

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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 :  
 In The Matter of : DOCKET NO. 000824-EI  
 :  
 Review of Florida Power :  
 Corporation's earnings, :  
 including effects of :  
 proposed acquisition of :  
 Florida Power Corporation :  
 by Carolina Power & Light.:  
 :  
 -----X

PROCEEDINGS: ST. PETERSBURG, FLORIDA,  
SERVICE HEARING

BEFORE: CHAIRMAN LILA A. JABER  
COMMISSIONER MICHAEL A. PALECKI  
COMMISSIONER BRAULIO L. BAEZ  
COMMISSIONER RUDOLPH "RUDY" BRADLEY

DATE: Wednesday, January 23, 2002

TIME: Commenced at 6:00 p.m.  
Concluded at 9:35 p.m.

PLACE: City Council Chambers  
City Hall  
175 Fifth Street North  
St. Petersburg, Florida

REPORTED BY: Donna W. Everhart  
CSR, RPR, CP, CM  
Certified Shorthand  
Reporter  
Notary Public  
State of Florida at Large

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APPEARANCES:

CHARLES J. BECK, Deputy Public Counsel,  
Office of the Public Counsel, c/o The Florida  
Legislature, Room 812, 111 West Madison Street,  
Tallahassee, Florida 32399, appearing on behalf of  
the Citizens of the State of Florida.

JAMES A. MCGEE, Associate General  
Counsel, Post Office Box 14042, St. Petersburg,  
Florida 33733, appearing on behalf of Florida  
Power.

ADRIENNE E. VINING, FPSC Division of  
Legal Services, 2540 Shumard Oak Boulevard,  
Tallahassee, Florida 32399, appearing on behalf of  
the Commission Staff.

ALSO PRESENT:

WILLIAM B. McNULTY, FPSC Division of  
Safety and Electric Reliability.

MICHAEL SPRINGER, FPSC Regulatory Analyst  
III.

MICHAEL A. LEWIS, Vice President, Coastal  
Region, Florida Power.

JOHN J. FLYNN, Manager, Regulatory  
Policy, Regulatory and Public Affairs, Florida  
Power.

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P R O C E E D I N G S

(Hearing convened at 6:00 p.m.)

MS. VINING: Pursuant to notice issued by the clerk of the Florida Public Service Commission on November 7, 2001, a customer service hearing was called for Docket No. 000824-EI at this time and place. As stated in the notice, the purpose of this hearing shall be to take testimony from members of the public on the rates and service of Florida Power Corporation.

The procedure at this hearing shall be as follows: The company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled service hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall be subject to cross-exam at the conclusion of their testimony.

CHAIRMAN JABER: Thank you, Counsel.

This is an opportunity I'd like to take to introduce my colleagues and myself to the members of the public that are here to testify tonight. I am Lila Jaber. I'm the Chairman of the

1 Public Service Commission. And to my left is  
2 Commissioner Rudy Bradley, St. Petersburg's own,  
3 Commissioner Rudy Bradley. To my right,  
4 Commissioner Michael Palecki and Commissioner  
5 Braulio Baez.

6 I want to tell you a little bit about  
7 this case before I allow the parties to introduce  
8 themselves and before I allow them to make opening  
9 statements. The Florida Public Service Commission  
10 initiated this proceeding in May of last year to  
11 review the level of rates that Florida Power  
12 Corporation was charging.

13 In a process like that, we want to hear  
14 from customers about their concerns related to  
15 Florida Power Corporation's rates but also your  
16 concerns related to the quality of service that's  
17 provided by Florida Power Corporation.

18 This is an evidentiary proceeding, and at  
19 some point I'll ask customers and members of the  
20 audience who wish to speak to stand, and I will  
21 swear you in. There's the traditional oath that I  
22 must administer before you can testify in front of  
23 the PSC.

24 The parties will be allowed to make  
25 opening statements and really just to describe

1 their positions and the nature of the case. At  
2 some point you will come up and testify. We ask  
3 that you make your comments brief and concise  
4 because there are other customers who wish to  
5 testify tonight and we want to make sure we hear  
6 from everyone.

7 I'd ask that you come up to this podium  
8 here on the left. For the benefit of the court  
9 reporter, we ask that you spell your last name for  
10 us, and remember to allow every customer to testify  
11 without interruption. So for those members in the  
12 audience, I need you to let the customers finish  
13 their testimony before the next one speaks.

14 With that, let me introduce to my right  
15 is Florida Power Corporation. To the left here  
16 we've got Charlie Beck from the Office of Public  
17 Counsel. They'll make their opening statements in  
18 a minute.

19 We have members of our staff, the staff  
20 of the Florida Public Service Commission. They're  
21 here to answer your questions informally, formally  
22 if you'd like. I may refer you after you testify  
23 to our staff.

24 For example, customers from time to time  
25 express concerns about their bill and whether

1 there's a mistake in their bill. I'll ask  
2 Mr. McNulty here to the left and Mr. Springer, the  
3 far left, to meet with the customer and make sure  
4 that the concerns are resolved.

5 We will -- there are five members of the  
6 Commission. We will decide the case at the June  
7 agenda conference, our June meeting. And the fifth  
8 Commissioner is not here. I can assure you he  
9 wanted to be here. He has finally gotten the flu  
10 that we've all had already, so that's why he's not  
11 here with us tonight.

12 All right. Mr. McGee, we'll let you get  
13 started.

14 MR. MCGEE: Madam Chairman and  
15 Commissioners, my name is Jim McGee. I'm appearing  
16 on behalf of Florida Power Corporation. With me to  
17 my far left is Mr. Michael Lewis, who is Florida  
18 Power's vice president for our coastal region. And  
19 to my immediate left is Mr. John Flynn, who is the  
20 manager of regulatory services for Florida Power.

21 Each of them would like to make a brief  
22 opening statement. And we will try to keep that  
23 brief so that we can allow the customers the  
24 opportunity to present their information to the  
25 Commission. And with that, I'd ask Mr. Flynn to



1 begin.

2 MR. FLYNN: Thank you, Madam Chair,  
3 Commissioners. I will be very brief. I'd like to  
4 say that Florida Power truly appreciates all the  
5 customers that have turned out tonight and we  
6 genuinely do seek your input, your concerns, your  
7 questions.

8 This is the fourth of four service  
9 hearings that have been held around our territory.  
10 And having sat through all three so far, I can  
11 honestly tell you that we have gleaned a great deal  
12 of information, have done a great deal of  
13 follow-up, and we look forward to having what  
14 you -- hear what you have to say tonight.

15 I will point out there are two folks from  
16 our customer service organization here tonight,  
17 Kimberly Brown and Kim Berghoefer. If you have a  
18 question or a concern that you testify to, they  
19 will be seeking you out to make sure that we have  
20 all of your information to appropriately follow up.

21 If you do not testify or you realize  
22 afterwards that you have a question or a concern  
23 regarding service quality, your rates, your bills,  
24 anything in particular, please seek these ladies  
25 out, and we will commit to get back to you as soon

1 as we possibly can.

2 And with that, I'd like to turn it over  
3 to Michael Lewis.

4 MR. LEWIS: Thank you, John. Good  
5 evening. It's good to be here today. We had a  
6 great session this afternoon, and I will  
7 reemphasize what John mentioned earlier. I learned  
8 a lot, and we're going to respond and react to all  
9 the service issues we heard this afternoon. And  
10 our plans are to do the same thing tonight as well.

11 Florida Power is committed to providing  
12 stellar electric service to the customers and  
13 communities it serves. And while the company's  
14 past performance has delivered on that promise,  
15 Florida Power still seeks opportunities to --  
16 excuse me, still seeks opportunities to improve  
17 further.

18 As a result, the company is now  
19 intensifying its customer focus to meet customer  
20 needs in the 21st century. Towards that end, the  
21 company must upgrade the energy delivery  
22 infrastructure that has served customers well for  
23 30 years.

24 Added to the strength of these efforts  
25 are two key corporate values. One, a commitment to

1 excellence and, two, a willingness to do what is  
2 necessary to achieve increased service levels for  
3 an ever-expanding customer base.

4 We execute these corporate values by way  
5 of a four-point plan. Point 1: Lower rates.  
6 Florida Power's base rates have not changed since  
7 1993. The company is now proposing plans that will  
8 have a cumulative effect of lowering the monthly  
9 bill of the typical residential customer who uses  
10 1,000 kilowatt-hours by approximately \$3.25 or 3.5  
11 percent over the next three years.

12 Customers will receive a \$5 million rate  
13 credit for a period of 15 years for a total of \$75  
14 million. In 2004, customers will receive an  
15 additional reduction of \$37 million in lower rates  
16 as a result of the full amortization of the Tiger  
17 Bay co-generation facilities purchased in 1997.

18 In just this month Florida Power lowered  
19 its annual fuel cost and related charges by  
20 approximately \$65 million.

21 Point 2: Customer service enhancements.  
22 We at Florida Power are proud of the customer  
23 service that we have provided to our customers 24  
24 hours a day, seven days a week. And we are proud  
25 of our plans to enhance customer service even more.

1           In fact, as part of these enhancements  
2 and for the first time in the company's history,  
3 our president and CEO, Bill Habermeyer, has started  
4 face-to-face meetings with residential customers.  
5 And we have recently met with the presidents of the  
6 St. Petersburg Neighborhood Associations.

7           Customers have responded very favorably  
8 to these meetings, resulting in increased  
9 satisfaction reports for 2001 for both J. D. Powers  
10 & Associates and our own customer center gauge  
11 scores, which, by the way, indicate that we have  
12 exceeded our own goal by 5 points to 80 percent  
13 favorable rating for customer service.

14           The company has over 200 pay stations to  
15 provide greater customer access around the state,  
16 offering expanded hours and some around-the-clock  
17 bill payment services. The company has also  
18 expanded its communications systems so customers  
19 can handle nearly any transaction via the telephone  
20 24 hours a day.

21           Other service enhancements allow  
22 customers to view and pay their bills on-line. A  
23 toll-free outage number and 1,000 additional phone  
24 lines ensure that the customers who lose power  
25 during a storm would get quick response.

1 Point 3: Increased generating capacity.  
2 Florida Power has committed to increasing  
3 generation capacity reserve margins from 15 percent  
4 to 20 percent by 2003. The company invested \$80  
5 million in 286 megawatts of new peaking capacity at  
6 Intercession City plant that began operation in  
7 early 2001 and will invest an additional \$200  
8 million in a new 567 megawatt combined-cycle plant  
9 at the Hines Energy Complex that will begin  
10 commercial operation in late 2003, resulting in  
11 annual fuel savings of \$35 million.

12 Point 4: Improved reliability. Over the  
13 past five years, Florida Power has improved system  
14 reliability by 30 percent. Florida Power has made  
15 a commitment to its customers and to the Florida  
16 Public Service Commission to further improve system  
17 reliability for the entire system by 20 percent  
18 over the next three years.

19 The company's plan will strengthen the  
20 electric system through additional investment in  
21 excess of \$100 million over the next three years.  
22 Enhanced reliability would be the result of the  
23 implementation of new service technology such as  
24 real-time information exchanged between line  
25 dispatchers and field crews.

1 Florida Power also plans to build several  
2 new operating centers across its 20,000-square-mile  
3 service territory placing line, service,  
4 engineering, and management resources closer to the  
5 customers, resulting in improved response time and  
6 quicker service restoration.

7 Historically Florida Power has had a  
8 strong commitment to its customers, and as a part  
9 of Progress Energy the company has reaffirmed and  
10 intensified that commitment to achieve world-class  
11 performance. Our vision is to achieve and maintain  
12 power quality and reliable performance that result  
13 in first-quartile customer satisfaction.

14 In conclusion, we're here to listen.  
15 We're here to obtain feedback so that we can  
16 continue to improve our operations. And we thank  
17 you for being here tonight. We look forward to  
18 hearing your comments. Thank you.

19 CHAIRMAN JABER: Thank you, Mr. Lewis.  
20 Mr. Beck.

21 MR. BECK: Thank you, Madam Chairman.  
22 My name is Charlie Beck. I'm with the Office of  
23 Public Counsel. Our office is separate from the  
24 Florida Public Service Commission.

25 The Commission will be deciding this

1 case. They're going to be acting much as the  
2 judge. Our office is the advocate on your behalf  
3 in this case. And we put on a case that counters  
4 what Florida Power Corporation is putting on.

5 We have -- I'm going to be brief because  
6 we want to hear from you, but just very briefly,  
7 Florida Power Corporation has offered to reduce  
8 rates by \$5 million a year for 15 years. But what  
9 they haven't mentioned to you is that they -- as  
10 part of that filing, they're asking customers to  
11 pick up the tab for the premium they paid --  
12 Carolina Power & Light paid to purchase Florida  
13 Power Corporation.

14 So what they're doing, they're asking  
15 customers to pay \$55 million a year for 15 years in  
16 order to reimburse Carolina Power & Light for the  
17 higher stock price they paid.

18 Now, that's more than three-quarters of a  
19 billion dollars. Their \$5 million per year offer  
20 is not much in compared to that. And we're very  
21 much opposed to their request to have customers  
22 pick up the tab for the merger.

23 The second thing they've asked for is a  
24 return on their investment of 13.2 percent. Now,  
25 that's their investment in the company. That's

1 after-taxes. So they're asking that the rates be  
2 set high enough so that after they pay their taxes  
3 on that amount, they will still earn a 13.2 percent  
4 return. And in today's environment, that's just  
5 unconscionable. It's way too high.

6 We have a slew of other differences, a  
7 lot of financial and accounting differences. We  
8 disagree with them on the costs they're allocating  
9 from affiliates. We filed a case yesterday by six  
10 expert witnesses that recommends the Commission  
11 reduce their rates by \$246 million per year. So  
12 you can see there's quite a big difference between  
13 us.

14 We appreciate everybody coming here  
15 tonight. The purpose is to hear from you. So  
16 thank you for coming, and we look forward to  
17 hearing from you. Thank you.

18 CHAIRMAN JABER: Thank you, Mr. Beck.  
19 One of the things I neglected to mention, the --  
20 when you signed up to testify, you probably would  
21 have received a sheet similar to this that's  
22 green. The last page of the sheet is a customer  
23 comment section.

24 For those of you who want us to hear your  
25 comments or to know about your concerns but do not



1 wish to speak tonight, feel free to fill out that  
2 sheet and leave it with any one of us. You can  
3 give it to staff later on in the evening. You can  
4 leave it with Thelma Crump right outside the door  
5 here. But for those of you who wish to testify,  
6 please stand up and raise your right hand.

7 (Witnesses collectively sworn.)

8 CHAIRMAN JABER: Mr. Beck, you will call  
9 each witness up in the order that they signed.

10 MR. BECK: Yes, I am. Thank you, Madam  
11 Chairman. The first witness is Russ Sloan.

12 THEREUPON,

13 RUSS SLOAN

14 was called as a witness on behalf of the Citizens  
15 of the State of Florida and, having been duly  
16 sworn, testified as follows:

17 WITNESS SLOAN: I'm Russ Sloan, president  
18 of St. Petersburg Area Chamber of Commerce. And  
19 I'd like to welcome Commissioner Bradley back to  
20 his stomping grounds. And I also noticed that 40  
21 percent of the Commission are Stetson University  
22 law grads. So, yes, good to see you. We're proud  
23 of that.

24 CHAIRMAN JABER: Mr. -- is it Mr. Sloan?

25 WITNESS SLOAN: S-L-O-A-N. Sorry about

1 that. We are one of the state's largest chambers.  
2 We have over 2,000 business members. And by  
3 coincidence, Florida Power and the St. Pete Chamber  
4 have both been around for 103 years. And over that  
5 103-year history, you can imagine we have been  
6 partners in many worthy endeavors. And, of course,  
7 we're also customers.

8 Florida Power is a huge elephant, and I  
9 don't pretend that we see all of the elephant. But  
10 I'm just going to share on the part of the elephant  
11 that we do see. I know they are immensely  
12 committed to economic development.

13 And as I look at the corridor, I-4/275  
14 corridor from Orlando to here, we have all the  
15 potential to become the mega region of the  
16 southeast part of the United States. And Florida  
17 Power is going to be a key element in that.

18 And my good friend, Jake Stewart, of the  
19 Orlando Chamber and the Tampa Chamber and the  
20 Clearwater Chamber, we are working very closely  
21 together. So you need the kind of partners that a  
22 Florida Power can associate with the free  
23 enterprise aspects of a chamber.

24 The things, the part of the elephant that  
25 impresses me is that I do think the \$280 million

1 investment in two plants is significant. I do  
2 think the potential savings to us as customers is  
3 also significant.

4 I don't pretend that you're not going to  
5 spend money to make money, but I think down the  
6 road what I see is the potential benefits. I do  
7 think that we're going to experience lower fuel  
8 costs from a Florida Power perspective. I do think  
9 us as customers eventually will have reduced rates,  
10 both immediate and more down the road.

11 I do think we're going to have increased  
12 energy production, and I do think that we're going  
13 to have an increase in reliable service. Some of  
14 that has already been demonstrated with the promise  
15 of 20 percent more in the next three years.

16 Also, I don't think that you can minimize  
17 the potential worldwide that at times we can get in  
18 a very volatile fuel market. And so it's hard to  
19 judge what may come down the road from an energy  
20 standpoint from a fuel cost.

21 And also I don't think you can quite  
22 minimize we are in a war unlike any war that we  
23 have ever fought, not knowing exactly where our  
24 enemy is or where they may strike. So that's a  
25 little bit unknown of the future.

1 I can tell you, having served three major  
2 chambers in three communities, I have been  
3 immensely impressed with the management team that  
4 Bill Habermeyer has put together for Florida  
5 Power. I've been impressed with the streamlining  
6 operational part of it that I've seen.

7 I think they've taken great steps to  
8 become more efficient, definitely become more  
9 consumer oriented, more sensitive to improved  
10 service.

11 And so from the parts of the elephant  
12 that I can see, I have been immensely pleased with  
13 the direction that they're heading, and appreciate  
14 the opportunity to testify this evening. Thank  
15 you.

16 CHAIRMAN JABER: Thank you, Mr. Sloan.

17 MR. BECK: Next witness is Leon Atkinson.

18 THEREUPON,

19 LEON ATKINSON

20 was called as a witness on behalf of the Citizens  
21 of the State of Florida and, having been duly  
22 sworn, testified as follows:

23 WITNESS ATKINSON: Good evening, ladies  
24 and gentlemen. My name is Leon G. Atkinson.  
25 That's A-T-K-I-N-S-O-N. And I'm the Mayor of the

1 City of Treasure Island. Being mindful of your  
2 schedule and my tendency to sway from the subject  
3 when I have the floor, I would like your permission  
4 to read my message into the record.

5 First of all, let me tell you I do not  
6 like paying Florida Power my Florida Power bill  
7 any more than I like paying my dentist's bill.  
8 However, being a realistic type person, I'd hate to  
9 try living in today's world without either of them.

10 Florida Power provides the electricity  
11 that I use to brush my teeth, and that helps reduce  
12 my dentist bill. My dentist does absolutely  
13 nothing to help reduce my Florida Power bill.  
14 Florida Power has never physically hurt me. My  
15 dentist does so constantly, and not only does he do  
16 that, he seems to enjoy it and then he wants to get  
17 paid for doing it. Enough about him.

18 Florida Power has always been prompt,  
19 efficient, and concerned whenever we've had a  
20 problem with their system. Recently through their  
21 preventive maintenance, they've discovered a very,  
22 very serious problem that was about to occur with  
23 our major underground circuitry in our City Hall  
24 complex area.

25 That's an area that had that have failed,

1 our City Hall would have been without power along  
2 with our police station, fire station, public works  
3 buildings, and all of the businesses in that  
4 neighborhood.

5 Florida Power not only scheduled the  
6 replacement of the entire underground circuit to be  
7 done during night hours when most of the businesses  
8 and City Hall was closed, but they did it on known  
9 slow nights when even fewer people would be  
10 involved.

11 And this meant coming back on the same  
12 night two or three weeks in a row in order to  
13 complete the job. They not only did this as a  
14 convenience to the needs of our people, but they  
15 made temporary connections to keep us in operation  
16 every day between the nights that they were  
17 working.

18 Nobody said they had to do this, they had  
19 to do all of this. They did it because they are a  
20 service company, and a service company that cares  
21 about the service they provide.

22 I spent 38 years of my sane nonpolitical  
23 life in the local air conditioning service  
24 business. And I know you cannot be in all places  
25 at all times of an emergency when people need you,

1 and some people get upset as a result. All you can  
2 be and all you can do in those instances is the  
3 best you can.

4 And along those lines, between my being a  
5 residential customer since 1942 and an elected  
6 official in my city since 1994, I can tell you that  
7 my personal experiences with Florida Power has been  
8 in the simplest of terms, nothing short of great.  
9 And that does not come without cost.

10 And now I must tell you my dentist is  
11 Chuck Martin, and he's pretty damn good too. Thank  
12 you very much for listening.

13 CHAIRMAN JABER: Mr. Mayor, thank you for  
14 being here tonight.

15 MR. BECK: Pat Scanlon.

16 THEREUPON,

17 PAT SCANLON

18 was called as a witness on behalf of the Citizens  
19 of the State of Florida and, having been duly  
20 sworn, testified as follows:

21 WITNESS SCANLON: Hi. My name is Pat  
22 Scanlon, S-C-A-N-L-O-N. And I have no qualms with  
23 the service I get from Florida Power either, but  
24 I'm very concerned about their rates.

25 I just moved to St. Petersburg from I

1 guess you would call West Central Florida where I  
2 had Sumter Electric Co-Op. And for the same amount  
3 of service that I'm getting here, my bill is twice  
4 as high as what I was paying up there.

5 Sumter Electric has to serve farm areas.  
6 They have wires stretched from mile to mile. They  
7 don't have many customers, but yet they can provide  
8 the service at half the price. And I just wonder  
9 how they can do that.

10 And I think one of the reasons is that  
11 the budget for Florida Power is just enormous. I  
12 think their salaries are huge. They're almost  
13 obscene to think what the president of Florida  
14 Power earns. What one man deserves to earn that in  
15 one year?

16 One thing that really upsets me is as I  
17 sit there and watch television, I see all of the  
18 ads that Florida Power are running on TV. I was  
19 watching the Regis show in the morning. They had  
20 three TV spots. And these are supposed to be light  
21 humor, I think.

22 And I'm wondering why are they into  
23 advertising at all? I mean, do we really have  
24 choice what electric company we're going to use?  
25 We don't. I mean, they're taking our money to run



1 these ads on TV, and I know it's very expensive.  
2 They're paying an advertising agency to do these  
3 ads. And why? I mean, it's just ridiculous.

4 I was reading a magazine, and it said  
5 that they're helping people with their bills  
6 because they understand that the poor people here  
7 sometimes have to choose between food or medicine.

