



Matthew R. Bernier
Senior Counsel
Duke Energy Florida, Inc.

January 8, 2015

VIA ELECTRONIC FILING

Ms. Carlotta Stauffer, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: *Complaint No. 1109752E by Brenda Rodriguez against Duke Energy Florida, Inc., d/b/a Duke Energy; Docket No. 140024-EI*

Dear Ms. Stauffer:

Enclosed for filing in the subject docket on behalf of Duke Energy Florida, Inc. ("DEF"), is DEF's Prehearing Statement and Exhibit No. ____ (CEM-1), sponsored by Carolyn Murray.

Thank you for your assistance in this matter. Please feel free to call me at (850) 521-1428 should you have any questions concerning this filing.

Respectfully,

s/Matthew R. Bernier
Matthew R. Bernier
Senior Counsel

MRB/db
Enclosures

cc: Ms. Brenda Rodriguez
Suzanne Brownless, Esq.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of formal proceedings on Complaint No. 1109752E of Brenda Rodriguez against Duke Energy Florida, Inc., for alleged improper billing.	Docket No.: 140024-EI Filed: January 8, 2015
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DUKE ENERGY FLORIDA’S PREHEARING STATEMENT

Duke Energy Florida, Inc. (“DEF”), pursuant to the Order Establishing Procedure issued in this docket on December 5, 2014, Order No. PSC-14-0674-PCO-EI (the “Order”), provides this Prehearing Statement and states as follows:

1. Known Witnesses –

<u>Witness</u>	<u>Subject Matter</u>	<u>Issues</u>
Carolyn Murray	Computation of back-bill amount	3
	Computation of total amount owed	5
Maxwell Wright	Evidence of Meter Tampering	1
	Appropriate back-billing period	2
	Propriety of charging investigate	
	Costs, and computation of same	4
T.K. Christie	Mitigating Factors	6
	Evidence of Meter Tampering; meter functionality	1

2. Known Exhibits – DEF intends to offer the following exhibits:

<u>Witness</u>	<u>Exhibit Number</u>	<u>Description</u>
Carolyn Murray	CEM-1	Calculation of Re-bill Amount

3. Statement of Basic Position – Not applicable. DEF's positions to specific issues are listed below.

4. Issues and Positions – DEF's positions on the issues identified in Attachment A to the Order are as follows:

ISSUE 1. Is there sufficient evidence that meter tampering occurred at the Rodriguez residence at 185 Anzio Drive, Kissimmee, Florida 34758 to permit Duke Energy Florida to back-bill the Rodriguez account for unmetered kilowatt hours?

DEF's Position: *Yes.* (Wright)

ISSUE 2. If the answer to Issue 1 is yes, what is the appropriate back-billing period to be used in this case?

DEF's Position: *The back-billing time period includes August of 2010 through February of 2013.* (Wright)

ISSUE 3. If the answer to Issue 1 is yes, what is the appropriate amount of back-billed charges?

DEF's Position: *\$11,845.12* (Murray)

ISSUE 4. If the answer to Issue 1 is yes, should investigative costs be charged, and if so, what is the appropriate amount?

DEF's Position: *Yes, under DEF's Tariff, DEF is authorized to recoup investigative costs from Ms. Rodriguez. Investigative costs in the amount of \$312.40 are appropriate.* (Wright)

ISSUE 5. If the answer to Issue 1 is yes, what are the total costs to be billed?

DEF's Position: *\$12,157.52. As a result of payments received and other credits, the total outstanding balance is \$7,983.44.* (Murray)

ISSUE 6. Are there any mitigating factors that should be taken into account in this case?

DEF's Position: *No.* (Wright)

ISSUE 7. Should this docket be closed?

DEF's Position: *Yes.*

5. Stipulated Issues – None at this time.
6. Pending Motions – None at this time.
7. Requests for Confidentiality – None at this time.
8. Objection to Qualifications - DEF has no objection to the qualifications of any expert witnesses in this proceeding at this time, subject to further discovery in this matter.
9. Requirements of Order – DEF believes that this prehearing statement complies with all the requirements of the Order.

RESPECTFULLY SUBMITTED this 8th day of January, 2015.

s/Matthew R. Bernier
MATTHEW BERNIER
Senior Counsel
DUKE ENERGY FLORIDA, INC
299 First Avenue North
St. Petersburg, FL 33701
Telephone: (850) 521-1428
Facsimile: (727) 820-5519
Email: matthew.bernier@duke-energy.com

Duke Energy Florida, Inc.

Docket No.: 140024

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 8th day of January, 2015 to all parties of record as indicated below.

s/Matthew R. Bernier

Attorney

<p>Suzanne Brownless, Esq. Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 sbrownle@psc.state.fl.us</p>	<p>Brenda Rodriguez 185 Anzio Drive Kissimmee, FL 33658 Phone: (407) 486-1328 notarybrenda67@yahoo.com</p>
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Rodriguez: Billing/Credits/Debits

Ms. Rodriguez's account was billed for \$12,157.52 (meter consumption and Revenue Assurance fees). The total payments/credits applied to the account is \$4,174.08, leaving a balance of \$7,983.44.

- Additional consumption billed for August 2010-March 2011 in the amount of \$1,553.31.
- April 2011-February 2013- 0 consumption (customer was rebilled for unauthorized usage) in the amount of \$10,068.71.
- Original back-billed amount totals \$11,845.12 ($\$10,068.71 + \$1,553.31$) + \$312.40 (Revenue Protection charge) = \$12,157.52
- DEF credited the account for the HomeWire charges for 23 months in the amount of \$223.10 ($\9.70×23 months (April 2011 through February 2013)).
- Ms. Rodriguez had a \$660.32 credit balance from her deposit which was applied to the account.
- Payment of \$2,339.68 was received on the account on March 21, 2013
- Payment of \$661.00 was received on the account on March 22, 2013
- Total of credits to account \$3,884.10

As a result of a request from the FPSC Staff, DEF modified the data used to compute usage for June 2011 and June 2012 as follows:

- June 2011 Original Billing: \$568.53 was adjusted to \$436.02
- June 2012 Original Billing: \$584.87 was adjusted to \$427.40
- Total credit yield from the adjustment is \$289.98

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The total payments/credits applied to the account is \$4,174.08 (\$3,884.10 + \$289.98), leaving a balance of \$7,983.44.

Total back-billed amount	\$12,157.52
Total credits	\$4,174.08
Total amount due	\$7, 983.44