

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 7, 2004

RE: Docket No. 040977-EI - Complaint by John Aseere against Florida Power & Light Company regarding backbilling for alleged meter tampering.

Issue 1: Is there sufficient evidence to demonstrate that meter tampering occurred at the residence of John Aseere at 3939 NW 18th Avenue, Fort Lauderdale, Florida, to allow FPL to backbill Mr. Aseere's account for unmetered kilowatt hour consumption?

Recommendation: Yes. Prima facie evidence of meter tampering outlined in FPL's reports demonstrates that meter tampering occurred at Mr. Aseere's residence. As the customer of record during the entire period in question, Mr. Aseere should be held responsible for a reasonable amount of backbilling.

**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Charles M. Drost*  
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*Mauro P. ...*  
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*J. Terry ...*  
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*Kudry ...*  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

12931 DEC-7 04

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Issue 2: Is FPL's calculation of the backbilled amount of \$4,747.50, which includes investigation charges of \$350.61, reasonable?

Recommendation: Yes.

**APPROVED**

Issue 3: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

**APPROVED**