8 And I know that in the condo I live in,  
9 that's certainly the case. There are many people  
10 in there that are old enough that they weren't even  
11 in the social security system that are biting their  
12 pills in half to make them go further during the  
13 month.

14 And then I see something in there that  
15 says that we just donated \$250,000 to Ruth Eckerd  
16 Hall. And I'm wondering why. Of the 3,500 people  
17 that live at Five Towns where I live, there's not a  
18 person there that could afford a ticket to go  
19 there.

20 Why don't they give this money back to  
21 the people that really need it in the form of  
22 rebate? I mean, for them to say that they're going  
23 to give us back 3.5 percent. They could give us  
24 back 50 percent if they really cut their budget.

25 If any one of you sitting here today

1 lost your job, you would go home and you would look  
2 at your budget and you would say, gosh, what  
3 cutbacks am I going to make, you know? And Florida  
4 Power could do the same thing. That's all I have  
5 to say.

6 CHAIRMAN JABER: Ms. Scanlon, I wanted to  
7 thank you for your testimony, but I also wanted to  
8 tell you in our initiating this proceeding to look  
9 at the rates, all of the expenses you referenced  
10 are part of our review. So we will be looking at  
11 the level of expenses.

12 But basically you hit the nail on the  
13 head that every company has its own rate structure  
14 because the expenses are different from company to  
15 company, but we are certainly looking at Florida  
16 Power Corporation's expenses through our  
17 proceeding.

18 WITNESS SCANLON: That's good. Thank  
19 you.

20 CHAIRMAN JABER: Thank you.

21 COMMISSIONER PALECKI: And Ms. Scanlon, I  
22 would also point out that the advertisements that  
23 you see on television, we review those, and if they  
24 don't have a conservation message, if they're  
25 promotional for Florida Power Corporation, we will

1 disallow those ads and will not allow them in the  
2 customers' rates.

3 WITNESS SCANLON: Well, Mr. Palecki, I  
4 could tell you of a couple that come to mind right  
5 now that have no conservation in mind at all, and  
6 at the bottom it says like this moment of humor or  
7 enlightenment or whatever is sponsored by Florida  
8 Power. I don't find them amusing at all.

9 COMMISSIONER PALECKI: Thank you. I  
10 appreciate you pointing those out.

11 MR. BECK: And if I might, Madam  
12 Chairman, Ms. Scanlon, just so you know, there's  
13 several million dollars of advertising that we  
14 specifically identified where we disagree with the  
15 company that they want to charge that advertising,  
16 just as the Commissioner said.

17 There's also tens of millions in  
18 severance costs for executives of Florida Power  
19 Corporation that are at issue as well that they  
20 want the customers to pay those severance costs,  
21 and we're disagreeing with them on that as well.

22 WITNESS SCANLON: If you sit on the board  
23 of Florida Power, it's like you just won the  
24 lottery.

25 CHAIRMAN JABER: Let me just take this

1 opportunity to remind you-all that if you're not in  
2 front of the microphone, the court reporter will  
3 not pick up your comments. So let's wait until  
4 Mr. Beck calls your name. Ms. Scanlon, thank you  
5 for your testimony.

6 MR. BECK: Next witness is Judith Illyes.  
7 THEREUPON,

8 JUDIT ILLYES  
9 was called as a witness on behalf of the Citizens  
10 of the State of Florida and, having been duly  
11 sworn, testified as follows:

12 WITNESS ILLYES: My name is Judit Illyes,  
13 and I'm here for two reasons. Yes, your rates are  
14 very high. As a resident of this community, I  
15 notice that each year it costs me more and more to  
16 pay my power bills. I try to do the  
17 right things, try to conserve energy. I put in all  
18 the little savings devices. But all the same, it's  
19 very high.

20 What I would like to remind you, Florida  
21 Power, I know that you're a company. You're here  
22 to make money. That's what corporations and  
23 basically all businesses need to do, to make  
24 money. But you're also here to serve this  
25 community.

1           And while we want us, residents, we want  
2 you to make money and be in business for a long,  
3 long time, we would also like you to remember that  
4 you're here to serve us, members of this community.

5           And I'm also here for a second reason.  
6 Fairly recently I had a very, very frustrating  
7 experience with your -- I assume usually when the  
8 full customer service. It was so frustrating that  
9 I actually had to write a letter to Mr. Habermeyer  
10 because there was no other way to deal with the  
11 situation.

12           It was a two-page letter, and I will not  
13 bore you with it, but I would like to mention just  
14 the highlights. I had what I consider an emergency  
15 situation. During the storm we had on -- I brought  
16 the letter with me.

17           During the storm we had on September 14,  
18 a huge tree limb partially broke in my back yard  
19 and draped itself over the power line, and it  
20 pressed down on it. I was very concerned because I  
21 know that electricity could be very dangerous, and  
22 since it was pressing on a wire, I was afraid that  
23 it will break and then I have to deal with the live  
24 wire.

25           It was very difficult to get through

1 customer service obviously because of the storm, a  
2 lot of people had similar and worse emergencies. I  
3 understand a lot of people left without power  
4 altogether. And I understood that.

5 When I finally got in touch with customer  
6 service reps, they assured me that somebody will  
7 come most likely that weekend. I waited and  
8 waited. Nobody came. I cannot tell you how many  
9 phone calls I made.

10 After about a week or so, finally I  
11 thought I was making progress. Once again after I  
12 don't know how many times I spoke with different  
13 people, the rep told me that he's sorry but they  
14 send my order to the wrong department.

15 And that was after one week I locked my  
16 dogs in the garage so they wouldn't get  
17 electrocuted in case the power line breaks, and  
18 also so Florida Power could come into my back yard  
19 and fix the problem. Nothing happened.

20 Finally I got ahold of a supervisor, who  
21 sent out an inspector. The inspector came, looked  
22 at the limb, and left me a note saying that they  
23 will come out and take care of it.

24 Now, before this happened, I spoke with  
25 another rep who told me that looks like it's going

1 to be my problem because one of the reps I spoke  
2 with earlier made a note that it's the customer's  
3 problem, she has to take care of it. They  
4 neglected to tell me that. So, you know, all this  
5 time I was waiting.

6 So after this inspector told me that  
7 somebody will come, I was happy and excited that  
8 finally the problem will be solved. Nobody came.  
9 And, you know, I started to get really restless and  
10 worried because the wire visibly was separating.

11 In the meantime, I got conflicting  
12 instructions for different service reps. They told  
13 me not to worry because as long as the insulation  
14 is covering the wire, it's not dangerous. A  
15 different rep reprimanded me, told me that I should  
16 not get anywhere near that broken tree and the wire  
17 because I'm going to get electrocuted and it's  
18 going to be all my fault. So I really didn't know  
19 at this point what to do.

20 So in the meantime finally I got hold of  
21 a young lady, another service rep, who promised she  
22 will follow up and she will have this situation.  
23 By this time two and a half weeks passed. I  
24 couldn't wait anymore.

25 So on October 2 -- don't forget this

1 happened on September 14. On October 2, I took a  
2 day off from work, called a tree trimming company,  
3 and they said they can cut it down for \$150 just  
4 the broken part and haul it away or if they just  
5 leave it on the ground, it just cost me 75.

6 So I said, yes, what about the live  
7 wire? They said, Oh, don't worry about it. We  
8 handle this all the time because, you know, Florida  
9 Power is very slow with following up. So they cut  
10 it down. It took me the rest of the week to chop  
11 it into little pieces.

12 So I was so frustrated that I wrote to  
13 Mr. Habermeyer, sent certified mail. And within a  
14 couple of days his secretary called and she told me  
15 that she notified the customer service department  
16 and they will take care of the problem.

17 So a few days later I received a check  
18 for the same amount that I spent on that tree  
19 service, with no explanation, no letter of apology.  
20 Then I got a follow-up phone call from the young  
21 lady, the secretary of Mr. Habermeyer, who just  
22 wanted to know if I had received the check, which I  
23 did.

24 The reason I told you this story, first  
25 of all, because it's true, and I can't possibly



1 explain to you how frustrated I was and how this  
2 took all my time worrying about it and how  
3 unpleasant the situation was regarding my pets and  
4 the worry regarding the electricity.

5 So finally the remedy was that they sent  
6 me the check. But nobody really apologized, and I  
7 really hate to think what would happen if the  
8 situation happened again.

9 So what I would like to ask you, please  
10 have some training for your customer service reps.  
11 Some of them were downright rude. They lectured  
12 me. They ridiculed me. I could hear the amusement  
13 in their voice. They asked me questions like would  
14 you like somebody to come a.m. or p.m., and nobody  
15 came.

16 Somebody explained that when you call,  
17 the call would go to one of several call centers,  
18 so nobody really knows what's going on.

19 To finish the story, about maybe as  
20 recently as a month ago, I saw another door hanger  
21 on my -- ooh, the very next day after I had the  
22 tree cut, the young lady who said she's going to  
23 help me, she called me, and she said she haven't  
24 been able to get through to anybody yet. So I said  
25 don't worry about it. I just had the tree service,

1 they're just leaving.

2 The very next day when I came home from  
3 work, there was another door hanger on my door, and  
4 it said, Don't worry, the wire seems okay. There's  
5 nothing to worry about. We'll check out your  
6 problem the next regular day we go there.

7 I received another door hanger maybe a  
8 month ago with pretty much the same message, Your  
9 wires look fine, there's nothing to worry about.  
10 Of course they do. I already took care of the  
11 problem.

12 So please try to have a better customer  
13 service. They really made me feel terrible. They  
14 made me feel unimportant. They made me feel like I  
15 really don't count. And I was so angry, if I would  
16 have had a chance, I probably would have switched  
17 over to another power company, but you are the  
18 one. So please look out for us. Thank you very  
19 much.

20 CHAIRMAN JABER: Thank you, Ms. Illyes.  
21 Let me make sure that I have the dates correct.  
22 When the first time you called Florida Power to  
23 report the tree limb on the wire, that was  
24 September 14.

25 WITNESS ILLYES: Yes. I still have the

1 letter which I sent to Mr. Habermeyer, and all the  
2 dates I was reading is from the letter.

3 CHAIRMAN JABER: But that time period --

4 WITNESS ILLYES: September.

5 CHAIRMAN JABER: -- was two and a half  
6 weeks?

7 WITNESS ILLYES: September 14. And I  
8 finally stayed home and had the tree cut on October  
9 2nd.

10 CHAIRMAN JABER: Okay.

11 WITNESS ILLYES: That's the exact date.

12 CHAIRMAN JABER: Mr. Lewis, what I would  
13 like from you-all is to send the Commission a  
14 document that shows each time Ms. Illyes contacted  
15 you-all, who she spoke to, and why it took two and  
16 a half weeks.

17 MR. LEWIS: Yes. And also --

18 CHAIRMAN JABER: Thank you, Ms. Illyes.

19 MR. LEWIS: Is she still here? I was  
20 going to offer to apologize since she didn't  
21 receive an apology earlier. That was the intent of  
22 our president when he sent that note -- I mean the  
23 check, and we do apologize for that event.

24 CHAIRMAN JABER: Mr. Beck.

25 MR. BECK: Thank you. Next witness is

1 Jack Tunstill.

2 THEREUPON,

3 JACK TUNSTILL

4 was called as a witness on behalf of the Citizens  
5 of the State of Florida and, having been duly  
6 sworn, testified as follows:

7 WITNESS TUNSTILL: Madam Chairman, I've  
8 got a prepared statement. I'm Jack W. Tunstill,  
9 and that's T-U-N-S-T-I-L-L. Reside at 9132 124th  
10 Way North in Seminole, Florida 33772. My customer  
11 account number is 55165-34100. I've been a Florida  
12 Power Corporation customer for over 16 years.

13 I'm here to speak about FPC's performance  
14 regarding street light maintenance program.  
15 Florida Power is not meeting its obligation to  
16 provide adequate service to the citizens for street  
17 light maintenance. Its customer service and  
18 maintenance practices are not user friendly.

19 And I can attest to the same thing that  
20 the lady just spoke did about dealing with customer  
21 service, and I'm going to get into that in a  
22 second.

23 FPC's actions leave personal safety and  
24 the security of our streets in question. Let me  
25 explain. Several years ago before the takeover by

1 Carolina Power & Light, then president of FPC, Joe  
2 Richardson, made the decision to stop nighttime  
3 patrols by FPC crews to identify inoperative street  
4 lights. His reasoning was to reduce FPC costs and  
5 rely on customers to tell FPC where burnt-out  
6 lights were.

7 While I did not agree with FPC's  
8 decision, I tried to support it by calling in the  
9 location of street lights that I found not  
10 burning. The effort turned out to be very  
11 frustrating.

12 I'm a professional pilot. I work at  
13 Albert Whitted Airport, and I drive the same route  
14 every day six days a week, and some of those days  
15 I've got to drive after sundown. And I see lights  
16 out as I drive down the street. And while driving  
17 I try to make a list of those locations with the  
18 lights out, and I report them to customer service.

19 For example, if I told you the southeast  
20 corner of First Avenue North and 58th Street or I  
21 told you the light is out in front of 501 First  
22 Avenue North, et cetera, you'd think that an  
23 experienced FPC repair crew could figure out where  
24 the light is. However, several weeks passed with  
25 no change in the street light conditions that I

1 reported. And we're talking 2000. We're talking  
2 about in the year 2000.

3 After several weeks passed with no change  
4 in the street light's condition, I called customer  
5 service back and inquired about the status of my  
6 repair notification. They wanted to know where all  
7 the lights were burnt out, just as if I hadn't  
8 reported a thing.

9 Of course, when I made the initial phone  
10 call, I identified myself, my account number, in  
11 addition to providing the location of the burnt-out  
12 lights.

13 I asked the customer service  
14 representative if they had a record of my initial  
15 phone call in the computer records from my  
16 account. The representative said that they had a  
17 record of my call, but their computer system did  
18 not have the list I provided them, nor the status  
19 of my trouble ticket. So I gave them a list  
20 again. Okay.

21 On that phone call, the customer service  
22 rep asked me if I had the pole number as well as  
23 the location of the light. Well, I was chagrined,  
24 to say the least. It's a little hard to stop in  
25 the middle of the Pinellas County traffic and get

1 out of your car, walk over to a street light pole,  
2 find the pole number, and then write it down.

3 I told the representative that a specific  
4 location like I just identified earlier should be  
5 enough to find the street light. The  
6 representative replied that FPC repair crews did  
7 their street light replacement work in the daytime  
8 and it was a little hard to figure out where a  
9 light was burnt out since they couldn't see it and  
10 the pole number wasn't available.

11 Okay. I suggested to the FPC  
12 representative that a specific pole location as I  
13 give you in my examples, they should be able to  
14 determine the pole number from a database.

15 I've subsequently determined that not all  
16 the FPC poles have data plates where you can read  
17 them. Some are broken. Some of them are not even  
18 there. And others are so high up on the pole that  
19 you can't read them. I'm five nine, okay? And I'm  
20 not sure Florida Power knows where all its poles  
21 are.

22 Okay. I don't really believe this is a  
23 response to a customer's report, but let me  
24 continue. I obtained the pole number of these  
25 street lights, and I could get without endangering

1 myself in traffic. I reported them to FPC on  
2 another phone call to customer service. Still  
3 weeks passed and there's no change in the street  
4 light conditions.

5 I called FPC and got the run-around  
6 again. This time I was speaking to someone in  
7 FPC's Central Florida service center near Orlando,  
8 who had no idea where a Pinellas County street  
9 was. This representative then asked me whether the  
10 lights were completely out or was the photo cell  
11 bad.

12 Now, ladies and gentlemen, I don't have  
13 time to stop at every burned-out street light and  
14 see if it's out because of a bad photo cell or the  
15 bulb is burnt out, especially when it's 40 feet up  
16 in the air.

17 That night I filed a formal complaint  
18 about FPC's handling of street lights with the PSC  
19 via the Internet. That happened to be a Sunday  
20 night. In less than three days, guess what? I get  
21 a phone call from an FPC customer service rep about  
22 my complaint. Seems you guys work fast.

23 We discussed all the information I've  
24 just described to you. She apologized for the  
25 difficulty I'm having, but she took the position



1 that FPC was doing what was required by the PSC,  
2 five to ten working days to get the light fixed. I  
3 can understand that. But we're talking more than  
4 that ten-day time period.

5 In our conversation she was asked -- she  
6 asked me if I was aware that several of the lights  
7 that I was reporting were not FPC's  
8 responsibility. Ladies and gentlemen, street  
9 lights are street lights, as far as I'm concerned.  
10 And I expect FPC to take the initiative and resolve  
11 the division of responsibility problems. Who  
12 provides the electricity that's powering the  
13 light? FPC does.

14 In fact, I did try calling the State of  
15 Florida's DOT, and I talked to Pinellas County  
16 street lighting personnel in the County to  
17 determine who was responsible for a street light on  
18 an intracoastal waterway bridge or a bridge on a  
19 highway interchange.

20 The County agent said FDOT is responsible  
21 for highway interchange bridges, and an agent told  
22 me that she always had problems with FPC regarding  
23 street lights, and if her supervisor would have let  
24 her, she would have filed a complaint also. And  
25 she said, I'm glad you did.

1           Also, in the initial phone call with that  
2 FPC supervisor she asked me if I wanted a formal or  
3 informal resolution of my complaint. I asked for a  
4 formal one, just to assure that several eyes were  
5 seeing what's going on here.

6           The street lights are still out. Okay.  
7 And there's more lights out than there were when I  
8 started trying this reporting effort. So I say so  
9 much for an effective resolution plan by Florida  
10 Power.

11           For future street lights reports, the FPC  
12 supervisor asked me to fax a copy of any list I  
13 developed. I've done that, and we've had phone  
14 calls, but there's still street lights out along  
15 the route. Principally you drive down Tyrone  
16 Boulevard. For those of you don't live around  
17 here, that's a main thoroughfare goes right in  
18 front of a big shopping center. All right.

19           FPC takes the position that they're doing  
20 what is required of them and they have their  
21 supervisors looking for burnt-out lights. Well, if  
22 they're doing it in the daytime, they're not going  
23 to have a lot of luck. Okay? So I don't think  
24 their system is working.

25           If one travels around the FPC service

1 system at night, they observe a large number of  
2 lights that are not burning. If FPC's present  
3 program was working, there would be less of them,  
4 not more.

5 I'll ask you to look around tonight when  
6 you go back to the hotel or you drive home to  
7 Tallahassee and look at how many street lights are  
8 out. And don't just stick on the main drags. Get  
9 off and drive down through a neighborhood.

10 Needless to say, when I report my light  
11 out in front of my house, I guess they got my  
12 number because bang, they're out there, and it gets  
13 fixed. But the rest of the places don't.

14 FPC is simply not serving the public's  
15 need regarding its street light program. It  
16 depends on the public for input and then we have to  
17 take all the responsibility to assure that the  
18 actions are completed. I suggest that FPC be  
19 required to improve its maintenance of street  
20 lights.

21 I've got four suggestions for  
22 improvements. The FPC Internet site should be  
23 modified to have a separate reporting point for a  
24 customer to report a street light that's out of  
25 service. The input data could either be the

1 location address or that pole number.

2 The customer service records system  
3 should be modified to allow the customer to receive  
4 a follow-up e-mail when the street light is  
5 restored. There should be a quality control  
6 function that follows up on a reported  
7 out-of-service street light to assure that it's  
8 been repaired.

9 FPC should be the single point of contact  
10 for identification of a street light out of  
11 service. They should be required to contact the  
12 appropriate agency to coordinate the replacement of  
13 the street light. To do otherwise places an undue  
14 burden on the citizen.

15 4, the Commission should monitor FPC's  
16 compliance with its street light maintenance  
17 program. Thanks for hearing me.

18 CHAIRMAN JABER: Thank you,  
19 Mr. Tunstill. Mr. Flynn, Mr. Tunstill has  
20 excellent, I think, suggestions with respect to  
21 being able in this day and age of technology to set  
22 up your Web site. And perhaps you've got that  
23 capability. You just need to educate all of us on  
24 whether you do or not. To have some sort of  
25 on-line reporting of street light outages. That's

1 the first thing I'd like you to respond to.

2 The second thing, educate us on how you  
3 coordinate with other entities. I know all of  
4 these street lights were not yours. Because  
5 apparently, Mr. Tunstill, you have filed a  
6 complaint with the PSC, and we looked at it as  
7 well --

8 WITNESS TUNSTILL: Yes, ma'am.

9 CHAIRMAN JABER: -- and determined that  
10 some of those street lights belonged to the FDOT, I  
11 guess.

12 WITNESS TUNSTILL: Well, at the time I  
13 filed the complaint, I wasn't aware of this  
14 division of responsibility business until after I  
15 got started and I made a bunch of phone calls, and  
16 it's like everybody else says, well, it's his.

17 And in fact, there is a street light on  
18 the Long Bayou Bridge, which is the Bay Pines  
19 bridge, on the southeast end of it, that that son  
20 of a gun has been out for three years. And I keep  
21 saying, you know, every time I report it, somebody,  
22 well, it's not our responsibility.

23 Well, I'm not in the street light repair  
24 business, you guys are, so fix them.

25 CHAIRMAN JABER: I'd like for you to

1 respond, and then I'd also like our Dick Durbin to  
2 get those addresses from you, because we can  
3 certainly call our governmental counterpart and  
4 make sure they've got the addresses.

5 WITNESS TUNSTILL: Well, the examples I  
6 gave you, Madam Chairman, I had copies of all my  
7 correspondence on my computer, and great  
8 technology, things crash, all right, and so I don't  
9 have copies now of stuff that I submitted via the  
10 fax or called in to Florida Power.

11 Now, this has been over a period of, like  
12 I say, since at least 2000. We're talking about  
13 2000, 2001, and now we're into 2002 of making these  
14 reports.

15 I reported a set of street lights as late  
16 as last week. And, of course, I was told in a nice  
17 message -- I got an e-mail message back, so you-all  
18 have moved a little bit further on the technology,  
19 maybe. But it -- and I'm going to go down and  
20 check the two that I reported on Eighth Avenue  
21 Southeast just to see if they've been repaired  
22 yet. If they won't, I'll send you-all a  
23 complaint.

24 CHAIRMAN JABER: Respond on how you  
25 coordinate with agencies and other companies on

1 street lighting.

2 MR. LEWIS: Well, first, on the -- by the  
3 way, great suggestions. On Internet reporting, we  
4 are moving towards that reporting scheme because it  
5 is, as we become more technology friendly, such as  
6 paying bills on-line, this also, if you will,  
7 correlates with that same technology. So we are  
8 going to be introducing that ability to report  
9 street light outages over the Internet.

