

FLORIDA PUBLIC SERVICE COMMISSION

Item 5

VOTE SHEET

August 7, 2018

FILED 8/7/2018
DOCUMENT NO. 05125-2018
FPSC - COMMISSION CLERK

Docket No. 20180109-EI – Petition for initiation of formal proceedings for relief against Florida Power & Light Company regarding backbilling for alleged meter tampering and disconnection, by Terry A. Avera.

Issue 1: What is the appropriate disposition of Mr. Avera’s formal complaint?

Recommendation: The appropriate disposition of Mr. Avera’s formal complaint is to deny the complaint. Mr. Avera’s account was properly billed in accordance with Commission statutes and rules and FPL’s tariffs, in the amount of \$11,638.09. FPL did not violate any applicable statute, rule, company tariff or order of the Commission in the processing of Mr. Avera’s account. In addition, the Commission lacks the subject matter jurisdiction to award money damages. Thus, the Commission cannot rule on Mr. Avera’s claim for monetary damages.

WITHDRAWN

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

See attached DNO 5093-2018.

Vote Sheet

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Issue 2: Should this docket be closed?

Recommendation: 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.

Brandy Butler

From: Asha Maharaj-Lucas
Sent: Monday, August 06, 2018 11:08 AM
To: CLK - Agenda Staff; Braulio Baez; Mark Futrell; Apryl Lynn; Keith Hetrick; Cindy Muir; Commission Suite; Commission Clerk; Kurt Schrader; Elisabeth Draper; Henry Merryday; Rhonda Hicks; John Plescow; Robert Graves; Luis Salvador
Cc: Kate Hamrick; Jacqueline Moore; Nancy Harrison
Subject: Request for Change - Item 5
Attachments: Item 5 - IA 8-7-18.pdf

Please see the attached approved request for change.

Asha Maharaj-Lucas
Executive Assistant to
Braulio L. Baez
Executive Director
Florida Public Service Commission
850-413-6053

**REQUEST FOR CHANGE
TO COMMISSION CONFERENCE**





Request Date 8/3/2018 Requested by Terry A. Avera (customer/petitioner)
Conference Date 8/7/2018 Item No 5 Docket No 20180109- EI Title Avera v. FPL

ACTION REQUESTED (see APM 2.11)

- Defer Item to Conference Scheduled for (date) _____
- Change Order of Item or Take Up at Time Certain (state reason) _____
- Withdraw Item
- Late Filed Recommendation (due no later than 3 p.m. on date approved for late filing). By noon on regular filing date, provide an electronic copy of the front page of recommendation to the Clerk, as a place-holder.
- File Revised Recommendation
- Add Item to Published Agenda (see s. 120.525, F.S.) – issue Addendum and provide Notice

Provide explanation: Pursuant to the attached document filed yesterday 8/2/2018, the parties have reached confidential settlement regarding the complaint and Mr. Avera requested that the item be withdrawn from the 8/7/2018 Agenda.

SIGNATURES

Technical  Director 
Legal  General Counsel 

EXECUTIVE DIRECTOR

Approved Disapproved Signature  Date 8/6/18

CHAIRMAN

Approved Disapproved Signature  Date 8/6/18

The Executive Suite will scan and email approved form to CLK, CLK-Agenda Staff, OPR Director, ED, DEA, DET, Docket Manager, General Counsel, Legal Services Director, CAO Director, Commissioners' offices, and assigned attorney.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for initiation of formal proceedings for relief against Florida Power & Light Company regarding backbilling for alleged meter tampering and disconnection, by Terry A. Avera

Docket No. 20180109-EI


Filed: August 2nd, 2018

TERRY A. AVERA AND FLORIDA POWER & LIGHT COMPANY'S NOTICE OF SETTLEMENT

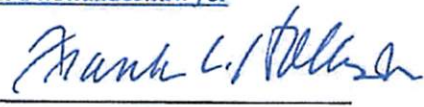
TERRY A. AVERA and FLORIDA POWER & LIGHT COMPANY hereby give notice of that a confidential settlement has been reached between the parties of all issues raised by TERRY A. AVERA in his complaint (FPSC Complaint No. 1256510E) giving rise to this docket. The parties agree that the settlement is binding on the parties and that the parties waive any right to further review or action by the Florida Public Service Commission and request the matter be removed from the August 7, 2018 scheduled commission conference.

Respectfully submitted this 2nd day of August, 2018.

David M. Lee
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Attorney for Florida Power & Light Company
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By:  (For)
David M. Lee
Florida Bar No. 103152

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By: 
Frank L. Hollander
Florida Bar No. 745332

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished
by electronic mail this 2nd day of August, 2018, to the following parties:

**Kurt Schrader
Jennifer Crawford
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-1400
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jcrawfor@psc.state.fl.us
Office of the General Counsel
Florida Public Service Commission**

By: s/ David M. Lee
David M. Lee
Florida Bar No. 103152