



# Public Service Commission

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**-M-E-M-O-R-A-N-D-U-M-**

COMMISSION  
CLERK

**DATE:** December 20, 2011

**TO:** Ann Cole, Commission Clerk, Office of Commission Clerk

**CC:** Neal E. Forsman, Regulatory Program Administrator, Division of Safety, Reliability & Consumer Assistance

**FROM:** Charles W. Murphy, Senior Attorney, Office of the General Counsel *cm*

**RE:** Closing Docket 110286-EI - Formal petition of complaint of SW Ellis against Progress Energy Florida, Inc. regarding customer overcharges on her electric usage.

As reflected in the attached e-mail string, the issues involved in Docket No. 110286-EI have been resolved and the Complainant has stated that "I am ok with the final results." As such, nothing remains to be done in this Docket and I am asking that you close the Docket administratively in accordance with A.P.M. Section 2.07C.2.d(4).

*OK to close  
12-20-11  
N/y*

09075 DEC 20 =  
FPSC-COMMISSION CLERK

**Charles Murphy**

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**From:** Neal Forsman  
**Sent:** Monday, December 19, 2011 1:54 PM  
**To:** 'BLUE BIRD HOMES & LANDS, INC'  
**Subject:** RE: Docket 110286 - Blue Bird Homes & Lands, Inc

Ms. Ellis,

Thank you very much for your quick response and acceptance of the resolution of this matter. Accordingly, the FPSC will proceed with finalizing and closing Docket Number 110286. I'm glad that we were able to bring this matter to a conclusion that is acceptable to you. And a Merry Christmas to you in return.

Sincerely,  
Neal E. Forsman  
Regulatory Program Administrator  
BCA Process Review Group  
Florida Public Service Commission  
Division of Safety, Reliability & Consumer Assistance Bureau of Consumer Assistance  
Phone: (850)413-6459 FAX: (850)413-6460  
nforsman@psc.state.fl.us

-----Original Message-----

**From:** BLUE BIRD HOMES & LANDS, INC [mailto:swellis@embarqmail.com]  
**Sent:** Monday, December 19, 2011 12:26 PM  
**To:** Neal Forsman  
**Subject:** RE: Docket 110286 - Blue Bird Homes & Lands, Inc

Thank you. I think with this information.(I will keep it in a folder) I am okay with the final results. Again, thank you for your time. Merry Christmas!

SW ELLIS,  
REALTOR, GREEN,  
MOBILE NOTARY, SIGNING AGENT,  
ABR, CRS, GRI, ePRO, CLG, TRC, SFR  
swellis.topproducerwebsite.com  
BLUE BIRD HOMES & LANDS, INC  
1623 W WASHINGTON ST  
MONTICELLO, FL 32344  
850 997-1360  
<http://www.agentshield.com/go/?a=SWellis&d=152>

"Be the change you want to see in the world." ~Gandhi Success is to be measured not so much by the position that one has reached in life as by the obstacles which he has overcome while trying to succeed.  
-- Booker T. Washington

----- Original Message -----

**From:** Neal Forsman <NForsman@PSC.STATE.FL.US>  
**To:** BLUE BIRD HOMES & LANDS, INC <SWellis@embarqmail.com>  
**Sent:** Mon, 19 Dec 2011 12:06:09 -0500 (EST)  
**Subject:** RE: Docket 110286 - Blue Bird Homes & Lands, Inc

Ms. Ellis,

In response to your following E-mail, FPSC Rule 25-6.097, Florida Administrative Code (F.A.C.), Customer Deposits, states that: "A utility may require a new deposit where previously waived or returned, or additional deposit, in order to secure payment of current bills." Furthermore, the utility "shall explain the reason for such new or additional deposit, provided, however, that the total amount of the required deposit shall

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not exceed an amount equal to twice the average charges for actual usage of electric service for the twelve month period immediately prior to the date of notice."