10 WITNESS TUNSTILL: May I say something?

11 MR. LEWIS: Yes, sir.

12 WITNESS TUNSTILL: That's the way I  
13 reported this last two lights was just went to the  
14 "Contact Us" part of your Web site, and I figured,  
15 well, I can broadcast it in the blind here.  
16 Somebody may see it, may not. But they did  
17 respond, sir, with, well, we got your trouble  
18 ticket, we'll report it. So now the other half is  
19 go see if it's been done, because it's been more  
20 than five business days.

21 MR. LEWIS: Okay, great.

22 WITNESS TUNSTILL: I'm sorry. Go ahead.

23 MR. LEWIS: In regards to the DOT-owned  
24 lights and municipal-owned lights, that's truly a  
25 complex situation because they are owned by these

1 entities. And to repair these lights require  
2 assets, either replacing the bulb, the entire head,  
3 or the photo cell.

4 So we have to work in concert with those  
5 agencies to make that happen. We can't arbitrarily  
6 just change the light out without their approval  
7 since it's their property. So we are in some cases  
8 working with some of these agencies to try in some  
9 cases, buy the systems on some of those bridges so  
10 we can maintain them. But it's a negotiating  
11 process that we're involved with.

12 And regarding the specific bridge that  
13 you're speaking about, I'm not exactly sure what is  
14 our process in trying to get that handled, but we  
15 will follow up and make sure we do that. For  
16 that -- was it Bay Pines Bridge?

17 WITNESS TUNSTILL: It's called Long  
18 Bayou. That's the bridge. It's the one that is as  
19 you're going west on Bay Pines Boulevard, it's the  
20 bridge that you pass over before you get to the  
21 hospital turnoff.

22 MR. LEWIS: It will be -- exactly.

23 WITNESS TUNSTILL: That bridge right  
24 there. It's on the southeast end of it because  
25 that road runs southeast-northwest. And it's the



1 one on the westbound side. It's the very first  
2 light when you hit the bridge up on the right-hand  
3 side.

4 MR. LEWIS: Okay.

5 WITNESS TUNSTILL: I just keep looking at  
6 it and say, gee, that thing is going to be out  
7 forever. You will never know when it will burn  
8 again.

9 CHAIRMAN JABER: Mr. Tunstill --

10 WITNESS TUNSTILL: Yes, ma'am.

11 CHAIRMAN JABER: -- I'll have Mr. Durbin  
12 call you and get as many addresses as you can  
13 recall so that we can follow up as well. And  
14 Mr. Lewis, if you'll have one of your people get  
15 that same list, that would be great. Thank you,  
16 sir.

17 WITNESS TUNSTILL: Thank you, ma'am.

18 MR. BECK: Thank you.

19 CHAIRMAN JABER: Mr. Beck.

20 MR. BECK: Next witness is Jan Pepitone.

21 THEREUPON,

22 JAN PEPITONE

23 was called as a witness on behalf of the Citizens  
24 of the State of Florida and, having been duly  
25 sworn, testified as follows:

1                   WITNESS PEPITONE:  It's Jan Pepitone, and  
2  it's spelled P-E-P-I-T-O-N-E, just like it sounds.

3                   I've been a customer of Florida Power for  
4  something like 31 years and been very satisfied up  
5  until this past year.  I have neither seen my rates  
6  go down, but my service has.

7                   During the last hurricane we were without  
8  power for three to four days.  Started Friday  
9  morning, and even Saturday morning after calling in  
10 Florida Power a couple of times on Friday and  
11 Saturday morning at 1:00 a.m., there were a bunch  
12 of North Carolina trucks over at Kmart parking lot  
13 in south side on 34th Street sitting there having  
14 coffee and doing nothing.

15                  By 9:00 a.m. they were still there  
16 sitting there having coffee and doing nothing.  And  
17 we were without power already during the hurricane  
18 for 24 hours or close to it.

19                  After a while, I called Florida Power  
20 again to mention that we had no power and find out  
21 what the status was where we were and should I keep  
22 calling, because I had no phone that worked.  I had  
23 nothing in the house that worked.  I had to go out  
24 and buy a phone eventually in order to even be able  
25 to call you people.

1           After that we waited patiently while our  
2 food was rotting in the freezer and the  
3 refrigerator. We had to go like 20 miles to get a  
4 bag of ice to put into our one refrigerator so we  
5 could even get food out to eat over this three-day  
6 period.

7           We finally opened up my husband's freezer  
8 chest which he uses for fishing, put ice packs in  
9 it and just put the bare essential foods there so  
10 we wouldn't have to open up either freezer or  
11 refrigerator doors to try and preserve as much food  
12 as possible. Eventually we lost about \$300 worth  
13 of food. And we very carefully cooked food that we  
14 had in the refrigerator that we thought was still  
15 good.

16           We spent money on ice. We spent money on  
17 our telephone. And the only satisfaction that we  
18 had was that we had to go and try and find people  
19 to come to our house to fix the lines that somebody  
20 had already been there and cut down the tree limbs  
21 and sawed them at 2:00 a.m. in the morning, waking  
22 up the whole neighborhood, but we were all  
23 delighted because we figured we'd have power in the  
24 morning, which we didn't. Another 24 hours before  
25 we did.

1           We had to buy candles. We had to buy  
2 ice. We had to buy a phone. The candles were very  
3 dangerous because we also had windows open.  
4 Everywhere we went to buy candles, they were out,  
5 so we realized that this was a huge area that was  
6 being affected, and we were trying to be very, very  
7 patient.

8           However, by Sunday we were really upset.  
9 And we were going around and finding people. My  
10 husband had tried to get somebody on Saturday to  
11 come out to the house and fix it. We ran into some  
12 North Carolina guys again over at Kmart shopping  
13 center that were just sitting there. There was  
14 four trucks over there almost throughout the whole  
15 storm.

16           When we finally talked to them, they were  
17 very insolent, and they said they didn't care and  
18 they weren't coming. And they also insinuated that  
19 they had no connection with you guys at all, that  
20 their telephones weren't on the same frequency, so  
21 they couldn't contact you or do anything.

22           Well, if I can pick up a phone, they  
23 certainly should be able to pick up a phone and  
24 find a number to be able to reach to find out where  
25 the broken-down areas were. And they did not do

1 that. They sat there and ate and had coffee,  
2 et cetera.

3 Later on, on Sunday we -- Sunday morning  
4 at 1:00 a.m. I went in to work. I had somebody  
5 call me because my telephone line didn't work.  
6 They were seen on Elkcam Boulevard on Coquina Key  
7 fixing the lines. Across the street the lines went  
8 on. Ours did not. Again I'm calling, this time  
9 from work because I know that phone works.

10 Then I go and try and get my job done, go  
11 back home with some food from, again, 20, 25 miles  
12 away from my house, because there's still no power  
13 in certain areas. 7-Eleven included in our local  
14 area. We went all the way to 54th and 34th just to  
15 get a thermos of coffee so we'd have coffee.

16 We finally got in touch with some people  
17 standing in the street having coffee to come to our  
18 house and fix the lines. No, they couldn't, but  
19 they would get somebody over there right away.  
20 Nothing was heard of.

21 We finally went out and literally drug  
22 somebody to our house. He said, Yes, you've got a  
23 real problem. I says, Yes, we know it. And he  
24 proceeded to get somebody else there. They checked  
25 out the line, but again it was a North Carolina

1 crew. Their boss called them and said that their  
2 time was up and they had to go get -- go to bed and  
3 get some rest, they'd worked too many hours  
4 already.

5 They were in my back yard, and they  
6 left. No lines were fixed. Nothing was done. All  
7 they did was look at it from the ground. I can do  
8 that much.

9 Finally, somebody did get there, they did  
10 fix it, but nobody turned on the switch on the  
11 terminal. So we literally had to go out and get  
12 the same guy to come out to the house again. And  
13 it was 4:00 p.m., 5:00 Sunday night before we got  
14 power when they flipped the switch with the pole.

15 Also, downtown there's been an awful  
16 lot -- there's been big major closures with regard  
17 to payment places. And one of the things that one  
18 of your previous witnesses had spoke about is  
19 people, your association with the people of the  
20 city and around.

21 This is very, very true of the closing of  
22 the pay station right down here downtown. You've  
23 got five major retirement homes that the people  
24 have to now spend money monthly on stamps, whereas  
25 they used to walk across the street and make a

1 payment, and they can't do it anymore.

2           And they're people who can't afford to  
3 buy those stamps too. They've got reduced  
4 telephone bills, reduced phone bills, and they're  
5 living in HUD housing and stuff like that, and that  
6 is not a good place to close down a payment  
7 center. If you're going to close down a payment  
8 center, you better check the area and see who uses  
9 it and why and check with the people and see what  
10 the service is.

11           But the service with regard -- not  
12 necessarily customer service directly as the people  
13 that we talk with, but the service that we receive  
14 thereafter. There is no follow-up. We can't get  
15 past the girl on the phone to find out if anything  
16 is being done. For some reason they can't look up  
17 things on the account and let you know if the  
18 service is going to be done, when it's scheduled,  
19 so forth and so on.

20           These are people problems and they are  
21 important to us, the public. And when this doesn't  
22 happen, needless to say, we get very frustrated.

23           So these are a few of the things I feel  
24 need to be checked into, looked into, and changed  
25 because this is just happening in this last year.

1 And like I said, I haven't seen prices go down at  
2 all.

3 CHAIRMAN JABER: Ms. Pepitone, the time  
4 period where you didn't have electricity, I was  
5 trying to add up as you were talking, sounds  
6 like --

7 WITNESS PEPITONE: Was Friday -- Friday  
8 morning until late Sunday night in the afternoon.  
9 And I go to work at 1:00 in the morning, so that  
10 was a real -- with no alarm clock, it was fun.

11 CHAIRMAN JABER: Thank you, ma'am.

12 MR. BECK: Thank you. Tom Shemancik.

13 THEREUPON,

14 TOM SHEMANCIK

15 was called as a witness on behalf of the Citizens  
16 of the State of Florida and, having been duly  
17 sworn, testified as follows:

18 WITNESS SHEMANCIK: Good evening. My  
19 name is Tom Shemancik. That's spelled  
20 S-H-E-M-A-N-C-I-K.

21 Of course, being an engineer, I had to  
22 bring numbers with me, and I did that. When I  
23 first moved down here 19 years ago from Western  
24 Pennsylvania, I was kind of -- it was in March of  
25 the year, and I was rather shocked at what my



1 electric bill was compared to what it was up north.

2 And when I did a comparison then, I found  
3 out that the rate that I was charged per  
4 kilowatt-hour was 100 percent of what I paid up in  
5 Pennsylvania.

6 So when I had this opportunity here, I  
7 thought I'd do another such comparison. And I got  
8 a bill sent down to me from my sister, who lives in  
9 the Pittsburgh area, and from my parents, who are  
10 still about 75 miles northwest of there.

11 And when I added these up, I see Florida  
12 Power's rate came out to about 8.22 cents per  
13 kilowatt-hour. Duquesne Light, where my sister  
14 lives, which serves the metro Pittsburgh area, is  
15 about 6.41 cents per kilowatt-hour, which is  
16 roughly 22 percent lower than what Florida Power  
17 charges.

18 And Penn Power, which serves the area  
19 where my parents live, is actually zero point --  
20 0.104 cents per kilowatt-hour, which is  
21 98.7 percent less than what Florida Power charges.

22 I didn't receive a satisfactory  
23 explanation when I moved down here about why they  
24 charge so much more, and somehow I kind of doubt  
25 that I'll get one yet.

1                   So those are the hard and fast numbers.  
2                   And, you know, I still don't understand why you  
3                   have to charge what you charge, other than some of  
4                   the reasons that this gentleman here is alluding  
5                   to.

6                   In terms of service, I had lived for a  
7                   lot of years just north of Bayside Bridge,  
8                   generally had pretty -- pretty good power service  
9                   there. I now live a little bit south of Clearwater  
10                  High School, and in the six years I've been there,  
11                  I've had like spikes or minor outages pretty much  
12                  on a daily basis.

13                  And the times I've reported them in, the  
14                  explanation is -- has been on a couple of  
15                  occasions, well, probably from squirrels running  
16                  across the line and they can trip a little switch  
17                  that's on the line. I'm like, well, if that's all  
18                  it takes to trip it, then obviously your technology  
19                  is apparently lacking a bit.

20                  On the positive side, you know, when I  
21                  have had some outages, I guess in comparison to  
22                  some prior stories here, I've had pretty good  
23                  response, you know, to outages, so that was one  
24                  positive thing, but other than that, you know, I'm  
25                  still rather flabbergasted at the rates per

1 kilowatt-hour that are charged. Thank you.

2 CHAIRMAN JABER: Thank you, sir.

3 COMMISSIONER PALECKI: Thank you.

4 CHAIRMAN JABER: Mr. Beck.

5 MR. BECK: Mel Fox.

6 THEREUPON,

7 MEL FOX

8 was called as a witness on behalf of the Citizens  
9 of the State of Florida and, having been duly  
10 sworn, testified as follows:

11 WITNESS FOX: My name is Mel Fox. That's  
12 F-O-X. I live at 5909 35th Avenue North,  
13 St. Petersburg.

14 And I came here as regards to the no-name  
15 storm, the September 14 storm. But I'd like to  
16 take just a minute to comment on what I've heard  
17 here, because a lot of it I didn't know before.  
18 Yes, you guys are overpaid and underworked.  
19 There's absolutely no question about it.

20 Reference to the storm, it was on  
21 September 14. In the two-week period before the  
22 storm, I had occasion to call Florida Power twice  
23 or three times to tell them that there were limbs  
24 near the wires. And nothing was ever done.

25 On September 14 -- and in general your

1 service department treated me with the utmost  
2 arrogance and contempt, and I find it a thread  
3 going through all of your service. Not only are  
4 you nonresponsive, not only don't you follow  
5 through on anything, but you treat the customers  
6 like dummies.

7 The day of the storm, the power went out  
8 at noon on Friday and was restored at 11:30 p.m. on  
9 Saturday, which is better than some people I'm  
10 hearing. At which time you guys butchered my  
11 trees. Necessary. I won't argue with that at all.  
12 And left the mess laying in the back yard.

13 Florida Power refused to come and remove  
14 the debris. The Public Service Commission told us  
15 it was Florida Power's responsibility. And they  
16 just refused. We don't do that. Florida Power  
17 refused the responsibility. And I have several  
18 quotes to remove the debris, the cheapest of which  
19 was \$250.

20 I have some photographs here taken today  
21 of the tree limb situation, and I will leave them  
22 or give them to somebody, whatever you like, but  
23 these are today's pictures. And there are still  
24 branches laying on the tree -- on the wires. I  
25 cannot tell you what my contempt for Florida Power

1 is. Thank you.

2 CHAIRMAN JABER: Thank you, Mr. Fox. And  
3 are these copies of pictures that we could keep?

4 WITNESS FOX: You can keep those  
5 pictures, yes.

6 CHAIRMAN JABER: Mr. Beck.

7 MR. BECK: Our next witnesses are Ola and  
8 Van Wofford.

9 CHAIRMAN JABER: While we're waiting for  
10 the next witness, Mr. Lewis or Mr. Flynn, what  
11 is -- how often are you doing the tree trimming?  
12 You're not waiting until -- there is a policy to --

13 MR. LEWIS: We have a -- yes, we have  
14 a --

15 CHAIRMAN JABER: -- cut trees in certain  
16 areas; right?

17 MR. LEWIS: Yes. We have a three-year  
18 trim cycle as well as we have a hot spot tree  
19 trimming program in which we dedicate resources to  
20 specifically address concerns outside the window of  
21 a three-year cycle; for example, the emergency  
22 situation like we just heard.

23 So we have two programs, one kind of a  
24 maintenance cycle program every three years, and  
25 one customer service focus, which responds quickly

1 to those issues as similar to we just heard.

2 CHAIRMAN JABER: Mr. Fox and the other  
3 customers that have expressed concern about the  
4 tree trimming, I think we'll be looking at whether  
5 that three-year period is adequate. Perhaps  
6 something shorter is necessary for a maintenance  
7 program. The three-year cycle, is it throughout  
8 your complete territory, or are you rotating  
9 segments of the territory?

10 MR. LEWIS: The objective is that for a  
11 power line, that we see that line at least once  
12 every three years. That's the objective. For our  
13 entire system.

14 COMMISSIONER BRADLEY: I have a  
15 question. Who is responsible for the maintenance  
16 of the right-of-way?

17 MR. LEWIS: We are, Florida Power.  
18 Florida Power is responsible the maintenance of  
19 the --

20 COMMISSIONER BRADLEY: Entirely?

21 MR. LEWIS: Well, our right-of-way that  
22 we have our power lines, you mean regarding the  
23 trees or the underbrush?

24 COMMISSIONER BRADLEY: The trees and the  
25 underbrush -- and the underbrush. The reason why

1 I'm asking is because you-all pay fees to local  
2 government to use these right-of-ways; is that  
3 correct?

4 MR. LEWIS: We have several arrangements  
5 regarding our power system. One, we have a system  
6 in which we have an easement that we do not pay but  
7 we have a franchise agreement with municipalities  
8 that include right-of-way utilization. We have  
9 fee-owned right-of-way in which we own the  
10 right-of-way. That's mainly for our transmission  
11 facilities.

12 So those are two arrangements that we  
13 have in place. And we also have power lines that  
14 we purchase privately for a private owner to use  
15 their property for our power lines. So it all  
16 depends on which scenario in regards to who is  
17 responsible for the maintenance.

18 COMMISSIONER BRADLEY: But Mr. Fox, you  
19 live in St. Pete; right?

20 WITNESS FOX: Yes.

21 COMMISSIONER BRADLEY: Okay. In St. Pete  
22 what is the arrangement; do you know?

23 MR. LEWIS: Not --

24 COMMISSIONER BRADLEY: The reason why I'm  
25 asking is because I'm looking at some of these tree

1 limbs, and they're down there on the right-of-way,  
2 and I'm just wondering what the -- what the local  
3 ordinance is as it relates to removal of debris and  
4 trees and other things that are on the ground and  
5 on the right-of-way itself.

6 MR. LEWIS: Well, what I want to do, if I  
7 could, I want to research his situation  
8 specifically so I can get that data pertaining to  
9 his property because it may vary based on where in  
10 the city and the size of line, if it's a high  
11 voltage line or low voltage line as well.

12 CHAIRMAN JABER: Mr. Fox, if you will  
13 make sure Mr. Lewis has your address and let them  
14 take a look at it.

15 WITNESS FOX: Sure. My address is 5909  
16 35th Avenue North, St. Petersburg.

17 CHAIRMAN JABER: But we will look at the  
18 tree --

19 WITNESS FOX: Thank you.

20 CHAIRMAN JABER: -- trimming policy and  
21 whether three years is adequate.

22 WITNESS FOX: I have a question about  
23 when I contacted the Public Service Commission and  
24 asked was Florida Power supposed to take that tree  
25 away, they said yes. I don't know who works for



1 who around here or who is in charge because these  
2 guys just flat refused. That's the only other  
3 comment I wanted to make.

4 CHAIRMAN JABER: Thank you, sir. I'm  
5 sorry to interrupt your testimony. Mr. Beck.

6 MR. BECK: Mr. and Mrs. Wofford.

7 THEREUPON,

8 OLA WOFFORD and VAN WOFFORD  
9 was called as a witness on behalf of the Citizens  
10 of the State of Florida and, having been duly  
11 sworn, testified as follows:

12 WITNESS VAN WOFFORD: My name is Van S.  
13 Wofford, and my wife is Ola Wofford,  
14 W-O-F-F-O-R-D. We live at 260 13th Street North.  
15 We would like to share with the committee as well  
16 as Florida Power and others the problem that we are  
17 having out of Florida Power. My wife will begin  
18 it.

19 WITNESS OLA WOFFORD: First of all, thank  
20 you, sir, for reminding me. I called Florida Power  
21 about two weeks ago. Matter of fact, I came down  
22 to talk with Mayor Baker's secretary. I called  
23 them concerning trees in the alleyway that's  
24 overlapping the wires. And I -- it should be on  
25 record in Mayor Baker's office that I came down to

1 talk with Rita.

2 Florida Power about two weeks ago came in  
3 the alleyway, and they cut down the tree branches.  
4 Well, it disturbed me that they cut the ones on the  
5 right side and the left side, which I live on, they  
6 did not cut them down.

7 So I spoke with my husband about it, so  
8 he's a little slow, but I know that if lightning  
9 strike that, although I might be living and I do  
10 live in quite a stable house, that if the lightning  
11 strike those older homes around me, and if it hit  
12 those wires, that it's going to get mine too. So I  
13 kind of stayed with Rita on it.

14 I did get -- she did tell me that the  
15 person in charge, the administrator, would call me  
16 back. And he never called. She gave him my  
17 number. He never called. After he didn't call me,  
18 I came to Mayor Baker's office and I spoke with  
19 Rita because I want to know why you're not calling  
20 me.

21 A couple of days after I talked with  
22 Mayor Baker's secretary, a Florida Power  
23 representative came out. At least he was driving  
24 Florida Power's truck. He told me Florida Power is  
25 not responsible for the tree branches.

1           He told me Bell Telephone or whoever the  
2 old system was, because I know it's now Verizon, he  
3 told me Bell Telephone or Time Warner Cable, not  
4 Florida Power is responsible. I said, Are you sure  
5 these lines are going to be okay like this? He  
6 said, It won't do nothing. It won't do nothing.

7           But I have known cases where when we have  
8 lightning that it strike those trees and those  
9 power lines running through there and it is heavy,  
10 the wires are heavy running through there, and my  
11 branches are over it.

12           Now, if the City tell me, Mrs. Wofford,  
13 you cut them down, I'll cut them down, but I first  
14 have to come down here and go before the court  
15 because it is my understanding that you cannot just  
16 ordinarily just go out there and cut a tree down.  
17 Okay. So he told me that it is not their  
18 responsibility. So the branches are still there  
19 overlapping.

20           But yet I went in other areas to see, you  
21 know, well, is this really true? Well, in the  
22 other areas it's not like that. And why you -- I  
23 just feel like they discriminating against us.  
24 That's just the way I feel. But I wasn't there to  
25 argue with them, so they're still there.

1           Now, I have some electric bills here. I  
2 live in a large house, true. I live in a  
3 four-bedroom, three-bath, two kitchens, and so on,  
4 so forth. But it's only my husband and I. I don't  
5 think I will go through the house and burn lights  
6 just to be burning.

7           And any time you send a customer billing  
8 such as we have, \$238, and consistently do it,  
9 okay, give an answer to it, because it's nobody but  
10 my husband and I. My husband work at night. And  
11 my husband does not get home ten minutes to 12:00.  
12 And I will not sit in the house and burn lights all  
13 night.

14           Furthermore, my husband is retired  
15 military, and I conserved in the military, and I do  
16 it now. I conserved when I was with my husband in  
17 the military because I know it was the taxpayers  
18 who was paying for it. So I conserve even better  
19 now because the burden is on my husband or me. So  
20 I see no -- no excuse.

