

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of William) DOCKET NO. 921292-EI
Martin against Florida Power) ORDER NO. PSC-93-0205-FOF-EI
and Light Company regarding) ISSUED: 02/09/93
high electric bill)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA J. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING COMPLAINT

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

CASE BACKGROUND

On September 3, 1992, Mr. William Martin filed a complaint against Florida Power and Light Company (FPL) with the Commission's Division of Consumer Affairs because of a billing he had received for August for \$305.09. He questioned the accuracy of the billing and contended that it couldn't possibly be correct.

In a report to Consumer Affairs, FPL advised that on September 14, 1992 the customer's meter was tested in the Naples meter shop and found to be operating within the limits prescribed in Rule 25-6.052, Florida Administrative Code. FPL also stated that Mr. Martin's bill had been estimated in both June and July because of flooding in the Bonita Springs area. The estimates were lower than the actual kWh consumption. The August billing, based on an actual reading of the meter, corrected for the low estimates.

The Division of Consumer Affairs advised Mr. Martin of the results of the meter test, explained the estimated billings, and told him that the billing appeared proper.

DOCUMENT NUMBER-DATE

01563 FEB-93

FPSC-RECORDS/REPORTING

ORDER NO. PSC-93-0205-FOF-EI
DOCKET NO. 921292-EI
PAGE 2

In a letter received by Consumer Affairs October 22, 1992, Mr. Martin requested an informal conference. A member of the commission staff met with Mr. Martin and representatives of Florida Power & Light in Bonita Springs on November 30, 1992, to discuss his complaint. No settlement was reached.

FPL submitted a detailed history of the charges and payments applied to Mr. Martins account after the conference.

The meter at Mr. Martin's residence tested by Florida Power & Light registered 99.7 percent under full load condition and 99.5 percent under light load condition. This is well within the allowable degree of accuracy.

Florida Power & Light Company based the estimated bills on the average of the previous two billings (April and May) and the June billing of 1991. Mr. Martin stated at the informal conference that air conditioning at the Martin home that had been broken in 1991 was repaired and began operating again in May 1992. Thus, kWh consumption for air conditioning was not included in the estimates.

Florida Power & Light Company advised that its records showed a use of an average of 75 kilowatt-hours a day before a new meter was put in place on September 14, 1992. The new meter showed an average use of 67 kilowatt-hours a day.

Mr. Martin expressed concerns about payments "made between three and ten years ago" which he said were not credited to his account in the past. He stated these payments were all cash and he could not furnish approximate dates or receipts. A billing history for the past five years indicates that budget billing probably contributed to his apparent misunderstanding, as well as his pattern of paying after the delinquent date. Mr. Martin requested that Florida Power & Light Company discontinue his budget billing program and this has been done. We find that the balance due on Mr. Martin's account is attributable to the August bill for \$305.09.

We find that the billing of \$305.09 was proper, and resulted from under-estimates the previous two months.

Based on the foregoing, it is

ORDERED that the complaint of William Martin against Florida Power and Light Company regarding a high electric bill is denied. It is further

ORDER NO. PSC-93-0205-FOF-EI
DOCKET NO. 921292-EI
PAGE 3

ORDERED that this Order shall become final and this docket shall be closed unless an appropriate petition for formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

By ORDER of the Florida Public Service Commission this 9th day of February, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on March 2, 1993.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.