

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 6, 1998

RE: DOCKET NO. 980864-EI - Complaint by Albert Sadaka against Florida Power & Light Company regarding backbilling.

Issue 1: Is there sufficient evidence that meter tampering occurred at the Sadaka residence at 5600 South West 85th Street, Miami, Florida, to allow FPL to backbill the Sadaka account for unmetered kilowatt hours?

Recommendation: Yes. Prima facie evidence of meter tampering documented both in FPL's reports, and during the informal conference, demonstrates that meter tampering occurred.

**DENIED**

*On the Commission's own motion, this case has been set for an administrative hearing.*

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in the Majority column]*

*[Handwritten signature: J. Terry Deason]*

REMARKS/DISSENTING COMMENTS:

*Commissioner Deason dissented*

DOCUMENT NUMBER-DATE

11261 OCT 12 98

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Issue 2: Is Florida Power & Light Company's calculation of the backbilled amount of \$15,451.79, including investigation charges of \$299.28, for the period March 19, 1991, to March 12, 1997, reasonable?

Recommendation: No. FPL should backbill Mr. Sadaka for the period March 17, 1993, through March 12, 1997, resulting in a charge of \$12,181.26 for unbilled energy. In addition, FPL should bill Mr. Sadaka for investigation charges of \$299.28 for a total amount of \$12,480.54.

**DENIED** - *See issue 1*

Issue 3: Should this docket be closed?

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

**DENIED** - *See issue 1*