21           And when I called and I talk with  
22 Ms. Williams -- this is years ago -- they came out,  
23 they checked it. I also had the meter changed.  
24 Okay. They said, We are right. I don't think so.  
25 Because we also eat out. 99 percent of the time we

1 eat out. I have only a little conventional stove.  
2 We eat out.

3 So no one can explain to me.  
4 Ms. Williams told me, she said, Maybe, she said,  
5 maybe your water heater is not insulated. It's  
6 insulated. It's insulated, been insulated all the  
7 while. I have a small refrigerator. It doesn't  
8 burn that much electricity.

9 I wash in cold water simply because --  
10 not because I have it to do. Simply because when  
11 the repairman came out to repair the washer, what  
12 happened is he didn't turn it back on, and I can  
13 turn it back on. So now I'm immune to using cold  
14 water. I just continue to use it. But no one can  
15 explain to me why are the heavy charges.

16 I was told one time when I called it's  
17 according to the size of house you're living in and  
18 the land it's on. I told them thanks, I don't use  
19 lights on the land.

20 And I also called Florida Power about a  
21 month ago, I called Florida Power, and I don't care  
22 who hear, okay? About the alleyway down near  
23 Burlington going south needs a light there, okay?  
24 I use my clothesline. I go to the dryer when  
25 necessary. I go to the laundromat to dry my

1 clothes, but I like using my clothesline.

2 I called Florida Power. The light is  
3 still out. And it might -- might be over a month  
4 ago.

5 WITNESS VAN WOFFORD: And it still  
6 haven't been replaced. And if you see these  
7 utility bills, you'll shake your head and you'll  
8 almost faint.

9 WITNESS OLA WOFFORD: I have -- and I  
10 did -- I've been in Florida --

11 WITNESS VAN WOFFORD: It's pitiful.

12 WITNESS OLA WOFFORD: -- since 19 --  
13 1959 -- since about 1965. I own property in  
14 Florida. I've lived in Florida in Brevard County.  
15 Never have I ever -- and if -- if I did not live  
16 where I live and if the house that I now rent out,  
17 if it were to come a day my furniture -- I don't go  
18 back to any others. I never seen nothing like it.

19 I have never seen nothing like these  
20 electric bills. I don't -- if I use, I don't mind  
21 paying. But do not overcharge me. Do not  
22 overcharge me because this is no more than an  
23 overcharge a whole sheet.

24 And my air conditioning has been out  
25 since May of 2001. It's still out. When it got

1 cold snap, I still didn't have any, okay? Florida  
2 Power continue to charge me, okay, until the past  
3 two months my bill dropped down to \$42.

4 I had no air nor power nor heat, and  
5 Florida Power continue to charge me. And the proof  
6 is in the pudding. And my air conditioning and my  
7 unit is out. And Florida Power continue to charge  
8 me up until two months.

9 WITNESS VAN WOFFORD: And then the  
10 only -- then the only encouraging answer we  
11 received from Florida Power, Well, Mrs. Wofford, we  
12 will give you time to pay it. I don't need time.  
13 I need a correction. I don't need time. I need a  
14 correction.

15 WITNESS OLA WOFFORD: And I spoke and I  
16 say --

17 WITNESS VAN WOFFORD: And it irritate my  
18 wife, and definitely what irritates her irritates  
19 me, period.

20 WITNESS OLA WOFFORD: Right. Because  
21 they are saying okay -- it's like you pitting  
22 husband against wife. And I'm a very conservative  
23 person, and my husband knows I am. If I said I  
24 didn't use it, I didn't use it. But, okay, if I  
25 used it, so what? You pay. That's what you're

1 married for. That's the way I feel. You're  
2 married, and you pay -- you take the  
3 responsibility.

4 CHAIRMAN JABER: Ms. Wofford, what I have  
5 asked our staff to do, I need to see your bills.

6 WITNESS OLA WOFFORD: Okay. You're  
7 welcome.

8 CHAIRMAN JABER: So if you don't have  
9 copies tonight, it's okay.

10 WITNESS OLA WOFFORD: Okay.

11 CHAIRMAN JABER: We can -- Thelma Crump  
12 is sitting here in the corner. She can take your  
13 bills, if you'll let us have them, and we'll return  
14 the originals to you.

15 WITNESS OLA WOFFORD: Okay, Honey.

16 CHAIRMAN JABER: Or if you want to mail  
17 us the copies later, it's up to you. But I'd like  
18 our staff to look at the bills.

19 WITNESS OLA WOFFORD: Okay.

20 CHAIRMAN JABER: And we'll work with the  
21 company and figure out where those overcharges  
22 might be. And if they're not, we'll be able to  
23 explain what the bill charges are.

24 WITNESS OLA WOFFORD: Okay.

25 WITNESS VAN WOFFORD: Thank you.



1                   CHAIRMAN JABER: On the tree trimming,  
2 you heard what I said earlier on the tree trimming.  
3 We will be looking at that program.

4                   WITNESS OLA WOFFORD: Okay. I appreciate  
5 it.

6                   CHAIRMAN JABER: But Florida Power, I  
7 need you to follow up on the part of the tree that  
8 was left. And to the degree it's a Time Warner  
9 issue, I'm sure out of the cooperative spirit that  
10 I trust that all of these companies have, you can  
11 make that phone call to Time Warner. If not, let  
12 us know, and we'll do it. Thank you.

13                   WITNESS OLA WOFFORD: Okay. Thank you  
14 very much.

15                   MR. LEWIS: Madam Chair?

16                   CHAIRMAN JABER: Yes.

17                   MR. LEWIS: Also, did you mention a  
18 street light out?

19                   WITNESS OLA WOFFORD: Yes, there is a  
20 street light out.

21                   CHAIRMAN JABER: Come back to the  
22 microphone, Ms. Wofford. Do you need an address  
23 for the street light?

24                   MR. LEWIS: Yes. We need an address for  
25 that street light out.

1                   WITNESS OLA WOFFORD:  It's on -- it's in  
2     the alleyway.  I live at 260 13 Street North, okay?  
3     And as you come down the alleyway from Fifth Avenue  
4     North coming through the alley and you go to  
5     Burlington, there is a light on the right.  There  
6     used to be a light there.

7                   It is a bad area, okay?  A lot of drug  
8     dealing go on there.  It does not matter.  Just  
9     give me -- let me see what I'm facing when I go out  
10    there at night.  So it's sitting on the corner  
11    behind a white building of Burlington going south.  
12    It's on the -- it's on the right.

13                  CHAIRMAN JABER:  Thank you.

14                  MR. LEWIS:  Thank you.  Yes, ma'am.  
15    We'll get it.

16                  CHAIRMAN JABER:  Mr. Beck.

17                  MR. BECK:  Next witness is Gonzalez  
18    Ortez.

19    THEREUPON,

20                                  GONZALEZ ORTEZ

21    was called as a witness on behalf of the Citizens  
22    of the State of Florida and, having been duly  
23    sworn, testified as follows:

24                  WITNESS ORTEZ:  My name is Gonzalez J.  
25    Ortez, and I reside at 220 Sixth Avenue North.

1                   Now, regarding the Florida Power  
2 Corporation, and I regret to say that we had better  
3 service on the original one than we have on the new  
4 one, although I don't have that many complaints.

5                   The main issue in here is last June 2001  
6 is when the power was sold off to North Carolina.  
7 Is that correct, North Carolina?

8                   MR. LEWIS: Carolina Power & Light.

9                   WITNESS ORTEZ: Okay. Evidently we  
10 didn't have any meter readers. And as you all  
11 remember, the Florida Power took an estimate last  
12 June of 2001.

13                   That to me was not considered to be a  
14 fair deal because the mere fact is my bill could be  
15 \$30 the month before, and it doesn't necessarily  
16 mean that I'm going to use \$30 the month after  
17 because of an estimate bill. And, in fact, I don't  
18 see the Public Service Commissioner Terry Deason.

19                   CHAIRMAN JABER: Deason.

20                   WITNESS ORTEZ: Is he here?

21                   CHAIRMAN JABER: Not tonight. He's the  
22 one that has the flu. We've given him the flu.

23                   WITNESS ORTEZ: And if I remember right,  
24 according to your regulations, the Public Service  
25 Commission, in 1983 he had mentioned that there

1 wasn't many complaints regarding estimate readings.

2           And it would be up to the Public Service  
3 Commission to clarify this to see whether or not  
4 evidently from -- if my memory serves me right, you  
5 allow the Florida Power two readings a year would  
6 estimate. Is that correct or incorrect?

7           CHAIRMAN JABER: It can be more than two  
8 a year. They are allowed --

9           WITNESS ORTEZ: No, two -- two readings.  
10 I didn't say two years. In other words, you allow  
11 one year you allow the Florida Power to estimate  
12 your bills two times in one year. Correct or  
13 incorrect?

14           CHAIRMAN JABER: I think they're allowed  
15 to estimate more than two times a year, but what  
16 they can't do is estimate more than two times in a  
17 row. But after -- after they estimate, sir, they  
18 are supposed to go back and true up the bill and  
19 give you credit --

20           WITNESS ORTEZ: I understand that.

21           CHAIRMAN JABER: -- to the degree that  
22 they overestimate. And we can certainly take a  
23 look at your bill and make sure that they've done  
24 that correctly.

25           WITNESS ORTEZ: Oh, no, no. I'm not --

1 I'm not disputing that.

2 CHAIRMAN JABER: Okay.

3 WITNESS ORTEZ: There's only one thing  
4 that I'd like to see the Florida Power review it.  
5 Don't forget, this hasn't been reviewed since  
6 1983. And according to the Public Service Deason,  
7 he said, It may be time for us to review it.

8 CHAIRMAN JABER: Review the policy.

9 WITNESS ORTEZ: Review the situation.

10 CHAIRMAN JABER: All right.

11 WITNESS ORTEZ: That's what I'm trying to  
12 point out. Now, Madam Chair, I just want to know  
13 something here in regard, maybe you can help me or  
14 the Florida Power can help me. The billing is a  
15 lot of confusion for a lot of people. I had this  
16 problem with the telephone company, but it has  
17 nothing to do with you here.

18 Now, first of all, I'd like to know in  
19 regards to the customer's charge is what the  
20 Florida Power charges for the service; is that  
21 correct? The reason why I'm asking is because I'm  
22 going to come to a question that is a little  
23 confusing here probably for a lot of customers.  
24 And I myself don't know it that well. And I'm a  
25 very activist person, and I usually like to know

1 because I get a lot of people that ask me.

2 All right. Now, the customer -- the  
3 customer's charge was about \$8 and something 50  
4 cents. Is that the charge for the company to use?  
5 Is that correct or incorrect? Or are you familiar?

6 CHAIRMAN JABER: No, I need to see your  
7 bill because --

8 WITNESS ORTEZ: Don't we have anybody  
9 here knows how to read the billing?

10 CHAIRMAN JABER: I need to see your bill  
11 because I don't want to --

12 WITNESS ORTEZ: Oh.

13 CHAIRMAN JABER: -- give you incorrect  
14 information.

15 WITNESS ORTEZ: I'm just going to bring  
16 this to your attention. If you write down, of  
17 course, I want to go over each one.

18 CHAIRMAN JABER: Okay. Let's get you  
19 back on the microphone, and I'll tell you what  
20 we'll do.

21 WITNESS ORTEZ: Okay.

22 CHAIRMAN JABER: All right.

23 WITNESS ORTEZ: If you'd go from the  
24 colored charge, and then I can -- and then I can --  
25 I know it by heart. I can get a general idea of

1 whether I'm correct or incorrect.

2 CHAIRMAN JABER: Mr. Ortez, the bill  
3 you've given me delineates the energy charge, the  
4 fuel charge, and the customer charge. And Florida  
5 Power, you need to correct me if I'm wrong, but  
6 basically the charges are assessed on usage. It's  
7 per kilowatt-hour.

8 WITNESS ORTEZ: Correct. That part I  
9 understand.

10 CHAIRMAN JABER: Right. And then the  
11 franchise fees on the bottom, those are collected  
12 to give to the City or --

13 WITNESS ORTEZ: Right. In other words,  
14 the consumer pays that to pay their taxes; is that  
15 correct?

16 CHAIRMAN JABER: That's correct.

17 WITNESS ORTEZ: That's a franchise.

18 CHAIRMAN JABER: That's correct.

19 WITNESS ORTEZ: We pay that, and they get  
20 their taxes, and they pay the City of St. Pete.  
21 Now, there's one question, there's something to do  
22 with the State, a gross, if I remember right. Who  
23 in the world gets that money?

24 CHAIRMAN JABER: The gross receipts tax  
25 is the tax that the company is assessed on the --

1 on the bill.

2 MR. LEWIS: By the State.

3 CHAIRMAN JABER: And that goes to the  
4 State Department of Revenue, is my understanding.

5 WITNESS ORTEZ: Why are we getting  
6 involved with the Department of Revenue? We pay  
7 enough taxes. And I don't see why in the world  
8 we -- in other words, is this a case where the  
9 Florida Power is paying the gross to us and they  
10 pay it just like the franchise fee; is that  
11 correct? Is that what you're bringing out?

12 CHAIRMAN JABER: That is the tax --

13 WITNESS ORTEZ: In other words, we're  
14 paying the state taxes too and we're paying the  
15 municipality taxes.

16 CHAIRMAN JABER: That's correct.

17 WITNESS ORTEZ: And then where does  
18 Florida Power -- where are their taxes?

19 CHAIRMAN JABER: That's correct. I don't  
20 want to talk over you because I want the court  
21 reporter to capture your testimony --

22 WITNESS ORTEZ: Yes.

23 CHAIRMAN JABER: -- which is what we're  
24 here for. So I want to make sure that the court  
25 reporter gets your testimony. But you are correct



1 that they collect the tax from you that's passed on  
2 to the Department of Revenue. And they also have  
3 to collect the franchise fee --

4 WITNESS ORTEZ: Correct.

5 CHAIRMAN JABER: -- that they pass on for  
6 the City in your case. But what I do want to do is  
7 Mr. McNulty, Mr. Springer, if you will meet with  
8 Mr. Ortez and walk him through every element on the  
9 bill and make sure that the Commission staff agrees  
10 with every element on your bill. So --

11 WITNESS ORTEZ: No, I'm not disputing  
12 that. Don't misunderstand me. I'm not disputing  
13 the Florida Power regarding the price. The thing  
14 is I want to know exact where my money is going as  
15 a consumer.

16 CHAIRMAN JABER: Right. Those are the  
17 questions I want answered.

18 WITNESS ORTEZ: And that's the thing  
19 that I can't figure out. Now, we also have a  
20 utility tax; is that correct, sir? That goes to  
21 the City of St. Petersburg; correct?

22 COMMISSIONER PALECKI: That's correct.  
23 And I would point out that the law in the state of  
24 Florida as interpreted by the Florida Supreme Court  
25 has told us as the Public Service Commission that

1 these charges, the utility tax, franchise fee,  
2 gross receipts tax, need to be a straight  
3 pass-through. The utility cannot charge you more  
4 than they are charged, but they're not allowed to  
5 charge you less than they are charged and that --

6 WITNESS ORTEZ: Well, they go according  
7 to your basic service.

8 COMMISSIONER PALECKI: -- that's the  
9 Florida Supreme Court.

10 WITNESS ORTEZ: Right.

11 COMMISSIONER PALECKI: But one thing that  
12 most people don't understand is that when the City  
13 of St. Petersburg or any other city in the state of  
14 Florida raises the amount of the franchise fee,  
15 very often people will say, Well, good, take that  
16 money out of the pockets of the utility, that's  
17 better than taxing me. That's not correct. It  
18 comes out of your pocket.

19 WITNESS ORTEZ: I understand.

20 COMMISSIONER PALECKI: Every time a  
21 city -- and St. Petersburg is not as bad as some  
22 cities. St. Petersburg charges a municipal utility  
23 tax and a franchise fee that are about average.  
24 Several cities in the state of Florida --

25 WITNESS ORTEZ: Oh, yes.

1                   COMMISSIONER PALECKI: -- charge much  
2 higher fees.

3                   WITNESS ORTEZ: Right. I understand that  
4 part. That's not my problem. I'm not disputing  
5 Florida Power. Don't misunderstand me. But I got  
6 to just make it clear because I get a lot of  
7 questions from people ask me what this is and what  
8 this is and what that is. So the only way to learn  
9 that is to come up here and get the idea. We know  
10 it's the state law and et cetera.

11                   But now there's one thing in that  
12 particular thing is the fuel charge when the cost  
13 of the fuel, the City of St. Petersburg makes more  
14 money. It's just like the gasoline tax.

15                   If the fuel goes up, the big wheels in  
16 Saudi Arabia or wherever we get our fuel, when they  
17 start to give us a nice big raise, the high -- if  
18 it's about we'll say \$5 or \$3 a gallon when we pay  
19 gasoline. I don't know how they work with Florida  
20 Power.

21                   So the more the fuel goes up, the more we  
22 pay, the more the City of St. Petersburg gets. The  
23 more the State gets. So you see, we're actually  
24 paying most of the bills and plus what we have to  
25 pay now out of our pockets.

1           So my question is that due to the fact  
2           that the Florida Power will make that money  
3           wherever they buy the energy. And, of course, we  
4           had nuclear power. That went out with the window,  
5           that's gone. So we have to wind up on oil. So  
6           that's what we have to do.

7           Now, there was one more on that bill that  
8           I'd like to know, if I recall, when you're talking  
9           about the gross bill -- I mean the gross tax; is  
10          that correct?

11          CHAIRMAN JABER: The gross receipts tax.

12          WITNESS ORTEZ: Now, does that apply to  
13          when the Florida Power has to charge us for higher  
14          rates, that goes up too? Is that correct or  
15          incorrect?

16          CHAIRMAN JABER: You know, let me ask  
17          Florida Power. I am not sure if that tax is backed  
18          out of the --

19          WITNESS ORTEZ: Is that a basic?

20          CHAIRMAN JABER: Hang on, Mr. Ortez.

21          WITNESS ORTEZ: Oh.

22          CHAIRMAN JABER: I really want to answer  
23          your questions. Hang on. Mr. Flynn, is that  
24          backed out of the fuel charge? Backed out of the  
25          taxes?

1 MR. FLYNN: There is a certain amount of  
2 fuel charge that's taxable, a limited amount of the  
3 fuel charge is taxable. .699 cents per  
4 kilowatt-hour is taxable.

5 CHAIRMAN JABER: So the answer to your  
6 question, Mr. Ortez, is, yes, as the fuel charges  
7 go up, you will see a small increase in the gross  
8 receipts tax by that percentage.

9 WITNESS ORTEZ: That's what I wanted to  
10 know.

11 CHAIRMAN JABER: Yes, sir.

12 WITNESS ORTEZ: Appreciate it.

13 CHAIRMAN JABER: Okay.

14 WITNESS ORTEZ: Now --

15 CHAIRMAN JABER: But I really would like  
16 staff to look at your bill and sit down with you  
17 and make sure that these --

18 WITNESS ORTEZ: Oh, I got that all -- I  
19 got it all down here up in my brain. But there's  
20 just a little confusion. I have no complaint with  
21 their -- their billing. Don't misunderstand me. I  
22 don't have that. But I just wanted to know the  
23 clarification of each charges that we pay because a  
24 lot of people ask me that question, and I never  
25 really studied it out.

1                   But now I got the idea. So when somebody  
2 does ask, I'll be able to answer their question. I  
3 can't say whether they'll call -- whether they'll  
4 call Florida Power to get the information, whether  
5 they will give that information.

6                   Now, we're talking one more thing  
7 regarding the tree trimming. I would say that I  
8 called the tree trimming and I reside 220 Sixth  
9 Avenue North.

10                   Now, we do have lines, but there are so  
11 many lines up there, you don't know whether it's  
12 the television people, whether it's the phone  
13 company, or whether it's the electric company. And  
14 a lot of those trees touch the wires and they need  
15 to be trimmed.

16                   Now, according to what I heard from this  
17 gentleman here, if I recall, you evidently  
18 estimated every three years you come around to  
19 check the trees to see if we need a trimming; is  
20 that correct?

21                   MR. LEWIS: Yes, sir. That's the  
22 program.

23                   WITNESS ORTEZ: Now, the question is that  
24 I'm trying to find out, what if I see, in my  
25 opinion, that that needs to be trimmed, are you

1 willing to -- going to make me wait for three  
2 years, or are you willing to come out and check it  
3 out? That's the question I want to know.

4 Because naturally, I don't know the exact  
5 whether it's going to be your line or whether it's  
6 going to be the telephone company line, but there  
7 is something to that effect. But if you say you  
8 don't come around three years, that thing can go.

9 Right now, I don't know whose line it is,  
10 but I got a problem in that line. There's a lot of  
11 tree limbs in between those wires. But who it is,  
12 I don't know. Now, how do we distinguish that as  
13 consumers?

14 MR. LEWIS: Good question. We have two  
15 programs. We have a maintenance tree trimming  
16 cycle, which is the three-year cycle I just  
17 mentioned. And we also have a hot spot tree  
18 trimming program, which we come out and we assess  
19 the situation and if need be, we will trim the tree  
20 irregardless of when was the last time it was  
21 trimmed.

22 So we have a program based on your call  
23 to Florida Power, we will come out and assess the  
24 situation and make a decision to trim the tree.

25 WITNESS ORTEZ: But it may not be -- it

1 may not be your line. So how --

2 MR. LEWIS: Right. That's the  
3 assessment.

4 WITNESS ORTEZ: That's the question. I  
5 don't want to drag you out if it's not your line.

6 MR. LEWIS: Well, no --

7 WITNESS ORTEZ: So that's why we have --

8 MR. LEWIS: That's our job. If you call  
9 us, we don't expect you to be able to tell the  
10 difference between a cable TV line or one of our  
11 lines. So we'll make that determination. And  
12 we'll make -- after that, we'll make the decision  
13 to trim the tree or not based on that  
14 determination.

15 WITNESS ORTEZ: Right. I see. Now, I  
16 want to make it clear to the Public Service  
17 Commission, I don't have any gripes against the  
18 billing. I'm not saying that they overcharged me.  
19 So really that's not the case.

20 But the only thing that I would only say  
21 is that if you could review the 1983 decision in  
22 regards to the reading the meters, because they can  
23 do this -- not that I'm going to say they're going  
24 to cheat me or anything. Don't misunderstand me.  
25 I'm not accusing the Florida Power of that. But I



1 think to be honest, it's the safe way for a lot of  
2 consumers.

3 Now, one more question I got, and then  
4 I'm going to let it go. Meters are very vital.  
5 How often does the Florida Power Corporation decide  
6 to check the meters? Because if you have a  
7 defective meter, one doesn't know that unless you  
8 yourself take a reading of what's going on.

