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May 21, 1998

Division of Records and Reporting
Florida Public Service Commission
4075 Esplanade Way - Room 100
Tallahassee, Florida 32399

980682-ET

Reference: Candelore v Florida Power Corp.

Gentlemen:

Enclosed please find original and seven copies of Complaint for filing.

Please advise the undersigned the "Docket Number" when one is assigned.

Very truly yours,

Carol M. Anderson

CAROL M. ANDERSON, ESQ.
CMA/bd
Enclosures
cc: Sue Candelore

SIGNED IN MY ABSENCE
TO AVOID DELAY

MAIL ROOM
MAY 26 AM 9 07
RECEIVED
FLORIDA PUBLIC SERVICE COMMISSION

DOCUMENT NUMBER-DATE

05727 MAY 26 88

FPSC-RECORDS/REPORTING

STATE OF FLORIDA
PUBLIC SERVICE COMMISSION
DIVISION OF CONSUMER AFFAIRS

IN RE:

SUSAN K. CANDELORE,

CASE NO: 980682-EI

vs

FLORIDA POWER CORPORATION

COMPLAINT

SUSAN K. CANDELORE, makes this complaint against FLORIDA POWER CORPORATION, pursuant to Rule 25-22-032, Florida Administrative Code.

COMMISSION DOCKET NUMBER

1. No docket number has yet been assigned to this complaint.

THE COMPLAINANT

2. The complainant is SUSAN K. CANDELORE (hereinafter referred to as "Candelore". Her address is 137 South Deerwood, Orlando, Florida 32825. However, pleadings, orders and documents in connection with this matter, should be directed to CAROL M. ANDERSON, ESQ., Anderson & Anderson, P.A., 515 South California Avenue, Stuart, Florida 34994, telephone (561) 283-9444, Fax (561) 220-8608. The Commission's determination will affect Complainants cause of action filed against Florida Power Corporation in the Circuit Court In and For Orange County, being Case No: C198-1183.

PERSON AGAINST WHOM COMPLAINT IS LODGED

3. The person complained against is FLORIDA POWER CORPORATION, (hereinafter referred to as "Florida Power"), who is represented by WILLIAM B. WILSON, ESQUIRE,

DOCUMENT NUMBER-DATE

05727 MAY 26 88

FPSC-RECORDS/REPORTING

Maguire, Voorhis & Wells, P.A., Post Office Box 633, Orlando, Florida 32802, telephone (407)244-1100, Fax (407)423-8796.

DISPUTED ISSUE OF MATERIAL FACT

4. Whether or not Florida Power violated its Medically Essential Service Tariff in failing to give the required thirty (30) day notice of disconnect.

NATURE OF THE COMPLAINT

5. Florida Power is a regulated utility within the jurisdiction of the Florida Public Service Commission.

6. Candelore is the mother of Stephen Andrew McVey, a minor born April 7, 1986, who is a post near-drowning victim with chronic hypoxic encephalopathy, which condition has existed since April 21, 1988. Candelore cares for Andrew in her home at 137 South Deerwood Avenue, Orlando, Florida . Andrew is totally dependent on specific electrical machines including, but not limited to, an oxygen concentrator, humidifier air, suction machine, feeding pump, compressor-nebulizer for breathing treatments and an oximeter.

7. Shortly after the near-drowning incident, Candelore entered into a medically essential services contract with Florida Power to provide Candelore with electric utilities. Pursuant thereto, Florida Power's tariff required it to give thirty (30) days notice of disconnect to Candelore. The original medical services program contract is not in the possession of Candelore but, upon information and belief, is in the possession of Florida Power. Attached is a copy of the Medical Services Program form marked Exhibit A.

8. Since inception of the contract, Candelore is a single mother and a consumer customer of Florida Power with a history of heavy electrical usage due to the necessity of the life-sustaining machines required by the minor child, Stephen. On occasion Candelore has had to

rely from time to time on social agencies to aid her in paying the bills received from Florida Power, and has had to request additional time from Florida Power to meet payment demands. However, notwithstanding limited financial resources, for all these years Candelore has paid her power bills, even if sometimes late, because Candelore has continually and adamantly refused to institutionalize her son and insists on caring for him in her home.

9. On or about July 2, 1997 Florida Power mailed a Statement of Electric Service to the Plaintiff showing a past due balance of \$488.76 with current charges of \$388.42 for a total due of \$877.18. This statement did not indicate that a disconnect of electric service would be effected by Power. A copy of said statement is attached as Exhibit B.

10. In August 1997, Candelore received a letter dated August 6, 1997 from Florida Power, a copy of which is attached as Exhibit C. This letter was misaddressed to Suzanne F. Candelore at 137 N. Deerwood Avenue, rather than to Susan K. Candelore at 137 S. Deerwood Avenue, and noted a balance of \$817.18, instead of \$877.18 and stated in part as follows:

"We need to receive payment in full by AUGUST 20, 1997 or we may find it necessary to interrupt power until this obligation is met.Failure to respond to this notification could result with your power being interrupted on or after AUGUST 21, 1997."

The aforesaid letter dated August 6, 1997 (Exhibit C), threatened to suspend or discontinue service to Candelore in violation of the provisions of its tariff, regarding procedures to be followed for Medical Essential Services, as required by Florida Administrative Code Rule 25-6.105, in that the thirty (30) day notice was not given.

