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Response to June 12, 2018 Staff's 1st Data Request

Filed electronically at www.floridapsc.com

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RE: Docket No.: 20180109-EI - Petition for initiation of formal proceedings for relief against Florida Power & Light Company "FPL" regarding back billing for alleged meter tampering and disconnection, by Terry A. Avera

Dear Mr. Schrader:

This letter is Terry Avera's response to your June 12, 2018 Staff's Data Request.

1. **Based on review of billing history it appears the electricity consumption increased from 2014 until 2017. Please explain the reason(s) for this increased consumption.**

Based on personal knowledge and consultation with an expert, the increase in consumption was due to the meter not being grounded. Also during this time Mr. Avera's sons grew older and their consumption increased. Finally the effectiveness of the disconnect boot (DM) became less as it deteriorated over time. See also answer to #3 below.

2. **On what date did you realize that the line side tap was removed from the Florida Power & light Company (FPL) meter at your residence?**

Mr. Avera never saw a side line tap wire or cable attached to his meters at his house. We don't believe there was an unauthorized side line tap on meter ACD5693 to remove on April 26, 2017 when the outer seal remained in tact. Mr. Avera observed the technician cut the outer seal on April 26, 2017 when Mr. Avera was present during the inspection of meter ACD5693. He witnessed no photographs being taken of meter ACD5693. He was present at all times at the meter box with the technician. The technician made no mention of the side line

tap wire/cable and if it existed, one would expect criminal charges to have been brought, showing intent. Yet no referral to the local police department nor State Attorney for criminal prosecution ever happened. In fact the FPL inspector on April 26, 2017 told Mr. Avera that if the meter was found to be in an unauthorized condition he would have had no choice but to call the police and have a police report filed as a crime by the meter tenant Mr. Avera. The inspector specified the DM was not an unauthorized condition in that it was inserted into the wall by FPL itself when the prior owner occupied the house. This DM boot was removed from the wall at the meter location by the technician with nose pliers on April 26, 2017. The technician pick outed from one of four wall connection ports 3 disconnect boots lodged inside the port in and from the wall on April 26, 2017.

It does not appear as a code 97 on the photograph showing handwritten date of 4/26/17 of a 96 code, the unauthorized side line tap of meter ACD 5693 as an attachment to FPL's 11/08/17 supplemental Report #1 which was delivered on March 14, 2018 after the February 26, 2018 MTC ACD5693 meter testing took place where meter ACD5693 was removed from the sealed box with no accompanying wire or cable found inside the sealed box. According to the 6/15/17 FPL Meter Test report of ACD5693, both the side line tap and the DM boot were sent with the meter. Despite this report, the photograph shows no DM boot, Code 97. According to the supplemental report #1, both the DM boot and the piece of wire were sent to FPL's MTC. This box was sealed after the unauthorized sideline wire was allegedly present in the meter box. What was present in the sealed box by cutting the sealed wire on February 26, 2018 at MTC in front of Mr. Avera, his counsel, and Mr. Lee, by Mr. Youngman and others was only the disconnect boot (DM). No wire was in the lock box., yet the photograph showing handwritten date of 4/26/17 does not show a code 97, DM boot as an unauthorized condition as the technician stated to Mr. Avera on April 26, 2017 it was FPL who inserted the DM boot when the meter was rented by the prior owner years earlier. The DM, disconnect boot was inherited. Why would the unauthorized side line tap, 96 be photographed but not the DM boot, 97 and not the missing outer seal, 53? No photographs were taken at the meter location by the technician April 26, 2017. We contest the validity of the photograph of the unauthorized side line tap which was first produced with supplemental report #2 on March 14, 2018.

According to FPL's chief meter electrician Thomas Youngman's November 7, 2017 Test Report of meter AC5693 "recreated the meter test as a 'jumper on left side' and boot as a request from the R.P. manager - possible mislabeled in field" at the MTC. The recreation of a boot on November 7, 2017 (no boot was at the house as of November 7, 2017 is inconsistent with the supplemental report #2 stating on November 8, 2017 (a day later) an FPL meter electrician visited the home to remove the disconnect boots. The FPL electrician was seen at that time taking photographs of the meter.

There was no access to the meter enclosure until April 26, 2017 when the outer seal was cut by the technician IN Mr. Avera's presence. As a result no wire or cable could be installed into the line side lug in the meter enclosure. On April 26, 2017 the technician removed the DM boot from the wall with nose pliers. The November 8, 2017 supplemental #1 report describes the DM boot as "the unauthorized" jumper, On page 3 of 12 of the Revenue Protection Investigation Summary, showing a April 26, 2017 inspection and a June 15, 2017 testing of meter ACD5693, the inspection remarks make no mention of a plastic disconnect DM boot, but only a "line side tap". This is what was determined as a mislabel by Mr. Youngman in his November 7, 2017 report.

There was either no line side tap (Mr. Youngman) and/or no plastic DM disconnect boot (the April 26, 2017 technician inspection remarks show none).

In the June 15, 2017 test report both the line side tap and DM boot were sent with the meter. However at the November 7, 2017 testing when the meter was removed from the locked box, there was no wire or cable to be found.

3. **Since April of 2017, have you requested FPL to conduct an energy audit for your residence? If so, what were the results of this request?**

Yes, Mr. Avera requested FPL to conduct an energy audit at his location in May, 2017. The result was FPL advised Mr. Avera he “may have old appliances or overuse of outlets” at his location.

4. **Please provide any other information or documentation that may assist the Commission in resolving or addressing your complaint.**

Mr. Avera requested the RP report on the 2011 outage. Please see answers to questions 1 through 3.

Please do not hesitate to contact my office at (305) 373-9999 if you or your staff have any questions.

Sincerely,
/s/Frank L. Hollander
Frank L. Hollander

Enclosures

cc: The parties of record