9 Now, does the Florida Power Corporation  
10 come out? Does the Florida Power check the meters,  
11 or do you have to wait until you call the Florida  
12 Power to come out and check that meter because  
13 you -- those meters could be in there for years.

14 Now, I lived in the building for 31  
15 years, and I had a meter for 31 years. That  
16 doesn't say it's going to go on the fritz, but it  
17 may cause my electric to go pretty high.

18 So my question to you is: How do they  
19 determine that a person has a good meter or not?  
20 Are you basing the opinion of what it would cost  
21 maybe once last month and then if you get a higher  
22 bill? Is that --

23 CHAIRMAN JABER: No, sir. Let's back up  
24 and let me brief you on what happened at the  
25 earlier service hearing we had with respect to

1 meter readers and what I've directed our staff to  
2 do. I want -- like Commissioner Deason pointed  
3 out, it may be time to review the policy on meter  
4 reading and whether we need to change our rules and  
5 have the companies comply with new rules with  
6 respect to meter reading.

7 Our staff is going to look at the current  
8 practice. They're going to see if Florida Power  
9 Corporation is meeting the current practice. And  
10 then they will recommend in this proceeding somehow  
11 appropriate action.

12 So it will -- we will be looking at the  
13 current policy. And I think that's in line with  
14 the comments you just made.

15 With respect to defective meters, when  
16 the meter readers look at your meter, they are  
17 supposed to make note of defective meters and  
18 problems that they can just see by a bare review.  
19 And in addition to that -- in addition to that,  
20 obviously the company is supposed to respond to any  
21 defects that you think are there.

22 And, again, Mr. Lewis, that's my  
23 understanding.

24 MR. LEWIS: Correct. And also I failed  
25 to mention earlier today that we have a sampling

1 program as well that we sample our meters proactive  
2 to ensure that they are reading accurate readings.

3 WITNESS ORTEZ: Now, the reason -- the  
4 reason why I asked that question, I've lived in  
5 St. Pete since 1960. And during that period of  
6 time I would say, to the best of my knowledge, only  
7 had one time where a meter wasn't functioning very  
8 well. So therefore -- I mean, I'm not living in  
9 the same building. I don't own a house. Don't  
10 misunderstand me. Just an apartment.

11 And in that one time I noticed the meter  
12 was going haywire. And evidently I did indicate to  
13 the Florida Power if they would come out to check  
14 it. And I believe there was no cost to that  
15 effect. Is that correct or incorrect?

16 If I was to call you and tell you that  
17 there's a possibility that my meter is running  
18 either fast or slow, okay, so what happens to you,  
19 I ask you would you mind coming out to check my  
20 meter. Now, previous under the Florida Power,  
21 there was no charge. Now, is this a question that  
22 if I was to call you if I had a problem, are you  
23 going to charge me to review that meter?

24 MR. LEWIS: No, sir.

25 WITNESS ORTEZ: Oh, that's -- okay. As

1 long -- and you're under a new ownership. That's  
2 why I asked that question. So I guess that's about  
3 it.

4 CHAIRMAN JABER: Thank you, sir.

5 WITNESS ORTEZ: You're quite welcome.  
6 Thank you.

7 CHAIRMAN JABER: Mr. Beck.

8 MR. BECK: Thank you. The next witness  
9 is John Farnham. Is John Farnham here? Jim  
10 Barrens.

11 THEREUPON,

12 JIM BARRENS

13 was called as a witness on behalf of the Citizens  
14 of the State of Florida and, having been duly  
15 sworn, testified as follows:

16 WITNESS BARRENS: Good evening.

17 CHAIRMAN JABER: Good evening.

18 WITNESS BARRENS: My name is Jim  
19 Barrens. That's B-A-R-R-E-N-S. And I would also  
20 like to echo the comments that someone made before  
21 in saying how happy I am to have Commissioner  
22 Bradley back in town home tonight with us.

23 I have some concerns about safety related  
24 to the storm in September that are similar to some  
25 things that were mentioned before. But I did want

1 to come here tonight and make you aware of our  
2 story and what happened at our house.

3 Our family lives at 2634 69th Avenue  
4 South here in St. Petersburg. And on the morning  
5 of September 14 when the storm blew through, a  
6 large tree in my yard fell and hit the main power  
7 pole in my back yard.

8 The main power line running from the pole  
9 to my house fell, and it hit the top of my house  
10 and broke some tiles off the top of my house and  
11 lay on the top of my house and lay in the yard in  
12 my back yard at a level of about four or five feet  
13 between there and the pole where it had fell from  
14 still attached at both ends.

15 There was some damage at the -- at my  
16 house where it connected to my house. There was a  
17 lot of damage at the pole. And the wire hung in my  
18 yard beginning on Saturday morning.

19 Now, we were obviously very concerned  
20 about this, concerned from the safety aspect for  
21 our family, for our neighbors, for the children who  
22 come through the yard. Immediately called Florida  
23 Power -- rather probably should say began to call  
24 Florida Power to get this resolved.

25 I won't -- I won't say how many times we

1 called, and I won't comment on the service that we  
2 received other than to say it was very consistent  
3 in that each time we called, it seemed that we were  
4 told that someone would be coming out as soon as  
5 possible in order to rectify the situation. That  
6 was the -- that was the message that we  
7 consistently received.

8 Our concern was -- and we said this to  
9 each person that we talked to on the telephone --  
10 we were -- we were simply concerned about knowing  
11 whether we were in danger, knowing whether the  
12 state of that line, the main power line to our  
13 house, being four feet from the ground, easily  
14 accessible by children walking through or someone  
15 inadvertently coming through in the dark or  
16 whatever, whether that posed a danger to us or to  
17 anyone else.

18 No one could answer that question. And  
19 we simply asked that someone come out not  
20 necessarily to repair the line. We understood that  
21 there were a lot of people who had a lot of  
22 problems that weekend. But just to look at the  
23 line to see whether or not it posed a danger to us  
24 and give us an idea about what we could do to  
25 secure our property and make it such that no one

1 would get injured.

2 No one came to our house until late  
3 Sunday afternoon. And it was from that point on  
4 that we, my wife and I, agreed that this was  
5 something that needed to be brought to someone's  
6 attention that there seems to be a problem either  
7 with regard to procedures, with regard to carrying  
8 out procedures that are already in place, with  
9 regard to level of staffing, I don't know what.

10 But it seems to me that it was  
11 irresponsible for Florida Power even under those  
12 circumstances not to have someone available to be  
13 able to go to someone's home and say that line does  
14 or does not present a danger to you and to your  
15 family. Something that probably would have taken a  
16 total of about five, maybe ten minutes for them to  
17 do. That's the -- that's the main reason.

18 I will say parenthetically that the same  
19 tree that dropped down in the yard and knocked down  
20 our main power line also knocked down our phone  
21 line. And between Friday morning when that  
22 happened and Sunday early evening when the power  
23 company came by, the telephone company had already  
24 been there twice to repair the damage that had been  
25 done to the telephone line.

1           So that was -- that was the story that we  
2 wanted to make you aware of.

3           CHAIRMAN JABER: Thank you, Mr. Barrens.  
4 You actually triggered a question for Florida Power  
5 Corporation. Where are you in the three-year cycle  
6 now with tree trimming?

7           MR. LEWIS: It really is in all stages.  
8 It's not done three years collectively statewide.  
9 So Orlando market, the North Florida, Orlando  
10 market, and here in St. Pete. I can't specifically  
11 tell you exactly where we are in the cycle in your  
12 area, but I can find that out for you.

13           WITNESS BARRENS: Mr. Lewis, one thing I  
14 might suggest, having heard you speak here tonight,  
15 is that if you have a hot spots program for  
16 trimming trees, perhaps you should have -- to be  
17 able to rapidly respond when trees need to be  
18 trimmed, perhaps you need a hot spots program  
19 that's able to respond when you have a power line  
20 that's down that people need to have looked into.

21           MR. LEWIS: Yes, sir.

22           CHAIRMAN JABER: Thank you, Mr. Barrens.

23           COMMISSIONER BRADLEY: I have a  
24 question. We've heard a lot today about the  
25 no-name storm and some of the extraordinary



1 problems that was created by that storm.

2 Have you-all taken a look at your  
3 policies within Florida Power to ensure that -- as  
4 sure as we're in Florida, that is going to happen  
5 again -- to ensure that in the future some of the  
6 problems that we've had to hear today as a result  
7 of that storm, that you-all will be able to more  
8 effectively and efficiently respond to your service  
9 needs; that is, trees being down and lines being  
10 down?

11 And I'm just wondering if -- well, in  
12 North Carolina, North Carolina has the same problem  
13 with hurricanes coming off the Atlantic, but I'm  
14 just wondering if you-all have been able to sit  
15 down and assess the situation and come up with a  
16 strategic plan to deal with catastrophic incidents  
17 that are out of the ordinary?

18 MR. LEWIS: In the aftermath of Tropical  
19 Storm Gabrielle, we had an intensive corrective  
20 action plan put in place to improve, as is  
21 consistent with our continuous improvement  
22 philosophy we have within Florida Power.

23 We're fortunate that Carolina Power &  
24 Light has had significant storm activity over the  
25 last several years in the area, several major

1 hurricanes they've had. And so what we've done,  
2 we've taken best practices from their experiences  
3 and applied them here in Florida.

4 And so they have been applied. We have  
5 learned from the challenges of Gabrielle and are  
6 ready to address any significant storm activity  
7 that may happen here in the future.

8 But, yes, we have looked at all the  
9 errors we made in that storm, looked at ways that  
10 we can improve, we have implemented those changes  
11 within our program to make sure we can --

12 COMMISSIONER BRADLEY: And one follow-up.  
13 Is there a difference between your trimming policy  
14 as it relates to trimming limbs and dealing with  
15 actual trees? It seems to me that when a hurricane  
16 or storm comes through, it's not a matter then of  
17 trimming limbs. Then it becomes a tree problem.

18 MR. LEWIS: As we assess --

19 COMMISSIONER BRADLEY: Is that  
20 problematic?

21 MR. LEWIS: I'm sorry. As we assess our  
22 power lines, we look for obviously limbs first, but  
23 if we consider a tree a danger tree, which means  
24 that through our assessment we determine that the  
25 tree will fall based on the age or whatever, then

1 we do have a danger tree removal program. But  
2 obviously our intent is to clear the limb so that  
3 we can have uninterrupted power for our power  
4 lines.

5 CHAIRMAN JABER: And just as a follow-up  
6 to Commissioner Bradley's question, whether it was  
7 Storm Gabrielle or the unnamed storm, I'm not sure  
8 if it was the same storm or not.

9 MR. LEWIS: Same storm.

10 CHAIRMAN JABER: How did you determine  
11 what the priorities were for response? I know that  
12 it touched a large part of this part of Central  
13 Florida, and how did -- how did you determine the  
14 priorities?

15 MR. LEWIS: Actually, the first day of  
16 the storm was spent actually trying to retain the  
17 power on the main line system because as you  
18 recall, the storm was consistent for a long period  
19 of time, which means that you would restore a power  
20 line and then it would go out again.

21 So we would have to continually restore  
22 the same power line for maybe the first 24 hours.  
23 So -- and mainly we focused on the large power  
24 lines that serves, you know, the main thoroughfares  
25 in our county.

1           So for the first 24 hours, our priority  
2 was to maintain energized circuits for the main  
3 power lines. Once that was complete, which means  
4 that the storm abated the area, then we start  
5 working from the standpoint of number of customers  
6 out. So and then that was our first priority  
7 system.

8           You get to a certain point and you begin  
9 to start looking at the situation which who has  
10 been out the longest. And that may be fewer  
11 customers because they went out earlier, but you  
12 begin to start looking at ways to try to get those  
13 customers back on earlier.

14           So really it's kind of a change in  
15 priority system based on where you are in the storm  
16 restoration efforts. But, again, the first effort  
17 is to try to maintain the circuit for the main  
18 power lines as you go through the process and then  
19 work your way down from that point on.

20           COMMISSIONER PALECKI: And you referred  
21 to a study that you did after the storm and then a  
22 report. Could we get a copy of that?

23           MR. LEWIS: Yes. I know there was --  
24 there was a report, I would assume, that spoke to  
25 the best practices or things that we could learn

1 from any storm. So we can definitely look into  
2 that and see can we get that report to you.

3 COMMISSIONER PALECKI: Thank you.

4 CHAIRMAN JABER: Mr. Beck.

5 MR. BECK: Thank you. The next witness  
6 is Charles Wright.

7 THEREUPON,

8 CHARLES WRIGHT

9 was called as a witness on behalf of the Citizens  
10 of the State of Florida and, having been duly  
11 sworn, testified as follows:

12 WITNESS WRIGHT: I am Charles Wright.  
13 I'm here with my wife, Denise; my daughter, Lauren;  
14 my son, Austin. It's a privilege for me to be  
15 here, and it's an honor to be able to participate  
16 in the process of holding a monopoly accountable to  
17 the good people who are held captive to it.

18 I'm grateful to the Public Service  
19 Commission and to the Office of Public Counsel and  
20 to the hardworking people at Florida Power who  
21 provide us with reliable power and to my fellow  
22 citizens who care enough to participate in this  
23 magnificent process of government. And I thank God  
24 for good government and for reliable commerce.

25 I want to offer you first some

1 observations about Florida Power from the  
2 standpoint of a customer, my family, and a lady we  
3 know at church, and then I'd like to offer you some  
4 observations about the energy business in general.

5 From 1995 until early 2001, I was in the  
6 landscape design and construction business, a one-  
7 to four-man operation. In only two of the past 13  
8 years have we earned more than \$15,000 gross  
9 before taxes.

10 My wife is a homemaker and a home  
11 educator and a mother and a wife and, in short,  
12 she's home all day long and she's doing the great  
13 work of raising our children. We're a one-income  
14 family.

15 Our power has been turned off  
16 approximately ten times in the past year and a  
17 half. We have been late on payments, and we  
18 usually are late on our payments. But we always  
19 pay our power bill because we don't have a choice.  
20 Not because we don't have a choice but obviously we  
21 don't have a choice. We must pay our power bill.

22 We don't have -- we don't have any  
23 difficulty with our obligation in terms of our need  
24 to meet it. We want to pay our power bill. We  
25 want to pay for what we use.

1           There were times when we've made payment  
2 arrangements that we weren't able to meet, and  
3 there was one time in particular when we made  
4 payment arrangements and our power was turned off  
5 anyway, even though we met the arrangement.

6           On that particular time, I believe it was  
7 in June, it was a very hot day, and we waited until  
8 past 9:00 p.m. to have the power restored. We had  
9 no shower, no light, no air conditioning. There  
10 were many days like that.

11           It was always very frustrating dealing  
12 with the customer service department of Florida  
13 Power, and calling from a cell phone on a  
14 landscaping job trying to make payment  
15 arrangements, trying to have our power preserved so  
16 that my family would have air conditioning while I  
17 was at work, so that I'd have a shower when I got  
18 home, frequently stretched my patience, and I have  
19 lost my temper with them.

20           On the night in question that I just  
21 described where we met the payment arrangement and  
22 made it, there was one particular lady who swore at  
23 me. We talked to probably half a dozen people  
24 throughout the course of that day. I explained my  
25 situation over and over. At one point a lady

1 laughed at me. Getting hung up on is routine.

2 We have a lot of experience calling  
3 Florida Power and asking for extensions. Never in  
4 the times that I've dealt with them in the six  
5 years that I've been a customer, and in the past  
6 two or three years when paying the bill on time has  
7 been difficult, never have I ever been told of any  
8 type of assistance available. I never knew any  
9 existed. It was only by happenstance that I found  
10 out that there were agencies that would help you  
11 with your power bill.

12 As I said, we always pay our power bill.  
13 Often we pay with a reconnect charge. We have  
14 money on deposit at Florida Power, and we have for  
15 six years. Florida Power needn't be so quick to  
16 disconnect our service when we're late.

17 I've noticed that although I don't have a  
18 credit card, I don't think credit card companies  
19 are so quick to repossess the goods that they loan  
20 on, although their business is much riskier.

21 My point is that Florida Power has  
22 relatively little risk. I don't think that  
23 delinquencies in service payments are going to  
24 bankrupt this company.

25 I also feel that the reconnect fee



1 amounts to a tax on the poor. It's a usurious  
2 charge of interest on a very -- on a relatively  
3 low-risk loan.

4 Yes, I know that it costs them money to  
5 send someone out to turn the power off and it costs  
6 them money to send someone out to turn the power on  
7 again, but perhaps if they'd turn the power off  
8 less eagerly and less frequently, it wouldn't be  
9 such an expense to them.

10 I suspect personally that these reconnect  
11 fees, which I understand are supposed to be raised  
12 into the neighborhood of \$40, are a profit center.  
13 I believe they're a cash cow that this company is  
14 eager to milk.

15 Our power has been turned off so  
16 frequently that finally I complained to the Public  
17 Service Commission. At that time I received some  
18 glad-handing calls from Florida Power. At that  
19 point they agreed to give me warning -- warnings  
20 when my power -- when a power turnoff was imminent.  
21 And they did so for several months, although a week  
22 and a half ago when they came to turn the power  
23 off, I had no warning.

24 We know that it's not Florida Power's  
25 fault that we have difficulty meeting our expenses.

1 We know that Florida Power doesn't owe us energy.  
2 They don't owe us power. But if I was -- as a  
3 landscaper, if I treated my customers the way I've  
4 been treated at Florida Power, my customers would  
5 go somewhere else. I wouldn't have their business.  
6 But we don't have the luxury of going somewhere  
7 else for our power.

8 I've always felt that I owed my customers  
9 the best I could give them, and I absolutely feel  
10 that I owe anybody dignity. I may fail sometimes  
11 in delivering it, but as a principle, I understand  
12 that I owe it to people. I think Florida Power has  
13 lost sight of that.

14 There is a lady in our church. She's in  
15 her eighties. She's on oxygen. She lives in  
16 fixed-income housing. And her bill is routinely  
17 nearly twice her neighbor's bill. And all of the  
18 units are identical. She told me that she's been  
19 asking Florida Power to do an energy audit on her  
20 apartment since 1993 for eight years.

21 She has been told -- she's been given a  
22 litany of excuses, and the bottom line was they had  
23 never come out to do an energy audit. She's had  
24 her air conditioner changed. She had the -- she's  
25 done everything they told her to do.

1                   When this came to my attention recently,  
2 I took advantage of the interest that Florida Power  
3 was showing me as a result of my complaint to the  
4 Commission, and I insisted that they do the audit  
5 for the lady. And they finally did. But it took  
6 eight years.

7                   Now I'd like to give you some  
8 observations on the energy industry as I see it, if  
9 I may. The '90s were busy years for the energy  
10 business, for the economy in general.

11                   The years of -- during years of the '90s,  
12 the demand for energy was very high. There was  
13 more deregulation. And utility stocks ceased to be  
14 the preferred investment of widows and orphans and  
15 they became instead growth stocks. They were  
16 growth companies.

17                   Now we're in a recession and demand is  
18 down for energy. Some estimates are that it's down  
19 by 10 percent for industrial use of energy. Oil  
20 and gas and coal prices are all down, and these are  
21 the raw materials that go into making power.

22                   I know that utility earnings are down as  
23 well. I know that Florida Power was just acquired  
24 by Carolina Power.

25                   Florida Power is obviously cutting costs.

1 They're shutting payment centers. Apparently  
2 they're cutting staff. They're certainly cutting  
3 on customer service.

4 I came to the conclusion that this  
5 gentleman came to that there is a debt service  
6 associated with this acquisition that Florida Power  
7 needs to meet. I also noticed that Florida Power  
8 has a brand-new fleet of very nice trucks.

9 But as far as the debt service for the  
10 acquisition goes, I don't think that this is an  
11 expense that Florida Power -- Florida Power  
12 customers should bear. If the cost of producing  
13 electricity was going up, I probably wouldn't have  
14 an objection to an increase in rates.

15 The burden of a poorly timed acquisition  
16 is part of the cost of doing business. Business  
17 cycle risk is also a cost of doing business. I  
18 don't remember ever getting a dividend check from  
19 Florida Power when electricity demand was peaking.  
20 Why should I have to provide them with more capital  
21 in their lean season unless, of course, they're  
22 willing to pay for it.

23 The purpose of this meeting is to hold  
24 this company accountable to the people who use its  
25 services. This is a check-and-balance process.

1 Another form of check and balance is  
2 competition. Not competition between an agency and  
3 a monopoly but competition between independent  
4 providers, each attempting to be as efficient as  
5 possible, each having something to lose if they  
6 aren't well-managed and, at least -- at least as  
7 importantly, something to lose if they aren't  
8 providing their customers with excellent product  
9 and service. Competition can help a company value  
10 its customers.

11 My plea here is for the playing field to  
12 be leveled by some good old-fashioned competition.  
13 Competition makes an athlete push himself to  
14 excellence. Competition has a way of eliminating  
15 sloth. And while I abhor what's become of the  
16 telecommunications industry under deregulation,  
17 there is, I think, potential benefit in letting  
18 Florida Power earn its customers.

19 Competition forces companies to watch  
20 their use of leverage. Apparently this is a  
21 highly-leveraged company that is obviously, by the  
22 testimony of the people here, sacrificing customer  
23 service to help it cut costs.

24 It appears that Carolina's acquisition  
25 strategy -- acquisition strategy no doubt takes

1 into consideration that this monopoly, no matter  
2 how poorly run, cannot be allowed to fail. The  
3 result is that we will pay either as customers or  
4 taxpayers for the financial decisions of Carolina  
5 Power.

6 They ought to have the room to fail. And  
7 competition means that our electricity needs could  
8 be met by a better provider. Thank you.

9 CHAIRMAN JABER: Thank you, Mr. Wright.  
10 I think Commissioner Bradley has questions, but let  
11 me tell you that Thelma Crump and Mr. Durbin, Dick  
12 Durbin, are probably outside at that consumer  
13 table. There is information that we produce on  
14 those agencies that assist with utility bills, and  
15 there is information on programs that you may find  
16 useful.

17 COMMISSIONER BRADLEY: And additionally,  
18 I think this information may be valuable if it's  
19 still part of your policy. What -- three  
20 questions. Would you explain your disconnect  
21 policy, your grace period, and do you still allow  
22 customers to make partial payments in order to not  
23 be disconnected?

24 MR. LEWIS: Yes, we do. In regard --  
25 yes, we do allow partial payments and extensions as

1 well. In other words, a customer can call and ask  
2 for an extension for their entire bill, not just a  
3 partial part of it.

4 The actual disconnect policy, there's a  
5 process of communication that takes place starting  
6 with the actual bill itself, and then there's a  
7 notice that goes out, I think, I believe seven days  
8 prior -- ten? Ten days prior to the scheduled date  
9 for disconnect.

