

State of Florida



Public Service Commission  
-M-E-M-O-R-A-N-D-U-M-

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**DATE:** July 29, 2003  
**TO:** Blanca S. Bayó, Commission Clerk and Administrative Services Director  
**FROM:** Division of Economic Regulation (Matlock) *sum*  
**RE:** Docket No. 030623-EI - Complaints by Southeastern Utility Services, Inc., on Behalf of Various Customers, against Florida Power & Light Company concerning Thermal Demand Meter Error

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Please place the following correspondence in the above docket file.

- July 28, 2003 E-Mail from Mr. George Brown, Southeastern Utility
- July 29, 2003 E-Mail from Mr. George Brown, Southeastern Utility

SM:kb

Attachments

cc: without attachments

Tim Devlin

Joe Jenkins

Roland Floyd

Bill McNulty

Cochran Keating

Ed Mills

Jim Ruehl

DOCUMENT NUMBER DATE

06836 JUL 29 8

FPSC-COMMISSION CLERK

**Sid Matlock**

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**From:** george brown [george@susidot.com]  
**Sent:** Monday, July 28, 2003 5:33 PM  
**To:** Sid Matlock-FPSC  
**Cc:** Jim Boler-Target Corp.  
**Subject:** rebuttal to FPL response 7-17-2003 PSC #514226E



Untitled Attachment



response to fpl  
response July ...

**Sid Matlock**

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Southeastern Utility Services, Inc.

Sid I have attached a rebuttal to FPL response of 7-17-2003. I have also included some questions for FPL that may interest the PSC. If you have any questions please call me.

George Brown

Southeastern Utility Services, Inc.

7107 East 36 Ave.

Bradenton, FL 34208

Phone: 941 747 9503

Fax 941-745-1155

cell 941-812-1657

email: [george@susidot.com](mailto:george@susidot.com)

7/29/03

July 28, 2003

Florida Public Service Commission  
Sid Matlock

Dear Mr. Matlock:

This letter is in response to Dave Bromley's letter of July 17, 2003 referencing to PSC complaint #514226E.

1. FPL continues to boast of their generosity of testing customer meters at 80% of full scale. They ignore the fact that 80% is well within the requirements of the PSC rules of 25% to 100% for determining meter accuracy.
2. SUSI has agreed that net-billing customers with under billings against over billings is a fair means to deal with multiple account customers. FPL wishes to add to that net billing the effect of rate changes beyond a 12-month period. It is SUSI's position that FPL is violating rules 25-6.103 Adjustment of Bills for Meter Error. And 25-6.106 under billings and over billings of Energy. These are the cases where FPL has offered refund periods greater than 12-months. We have seen a pattern, if FPL can decrease the refund by a major portion or to a debit amount; FPL will use an extended period for considering adjustments.
3. Mr. Bromley has advanced the notion that weather may have caused these meters to be out of tolerance. We agree in part. An electric meter, as well as most mechanical devices, can fail due to environmental conditions. Additionally, we have witnessed the demand component of thermal demand meters be temporarily influenced by radiant energy. However to make a statement that meters will become permanently adjusted high on the demand due to weather conditions is quite a far stretch.
4. Mr. Bromley has but a great deal of focus on the need for linearity to prove miscalibration of the demand elements. Our attempt to show linearity is simply an indicator of the trend of meters to increase the degree of error as the meter is tested closer to 100% of full scale. The more significant question is why 50% of meters that had previously passed testing, failed beyond 4%. We believe the comparison of the 600+ meters that were recently retested will bare more evidence of the validity of testing at 80% of full scale.
5. FPL boasts of their generosity in using the actual demand difference before the meter change and after verses prescribed PSC rules for determining the percentage of error. The difference over the past 8-months since the meters have been changed would amount to less than 5% in favor of the actual demand. The monthly average reduction of each of these accounts amounts to -45 KWD whereas the equivalent % of test error is -43.4 KWD.
6. I believe a couple of questions remain unanswered that would prove a point. How many customers, that experienced over registering meters (approximately 130),

have received a refund? If a refund was received, what period did it cover? If the refund exceeded 12-months, how was the meter defect detected and how much proof was necessary to substantiate the defect.

**Sid Matlock**

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**From:** george brown [george@susidot.com]  
**Sent:** Tuesday, July 29, 2003 7:39 AM  
**To:** Sid Matlock-FPSC  
**Cc:** Michael Walsh-OCEAN P.; Debra Howard-OCEAN PT  
**Subject:** Formal complaint against FPL for Ocean Properties



Untitled Attachment



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psc Ju...

## Sid Matlock

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Southeastern Utility Services, Inc.

Sid I have attached a formal complaint against FPL on behalf of Ocean Properties. If you have any questions please contact me.

George Brown  
Southeastern Utility Services, Inc.  
7107 East 36 Ave.  
Bradenton, FL 34208  
Phone: 941 747 9503  
Fax 941-745-1155  
cell 941-812-1657  
email: [george@susidot.com](mailto:george@susidot.com)

7/29/03

July 29, 2003

Sid Matlock  
Florida Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

**RE: FORMAL COMPLAINT AGAINST FLORIDA POWER & LIGHT CO**

Dear Mr. Matlock:

This document is presented as a formal complaint against Florida Power & Light Company (FPL) on behalf of Ocean Properties. FPL as well as the PSC have documentation from this customer that authorized Southeastern Utility Services, Inc. (SUSI) as their agent to witness removal and testing of their meters and to negotiate on their behalf.

This complaint is for one meter that has tested out of tolerance.

FPL ACCOUNT#	METER#	ADDRESS	%ERROR	PERIOD	CLAIM AMOUNT
7087634924	1V52093	100 Riverfront, Bradenton	+6% KWD	05/29/96 THRU 8/29/2002	\$50,408.31

This complaint is perpetuated by FPL's lack of good faith to provide an equitable refund for a meter that has tested greater than tolerance.

FPL has not disputed that this meter was faulty when placed in service in May of 1996. There is a distinct change from the prior years (2002) energy and demand pattern. This complaint is yet one more example of the pattern FPL is following to diminish refunds for customers that previously benefited on the General Service Large Demand (GSLD-1) rate. FPL is attempting to back bill this account for a rate change that would have been effective if this account would not have exceeded 500KWD once each 12-months. Using that methodology, FPL claims the net effect will reduce this proposed refund to \$20,940 prior to interest. We take the position that FPL is violating **rule 25-6.106(1)**. (1) A utility may not backbill customers for any period greater than twelve (12) months for any undercharge in billing which is the result of the utility's mistake.

It is through Mr. Bromley's own admission that the meter was defective when installed which is a result of FPL's mistake. Additionally, Ocean Properties management is well aware of the consequences of the rate benefits of exceeding 500KWD annually to maintain the General Service Large Demand (GSLD-1) rate. FPL has provided this customer, along with many others, incorrect information to make financial decisions when determining the best rate. This customer should not be penalized with a rate adjustment for FPL's mistakes.



It has been FPL's position that they will analyze each meter and make adjustments on an individual meter case by case. Therefore, we would ask that this complaint be logged as a separate complaint from all others.

If there is any additional information you may need prior to forwarding this complaint to FPL, I would appreciate it very much that you would contact me immediately. I hope to avoid any further delay. On August 10, 2003 it will have been one year since this meter was tested and removed from service.

Sincerely,

George C. Brown, Vice President  
Southeastern Utility Services, Inc.

Cc: Michael Walsh, Ocean Properties  
Daniel Joy, Attorney (SUSI)