Within the guidelines of Rule 25-6.097, F.A.C., sub-section 7.01 of Section No. IV, Third Revised Sheet No. 4.070 of PEF's approved Tariff, states: "In order to guarantee payment for service rendered, the Customer shall provide the Company with a cash deposit or other acceptable guarantee such as a surety bond, letter of credit, or guarantee letter. The tariff further states: "The total amount of the required deposit shall be equal to twice the Customer's average monthly bill (rounded to the nearest \$5.00), but no less than \$25.00. A deposit requirement may be waived for customers who have previously established a satisfactory payment record with the Company or meet the Company's requirements for the establishment of credit."

In its October 28, 2010, report to the FPSC, PEF stated: "PEF policy does require deposits for commercial accounts; however, PEF will reactivate the service for Ms. Ellis with a payment of \$326.27, and forego the deposit requirement. PEF will require a deposit if and when the credit criteria changes, which includes an interruption for non-payment or a returned check." Based on that response, in both my E-mail correspondence to you dated October 28, 2010, and my letter to you dated November 9, 2010, I stated: . . . " that going forward from this time, PEF reserves the right to assess a deposit on the account in accordance with its tariff and PSC rules should the credit status of BBH&L's account change due to frequent late payments, disconnection of service for non-payment, returned check payments, etc."

In brief, therefore, should your account become delinquent or begin to reflect a negative payment history, or should your twelve month average electric usage substantially increase beyond its current twelve month average, PEF may assess a deposit in accordance with the above stated FPSC rule or its tariff.

If however, you are assessed a deposit that you believe is not within the parameters of FPSC rule or its tariff or if you believe you are assessed a deposit in retribution of filing a FPSC complaint, you have the right to file a new informal complaint with the FPSC. A new complaint may be filed on the FPSC website at [www.floridapsc.com](http://www.floridapsc.com) or by calling the FPSC at 1-800-342-3552.

If you have any further questions, please contact me.

Sincerely,  
Neal E. Forsman  
Regulatory Program Administrator  
BCA Process Review Group  
Florida Public Service Commission  
Division of Safety, Reliability & Consumer Assistance Bureau of Consumer Assistance  
Phone: (850)413-6459 FAX: (850)413-6460  
[nforsman@psc.state.fl.us](mailto:nforsman@psc.state.fl.us)

-----Original Message-----  
From: BLUE BIRD HOMES & LANDS, INC [<mailto:swellis@embarqmail.com>]  
Sent: Monday, December 19, 2011 10:34 AM  
To: Neal Forsman  
Subject: RE: Docket 110286 - Blue Bird Homes & Lands, Inc

Mr Forsman,  
This sounds good. My only fear is; Can they at a later date request the deposit? Should that happen what recourse do I have? Thank you for your time.

SW ELLIS,  
REALTOR, GREEN  
MOBILE NOTARY, SIGNING AGENT,  
ABR, CRS, GRI, ePRO, CLG, TRC, SFR  
[swellis.topproducerwebsite.com](http://swellis.topproducerwebsite.com)  
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-- Booker T. Washington

----- Original Message -----

From: Neal Forsman <NForsman@PSC.STATE.FL.US>  
To: BLUE BIRD HOMES & LANDS, INC <SWellis@embarqmail.com>  
Sent: Mon, 19 Dec 2011 09:39:07 -0500 (EST)  
Subject: RE: Docket 110286 - Blue Bird Homes & Lands, Inc

Ms. Ellis,

In response to your below E-mail dated December 16, 2011, in brief, the payment of \$326.27 you made on October 28, 2010, was applied to the account balance of \$835.95, leaving an unpaid balance in the amount of \$509.63. The previously assessed deposit of \$415.00 was waived and removed from your account billing. The remaining \$509.63 has been written off by PEF. Following is an up-to-date chronology of account activity and action taken by Progress Energy Florida (PEF) regarding this matter:

Ø October 28, 2010 - PEF agreed to reactivate the service for Blue Bird Homes & Lands upon receipt of a payment of \$326.27. The company also agreed to forego the deposit assessment of \$415.00 at this time. PEF agreed to take no further collection action for the remaining disputed balance of \$509.63 pending the outcome of FPSC complaint number 939782E.