10 So that's the flow of how it actually  
11 works from the standpoint of procedures. But,  
12 again, the customer can intervene at any point in  
13 time and extend that entire process based on the  
14 conversation they have with the customer service  
15 rep.

16 CHAIRMAN JABER: Mr. Wright pointed out  
17 that at least on one occasion he didn't get the  
18 disconnect notice. So if you could circle back  
19 around and make sure you've got all the right  
20 information.

21 MR. LEWIS: Thank you. We will.

22 WITNESS WRIGHT: May I share just a  
23 little bit of my experience with that process?  
24 Because I'm a veteran of that process. It usually  
25 goes like this: I'll call and ask for an

1 extension. They'll grant it. I won't be able to  
2 meet the extension.

3 They'll call. They'll say, Mr. Wright,  
4 we're sorry, we can't give you any more time or  
5 they'll say -- perhaps before we get to that point,  
6 they'll say to me, Mr. Wright, when will you be  
7 able to pay your bill?

8 And because my income fluctuates and I  
9 don't know from day to day what my income is going  
10 to be, I will say, I don't know. And they will ask  
11 me the question again, and I'll say I don't know.  
12 They'll assume that I'm being a smart aleck, and  
13 they'll get defensive in their attitude and  
14 generally say, Well, there's nothing we can do  
15 for you then. That's -- that's been -- that's the  
16 routine.

17 I don't normally bother anymore. I just  
18 try and send money every month. Okay. But when I  
19 did make use of that process early on, it worked  
20 fine. Early on before we went through the string  
21 of disconnects, it was -- it was effective. But as  
22 we became regular disconnect customers, it was more  
23 of an antagonistic process.

24 MR. LEWIS: Thank you.

25 WITNESS WRIGHT: Thank you.



1 CHAIRMAN JABER: Thank you, Mr. Wright.

2 MR. BECK: Mary McCall.

3 THEREUPON,

4 MARY McCALL

5 was called as a witness on behalf of the Citizens  
6 of the State of Florida and, having been duly  
7 sworn, testified as follows:

8 WITNESS McCALL: I hope my voice holds  
9 out. Please forgive me. I've got a very bad cold  
10 I'm getting over. Coming along fine. Thank you.

11 CHAIRMAN JABER: Is that Ms. McCall?

12 WITNESS McCALL: Mary McCall, 8122 33rd  
13 Avenue North, St. Pete, 33710. I've been a  
14 customer of Florida Power since I came here in  
15 1957. And I've had some ups and downs experiences  
16 with Florida Power.

17 Firstly, let me mention the good stuff.  
18 I think I've been given some very consistent  
19 service over the years. Costs have gone upward  
20 tremendously, but -- and I do admire the fact that  
21 sometimes when there has been a horrendous storm,  
22 Florida Power people have come out to restore power  
23 under conditions that were not all that dissimilar  
24 from September 11. In other words, they deserve  
25 the same kind of admiration.

1           However, I've had a problem around that  
2 time. I guess I was one of the lucky ones. And  
3 I'd like to mention two things. Another thing came  
4 to mind, but first let me talk about the storm.

5           We were lucky. We flew to -- on our  
6 vacation to Hartford, Connecticut, on September 10,  
7 and we came back on the 20th. So we missed  
8 Gabrielle. But when I came back, my back yard was  
9 completely covered with branches that had been cut  
10 down and simply left on the ground.

11           A little background on this. I would say  
12 that I called Florida Power -- there's a  
13 transformer in one corner of my back yard. And  
14 from time to time they need to keep the brush away  
15 from it.

16           Well, I had some yard work done, and the  
17 man recommended that I call Florida Power and tell  
18 them that branches were growing up right into the  
19 transformer, and he wouldn't touch it.

20           So I called Florida Power in May. In  
21 fact, it might have been April. And I called them  
22 again in May when we had a brief power outage and I  
23 advised them to come and look after this. Then we  
24 had a power outage again, and nothing happened.  
25 And I called again in July after we had a power

1 outage, and I said, This is -- this is -- if we get  
2 a really big storm, it's going to cause a problem.

3 Well, when the really big storm came, as  
4 I told you, we were away. When I came back, I  
5 started calling Florida Power to come remove the  
6 debris. Well, the treatment I got was very similar  
7 to what was had before. And the customer service  
8 representative said someone would come.

9 Well, someone did come, and they just  
10 kind of took a look and walked away. So I started  
11 calling the customer service. And they said, well,  
12 reminded me that Florida Power no longer has its  
13 own service crews, that they hire out. I asked for  
14 the name of the company they hire out to. And she  
15 wouldn't give it to me.

16 Well, this is about -- by this time, it's  
17 three or four weeks gone by. In fact, five weeks.  
18 So I finally wrote to the St. Petersburg Times  
19 Action Column. And sometime after that, a very  
20 disgruntled crew came out and they did finally  
21 clean up my back yard, which was so completely  
22 covered I could not really step out into it.

23 There were -- these were not just  
24 branches off trees but huge limbs. In fact, it was  
25 so extensive that I find it hard to believe that

1 they did that much of a saw-down in the middle of  
2 the storm.

3 Well, that's the end of my story -- my  
4 story. Except that when I -- some weeks later I  
5 came by -- came home one day, and I found a white  
6 powder around the base of a palm tree in my yard,  
7 which is also on the line where some of the wires  
8 are.

9 And a month ago that everything came off  
10 that tree. It's the palms, it's dying. It was  
11 killed. It was poisoned. Now, I don't know who  
12 did that, but I didn't do it, and I didn't hire  
13 anybody else to do it. So that's the end of that  
14 story.

15 The other thing is, changing the subject  
16 completely, relates back to something that happened  
17 several years ago that I have a question about in  
18 my own mind, and that is I signed up for this  
19 average billing. And this went on -- this was fine  
20 because I do have a great deal of fluctuation in my  
21 summer and winter and off-season bills.

22 Well, the long and the -- the average  
23 kept going up and up and up and up until finally I  
24 said, what good is this? I mean, I owe you the  
25 amount that I -- overage that I owed them was

1 greater too.

2 Well, I finally cut that off completely,  
3 paid the \$400 that they said that I should pay, and  
4 ended it. And frankly, it's been much better to go  
5 back to straight payment.

6 So I wonder about this average billing  
7 thing. Is it being run right? Is somebody -- it  
8 was mysterious the way -- the way that bill kept  
9 going up. I wasn't using that much more power.  
10 Why should the average go up? So that's my  
11 question on that score.

12 CHAIRMAN JABER: Thank you, Ms. McCall.  
13 Mr. Lewis, on the -- on the service crews, you're  
14 not -- you do some contract work, but you have your  
15 own --

16 MR. LEWIS: We have our own service  
17 crews. We do contract our tree trimming activities  
18 as well as some of our underground contracting  
19 work, but we have our own service crews that  
20 respond to customers.

21 CHAIRMAN JABER: Ms. McCall, I just  
22 wanted to make sure that we clarified that before  
23 the evening ended that Florida Power Corporation  
24 still uses its own crew. It may be for the tree  
25 cutting service they contracted out that work.

1                   With respect to the average billing,  
2 Mr. Lewis, that's a program that you still offer?  
3 You still have a tariff for that; correct?

4                   MR. LEWIS: Yes, we do. Actually, has it  
5 changed now and became an equal payment plan?  
6 Because as I recall years ago -- by the way, what  
7 year did you get off the average billing plan?

8                   WITNESS McCALL: Probably been three or  
9 four years ago, at least.

10                  MR. LEWIS: Well, I do remember the  
11 average billing plan not really accurately -- I  
12 mean, it sent the wrong perception that the bill  
13 would be the same every month when, in fact, it  
14 would fluctuate based on the previous 12 months,  
15 and it was a kind of complicated form.

16                  That's been replaced with a plan that's  
17 more simplistic. And actually, I can be corrected  
18 here. I have some experts in the audience. But it  
19 is equal; is that correct?

20                  MS. BERGHOEFER: It's still an average of  
21 the last 12 months.

22                  MR. LEWIS: 12 months.

23                  MS. BERGHOEFER: And we review it every  
24 three months to make sure that we're billing  
25 correctly with that average.

1                   CHAIRMAN JABER: Ms. McCall, because  
2 we're not on the microphone -- Ms. McCall, because  
3 we're not on the microphone, what I will ask is  
4 that Florida Power Corporation meet with you right  
5 now and explain that new average billing system.  
6 And if you're interested in it, you may still sign  
7 up for it. If you have additional questions and  
8 you want to come up to the microphone, that's fine  
9 too.

10                   WITNESS McCALL: What came about was that  
11 my average bill was almost as high as my highest  
12 bill after a while. That didn't make sense.

13                   CHAIRMAN JABER: It sounds like that  
14 program has been replaced with a program that does  
15 an average based on the last 12-month usage. And I  
16 don't know if you and I are talking about the same  
17 program or not, which is why I want the Florida  
18 Power Corp. representative to look at the program  
19 you had and compare it to the one they're offering  
20 now and to evaluate if that suits your needs. And  
21 if it does, you may want to take advantage of that  
22 program.

23                   WITNESS McCALL: Okay. The only other  
24 thing I have to say is that I found that the --  
25 back when Florida Power had its own crews, that we

1 had better service on the wire -- on the wiring and  
2 so forth and I -- and not so preemptive in their  
3 manner.

4 CHAIRMAN JABER: Thank you very much.

5 COMMISSIONER PALECKI: Thank you.

6 CHAIRMAN JABER: Mr. Beck.

7 MR. BECK: Thank you. Michael and  
8 Pauline Miller. Michael and Pauline Miller here?  
9 Virginia Littrell. Virginia Littrell?

10 THEREUPON,

11 VIRGINIA LITTRELL

12 was called as a witness on behalf of the Citizens  
13 of the State of Florida and, having been duly  
14 sworn, testified as follows:

15 WITNESS LITTRELL: Good evening,  
16 Commissioners. My name is Virginia Littrell,  
17 L-I-T-T-R-E-L-L. I'm a member of the City Council  
18 here in St. Petersburg. And I welcome you to our  
19 council chambers and hope you have found these  
20 accommodations good for your meeting.

21 CHAIRMAN JABER: Thank you.

22 WITNESS LITTRELL: I'm speaking tonight  
23 in my capacity as a private citizen and not as a  
24 member of the city council, although I will end my  
25 remarks with some concerns that have come from the



1 city council pertaining to the service from Florida  
2 Power recently.

3 I am the fourth generation on one side of  
4 my family and the fifth generation on the other  
5 side of my family to live in St. Petersburg. I was  
6 blessed to live in this city with a corporation  
7 such as Florida Power.

8 I have come to rely on the service  
9 provided by Florida Power. I have seen Florida  
10 Power be an active community participant with  
11 events and activities and education in all parts of  
12 this community. And I was proud of an association  
13 with Florida Power.

14 Unfortunately, tonight I am before you to  
15 call attention to what I believe to be an extreme  
16 reduction in services. And I will give you a  
17 specific example of where my concern stems from.

18 During the tropical storm in September,  
19 my next door neighbors had a large limb fall from  
20 an oak tree. And I'm talking a limb, not a limb  
21 (indicating), a limb from an oak tree. It fell  
22 onto the Florida Power lines. And I believed that  
23 my neighbors were out of town at that time.

24 And I called Florida Power and a very,  
25 very nice young woman said, We have that report, we

1 have a truck en route. And I was very thankful to  
2 hear that.

3 The limb fell with the large end on the  
4 lines and the tree canopy held the limb up so that  
5 it didn't take the lines completely out of service  
6 and it did not take the lines completely down to  
7 the ground.

8 Not six hours later, not six days later,  
9 six weeks later Florida Power came out and took  
10 that limb off the line, which by that point the  
11 canopy had begun to die and the limb, the weight of  
12 the limb was lowering it lower and lower to the  
13 ground.

14 And I spoke to my neighbors about it.  
15 And they informed me that they had called Florida  
16 Power repeatedly and were finally blocked -- and  
17 that was their term -- they were blocked from  
18 making a complaint or calling for service after the  
19 tenth time in six weeks to ask Florida Power to  
20 remove that limb from their line.

21 Now, this was -- our houses, we live on  
22 small lots. My house was built in the 1920s. My  
23 lot is only 65 feet wide. Their lot is only 65  
24 feet wide. So when you've got a major portion of a  
25 tree in the middle of your back yard, your back

1 yard is unusable.

2 They couldn't get to their driveway.  
3 They couldn't get to their garage. They couldn't  
4 get to their washer and dryer, which was in their  
5 garage. This was a terrible inconvenience for  
6 them.

7 Now, I have spoken with Ms. Loehr, who I  
8 see in the audience, and she has -- she's a very  
9 fine representative of Florida Power. I'm thrilled  
10 to be able to work with her in this community. And  
11 I have spoken with her. And I do know that a  
12 representative of Florida Power did try to contact  
13 my neighbors, and I'm very, very appreciative of  
14 that. However, the service was not there when  
15 needed.

16 And as a member of the city council, we  
17 requested that Mrs. Loehr and other representatives  
18 of Florida Power appear before the policy and  
19 planning subcommittee of council because you  
20 recognize that we are on a peninsula.

21 When we have an extreme weather event --  
22 and the one -- the extreme weather event that we  
23 encountered in September was not a major storm. It  
24 was not a pleasant experience, but it was not a  
25 major storm. And having lived in St. Petersburg

1 for 51 years myself, I can tell you that I have  
2 seen much worse storms and had much better service  
3 by Florida Power than what we saw this last  
4 September.

5 When Florida Power came to the  
6 subcommittee, the policy and planning subcommittee,  
7 they indicated to us that this storm had come up so  
8 quickly, they were not prepared and that they did  
9 have to bring crews from North Carolina. And I  
10 believe that that is an inappropriate thing for  
11 Florida Power service in this particular area.

12 If in the case of a civil disturbance, if  
13 in the case of a very bad weather event, Florida  
14 Power is unable to respond in a more timely manner  
15 than they were last September, our community will  
16 be isolated. We will not have any kind of  
17 emergency services available.

18 And I am very concerned about that. And  
19 I will speak to you in my capacity as a city  
20 council member and tell you that the rest of the  
21 city council is also very concerned about Florida  
22 Power.

23 And I thank you very much for the  
24 opportunity to address you tonight. I know it's  
25 been a long day for you. I thank you very much,

1 and I welcome you to St. Petersburg. And those of  
2 you who are from St. Petersburg, good to see you.  
3 And thank you very much for this opportunity.

4 CHAIRMAN JABER: Ms. Littrell, let me  
5 thank you, obviously, for the accommodations but  
6 also for hanging in there with us tonight.

7 The planning meeting that you attended  
8 and just from your own experience, as you're a  
9 policy maker yourself, let me sort of pick your  
10 brain on your assessment of what went wrong during  
11 that time period with the storm.

12 Did you -- was it your observations or  
13 assessment that there wasn't a storm preparation  
14 program in place?

15 WITNESS LITTRELL: My personal assessment  
16 of it was that they did not have the crews  
17 available that they needed to take care of this.  
18 And that is of great concern to me.

19 CHAIRMAN JABER: And then with respect to  
20 the customer service representatives --

21 WITNESS LITTRELL: Yes.

22 CHAIRMAN JABER: -- did you feel like  
23 they were trained for crises stress-related  
24 incidents?

25 WITNESS LITTRELL: Are you speaking about

1 the ones I spoke to on the phone or the  
2 representatives who came to the subcommittee  
3 meeting?

4 CHAIRMAN JABER: The ones you spoke to on  
5 the phone.

6 WITNESS LITTRELL: They -- yes. And I  
7 think more they were trained more in the line --  
8 along the lines of courteousness. And actually  
9 when she told me, Yes, we've got a truck en route  
10 even as we speak, I was very relieved and I  
11 thought, this is terrific. Six weeks later, had a  
12 different opinion.

13 CHAIRMAN JABER: Was there follow-up  
14 during that six weeks?

15 WITNESS LITTRELL: Not from me but from  
16 my neighbors, who consistently tried to contact  
17 Florida Power because, of course, no tree company  
18 would come out and even touch that limb on those  
19 lines.

20 CHAIRMAN JABER: But I mean, was there  
21 follow-up from the company with your neighbors  
22 during this six weeks?

23 WITNESS LITTRELL: Not to my knowledge.  
24 There was follow-up after I mentioned it to the  
25 representatives at the subcommittee meeting.

1                   CHAIRMAN JABER: All right. And then my  
2 final question: Does the City provide utility  
3 services at all?

4                   WITNESS LITTRELL: No.

5                   CHAIRMAN JABER: So you weren't asked to  
6 coordinate with the company or help out in those  
7 areas and providing crews or assistance or  
8 resources at all?

9                   WITNESS LITTRELL: No. The only utility  
10 service we have is public works, and that's the  
11 service of our water.

12                  CHAIRMAN JABER: Thank you.

13                  COMMISSIONER PALECKI: Ms. Littrell, I  
14 also wanted to thank you for having us here today,  
15 and we really appreciate the use of your beautiful  
16 facility. This is very nice.

17                  What I wanted to ask you is: After your  
18 reaction to Florida Power Corporation with regard  
19 to the storm and their lack of preparation, have  
20 they provided the City with a response, and has it  
21 satisfied any of your concerns?

22                  WITNESS LITTRELL: The response that we  
23 received that day was the only response that we  
24 have requested of them. It was more of a dialogue  
25 that day. We were very pleased to have them come

1 to our subcommittee meeting. We have as a council  
2 had ongoing dialogue about, you know, what will the  
3 future bring if Florida Power cannot service this  
4 area in a timely manner.

5 COMMISSIONER PALECKI: So this is an area  
6 you're continuing to look at?

7 WITNESS LITTRELL: That's correct.

8 COMMISSIONER PALECKI: Thank you.

9 COMMISSIONER BRADLEY: One question.  
10 First of all, let me say good evening, and it  
11 indeed is an honor and a pleasure to be in the  
12 great City of St. Petersburg as a member of the  
13 Public Service Commission. You said you're fourth  
14 generation. I'm about the same. My family goes  
15 back to about 1900 in the city.

16 And I'm curious about one statement that  
17 you made. You used the term "blocked from  
18 service"?

19 WITNESS LITTRELL: Yes. They --

20 COMMISSIONER BRADLEY: Would you explain.

21 WITNESS LITTRELL: Yes, sir. My  
22 neighbors reported to me that they were blocked  
23 from making additional service requests or  
24 complaints about that limb. After the tenth time  
25 in six weeks, they were blocked. The person that



1 they talked to at Florida Power said, I cannot even  
2 put this into the computer anymore; you have been  
3 blocked.

4 COMMISSIONER BRADLEY: Mr. Lewis, would  
5 you have someone respond to that, I mean that  
6 policy? I realize that this was an extraordinary  
7 event.

8 MR. LEWIS: We do not have a system that  
9 blocks phone calls from our customers. There's no  
10 limitation on how many times they can call us.  
11 They can call us ten times a day. And there's no  
12 such system that we have in place that blocks a  
13 phone call from our customers. So I apologize for  
14 you being misinformed or your neighbor being  
15 misinformed.

16 WITNESS LITTRELL: I would like very much  
17 for you to talk with my neighbors. I think they're  
18 very reputable in what they say.

19 MR. LEWIS: Yeah, I believe you.

20 CHAIRMAN JABER: And actually, what you  
21 may want to help us with as a city councilman is  
22 spreading the word that they can file complaints  
23 and call the PSC.

24 WITNESS LITTRELL: Yes.

25 CHAIRMAN JABER: We have a wonderful

1 program, and it's called the "warm transfer" where  
2 we actually can take the calls and immediately  
3 transfer them to the company if it warrants a  
4 company response and a company action, but in those  
5 cases where it doesn't, our staff handles them  
6 directly and circles back around with the consumer  
7 very timely.

8 WITNESS LITTRELL: I have had occasion to  
9 deal with the PSC staff before, and I found them to  
10 be very, very helpful. That was in my prior job  
11 before I was elected to city council. And I thank  
12 you very much. And I will collect that  
13 information. That will be very helpful with my  
14 constituency.

15 CHAIRMAN JABER: Great.

16 WITNESS LITTRELL: Thank you.

17 MR. LEWIS: Madam Chairman. Your  
18 neighbor, could we get her name so we can --

19 WITNESS LITTRELL: Certainly. Be happy.

20 MR. LEWIS: Thank you.

21 CHAIRMAN JABER: Mr. Beck, how many more  
22 customers do you have?

23 MR. BECK: I think we have about six more  
24 customers.

25 CHAIRMAN JABER: We're going to take this

1 customer's testimony, this gentleman's testimony,  
2 and then we're going to give the court reporter a  
3 five-minute break because she's starting to give me  
4 dirty looks. Her fingers have to rest. Go ahead,  
5 Mr. Beck.

6 MR. BECK: Next witness, Bob Porter.

7 THEREUPON,

8 BOB PORTER

9 was called as a witness on behalf of the Citizens  
10 of the State of Florida and, having been duly  
11 sworn, testified as follows:

12 WITNESS PORTER: Yes, sir. I was looking  
13 for a red light. Oh, there it is.

14 I'm one of the constituents Councilman  
15 Littrell -- Councilwoman Littrell referred to. Not  
16 regarding the branch but as far as Commissioner  
17 Bradley's question to her about the line. I can  
18 honestly say that there must be a correlation  
19 between my personal status.

20 In my life right now, I am phoneless,  
21 unless I walk on down to the corner or drive down.  
22 I'm not that lazy. I can walk. I can walk miles  
23 and miles and miles. I can walk more miles than  
24 Lawton Chiles, the former governor, did. But I  
25 don't think I can get much done walking or talking.

1           So therefore, that's I just -- I know the  
2 PSC, I know you're in charge of Florida Power,  
3 who's now been bought by North Carolina, CPL,  
4 whatever. I was -- before it was bought, I was  
5 angry. It was like, gee, North Carolina is getting  
6 a piece of Florida. I'm a Floridian, not a North  
7 Carolinian.

8           But I love North Carolina. As a matter  
9 of fact, love it so much, a few months ago I went  
10 there to attend a wedding of my niece, who is now  
11 Canadian. And she just gave birth to a little  
12 Canadian citizen, and I hope he becomes American.

13           COMMISSIONER BRADLEY: Congratulations.

14           WITNESS PORTER: Well, anyway, I honestly  
15 feel, sir, I wish I knew -- and Mr. Baez, I wish I  
16 had your knowledge when it comes to  
17 telecommunications because believe you me, there is  
18 a definite need of that.

19           Irregardless, Commissioner Deason, I love  
20 West Point, by the way. I was never good enough to  
21 attend it, but I love it. Deep down in my soul, I  
22 love the West Point. You went there; right?

23           CHAIRMAN JABER: Mr. Porter, actually,  
24 Commissioner Deason is not with us. And I  
25 apologize if we have his sign up here.

