	65688	957	957	6.58	1945		
Feb	02/21/93	32	64731	788	788	6.40	1892		
Jan	01/20/93	33	63943	824	824	6.76	1998		

Billed By: JORGE ZAMORA

DATE 6/25/96



**Addit<sup>o</sup> Billing Worksheet - Central Area**

**Customer Information**

22814-51605 72 17 068 ELE ACT  
 THOMAS W HART  
 301 NE 5TH CT  
 DANIA FL 33004  
 GMAD

10/3/83 1/044/ 5C12585  
 PH (954)920-7194 S SPEC  
 S/T# 471-46-7193 CDIN  
 P OLDBA:72-17-068-67640-3

Case # 62706053  
 Meter # 5C 47661  
 Set Date 27699  
 Svc To Date 33045

**ASBILL  
 REBILL  
 ADDITIONAL**

#	Month	Year	KWH	%	Yearly
1	Aug	95	3020 *	9.94	30382
2	Nov	95	2460 **	8.56	28738
3					
4					

Average of Total Yearly Usage = = > 29560

**Statements**

Account Rebilled From 6/21/90 To NMS, 05/13/96 . Using Seasonal Average Percentage.

\* P = ( 302 KWH /3Days \* 30 Days) = 3020

\*\* P = ( 574 KWH /7Days \* 30 Days) = 2460

2451 / 29 = 84.52 Per Day. 84.52 \* 25 Days On Old Meter = 2113 .

2113 + 122 NMS Usage = 2235

Service To - 92

Month	Days	KWH Reading	KWD Rding	KWH Asbilled	KWD	% Usage	KWH Rebilled	KW <sup>n</sup>	Remarks
Dec	12/18/92	29	63119	762		6.70	1981		
Nov	11/19/92	30	62357	724		7.69	2273		
Oct	10/20/92	29	61633	867		9.45	2793		
Sep	09/21/92	31	60766	1204		10.49	3101		
Aug	08/21/92	31	59562	1430 <sup>†</sup>		10.98	3246		
Jul	07/21/92	32	58132	1282		10.07	2977		
Jun	06/19/92	30	56850	1142		9.42	2785		
May	05/20/92	29	55708	1235		8.47	2504		
Apr	04/21/92	29	54473	1147		6.89	2037		
Mar	03/23/92	31	53326	1118		6.64	1963		
Feb	02/21/92	29	52208	997		6.29	1859		
Jan	01/23/92	31	51211	1164		6.91	2043		

Service To - 91

Dec	12/23/91	31	50047	1174		6.59	1948		
Nov	11/22/91	31	48873	889		8.02	2371		
Oct	10/22/91	32	47984	1320		10.23	3024		
Sep	09/20/91	30	46664	1191		10.29	3042		
Aug	08/21/91	30	45473	1454		10.87	3213		
Jul	07/22/91	32	44019	1697		10.04	2968		
Jun	06/20/91	30	42322	990		9.32	2755		
May	05/21/91	29	41332	984		7.49	2214		
Apr	04/22/91	31	40348	960		6.41	1895		
Mar	03/22/91	29	39388	1210		6.23	1842		
Feb	02/21/91	29	38178	753		6.57	1942		
Jan	01/23/91	33	37425	1203		7.94	2347		

Billed By: JORGE ZAMORA

DATE 6/25/96

**Additio ' Billing Worksheet - Central Area**

**Customer Information**

22814-51605 72 17 068 ELE ACT  
 THOMAS W HART  
 301 NE 5TH CT  
 DANIA FL 33004  
 GMAD

10/3/83 1/044/ 5C12565  
 PH (954)920-7194 S SPEC  
 S/T# 471-46-7193 CDIN  
 P OLDBA:72-17-068-67640-3

Case # 62706053  
 Meter # 5C 47661  
 Set Date 27699  
 Svc To Date 33045

ASBILL  
 REBILL  
 ADDITIONAL

#	Month	Year	KWH	%	Yearly
1	Aug	95	3020 *	9.94	30382
2	Nov	95	2460 **	8.56	28738
3					
4					

Average of Total Yearly Usage == > 29560

**Statements**

Account Rebilled From 6/21/90 To NMS, 05/13/96 . Using Seasonal Average Percentage.

\* P = ( 302 KWH /3Days \* 30 Days) = 3020

\*\* P = ( 574 KWH /7Days \* 30 Days) = 2460

2451 / 29 = 84.52 Per Day. 84.52 \* 25 Days On Old Meter = 2113 .

2113 + 122 NMS Usage = 2235

Service To - 90

Month	Days	KWH Reading	KWD Rding	KWH Asbilled	KWD	% Usage	KWH Rebilled	KWD	Remarks
Dec	12/21/90	29	36222	1100		7.08	2093		
Nov	11/22/90	31	35122	1020		7.57	2238		
Oct	10/22/90	32	34102	1329		10.26	3033		
Sep	09/20/90	29	32773	1331		11.46	3388		
Aug	08/22/90	30	31442	1452 <sup>1</sup>		10.24	3027		
Jul	07/23/90	32	29990	1356		10.15	3000		
Jun						8.59			
May						7.19			
Apr						7.11			
Mar						6.47			
Feb						7.02			
Jan						6.86			

Service To - 88

Dec						7.08			
Nov						7.57			
Oct						10.26			

Billed By: JORGE ZAMORA

DATE 6/25/96