

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Annelle) DOCKET NO. 940697-EI
Jones against TAMPA ELECTRIC) ORDER NO. PSC-94-0951-FOF-EI
COMPANY concerning deposit) ISSUED: August 4, 1994
refund amount.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION

ORDER DENYING REQUEST FOR ADDITIONAL REFUND

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 substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On May 18, 1994 Ms. Annelle Jones filed a complaint with our Division of Consumer Affairs against Tampa Electric Company. The complaint concerned the amount of the customer's 1994 deposit refund. The customer stated she had paid a \$200 deposit in 1992 but Tampa Electric's records indicated a \$150 deposit was paid.

In a report dated June 6, 1994 TECO advised Consumer Affairs that the customer had paid a deposit of \$150 which was posted to her account on June 9, 1992, the date the service was connected. On May 9, 1994 the deposit plus interest of \$4.75 was refunded pursuant to 25-6.097(2) F.A.C. which requires refunds after 23 months of timely payments.

Ms. Jones was advised by Consumer Affairs staff that unless a certificate of deposit, cancelled check, or validated bill coupon was presented as provided in Rule 25-6.097(6), F.A.C. there was no basis to require TECO to refund an additional \$50 to her. The customer provided no documentation for the additional amount requested and this matter was docketed for Commission determination.

DOCUMENT REF-PR-DATE

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FPC-RECORDS/REPORTING

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It is determined that Ms. Jones complaint against TECO should be denied. The customer has provided no proof of a \$200 deposit payment. TECO's report to our Division of Consumer Affairs indicates that the required residential deposit of \$150 has not changed since 1992 and provided billing records indicating a \$150 deposit was paid by Ms. Jones in June 1992. Unless the customer provides documentation of a \$200 deposit payment, this Commission has no basis upon which it can grant the relief requested.

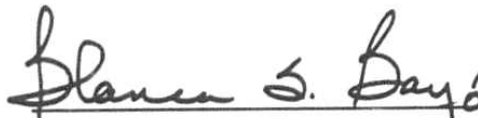
It is therefore,

ORDERED by the Florida Public Service Commission that the request of Annelle Jones that Tampa Electric Company be ordered to make an additional refund of \$50.00 is hereby denied. It is further

ORDERED that if no substantially affected person files a request for a hearing under Section 120.57, Florida Statutes within 21 days from the date of the order, no further action will be required and the docket may be closed. It is further

ORDERED that this Order shall be come final and this docket shall be closed unless an appropriate petition for approval 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 4th day of August, 1994.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)
MAP:bmi

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

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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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on August 25, 1994.

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 wastewater 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.