1                   WITNESS PORTER: Oh, no. He looked like  
2 the picture.

3                   CHAIRMAN JABER: He does, doesn't he? He  
4 does. That's Bill McNulty, and he's from our  
5 staff, and I apologize for that. But you're right,  
6 they do look alike, except Bill McNulty is a bit  
7 taller than our Commissioner.

8                   WITNESS PORTER: All right. Well,  
9 anyway, back to the point I was trying to make.  
10 See, Commissioner Deason's forte or strength is in  
11 analyzing and financial figures. So is mine. I'm  
12 an analyst also and a cost accountant.

13                   But when it comes to the law, I don't  
14 know the law that well. I just started going to  
15 the Pinellas County Courthouse on my own and  
16 learning, okay? That will be my Stetson, you know.  
17 I mean, I have to be honest with you, sir, that  
18 will be my Stetson.

19                   But I just want to make my point. I did  
20 not talk that much to deserve a bill of almost --  
21 well, it's close to 600 now. I paid a little  
22 towards it, but they cut off my service. They even  
23 said they're cutting off my service before they  
24 even gave me a chance to pay it all.

25                   I talked to a gentleman. I tried to get

1 back to him. I couldn't. That's my problem with  
2 that company. I don't even want to say their name,  
3 they so angered me.

4 But one thing from all I've read all the  
5 figures in the last few days, the local papers,  
6 St. Pete Times, all this money, the figures coming  
7 down, down, the public itself, all of us who pay  
8 our bills, that money should not go to Florida  
9 Power, all the money that -- you know, the savings,  
10 et cetera, from the millions to now to five or  
11 whatever, that should be prorated over all the  
12 whole gamut all -- every customer should get a  
13 piece of their bill be lessened. That's as far as  
14 the electricity utility.

15 Any profits, et cetera, as they already  
16 are applied, should continue to be so. But I'd  
17 like to see possibly -- well, there is because you,  
18 Chairman, you know. You're in that specialty of  
19 things like solar power, considering things like  
20 that, all that profit, the technology you're using,  
21 you know, that eventually will take a lot of cost  
22 away from the public at large. There will be --  
23 the bills will go down. The bills will be less as  
24 opposed to more.

25 So the future can be -- I could be

1 optimistic as well as everybody listening, be  
2 optimistic about the future, because I know I am.

3 CHAIRMAN JABER: Mr. Porter, did you  
4 bring a copy of that bill with you, and has your  
5 service been reconnected now?

6 WITNESS PORTER: I have my -- no, it  
7 hasn't been reconnected, as far as I know. They  
8 want me to call the State of Ohio. I'm not going  
9 to call the State of Ohio. I called the State of  
10 Alabama, called the State of North Carolina, and I  
11 called Florida.

12 I didn't come here to have you work on my  
13 little phone bill. That's my problem,  
14 Commissioner, Chairman. I appreciate your  
15 solicitude.

16 CHAIRMAN JABER: Well, actually,  
17 Mr. Porter --

18 WITNESS PORTER: Yes, ma'am.

19 CHAIRMAN JABER: -- Dick Durbin is here.  
20 And obviously we do work with telephones. So if  
21 you would like, if you would like to share that  
22 bill with Mr. Durbin and let him look at it, let us  
23 follow up, and we will certainly be glad to work  
24 with you in facilitating a resolution with that  
25 company.

1                   WITNESS PORTER:  Yeah.  Yeah.  I  
2 appreciate that.  Because that's -- that's like,  
3 you know -- I don't know the -- I'm not as good as  
4 I used to be.  I'm not as erudite.  I mean, I'm not  
5 excusing my lack of words here.  I appreciate  
6 that.  I really do.

7                   I just -- I don't need the service that  
8 badly.  It's just that I'm thinking, wow, I'm going  
9 to be out there, I'm going to go out in the street,  
10 I'm going to be driving home, whatever, and I'm  
11 going to see something terrible.  And I might not  
12 be -- I'm not a doctor.  I'm not a medical doctor,  
13 by the way.

14                   I know nothing about myocardial  
15 infarctions or how to, you know, get someone's  
16 heart starting, you know, by hitting them with a  
17 fist on their chest, little things like that.  I  
18 don't know those things.  But the experts do,  
19 paramedics.

20                   And how do they get ahold of -- they have  
21 to be notified.  And that's usually by phone.  I  
22 would have to go and get 50 cents to go to a pay  
23 phone, you know.

24                   Anyway, that's -- I'm looking forward to  
25 getting my service restored, Commissioner, but I do



1 admit I owe a couple -- at least 200, \$250, but  
2 they want 600 something dollars out of me. So they  
3 know I can't pay that. I'm on a fixed income. So  
4 what do you want me to do?

5 CHAIRMAN JABER: Mr. Durbin is right  
6 here --

7 WITNESS PORTER: Okay.

8 CHAIRMAN JABER: -- and he's going to  
9 walk outside with you and take a look at that bill,  
10 and we'll get back to you.

11 WITNESS PORTER: Thank you, ma'am.

12 CHAIRMAN JABER: Thank you for being here  
13 tonight. We're going to take --

14 COMMISSIONER PALECKI: Thank you, sir.

15 CHAIRMAN JABER: We're going to take a  
16 short break and come back in about five to ten  
17 minutes.

18 (Brief recess.)

19 MR. BECK: Next witness is Bill Newton.

20 THEREUPON,

21 BILL NEWTON

22 was called as a witness on behalf of the Citizens  
23 of the State of Florida and, having been duly  
24 sworn, testified as follows:

25 WITNESS NEWTON: Thank you. I'm Bill

1 Newton, N-E-W-T-O-N. I'm the executive director of  
2 the Florida Consumer Action Network. And I  
3 appreciate the opportunity to speak to you-all this  
4 evening. I've got a couple of issues I would like  
5 to address with you.

6 First, when Carolina Power & Light bought  
7 Florida Power, they paid a premium price because  
8 they thought the company was worth it. I believe  
9 that they expected to do their very best to earn a  
10 14.2 percent rate of return, which is allowable,  
11 and make their money back out of the profits, a  
12 reasonable expectation. It's a good company that  
13 they believed.

14 But it is not up to the Public Service  
15 Commission to guarantee those profits back to  
16 Carolina Power & Light. That's not what we're here  
17 to do. So I am asking you not to let Florida Power  
18 & Light squeeze that premium out of the consumers.  
19 It's inappropriate to do that.

20 The Carolina Power Company had no  
21 expectation that that could come out of the rate  
22 base. So let's not put it in there.

23 The other question -- issue is the rate  
24 of return on equity, which could be above 13  
25 percent and with the incentive plan it could be 14

1 percent. And it is my belief that that's exactly  
2 what the company intends to do is their level best  
3 to earn a 14 percent or above return on equity.

4 That's too high. The best I can do or  
5 most of us can do is go down to the credit union  
6 and maybe get 3 and a half percent. So in these  
7 very difficult times, that's just too much to ask.  
8 We would recommend a 9 percent rate of return on  
9 equity would be much fairer to the ratepayers.

10 The incentive plan is stood on its head,  
11 in our opinion. We would like to see the company  
12 have to work harder to get more profits, not the  
13 way it is now as when it gets to 13.2 percent,  
14 between that and 14 percent, they get to keep 100  
15 percent over that. So all of a sudden they reap a  
16 reward. We think it should get higher the better  
17 job they do.

18 The last thing I'd like to mention is  
19 energy efficiency. As consumers, in order to keep  
20 our bills down, we'd like to be as efficient as  
21 possible. But we have virtually no energy  
22 efficiency plans. We have almost nothing we can  
23 do. We'd like to see you ask Florida Power to put  
24 some real energy efficiency plans into place,  
25 really give us some options as consumers so we can

1 lower our bills.

2 We'd like to use solar power. This is  
3 the sunshine state. But we have virtually no  
4 options to use solar. We would like to be able to  
5 reverse the meter. If we put in solar on our  
6 house, we'd like to feed power back into the grid  
7 as consumers. That would -- that would really help  
8 us lower our bills. So we appreciate your coming  
9 out and hearing us tonight, and thank you.

10 CHAIRMAN JABER: Mr. Newton, thank you.

11 MR. FLYNN: Madam Chair, if I could, just  
12 want to make sure that the record is clear in terms  
13 of the incentive -- the incentive plan the company  
14 has proposed.

15 Once -- the plan that we've proposed in  
16 our case, once our earnings exceed the range, the  
17 allowed range for that first hundred basis points  
18 above the allowed range of ROE, customers would  
19 receive 80 percent of that benefit.

20 So I believe that -- and that I believe  
21 our testimony speaks very clearly and for itself  
22 that we've designed the incentive mechanism in just  
23 such a way as Mr. Newton has suggested it should be  
24 designed, and that is that the customers get the  
25 benefit of easiest -- the more easily achieved

1 savings while the savings that the company may get  
2 are those that are much harder to achieve.

3 CHAIRMAN JABER: Thank you, Mr. Flynn.  
4 But Mr. Newton, I would also point out that there  
5 is testimony on the incentive program and all of  
6 the Florida Power Corp. proposal, so it will be an  
7 issue that is thoroughly reviewed and litigated, as  
8 you would imagine, and discovered. All of the  
9 discovery will be had on that issue as well.

10 I can't remember if I mentioned at the  
11 beginning of this hearing we are scheduled  
12 tentatively to make a decision in June on the final  
13 outcome of the proceeding.

14 WITNESS NEWTON: Thank you.

15 COMMISSIONER PALECKI: Thank you.

16 MR. BECK: Madam Chairman, just briefly.  
17 I can't let that go by completely unanswered.

18 CHAIRMAN JABER: I didn't think you  
19 could, Mr. Beck.

20 MR. BECK: The plan they have would ask  
21 for a 13.2 midpoint, keep everything up to 14.2,  
22 and there's two 50-basis-point plans. One is 80/20  
23 customers, 50/50. Above 15.2, they ask that you  
24 allow them to keep 80 percent of everything. So  
25 it's not quite as straightforward as you might have

1 understood from that response.

2 CHAIRMAN JABER: Call your next witness.

3 MR. BECK: Gordon Finch.

4 THEREUPON,

5 BILL WILLIAMS

6 was called as a witness on behalf of the Citizens  
7 of the State of Florida and, having been duly  
8 sworn, testified as follows:

9 WITNESS BILL WILLIAMS: My name is Bill  
10 Williams. This is my cousin, Gordon Finch. We  
11 live in the same home. I deeded the home to him  
12 because I had terminal cancer.

13 I've lived in Florida since 1930. I'm 71  
14 years old. I was born in Safety Harbor. My folks  
15 used to own Phillippe Park. I don't think that  
16 myself or anyone in our family would have any  
17 reason to cheat Florida Power.

18 On November the 13th we had a  
19 representative from Florida Power came to our home  
20 at 1518 57th Street South in Gulfport. It's a  
21 modest home. It's around 1,000 square feet. We  
22 have a three-bedroom home. We have a washer. We  
23 don't have a dryer. We use the clothesline. We  
24 have two refrigerators, a stove, an air conditioner  
25 in the bedroom. We don't have central heat and

1 air.

2 The gentleman that came out with a cop  
3 from Gulfport said that somebody had been tampering  
4 with our meter, which we know nothing about. The  
5 gentleman removed the meter, and he said that  
6 somebody had observed it being turned upside down  
7 or something happen to it.

8 And in order to get the meter out of the  
9 home, the officer and the representative from  
10 Florida Power had to pry it out of the container  
11 that holds the meter.

12 This home at 1518 57th Street was built  
13 in 1958. I bought the home in '76 from the people  
14 that built it. It had the same meter in it since  
15 1958. It just happened to be that someone that  
16 used to be an employee of Florida Power, Nick  
17 Harper, was at our home at the time and he was  
18 there when the gentleman came out.

19 And the gentleman told my cousin that he  
20 could call the next day and he'd tell him how much  
21 it would cost to have a new meter put in. Well, in  
22 our home, which no one, we were told -- he was  
23 informed, my cousin's brother -- there's three of  
24 us that live in the home -- is on oxygen, he has a  
25 bad heart.

1           There was over \$4,000 worth of medicine  
2           which I have in the home right now, 209 vials of  
3           insulin at \$23 a vial was destroyed because we had  
4           no current. We were out of current from November  
5           the 13th to December the 18th.

6           The next day we were in Nick Harper's  
7           home, and we called Florida Power to find out what  
8           it would cost to have a meter put back in, and we  
9           were told \$5,259.68. Nobody told us why there was  
10          such a -- such an amount. The gentleman informed  
11          us that we should be using \$381 of current a  
12          month. Fine. That's what Florida Power said or  
13          it's what the gentleman said.

14          We hired an attorney. I have papers here  
15          that's filed in the circuit court against Florida  
16          Power. That's what I wanted the Commission to  
17          have. But the attorney tried to find out from  
18          Florida Power why this happened. He requested some  
19          proof that the meter had been tampered with.

20          Our electric bill runs from like 110 to  
21          \$170 a month. We have never owed a penny on our  
22          bill. We've been in the home since 1976. We've  
23          never owed a cent and we've never -- we've never  
24          had a late bill.

25          I understand that there was a home two



1 doors from us that somebody had tampered with the  
2 meter. When the police and the representative from  
3 Florida Power came out, the gentleman grabbed the  
4 meter out of the -- off the wall, went in the  
5 house, came out and threw it down on the concrete  
6 and it busted.

7 Florida Power has never done anything  
8 about it. The gentleman works for the County.  
9 Evidently he called the County Commissioner because  
10 within a half an hour he had a meter put back in,  
11 and they have never heard anything from Florida  
12 Power.

13 We had a meter put back in after we paid  
14 the \$5,259.68 under protest. Paul Scherer is our  
15 attorney. Then after we did this, I got a bill in  
16 the mail from Florida Power for 2,500 -- for \$540,  
17 \$525 for a deposit on the meter and \$5 reconnect  
18 charge.

19 Now, years ago, I'm going to say 25 years  
20 ago, we had like a \$20 deposit, and like a couple  
21 years later it was returned to us. But we have  
22 never had a bill over \$167, and I can't recall any  
23 bills under 110. But for some reason this  
24 investigator had to get his \$679.09 for his  
25 investigation of us.

1           Now, I'd like to present this to prove  
2           that with the attorney has requested Florida Power  
3           to say why they have done this. No response. So  
4           now this is in circuit court.

5           CHAIRMAN JABER: Thank you,  
6           Mr. Williams. And Mr. Williams, this is an extra  
7           copy that we can keep; right?

8           WITNESS BILL WILLIAMS: That's right.  
9           Thank you.

10          CHAIRMAN JABER: Thank you, sir.

11          MR. BECK: Next witness is Lorian  
12          Williams.

13          THEREUPON,

14                               LORIAN WILLIAMS

15          was called as a witness on behalf of the Citizens  
16          of the State of Florida and, having been duly  
17          sworn, testified as follows:

18                WITNESS LORIAN WILLIAMS: Good evening.  
19                I'm Lorian Williams. That's L-O-R-I-A-N Williams.  
20                And I come before you actually in three different  
21                capacities, as the executive director for the  
22                St. Petersburg Area Black Chamber of Commerce, as a  
23                small business owner, and a resident of  
24                St. Petersburg since 1984.

25                I feel like either I've lived on a

1 different part of town or I have an electricity  
2 angel over me because I can't say that I have had  
3 some of the same experiences that I've been  
4 listening to all evening, especially with the  
5 storm.

6 And I leaned over and told a colleague of  
7 mine you know, I really had a unique situation in  
8 that while we did have an outage and I did call in,  
9 we did have -- I was told that a branch had fallen  
10 over. We weren't out more than 24 hours. I left  
11 and actually went and stayed with a friend a few  
12 streets over, but by the next morning, the power  
13 was all back on. Nothing was spoiled in the  
14 refrigerator. So I really had a unique experience.

15 When I did call in, I had someone tell me  
16 that several of my neighbors had all called in and  
17 that someone would get back with me. I did have a  
18 message on my recorder saying that they were  
19 checking to see if my power was back on. So it  
20 seemed like I was in a whole other situation.

21 But I did want to come in this evening to  
22 not only talk about Florida Power in terms of the  
23 service. And while I wasn't happy when the  
24 district office closed here downtown, I have gotten  
25 to know the guy at Mail Boxes Etc. a few streets

1 over a little bit better, so that has been an  
2 alternative to me actually in the district office,  
3 yet I have heard some other concerns about the  
4 district office closing.

5 But I did want to also talk about more  
6 from a community standpoint in that Florida Power  
7 from the Chamber's standpoint has been one of our  
8 major supporters, unlike several of the  
9 corporations here in the area that has not yet  
10 embraced some of the activities that we've gotten  
11 involved in.

12 But as an advocate for over 15 years for  
13 minority business development, over the past years  
14 I was not as pleased with the commitment that I've  
15 seen from Florida Power in terms of their diversity  
16 initiatives, and that's something that within the  
17 last year, say going on two years, that I've seen a  
18 major change.

19 I actually, before getting ready to  
20 approach them, happened to go out and just see if  
21 they had a Web site up and was just totally amazed  
22 at what I saw there. And I've actually been  
23 sharing that information with others.

24 But in terms of the power and a lot of  
25 the comments I've heard this evening as far as the

1 price and so forth, yes, as a consumer, as a small  
2 business owner, I want to pay the least price  
3 possible, but with anything I get involved with or  
4 purchase, I'm more concerned about the value that I  
5 receive.

6 Price is not my ultimate factor. If I  
7 can make sure when I flip my switch, my power is  
8 on, if I can make sure my fax is on 24 hours that I  
9 know I'm going to have orders when I get in the  
10 next morning, that it's still there and not have  
11 computer problems where something is not working,  
12 I've been fortunate that that's been the case.

13 And I know sitting on other boards is  
14 often you have a lot of people that complain about  
15 their problem and not too many people that come and  
16 talk about when they're happy. So I felt that it  
17 was worth taking the time to come out and share  
18 with you some of the positives that have been  
19 happening as well as some of the few  
20 disappointments.

21 But when I look at overall with the  
22 caliber of commitment that they've had to the  
23 community, the mentoring, the lending of their  
24 resources, the lending of their employees to  
25 actually participate on our boards, I know that

1 there would be a lot of charities within the areas  
2 and a lot of entities here in the city that would  
3 be hard-pressed if we had to see even more of that  
4 cut back.

5 And hopefully we can balance the rates in  
6 with some of the other additional services that  
7 they are providing to our community. They're  
8 viable here, and I hope that they will -- you-all  
9 will see fit to where we can actually balance all  
10 these services that they're providing to the  
11 community as well. Thank you.

12 CHAIRMAN JABER: Thank you, Ms. Lewis  
13 (sic).

14 MR. BECK: Dorothy Carter.

15 THEREUPON,

16 DOROTHY CARTER

17 was called as a witness on behalf of the Citizens  
18 of the State of Florida and, having been duly  
19 sworn, testified as follows:

20 WITNESS CARTER: Good evening. My name  
21 is Dorothy Carter, and I live at 3901 Highland  
22 Street South. And I'm personally here because of  
23 an ordeal with Florida Power's customer service.

24 It started October 15, 2001, when I wrote  
25 to let Florida Power know that my computer, which

1 is 25 percent business and 75 percent personal use,  
2 was destroyed in a power surge. And I was  
3 basically seeking reimbursement for my computer and  
4 my microwave.

5 October the 24th, I got a letter from  
6 Florida Power acknowledging that they did receive  
7 my letter, and basically to give them a call, the  
8 senior claims agent. And I won't say his name  
9 because he was basically doing his job.

10 I did call him October the 24th. And we  
11 decided that I was going to mail him a copy of my  
12 invoice for the computer repair as well as a  
13 microwave repair invoice. And that they would do a  
14 thorough investigation and then they would render a  
15 decision about my reimbursement.

16 Along with that letter, here's a copy of  
17 my invoice for my computer. And basically the  
18 computer tech, he specifically told them that it  
19 was a big surge of electricity that shorted out my  
20 control board.

21 With that, less than 24 hours after that  
22 phone call about me sending my invoice rendering a  
23 decision, this letter from Florida Power is dated  
24 October the 25th, where a decision, I guess as soon  
25 as I got off the phone, it was rendered a decision

1 that I did not have a viable complaint.

2 Then I called the senior claims agent  
3 October 29th. October 30th he did return my call.  
4 And I'm going to quote him. Point-blank he stated  
5 the invoice wouldn't have made a difference in the  
6 decision, in Florida Power's decision.

7 So with that information, I wrote him a  
8 letter and I let him know that -- and I'm going to  
9 quote myself. "I know you did not even bother to  
10 read or follow up on the first copy I sent because  
11 the decision letter, copy being attached, is dated  
12 Thursday, October 25, 2001, less than 24 hours  
13 after speaking with you, and you did not even  
14 mention the bill."

15 Well, to make a long story short, just  
16 this January the 4th, I had two more power surges  
17 that destroyed -- damaged my computer again. So I  
18 called Florida Power.

19 And to make a long story short, I  
20 received this letter dated December 11 stating that  
21 they came out in November to monitor my  
22 electricity. And yet when you look at the  
23 envelope, it's dated January 7. I mean, they sent  
24 it in a postage January 7.

25 So this tells me that they were not going



1 to even send me a letter stating their decision on  
2 the incident back in September. If I had not  
3 called to let them know about the incident where  
4 the power went out twice January the 4th, I would  
5 not have heard from them, period.

6 And what I did was I did call Florida  
7 Power. I talked to two of their representatives  
8 that day. And, yes, I was -- it was confirmed that  
9 they did have two -- or they had power outages in  
10 south St. Petersburg, and that if I wanted to know  
11 the full details that I would have to call back  
12 Monday, January 7 of 2002.

13 So I called the senior claims agent  
14 again. And he told me, one, they would not send no  
15 one else out to monitor what could cause these  
16 surges. Two, they would not come out and look at  
17 my computer this time because that was not their  
18 problem. And I am just disgusted with their  
19 customer service.

20 CHAIRMAN JABER: Ms. Carter, let me ask  
21 the company what -- what goes into your evaluation  
22 for determining whether the surge affects the  
23 equipment? What's the criteria?

24 MR. LEWIS: I think the first analysis is  
25 obviously to look at our equipment first to

1 determine if there is a failed cable or connector  
2 that could cause high voltage or single voltage  
3 which would result in the surge.

4 From the standpoint of a  
5 lightning-induced power surge, there is no  
6 protection for that. And so normally Florida Power  
7 does not take accountability for a  
8 lightning-induced surge. We take full  
9 responsibility for equipment malfunction that  
10 result in a surge in your home.