Ø October 29, 2010 - PEF received a payment in the amount of \$326.32 and service for Blue Bird Homes & Lands was restored on that date. The \$326.32 payment was applied toward the unpaid account balance of \$835.95 at that time, leaving an account balance of \$509.63.

Ø December 14, 2010 - You reported that the disputed amount of \$509.63 and the deposit assessment of \$415.00 were still reflected on your most recent billing statement.

Ø December 14, 2010 - PEF reported to the FPSC that:

§ The formerly waived deposit of \$415.00 was inadvertently added to Blue Bird Homes & Lands' new account in error.

\* The deposit was cancelled and removed from the billing of Blue Bird Homes & Lands' account.

§ The remaining disputed amount of \$509.63 was also transferred to the new account in error.

\* The remaining disputed amount of \$509.63 was transferred back to Blue Bird Homes & Lands' old account, until FPSC complaint number 939782E is ruled on.

Ø December 15, 2011 - Dianne Triplett, Associate General Counsel for PEF reported that PEF has written off the remaining balance due of \$509.63 and is not seeking collection of that amount.

Please let me know your final decision on this matter by Thursday, December 22, 2011.

Sincerely,

Neal E. Forsman

Regulatory Program Administrator

BCA Process Review Group

Florida Public Service Commission

Division of Safety, Reliability & Consumer Assistance Bureau of Consumer Assistance

Phone: (850)413-6459 FAX: (850)413-6460

[nforsman@psc.state.fl.us](mailto:nforsman@psc.state.fl.us)

-----Original Message-----

From: BLUE BIRD HOMES & LANDS, INC [<mailto:swellis@embarqmail.com>]  
Sent: Friday, December 16, 2011 8:35 AM  
To: Neal Forsman  
Subject: Re: Docket 110286 - Blue Bird Homes & Lands, Inc

The amount was \$800 plus. They made me post \$300 plus to reinstate my electric. ?i was told it was a deposit. Is that money on deposit or was it applied to the bill? Thank you for your time.

SW ELLIS,  
REALTOR, GREEN  
MOBILE NOTARY, SIGNING AGENT,  
ABR, CRS, GRI, ePRO, CLG, TRC, SFR  
swellis.topproducerwebsite.com  
BLUE BIRD HOMES & LANDS, INC  
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-- Booker T. Washington

----- Original Message -----

From: Neal Forsman <NForsman@PSC.STATE.FL.US>  
To: BLUE BIRD HOMES & LANDS, INC <SWellis@embarqmail.com>  
Sent: Thu, 15 Dec 2011 16:46:26 -0500 (EST)  
Subject: Docket 110286 - Blue Bird Homes & Lands, Inc

Dear Ms. Ellis,

This E-mail is follow-up to our telephone conversation yesterday. I have verified that Progress Energy Florida (PEF) has in fact written off the remaining disputed balance of \$509.63 and will not be seeking collection of that amount from you or your business. PEF was willing to submit this action in writing as you requested. I have attached an E-mail correspondence from Dianne Triplett, Associate General Counsel for PEF in which she states that PEF will not be seeking collection of the disputed \$509.63.

Hopefully this will provide you the full satisfaction you are seeking in FPSC Docket # 110286. Please contact me by Thursday, December 22, 2011, to verify this so our legal staff can proceed with further necessary action.

Sincerely,  
Neal E. Forsman

Regulatory Program Administrator

BCA Process Review Group

Florida Public Service Commission  
Division of Safety, Reliability & Consumer Assistance

Bureau of Consumer Assistance  
Phone: (850)413-6459 FAX: (850)413-6460  
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