



# 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-

**DATE:** MAY 3, 2001

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

**FROM:** DIVISION OF LEGAL SERVICES (WALKER) *RUEHL*  
DIVISION OF SAFETY & ELECTRIC RELIABILITY (RUEHL) *RUEHL*  
DIVISION OF CONSUMER AFFAIRS (STOKES) *STOKES*

**RE:** DOCKET NO. 990689-EI - COMPLAINT BY DAVID E. ROOMES  
AGAINST FLORIDA POWER & LIGHT COMPANY REGARDING POWER  
OUTAGES AT HIS RESIDENCE.

**AGENDA:** MAY 15, 2001 - REGULAR AGENDA - FINAL ACTION

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\LEG\WP\990689.RCM

### CASE BACKGROUND

On August 12, 1997, Mr. David E. Roomes (customer) filed complaint 182914I against Florida Power & Light Company (FPL) regarding power outages at his residence, 3340 NW 71st Street, Coconut Creek, Florida.

On June 26, 1998, the Division of Consumer Affairs (CAF) received customer's request for an informal conference. On January 14, 1999, an informal conference was held and it was determined that the parties disagreed on the number and/or duration of the outages. Therefore, the parties agreed to place two monitoring devices on Mr. Roomes' residence to obtain a baseline of data to determine the customer's complaints. After reviewing the data obtained from the monitoring devices, it was determined that blown

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fuses resulting from equipment failure on other parts of the system and severe weather, which affected several thousand Florida Power & Light (FPL) customers, were the causes of the outages.

Staff has had several conversations with the customer to explain FPL's findings for the power outages. The customer maintains that he experienced more outages than FPL's data confirms.

By Order No. PSC-99-1481-PCO-EI, issued August 2, 1999, the Commission assigned Mr. Roomes' complaint to the Division of Administrative Hearings (DOAH) to resolve the parties' factual dispute.

On February 21, 2000, FPL filed a Motion to Dismiss and for Sanctions against Mr. Roomes alleging that the customer failed to comply with any of the orders entered in this case. On March 9, 2000, the Administrative Law Judge (ALJ) issued an Order To Show Cause against Mr. Roomes why he has not complied with the October 19, 1999, Order Compelling Responses to Discovery and Canceling Hearing or the January 31, 2000, Order Requiring Status Report. Mr. Roomes never complied with the Order to Show Cause and, on April 10, 2000, the ALJ issued an Order Closing File in Case No. 99-3446.

**ISSUE 1:** Should Mr. Roomes' complaint be dismissed?

**RECOMMENDATION:** Yes. Based on Mr. Roomes' failure to pursue this matter at DOAH, his complaint should be dismissed. (WALKER, RUEHL, STOKES)

**STAFF ANALYSIS:** Mr. Roomes has failed to comply with the Division of Administrative Hearing's Order Compelling Responses to Discovery and Canceling Hearing, entered October 15, 1999, the Order Requiring Status Report, entered January 31, 2000, and the Order to Show Cause, entered March 9, 2000. In response to these failures

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to pursue the claim, the Administrative Law Judge issued an Order Closing File on April 10, 2000. Therefore, the complaint should be dismissed.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes. There are no further matters that the Commission may consider in this docket. (WALKER)

**STAFF ANALYSIS:** Since the referral to the Division of Administrative Hearings, no Commission action has been taken. Because there are no further matters that the Commission should consider in this docket, this docket should be closed.