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July 17, 2018

Response to July 17, 2018 filed photograph attached to Affidavit of Alex Urquiaga filed July 12, 2018

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 the July 17, 2018 filed photograph attached to the Affidavit of Alex Urquiaga filed by FPL (hereafter "affidavit photo")

On June 26, 2018 in response to data request 4.d., Photographs of the meter number ACD5693 showing its condition before replacement depicting the broken/missing seal and the line side tap, if available.

FPL responded,

"As previously reported in FPL's response to the customer's complaint, no photographs were taken of the unauthorized condition in the field."

The affidavit photo shows a piece of wire or cable with both sides of the copper wire

exposed with the remainder containing the black insulation. You will note the piece of wire in the affidavit photo is not attached/secured in any way to meter ACD5693.

FPL maintains the wire was “in the meter enclosure” (affidavit p. 1 paragraph 3). It does not claim the wire was attached/secured to the meter. The affidavit, p. 1 paragraph 3 claims only the “DM boot (was) found on the left load side meter blade.” You will note the affidavit photo does not show the DM boot “as found” or “as left” on (attached to) the left load side meter blade.

If the affidavit photo depicts the wire “as found” it was (allegedly) found not attached/secured to the meter; it was only allegedly “found on the load side of the meter” affidavit p.2, paragraph 4).

If the affidavit photo depicts the wire “as left,” the wire was left unattached to the meter. The affidavit photo was not taken while meter ACD5693 was attached to the residence wall as you can see a different background in the affidavit photo as compared to the background in the attached photograph of meter AC4610 installed, according to FPL, on November 8, 2017.

Somehow FPL’s Revenue Protection Manager is qualified to state in the affidavit (p. 1 paragraph 3) that the meter electrician was “confused” and “should have documented the ticket and label with code ‘63’ (1) Jumper in meter blocks.” The meter electrician, if he took the affidavit photo, failed to depict the unauthorized condition (the wire) “as found” as the wire is not attached to the meter blocks in the affidavit photo. The FPL Revenue Protection Manager admits in his affidavit (p. 2, paragraph 4), for there to be a jumper as an unauthorized condition found in the field, “a jumper...a wire”, must be “attached to both the line side and the load side meter for the purpose of allowing electricity to flow to the premise(s) (sic)without registering on the meter.”

According to the affidavit p. 2, paragraph 7, through inspection of the wire (depicted in the affidavit photo (allegedly inadvertently not filed with the affidavit on July 12, 2018, according to FPL’s July 17, 2018 filing; filed only after Mr. Avera filed his response to the affidavit on July 14, 2018 pointing out:

1. The affidavit photo, attached to supplemental #1 dated November 8, 2017 (p.2, paragraph 1) shows a piece of wire in new, and pristine condition.
2. The affidavit photo was first disclosed only after both the November 7, 2017 recreated jump test and the November 8, 2017 unannounced visit to the Avera residence when 2 neighbors observed the same FPL meter electrician photographing the meter.
3. The Final report dated 10/24/17 contains no report that a photo was taken of the unauthorized condition in the field at anytime.
4. According to Supplemental 5 dated 3/8/18, p. 4, no photographs were taken of the unauthorized jump (“unauthorized condition”) in the field at any time.
5. There was no jumper found as a tamper information code “63” in the February 26, 2018 FPL Meter Test of ACD5693 by Chief Youngman.

Allegedly the meter ACD5693 was for the first time tested on June 15, 2017 (affidavit, p.2, paragraph 5) without the wire and only with the DM boot present, not “as left” as protocol for a line side tap. At that time allegedly no testing without the DM boot was done.

Allegedly on November 7, 2017 using the (unspecified) protocol for an authorized jumper testing was done and “in addition” the meter was tested without the unauthorized jumper and DM boot (“as left”) (affidavit p. 3, paragraph 8),

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On February 26, 2018 the June 15, 2017 protocol testing and the “in addition” November 7, 2017 meter tests were repeated. The November 7, 2017 unspecified protocol for an authorized jumper testing was not repeated. No testing was done on February 26, 2018 using the unauthorized jumper. It may be gleaned from the affidavit, p.6, paragraph 14, the November 7, 2017 protocol test allegedly performed allegedly included using the unauthorized jumper, given the affidavit states that after the November 7, 2017 test completed, the wire/jumper found in the field was stored in Mr. Youngman’s secured desk, in a location other than the secured lockbox where both meters ACD 5693 and ACD 5262 and the DM boot were kept. On behalf of Mr. Avera, I request a copy of the FPSC photo taken February 26, 2018 at the testing by FPSC Field Engineer Fabio Vasquez.

Unlike the affidavit photo, showing the exposed copper wires configured in pristine unused condition, please compare the attached 2 photographs as exemplars of exposed copper wire both strayed from use (in this case allegedly since September, 2011) and re-used and twisted as stored by Thomas Youngman after the wire was allegedly used in the November 7, 2017 “recreated” unauthorized jumper testing.

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