

VOTE SHEET

April 4, 2006

Docket No. 060027-EI – Complaint No. 614984E of Mary Ann Valdes against Florida Power & Light Company regarding alleged current diversion/meter tampering rebilling for estimated usage of electricity.

Issue 1: Is there sufficient evidence that meter tampering occurred at the Valdes residence at 6101 SW 72d Avenue, Miami, FL 33143, to permit Florida Power & Light to backbill the Valdes account for unmetered kilowatt hours?

Recommendation: Yes. Prima facie evidence of meter tampering noted in Florida Power & Light’s reports, as well as during the informal conference, makes it reasonable to believe that meter tampering occurred. Because Ms. Valdes is the customer of record, she should be held responsible for a reasonable amount of backbilling.

DEFERRED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03029 APR-4 8

FPSC-COMMISSION CLERK

Vote Sheet

April 4, 2006

Docket No. 060027-EI – Complaint No. 614984E of Mary Ann Valdes against Florida Power & Light Company regarding alleged current diversion/meter tampering rebilling for estimated usage of electricity.

(Continued from previous page)

Issue 2: Is Florida Power & Light's backbilling period and estimate of usage for a total amount due of \$9,243.01 for unmetered electric usage, and a \$465.69 investigation charge, reasonable and appropriate?

Recommendation: Based on historical usage data and the substantial drop in usage from 1998 to 1999, Florida Power & Light's backbilling period for bills from January 9, 1999 through May 11, 2004 should be considered reasonable and appropriate. However, Florida Power & Light's estimate of additional unmetered usage should be reduced from 103,379 kWhs to 74,203 kWhs. Based on this revision, the total additional charges should be \$6,623.67 for estimated unmetered electric usage, plus the \$465.69 for the investigative charge, for a total amount of \$7,089.36. Because Ms. Valdes has paid \$9,708.70 to have service restored, Florida Power & Light should be required to refund \$2,619.34 to Ms. Valdes.

Issue 3: Should this docket be closed?

Recommendation: Yes. If no timely protest is filed by a substantially affected person within 21 days of the Proposed Agency Action Order, a Consummating Order should be issued and the docket closed.