11. After receiving the letter referred to as Exhibit C, Candelore unsuccessfully attempted to obtain assistance and cooperation from Florida Power to prevent the disconnect of electric service and to accommodate her limited finances so that she could continue her nine-year

history of always paying the bill, even if sometimes late. Unable to receive the necessary cooperation or assistance from Florida Power to extend the disconnect deadline, Candelore on or about August 18, contacted the Public Utilities Commission and sought assistance. She explained that Florida Power was going to disconnect service, that she needed additional time to meet Florida Power's payment demand, and that she had not received the required proper 30 days' notice before disconnect of electricity for medically essential services. This commission then contacted Florida Power, who in proceeding with its plans to disconnect, called the Child Protective Services to alert them of the impending disconnect. This resulted in a visit on August 18, 1997 to Candelore's home by a representative of the Child Protective Services. Florida Power responded to the Public Utilities Commission by denying that it failed to give the proper thirty days'.

12. At all times material, Florida Power was in a position to inflict grievous harm to Candelore because of its evident control in supplying/disconnecting medically essential electric service, and the above described actions which were in furtherance of the interests of Florida Power, inflicted grievous emotional distress on Candelore.

13. Candelore paid Florida Power the amount demanded and consequently there was no disconnect, and this Commission closed its file without deciding the issue of whether or not Florida Power had given Candelore the required thirty-days' notice.

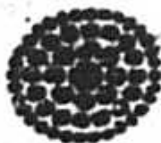
14. Although Complainant does not request a hearing by the full Commission, Complainant does not waive her right to such hearing

WHEREFORE Candelore asks that the Commission take cognizance of this complaint, determine the violation of its tariff, fine or otherwise discipline Florida Power for its violation of the foregoing rules and statutes, and grant such other relief as may be within the Commission's powers.

I CERTIFY a copy of the foregoing was furnished by mail to WILLIAM B. WILSON,
ESQ., Maguire, Voorhis & Wells, P.A., Two South Orange Avenue, Orlando, Florida 32802, this
21 day of May, 1998.

ANDERSON & ANDERSON, P.A.
Attorneys for Candelore
515 South California Avenue
Stuart, Florida 34994
(561) 283-9444 FAX 220-8608

By Carol M. Anderson
Carol M. Anderson, Esq.
Fla Bar No: 135810



**Florida
Power
CORPORATION**

**CERTIFICATION MEDICALLY IMPORTANT
RESIDENTIAL ELECTRICAL EQUIPMENT**

**MEDICAL SERVICES PROGRAM
(PLEASE PRINT OR TYPE)**

CUSTOMER NAME <u>Stephen Andrew McVey</u>		ACCOUNT NUMBER <u>64443-16</u>
SERVICE ADDRESS <u>137 Deerwood Ave</u>		APARTMENT NUMBER
CITY <u>Orlando, FL</u>		ZIP CODE <u>32825</u>
TELEPHONE <u>407-382-2333</u>	SOCIAL SECURITY NUMBER	
CUSTOMER SIGNATURE <u>Susan Candela-mather</u>	DATE <u>6-2-98</u>	

The above named customer has requested special consideration regarding credit related or inadvertent disconnect service because this Customer has electrically powered medical equipment in the home where continuous operation is necessary to avoid serious medical complications.

The above customer and treating physician (below) realize that power interruptions of varying duration are above beyond the control of Florida Power. The disconnection of service noted here relates only to disconnection of service from our power lines by removal or shutting off your meter.

In order for Florida Power Corporation to allow this special consideration, we require that the treating physician certify that the equipment described below is necessary to avoid serious medical complications.

PHYSICIAN'S NAME <u>Cornelia Franz MD</u>	
TELEPHONE <u>407-841-5437</u>	FLORIDA LICENSE NUMBER <u>F 0040879</u>
DIAGNOSIS AND TREATMENT <u>status post near drowning & chronic hypoxic encephalopathy</u>	
CONSEQUENCES OF POWER LOSS <u>possible death</u>	
DESCRIPTION OF EQUIPMENT <u>oxygen concentrator, humidified air, suction machine, Feeding pump, compressor-nebulizer for breathing treatments, oximeter</u>	

I certify that the above named residential customer is under my direct care and that electrical power for the equipment described above is necessary to avoid serious medical complications.



**Florida
Power**
CORPORATION

AUGUST 6, 1997

SUZANNE F CANDELORE
137 N DEERWOOD AVE
ORLANDO, FL 32825

Re: 64443-16247

Dear Customer:

Our records indicate that you have special medical needs in your home. While we make every effort to work with our special needs customers, our records indicate you have an outstanding balance of **\$817.18**. We need to receive payment in full by **AUGUST 20, 1997** or we may find it necessary to interrupt power until this obligation is met. If full payment can not be made by this date please contact this office at (800) 700-8744 to make acceptable credit arrangements with any of our representatives. If arrangements are made and not kept the service may be interrupted without any further notification from Florida Power Corporation.

Failure to respond to this notification could result with your power being interrupted on or after **AUGUST 21, 1997**.

Sincerely,

Darlene Lewis
Customer Service Associate