

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MARCH 30, 2004

RE: Docket No. 040208-EI - Consumer complaint against Florida Power & Light Company by Leticia Callard.

Issue 1: Is there sufficient cause to determine whether meter tampering occurred at the Callard residence at 7860 SW 18th Terrace, Miami, Florida, to allow FPL to backbill the Callard account for unmetered kilowatt hours?

Recommendation: Yes. Prima facie evidence of meter tampering noted in FPL's reports, as well as during the informal conference, demonstrates that meter tampering occurred. Because the account was in Mrs. Callard's name during the entire period, she should be held responsible for a reasonable amount of backbilling.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Frank M. Rost, J. J. Jaber, Michael S. ... Jerry ... Rudy Bradley

Blank lines for dissenting signatures

REMARKS/DISSENTING COMMENTS:

Commissioner Jaber participated in the conference by telephone. She agreed with/dissented from the majority vote and will sign the vote sheet upon return to the office.

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Issue 2: Is FPL's calculation of the backbilled amount of \$9,279.18, which includes investigation charges of \$348.21, reasonable?

Recommendation: Yes. The backbilled amount of \$9,279.18 is a reasonable approximation of the unbilled energy plus investigative costs. The customer should be encouraged to contact FPL immediately to make payment arrangements for this amount in order to avoid discontinuance of service without notice, which is authorized pursuant to Rule 25-6.105(5)(i), Florida Administrative Code. Moreover, the customer should be placed on notice that pursuant to Rule 25-6.105(5)(f), Florida Administrative Code, FPL is also authorized, upon sufficient notice, to refuse or discontinue service for neglect or refusal to provide safe and reasonable access to the utility for the purpose of reading meters or inspection and maintenance of equipment owned by the utility.

**APPROVED**

Issue 3: Should this docket be closed?

Recommendation: Yes. If no timely protest to the proposed agency action is filed by a substantially affected person within 21 days of the date of the Proposed Agency Action Order, this docket should be closed upon the issuance of a Consummating Order.

**APPROVED**