11 That's the procedure in general, but I  
12 don't know your specific case at all, Ms. Carter.

13 WITNESS CARTER: When I called, my  
14 biggest problem with the customer service is he  
15 tried to diagnose it right over the telephone. I  
16 mean, I explained to him that I'm not a technician,  
17 that I have a computer person, and this is what  
18 they said. And, yes, they put it in writing.

19 So the agreement was that I was going to  
20 send the invoice to Florida Power, they was going  
21 to come out, monitor my home. They did come out in  
22 November, a month and a half after the incident.  
23 And then I didn't hear no follow-up, no decision.

24 The only reason I got a letter dated  
25 December 11 and received in January is because I

1 had two more power surges January the -- January  
2 the 4th, there was two power surges and again my  
3 computer was damaged.

4 And this time before I got it repaired, I  
5 wanted Florida Power to come out and have their own  
6 technicians to see the damage to my computer.

7 CHAIRMAN JABER: So after January 4, no  
8 one came out?

9 WITNESS CARTER: No, he -- the senior  
10 agent told me point-blank they would not send no  
11 one else out to monitor. They were not going to  
12 come out and look at my computer because that was  
13 not the nature of their business.

14 CHAIRMAN JABER: Mr. Lewis, let's get a  
15 technician --

16 MR. LEWIS: Yes.

17 CHAIRMAN JABER: -- to the residence, and  
18 let's take a look at why she's having the power  
19 surges.

20 Ms. Carter, I'll ask our own staff to  
21 follow up and make sure that that meeting and that  
22 visit is had and what the results are.

23 WITNESS CARTER: Thank you.

24 CHAIRMAN JABER: Thank you, ma'am.

25 MR. BECK: John Ortego.

1 THEREUPON,

2 JOHN ORTEGO

3 was called as a witness on behalf of the Citizens  
4 of the State of Florida and, having been duly  
5 sworn, testified as follows:

6 WITNESS ORTEGO: Good evening, ladies and  
7 gentlemen. my name is John Ortego. I live at 2620  
8 13th Avenue North, St. Petersburg. I've kind of  
9 got the same problem that lady had.

10 First of all, I'd like to know if Florida  
11 Power has any licensed electricians on their  
12 staff.

13 MR. LEWIS: Madam Chair, some of our  
14 employees do hold license, electrical license, but  
15 we don't -- we're not allowed to use that license  
16 within Florida Power. In other words, we're not  
17 allowed to use our electric.

18 WITNESS ORTEGO: So the technicians who  
19 come out to the house are not licensed  
20 electricians.

21 CHAIRMAN JABER: No, some of them are.  
22 If I understand the response, some of them are,  
23 but in utility practice, they are not allowed to  
24 use that license to do electrical work. So they  
25 are -- they are hired as licensed electricians; is

1 that correct?

2 MR. LEWIS: We do have employees that  
3 have electrical license.

4 WITNESS ORTEGO: Okay. Because every one  
5 I've seen is not a licensed electrician. Okay.

6 My problem started a year ago. When  
7 we -- this -- this Mother's Day would be two years  
8 that we're at this address. I started having  
9 surging in the house. I hired an electrician to  
10 come in. I thought that I needed to rewire the  
11 house.

12 We live in Kenwood, historic area of  
13 Kenwood. It's an older home. Very beautiful  
14 home. It's probably 1,100 square feet. We -- he  
15 came out and he checked it, the electrician, and  
16 told me that I had 289 volts coming into my meter  
17 box, which was way too high. He told me call  
18 Florida Power. I got a second opinion from another  
19 electrician. He told me the same thing.

20 I called Florida Power. They told me,  
21 customer service, it was impossible for me to have  
22 a neutral ground short on Florida Power's end,  
23 impossible. Okay. This was around June of last  
24 year.

25 We fought with them for a couple months,

1 calling, telling them we're still having surging  
2 problems. Electrician has been out again. Same  
3 deal. My wife dealt with it for two or three  
4 months. I was too busy to fool with it.

5 Finally they said, okay, we're going to  
6 send somebody out. The gentleman who came out,  
7 came out in a big truck, got in the bucket, and he  
8 told me -- I had met him there at lunchtime. He  
9 told me that he was -- the transformer is directly  
10 across from the service alley from my garage.

11 He said, I'm the gentleman who put the  
12 transformer in, and I know that's a brand-new  
13 transformer, and I know all the connections are  
14 fine because I just did them. So there's no way it  
15 can possibly be a neutral ground short. So he  
16 checked everything, to satisfy me, which that's  
17 what I called them.

18 Well, then he decided to go in my back  
19 yard where the lines come down going into my  
20 meter. We had a neutral ground short. So he  
21 changed it. All of a sudden -- we were blowing  
22 light bulbs two and three a week. All of a sudden,  
23 the lights in my house are brighter. I mean, if  
24 the refrigerator kicked on, the microwave was on,  
25 my TV would go off.

1           Now, my TV has since a month after this  
2 burned up, it's gone. I called Florida Power and  
3 told them about it. They said, well, unless the TV  
4 was melted, they wouldn't replace it. I didn't  
5 argue with them. They did, however, send me back  
6 \$50 for my electrician to come out and for his  
7 time, which I paid out of my pocket. So they sent  
8 me that back.

9           And ever since -- then they sent a meter  
10 man out about a week later after this neutral  
11 ground short. They had the meter checked. And he  
12 put all kind of gizmos on it and said everything  
13 was fine.

14           Well, this was done on my lunch hour also  
15 because I don't work far from the home. Okay. And  
16 I have dogs, so I can't allow him to go in the  
17 yard. They usually read the meter over the fence  
18 with a pair of binoculars.

19           The meter man -- there's a set screw on  
20 the meter. It says S and it says F. The set  
21 screw, before he fooled with it, was in the  
22 middle. After the meter man left -- and I didn't  
23 notice this until three months later because my  
24 bill went through the ceiling.

25           My bill has been running \$350 a month in

1 an 1,100-square-foot house. We have put \$8,000 in  
2 this house to insulate it, foam to caulk windows,  
3 seal all the doors. We painted the house. We have  
4 done eight grand of improvements on this house.  
5 And every time we do something, my electrical bill  
6 goes higher and higher and higher.

7 We were out of town -- now, let me get  
8 back to the meter. He -- after he's gone and I  
9 noticed my bill jumping up for these three months,  
10 I noticed that set screw was all the way over to  
11 F. Which I have talked to electricians and said  
12 that's slow/fast.

13 And people at Florida Power tell me,  
14 customer service, that that is how they adjust  
15 according to your home to make the dial spin.  
16 Well, why did he adjust it when it was adjusted  
17 before? Was he adjusting it because there was a  
18 neutral ground short? No one explained this.

19 Okay. So meanwhile, my bill is going  
20 higher and higher. I had a \$700 bill. They --  
21 well, what happened, I don't think they read --  
22 they sent me a bill for \$98. I want to say that  
23 was back in March. Then they didn't read it for 65  
24 days or so, and then they sent me a \$700 bill.

25 My wife went berserk. So she got this



1 squared away. We went payments on it. Well, we  
2 got it all paid off.

3 We were -- December the -- I just got my  
4 December bill. \$370. We were out of town for  
5 eight days. We were in New Orleans. It was cold.  
6 My wife doesn't like heat. I wear a sweater. It  
7 doesn't matter. We don't turn hardly the heat on.  
8 Okay. Air conditioning, yes. Heat, no. My bill  
9 is \$370 in December.

10 I have been fighting with these people,  
11 and finally I got ahold -- one supervisor over  
12 there told my wife it could not possibly be on  
13 Florida Power's end. Well, the neutral ground  
14 short was.

15 Now, I called them and told them that my  
16 meter has to be bad. The transformer that they  
17 replaced blew up. Now, this was right before we  
18 moved in, okay? And the neighbors said things --  
19 sparks were flying, oil was coming out the  
20 transformer and everything, and whether that had an  
21 effect on the meter, I don't know.

22 But I finally got ahold of a guy at  
23 customer service. All I know is his name is Paul.  
24 And he has been helping me. I've got to give it to  
25 the man. He has got a new meter put in for me.

1 Okay.

2 Now, they're saying I'm using anywhere  
3 from 82 to 110 kilowatt-hours a day. That is  
4 impossible. Since he's put the new meter in, it's  
5 gone back to two years ago where I'm using 60  
6 kilowatt-hours a day.

7 Now, I've got a \$370 bill to pay Friday.  
8 I don't have \$370. Send 200 and we'll bill you.  
9 No, I don't think that's fair. I believe Florida  
10 Power owes me maybe \$1,200 because I think I've  
11 been overpaying my bill for the last nine months.

12 CHAIRMAN JABER: Mr. -- Mr. Ortego?

13 WITNESS ORTEGO: Ortego.

14 CHAIRMAN JABER: Ortego. When they  
15 changed the meter for you --

16 WITNESS ORTEGO: A week ago.

17 CHAIRMAN JABER: -- a week ago, he  
18 acknowledged that there was something wrong with  
19 the meter?

20 WITNESS ORTEGO: The results have not  
21 come back from the meter yet. And I'll be willing  
22 to bet you as well as I'm standing here that they  
23 will tell me nothing is wrong with that meter that  
24 they took out.

25 CHAIRMAN JABER: Mr. Lewis, I do want you

1 to look at that bill, because it looks like there  
2 is a discrepancy in the amount. And check on that,  
3 and make sure that our staff gets a copy of the  
4 response you're going to give to this gentleman.

5 MR. LEWIS: We will. Thank you.

6 COMMISSIONER PALECKI: Is the problem  
7 with the high voltage going into the house, is that  
8 now corrected?

9 WITNESS ORTEGO: Now, I haven't had my  
10 electrician come out yet. He works for Pinellas  
11 County School Board.

12 COMMISSIONER PALECKI: Have you had any  
13 problems with any of your other appliances?

14 WITNESS ORTEGO: Not since the neutral  
15 ground short has been fixed. My TV burnt up, and  
16 we replaced it, but like I said, now the microwave  
17 works fine, the refrigerator.

18 Before, the -- and the electrician told  
19 me, you're going to ruin every appliance in your  
20 house if you don't get them out here. And it took  
21 a couple weeks for them to come out. And so I just  
22 told my wife, don't use the microwave. If you're  
23 going to, turn the TV off, don't turn the baby's TV  
24 on. So we tried to adjust until they came out.

25 And then once he got up on and he saw it,

1 he said -- yes, here -- in fact, he gave me the  
2 piece. It was corroded. He threw it down to me,  
3 said, Here is your problem right here.

4 CHAIRMAN JABER: When the customer  
5 service representative told you that it couldn't be  
6 a voltage problem --

7 WITNESS ORTEGO: That was a supervisor.

8 CHAIRMAN JABER: Okay. Was there some  
9 assessment over the phone or --

10 WITNESS ORTEGO: Well, she talked to my  
11 wife, so I'm not sure about that, but since I've  
12 been talking to them in the last -- well, since we  
13 got back from vacation December the 19th, I think  
14 we got back.

15 They just -- you know, they said, well --  
16 well, that's impossible. You can't be using 109  
17 kilowatt-hours a day. That's impossible.  
18 Especially if you wasn't home for eight days.  
19 Seven, almost eight days we were gone. It's  
20 impossible. What did you leave on?

21 We left the TV on. The air conditioner  
22 was off. We left one TV on. The refrigerator was  
23 on. I have a gas water heater. And a couple of  
24 lights in the house. And that was it. So how in  
25 the world did I use that much kilowatts, I don't

1 know, you know.

2 And I guarantee you I just don't believe  
3 the meter is going to come back -- I don't -- I  
4 don't see them telling me the meter was bad. I  
5 just don't see it. Because, you know, they told  
6 me -- I said, how could -- well, you used the  
7 kilowatt-hours, you have to pay for them.

8 I said, Well, I can't afford -- I can go  
9 buy a generator, and gas is cheap now, and run  
10 that. I don't -- you know, this is ridiculous.

11 CHAIRMAN JABER: We'll have our staff  
12 look at the December bill. And I've asked the  
13 company to take a look at it too.

14 WITNESS ORTEGO: Okay.

15 CHAIRMAN JABER: And if you don't feel  
16 you've had resolution in the next two weeks, give  
17 us a call.

18 WITNESS ORTEGO: Okay. Thank you very  
19 much.

20 CHAIRMAN JABER: Thank you, sir.

21 MR. BECK: Wendy Hotaling.

22 THEREUPON,

23 EMORY KUDLICKA

24 was called as a witness on behalf of the Citizens  
25 of the State of Florida and, having been duly

1 sworn, testified as follows:

2 WITNESS KUDLICKA: No, I'm not Wendy.  
3 She's asked me to speak for her. I'm -- we kind of  
4 went through this problem with Florida Power  
5 together. My name is Emory Kudlicka. We reside at  
6 the same -- same residency at 15425 Waverly  
7 Street. She is outside with some anxiety. She  
8 didn't -- can't speak.

9 CHAIRMAN JABER: Give me your last name  
10 one more time.

11 WITNESS KUDLICKA: I'm sorry?

12 CHAIRMAN JABER: Your last name one more  
13 time.

14 WITNESS KUDLICKA: Kudlicka. That's  
15 K-U-D-L-I-C-K-A.

16 CHAIRMAN JABER: Thank you.

17 WITNESS KUDLICKA: And I'll do the best I  
18 can. I'm not as well-prepared as everybody else  
19 that's been up here. But my problem is  
20 basically -- like I say, we reside at the same  
21 place. We had a \$317 electric bill. We let it  
22 lapse. It got shut off.

23 We went the day it got shut off to get it  
24 turned back on. A friend of ours was actually  
25 going to pay the bill for us. Went to a place to

1 pay the bill. They informed him that our bill was  
2 \$1,100, not 317. Of course, he wasn't prepared to  
3 pay that on our behalf. Came back, let us know.

4 We contacted Florida Power that evening.  
5 Nobody was there to help us. We contacted them the  
6 next day. Basically they told us that our bill was  
7 \$1,100 because of a 1994/95 bill that was in my  
8 name at a residency on 54th Way in St. Pete.

9 Of course, we battled with them, you  
10 know, look, I don't have a problem paying the bill,  
11 never knew about it, what can we work out. They  
12 were adamant they didn't want to work out anything.  
13 They wanted all the money before they would  
14 reconnect service at the current address.

15 The Florida Power was in Wendy's name.  
16 She moved into that apartment separate from me.  
17 We've been together on and off for eight years. We  
18 weren't together at the time. We do live together  
19 now.

20 Their response to us after we probably  
21 talked to 12 different people, they were just  
22 point-blank refusing to work with us in any way.  
23 They had to have all their money or no power, you  
24 know. We could make partial payments, but they  
25 would not give us back service until they had all

1 the money.

2 Our bill went from \$317, they told us  
3 \$1,100. I said, Well, I never received a bill, you  
4 know, 1994, '95, you know, send me a bill, you  
5 know. Well, they still haven't sent me a bill. We  
6 went through Christmas, the holidays, Thanksgiving.  
7 We went without power for over eight weeks.

8 I have children. I have a five-, seven-  
9 and 14-year-old at home. Two of them are mine.  
10 One is a stepson. Single-income family. Wendy was  
11 a stay-at-home educator and mom. And it was my  
12 income, my income only.

13 Well, through all this, I'm not working,  
14 and now on antidepressants and high blood pressure  
15 medicine and so on, so forth.

16 Anyway, that's why she can't speak  
17 because she's out having some anxiety problems.  
18 She's now a working mom. I'm a stay-at-home  
19 Mr. Mom, which is a wonderful new experience, but  
20 we've cut our income in half because of all this  
21 that we've been through.

22 CHAIRMAN JABER: How did you -- what was  
23 the resolve? Did you have to pay the \$1,100 to  
24 turn --

25 WITNESS KUDLICKA: I borrowed \$2,000 from



1 my aunt, who borrowed it from a friend finally. I  
2 have no -- nobody to ask for help. I've been to  
3 every -- every agency that's available in the  
4 County and wasn't able to come up with \$1,100.

5 The actual bill ended up being \$1,400  
6 because what they did was they -- once they  
7 disconnected the service, they sent us a final  
8 bill, said they were applying the deposit to the  
9 bill. It reduced the \$317 bill to 199 something  
10 dollar bill. And then they sent us a notice that  
11 they would require a \$400 deposit along with all  
12 the monies owed.

13 So that just -- it went from \$317,  
14 \$1,100, to \$1,400 within four weeks. And like I  
15 said, they -- I got hung up on. Wendy got to the  
16 point where she couldn't even make the phone  
17 calls. She was put through the rotary sorry,  
18 ma'am, I can't help you, let me transfer you.  
19 Sorry, ma'am, I can't -- you spend ten minutes  
20 explaining to six different people, you know, your  
21 stress levels, you know, with children and  
22 everything else.

23 If somebody -- if they shut my power off  
24 tomorrow and I had to call Florida Power, I'd leave  
25 the county because I couldn't -- I don't think I

1 could do it anymore.

2 CHAIRMAN JABER: Mr. Lewis, what's  
3 your -- what's your policy on collecting past due  
4 amounts when it's not in the name of the current  
5 resident?

6 MR. LEWIS: That's a good question. In  
7 regards -- I'm sorry.

8 CHAIRMAN JABER: My question was: What's  
9 your current policy on collecting past due amounts  
10 when the past due account is not in the name of the  
11 current resident? From Mr. Kudlicka's testimony,  
12 it sounds like --

13 MR. LEWIS: It was not in the name.

14 CHAIRMAN JABER: -- it sounds like the  
15 original amount was at a different residence past  
16 due, I guess, since 1994.

17 MR. LEWIS: Correct. And what I'm  
18 hearing is that the account presently is not in his  
19 name but in his --

20 CHAIRMAN JABER: What's Wendy's last  
21 name, sir?

22 WITNESS KUDLICKA: Hotaling,  
23 H-O-T-A-L-I-N-G.

24 CHAIRMAN JABER: I would like --

25 WITNESS KUDLICKA: I don't have other

1 copies, but this is all I could give them to send  
2 me the original fax. They told me they couldn't  
3 even generate a bill. It would take them a half a  
4 day, and it wasn't acceptable. So but this is her  
5 and --

6 CHAIRMAN JABER: Thank you, sir. It  
7 is -- spell Wendy's last name for us one more time.

8 WITNESS KUDLICKA: H-O-T-A-l-I-N-G.

9 CHAIRMAN JABER: Mr. Flynn, I want you to  
10 take a look at the past due amount, how old it was  
11 and at what residence, and determine -- determine  
12 whether that \$1,100/\$1,400 amount was collected  
13 appropriately.

14 MR. FLYNN: Yes, we will.

15 CHAIRMAN JABER: And if not, that money  
16 needs to be refunded.

17 And Mr. Kudlicka, I would -- I would ask  
18 you if you have any future problems with this  
19 company, if you don't want to call Florida Power  
20 Corporation, you could call the Commission or  
21 e-mail us, and we could facilitate your discussions  
22 as well.

23 WITNESS KUDLICKA: We did that. And like  
24 I said, at the time I was working 12, 14 hours a  
25 day. Wendy was to the point where she was having a

1 lot of trouble making phone calls and dealing with  
2 that type situation. When she did call Florida  
3 Commission, they did help, but she didn't present  
4 it well enough to obtain any resolve, you know.

5 And I'm not real good at handling  
6 problems either, and with me working as much as I  
7 was working, there's no time, you know. I can't  
8 take time off work.

9 I actually ended up took a day off from  
10 work, went to an attorney. They could offer up --  
11 it was one of the public things in Clearwater, a  
12 free legal advice. They couldn't advise me at all.

13 The job she has currently, she -- the  
14 company's attorney has made phone calls. We've had  
15 other people that finally, you know, got some  
16 resolve.

17 CHAIRMAN JABER: Let me give you this  
18 back. Let me also tell you that Thelma Crump and  
19 Dick Durbin are right outside at the consumer  
20 affairs table here. And there is information that  
21 we've produced that lists a number of agencies that  
22 assist in paying and assisting in utility bills.  
23 So pick up that information on your way out as  
24 well.

25 WITNESS KUDLICKA: I did get -- it was

1 right around \$600 in assistance, you know, with it,  
2 but, you know, there again, I ended up losing my  
3 job and just -- I can't even go to work right now  
4 because I'm a truck driver, and antidepressants and  
5 driving big truck just doesn't mix, so -- but,  
6 yeah, I would really like some resolve from Florida  
7 Power.

8 CHAIRMAN JABER: Mr. Flynn, make sure  
9 that you follow up quickly.

10 MR. FLYNN: Yes, we will.

11 CHAIRMAN JABER: Thank you.

12 WITNESS KUDLICKA: Also, we were -- like  
13 I said, we talked to a lot of people. We were hung  
14 up on. And, you know, I'm sure this gentleman  
15 doesn't advocate what he told somebody else, they  
16 don't have a thing to block people, but his  
17 staff -- and I'm sure he's not aware of it, but  
18 staff that answers the phones, they put you  
19 through, you know, 20 different calls where you  
20 spend an hour and a half on the phone.

21 I don't know anybody, unless they have a  
22 desk job doing phone work, that can sit, you know,  
23 at the phone, you know, and deal with that type of,  
24 you know, problem. So -- but thank you.

25 CHAIRMAN JABER: Thank you.

1                   COMMISSIONER PALECKI: Chairman Jaber,  
2 could we ask our legal staff also to research the  
3 law with regard to a utility shutting off an  
4 account in one name based upon nonpayment at an  
5 unrelated address with a different name.

6                   MS. VINING: I'll look into that, yes.

7                   COMMISSIONER PALECKI: Thank you.

8                   CHAIRMAN JABER: Thank you,  
9 Commissioner. Mr. Beck.

10                   MR. BECK: Madam Chairman, we have no  
11 other witnesses who signed up.

12                   CHAIRMAN JABER: If there are customers  
13 or members of the audience who do wish to speak and  
14 just haven't signed up yet, please stand now and  
15 let us know. Thank you very much for hanging in  
16 here with us. This adjourns the service hearing.  
17 Thank you.

18                   (Whereupon, the hearing concluded at  
19 9:35 p.m.)

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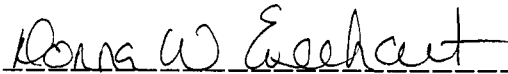
F L O R I D A            )  
                                  :       CERTIFICATE OF REPORTER  
COUNTY OF PINELLAS )

I, Donna W. Everhart, CSR, RPR, CP, CM,

DO HEREBY CERTIFY that the CUSTOMER SERVICE HEARING in this cause, Docket No. 000824-EI, was heard by the Florida Public Service Commission at the time and place herein stated; it is further

CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision, and that this transcript, consisting of 174 pages, constitutes a true transcription of my notes of said proceedings.

DATED THIS 30th day of January, A.D., 2002.

  
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Donna W. Everhart  
CSR, RPR, CP, CM  
Notary Public, State of Florida  
Commission No.: DD 063529  
My Commission Expires: 12/8/2005