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STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
CARLOTTA S. STAUFFER  
COMMISSION CLERK  
(850) 413-6770

# Public Service Commission

## NOTICE OF COMPLAINT

TO

FLORIDA POWER & LIGHT COMPANY  
MR. KEN HOFFMAN  
215 SOUTH MONROE STREET, SUITE 810  
TALLAHASSEE FL 32301-1858  
(via Certified Mail No.7006 0100 0003 1097 3546)

RECEIVED FPSC  
15 AUG 18 AM 9:19  
COMMISSION CLERK

**Re: Docket No. 150185-EI - Complaint by Erika Alvarez, Jerry Buechler, and Richard C. Silvestri against Florida Power & Light Company.**

**Notice is hereby given, via certified U.S. mail, that the above-referenced complaint was filed with the Public Service Commission on August 17, 2015 a copy of which is attached.**

You may file a response to this complaint with the Office of Commission Clerk at the address below, with a copy sent to the complainant. The Commission also accepts documents for filing by electronic transmission provided the electronic filing requirements are met. For information regarding these requirements, visit the Commission's Web site at [www.floridapsc.com](http://www.floridapsc.com).

Noticed this August 18, 2015.

Sincerely,

Handwritten signature of Carlotta S. Stauffer in blue ink.

Carlotta S. Stauffer  
Commission Clerk

amc/css  
Enclosure

cc: Richard C. Silvestri  
Jerry Buechler  
Erika Alvarez  
Office of Public Counsel  
Office of General Counsel  
Office of Consumer Assistance & Outreach  
**Docket File**

**RECEIVED**

AUG 12 2015

DEPARTMENT OF REVENUE  
OFFICE OF GENERAL COUNSEL

August 6, 2015

Richard C. Silvestri  
5708 Buchanan Drive  
Ft. Pierce, FL 34982

Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Dear Commissioners:

Attached is a formal complaint signed by Erika Alvarez, Jerry Buechler and me. We are all customers of FPL. I am writing on their behalf this cover letter, and they have also signed the complaint attached.

It has taken considerable time to send it to you because of things that have occurred in our own lives and the time it has taken to send and receive answers along the way. The latest delays began on April second when I first sent a letter to Eric Silage, CEO of FPL. I received a response dated June first. I did some research and sent a reply to him on June twenty-eighth and have yet to receive reply. Therefore we feel we have given enough time for that and now we are filing the complaint with request for a public hearing in Melbourne.

Sincerely Yours,  
Richard C. Silvestri.



15 AUG 17 AM 11:36  
CLERK  
H. J. H. H. H. H.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Erica Alvarez,  
Jerry Buechler and  
Richard C. Silvestri

Docket No. \_\_\_(00000)\_\_\_

Submitted for filing: \_(date)\_\_\_



Erica Alvarez, (address); Jerry Buechler, (address); and Richard C. Silvestri, 5708 Buchanan Drive Fort Pierce Florida 34982, state we are or were customers of Florida Power and Light Company (FPL) on January 14 thru January 21, 2015. We also state that we in good faith attempted to obtain a solar rebate reservation, each individually for a total of three individual rebates to offset costs of installation of PV Solar systems on our personal residences which were and are served by FPL. We also state that FPL announced an FPL Website based on-line opening to compete in a process to obtain said reservations to be on January 14, 2015 at 8:30 a.m.

Pursuant to this we contend:

The Florida Power & Light Company, P.O. Box 025576 Miami, Florida 33102-5576 (FPL) violated FL Statute 366.81 and FL Statute 366.82 (3) (a), (b) & (c) and Public Service Commission (PSC) ORDER NO. PSC-14-0696-FOF-EU, DOCKET NOS. 130199-EI thru 130205-EI.

Pursuant to this we state:

FPL acted in bad faith by not abiding by the goals delineated in Statute 366.81. Succinctly, on January 14, 2015 the opening of the FPL Website for FPL customers to obtain reservations for a rebate to offset the costs of installation of personal residential solar PV systems at their own residences, occurred earlier than the time publicly announced opening time of 8:30 a.m. Therefore neither we nor many other applicants were given an equal and fair opportunity to compete for a rebate while others had additional opportunity by taking advantage of an opening that was not announced beforehand; that when we were in the process of inputting our information as required, all the funds became depleted earlier than would have occurred had the opening occurred at the 8:30 a.m. as advertised.

