

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MARCH 1, 2005

RE: Docket No. 040558-EI - Complaint by Jose Antonio Rodriguez against Florida Power & Light Company regarding backbilling for alleged meter tampering.

Issue 1: Is there sufficient cause to determine whether meter tampering occurred at the Rodriguez residence at 12884 SW 10th Street, Miami, FL 33184, to allow FPL to backbill the Rodriguez account for unmetered kilowatt hours?

Recommendation: Yes. Prima facie evidence of meter tampering noted in FPL's reports demonstrates that meter tampering occurred. Therefore, the customer of record, Mr. Rodriguez, should be held responsible for a reasonable amount of backbilling.

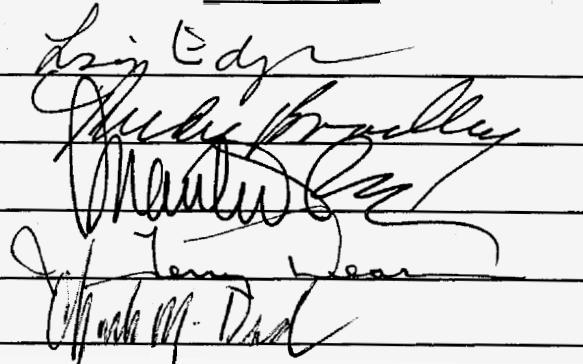
**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING


  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

02076 MAR-1 05

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Issue 2: Is FPL's calculation of the backbilled amount of \$8,376.61, which includes investigative charges of \$261.03, reasonable?

Recommendation: Yes. The backbilled amount of \$8,376.61 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 have his service restored.

**MODIFIED**

The terms of the parties' original proposed agreement, for an amount of \$4,816.55 to be paid at \$100<sup>00</sup> per month on the 15<sup>th</sup> of the month, with the full amount due and payable if a payment is not made were 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**