

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JULY 21, 1998

RE: DOCKET NO. 980332-EI - Complaint of Mr. Mario P. Martinez against Florida Power & Light Company regarding alleged current diversion/meter tampering rebilling for estimated usage of electricity.

Issue 1: Is there sufficient evidence to determine whether meter tampering occurred at the Martinez residence at 4891 S.W. 5th Terrace, Miami, to allow FPL to backbill the Martinez account for unmetered kilowatt hours?

Recommendation: Yes. Prima facie evidence of meter tampering documented in FPL's reports, as well as during the informal conference, demonstrates that meter tampering occurred.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*E. L. [Signature]*  
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*Joseph Clark*  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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Issue 2: Is Florida Power & Light Company's calculation of the backbilled amount of \$8,513.84, which includes investigation charges of \$356.63, reasonable?

Recommendation: Yes, the backbilled amount of \$8,513.84 is a reasonable approximation of the unbilled energy plus investigative costs.

## APPROVED

Issue 3: Is Mr. Martinez personally liable for a reasonable amount of backbilling for unbilled energy at 4891 S.W. 5th Terrace, Miami?

Recommendation: Yes. Because the account was in Mr. Martinez' name and Mr. Martinez received the benefit of the unbilled energy, he should be held responsible for a reasonable amount of backbilling. The Commission has jurisdiction to determine liability notwithstanding the Circuit Court's order on the matter because the issue was raised by Mr. Martinez during the informal conference.

## APPROVED

Issue 4: Should this docket be closed?

Recommendation: Yes, if no protest is filed within 21 days of the issuance of this order.

## APPROVED