Because this was such a gross error by FPL to meet the statutes and rules of the PSC, FPL repeated the process precisely one week later on January 21, 2015, again at 8:30 a.m. using the same format and rules. It is our contention that FPL did this only to avoid reprimand by the PSC and to avoid bad publicity were the media to report the details of the faulty process. Further, once having failed to provide a fair, impartial and non-discriminatory process, FPL rushed another process into operation without due consideration to having the repeat process occur without errors. This is especially egregious since FPL had until December 31, 2015 at midnight to get it right.

On the second offering on January 21, 2015, the Website locked up after opening for a few minutes. Therefore we applicants and obviously other applicants had no way to continue inputting our information. Despite our repeated attempts to reset the website form pages, the website prevented this. In Mr. Silvestri's instance, he called FPL and a representative acknowledged the site had locked up. He gave Silvestri instructions which failed to resolve the problem. After a few minutes an on-screen message appeared on Silvestri's computer and stated that all funds were depleted. Silvestri immediately called FPL and complained. It took several weeks to

get the final answer from FPL about this. Included with that final decision by FPL was the statement, "Some were able to overcome the website problem." This statement alone demonstrates a sense of contempt regarding any questioning about the FPL error. In other words, it was an attempt to shift the blame to the applicants such as we three and other applicants who could not submit an application because we were not able to overcome the website glitch not caused by our actions but by the failure of FPL to have a fair, impartial and nondiscriminatory process as Florida Statute 366 in sections .81 and .82 (a), (b) and (c) and ORDER NO. PSC-14-0696-FOF-EU AND DOCKET NOS. 130199-EI thru 130205-EI requires.

Succinctly, the position taken by us complainants is that the PSC had given FPL until December 31, 2015 for continuance of the existing solar pilot program per ORDER NO. PSC-14-0696-FOF-EU, DOCKET NOS. 130199-EI thru 130205-EI. Implied in this order is that the process implemented by FPL must be fair, impartial and non-discriminatory. Nevertheless, FPL did not follow these requirements and failed to act in good faith by not ensuring ALL applicants were treated fairly as evidenced by the unfair treatment given us, the complainants herein, and for certain many others which FPL can provide the numbers. In addition we were not treated fairly during either rebate reservation opening. The problems with the website were not caused by us or by the other applicants. Therefore the rebate reservation application process became a "game of chance" and possibly was a process that allowed favoritism rather than equal treatment. Furthermore, FPL held this process in contempt and was and is in violation of FL Statute 366.81. We state that because, given twelve months to provide a fair process for all, the process was immediately set in motion on the first month without due consideration to technical problems nor to consideration for fair treatment for all customers and it brings into question whether or not some applicants were given preferential treatment. This off-handed, contemptuous treatment of the Statute, the Order of the PSC and of the obvious attempt by this State to promote electrical energy, to which 366.81 attests, from the Sun by the public is reprehensible.

We, the complainants listed above, hereby request you rule in our favor and against FPL.

The specific relief requested is:

1. The PSC order FPL to conduct another reservation process opening before midnight, December 31, 2015; that the opening will be announced in the method of public notices that are used for local and State government announcements regarding fund allocations and budgets; that the rebate reservation application process be given utmost consideration by FPL regarding fairness and detail; precludes preferential treatment; ensures FPL acts in good faith by fulfilling the intent of solar energy power generation as described in FL Statute 366.81.
2. The PSC closely monitor FPL during the planning, development and deployment of the requested future rebate reservation application process to ensure it dovetails with the goals of the Statute 366.81; is fair to all customers; avoids biased treatment; is impartial and non-discriminatory; and gives attention to detail, especially technical detail required for a fair, impartial and non-discriminatory computerized process in lieu of the one used by FPL and described prior.

In addition we are requesting that our complaint be heard in Orlando as this is a central location for all applicants party to this complaint.



Signed

Erika Alvarez

Jerry Buechler

Richard C. Silvestri

*E. Alvarez*

7/29/15

2400 3RD PL SW VERO BEACH FL 32962

*Jerry Buechler*

8/4/15 1719 SW Leafy Road

Port St. Lucie, FL 34953

*Richard C. Silvestri*

7/26/15

