

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint No. 1194174E by William Banks)
Against Florida Power & Light Company for)
Alleged meter tampering and other violation of)
Commission rules)
_____)

Docket No. 160122
Filed: June 22, 2016

REDACTED

**FLORIDA POWER AND LIGHT'S MOTION TO DISMISS
COMPLAINT WITH PREJUDICE**

Florida Power & Light Company, Inc. ("FPL") hereby files, pursuant to Rule 28-106.204, Florida Administrative Code ("F.A.C."), this Motion to Dismiss the "Petition for Initiation of Formal Proceedings for Relief Against FPL" ("Complaint") filed by William Banks in this docket. As discussed in more detail below, the Complaint falls far short of the well-established pleadings requirements that a Complaint must meet in order to be deemed sufficient and as such should be dismissed with prejudice.

I. INTRODUCTION

1. On September 10, 2010, Mr. Banks established service at 1255 Marshall Court, Merritt Island, Florida (the "Residence"). At that point in time, FPL electric meter number 7C62092 was already in place at the property. On July 16, 2012, meter number 7C62092 was replaced with meter number ACD7380 as a part of FPL's Smart Meter Program deployment. In February 2015, FPL field investigators visited the Residence and identified potential current diversion at the Residence. FPL initiated an investigation and, as part of the investigation, on February 27, 2015, FPL replaced meter number ACD7380 with meter number ACD2708. During the meter replacement, FPL identified additional evidence of current diversion at the Residence. Also as part of the investigation, on May 4, 2015, FPL installed remote meter number 103 at the beginning point of the service line for the Residence to obtain comparison readings and verify current diversion. After installation of the remote meter, over a 25 day

sample period, meter number ACD2708 registered 3473 kWh less consumption than the remote meter, confirming current diversion.

2. On June 10, 2015, in compliance with Rule 25-6.105(5)(i), F.A.C., FPL disconnected service to the Residence and removed meter number ACD2708 and remote meter number 103. During disconnection, and during subsequent visits in June, 2015 to the Residence, FPL's field technician identified additional evidence of current diversion, and FPL filed a complaint with the Brevard County Police Department.

3. FPL cancelled billing for the billing period ending October 8, 2010 to May 11, 2015, totaling \$3,037.75 and, as permitted under Rule 25-6.104, F.A.C., added back-charges for the period based on a reasonable estimate of the energy used and rebilled \$28,687.68, a difference of \$25,649.93, plus investigative charges of \$673.37, bringing the total back-billed amount to \$26,323.30.¹ After additional monthly charges for service in May and June, 2015, and late fee charges, the total amount due on the account at closing was \$26,803.01.

4. On June 19, 2015, remote meter number 103 was tested at FPL's Meter Testing Center ("MTC") and found to be registering within the allowable tolerances proscribed in Rule 25-6.052. On July 15, 2015, meter number ACD2708 was tested at the MTC and found to be registering within the allowable tolerances proscribed in Rule 25-6.052.²

5. On July 20, 2015, FPL closed Mr. Banks's account for the Residence, effective June 19, 2015. Because the Residence account was closed and Mr. Banks had an active open account at 2514 Hathaway Drive, Cocoa, Florida, FPL transferred the amount due on the closed

¹ FPL's method to calculate back-billed charges was approved by the Commission in Order No. PSC-96-1216-FOF-EI, issued September 24, 1996, in Docket No. 960903-EI (*In re: Complaint of Mrs. Blanca Rodriguez against Florida Power & Light Company regarding alleged current diversion/meter tampering rebilling for estimated usage of electricity*).

² Meter number ACD7380 was tested by FPL at its MTC after its removal from the Residence on April 13, 2015, and found to be registering within the allowable tolerances proscribed in Rule 25-6.052, F.A.C. A copy of this test was provided to the Commission on December 10, 2015. Remote meter No. 103 had also been tested on April 23, 2015, prior to installation at the Residence, and found to be registering within the allowable tolerances proscribed in Rule 25-6.052, F.A.C. A copy of this test was provided to the Commission on November 23, 2015.

account to the open account, pursuant to FPL Tariff 6.010, rule 1.5, "Prior Indebtedness." FPL subsequently cancelled the late fee charges, reducing the total amount due on the prior account at the Residence to \$26,407.19.

6. On October 6, 2015, Mr. Banks lodged a customer complaint with the Commission under Rule 25-22.032, F.A.C. On December 11, 2015, as part of the Commission's investigation of the customer's complaint, Commission Staff requested Commission-witnessed meter tests of meter number ACD2708 and remote meter number 103. On January 8, 2016, the tests were conducted at the MTC. Mr. Banks was offered an opportunity to witness the tests but declined to participate. Both meters were confirmed to be operating within the allowable tolerances proscribed in Rule 25-6.052, F.A.C. On April 6, 2016, the Commission's Process Review Team ("PRT") concluded that, "[i]t does not appear that FPL has violated any Commission rules or its tariffs in the handling of this matter." On April 15, 2016, the Commission communicated the PRT's findings to Mr. Banks.

7. On May 12, 2016, Mr. Banks filed the Complaint with the Commission pursuant to Rule 25-22.036, F.A.C. The Complaint alleged that FPL had violated Rule 25-6.104, F.A.C., "Unauthorized Use of Energy"; Rule 25-6.022, F.A.C., "Record of Metering Devices and Metering Devices Tests"; Rule 25-6.059, F.A.C. "Meter Test by Request"; Rule 25-6.060, F.A.C., "Refereed Dispute"; and FPL Tariff 6.061, Rule 8.3, "Tampering with Meters."

8. As further discussed below, the Complaint should be dismissed because it falls far short of the well-established pleadings requirements that a Complaint must meet to be deemed sufficient. In particular, the Complaint fails to identify, with any specificity, the rule, order, or statute that allegedly has been violated or the actions that constitute the violation; fails to provide any statement, or include any documentation that shows an act or omission by FPL that violates any statute, rule or order; fails to show any injury suffered as a result of the alleged actions or

omissions by FPL; and fails to state any cause of action for which relief could be granted by the Commission. For these reasons, the Commission would be fully justified to, and should, dismiss the Complaint with prejudice at this time.

II. ARGUMENT

a. Standard for Motion to Dismiss

9. A motion to dismiss questions whether the complaint alleges sufficient facts to state a cause of action as a matter of law. *Varnes v. Dawkins*, 624 So.2d 349, 350 (Fla. 1st DCA 1993). In disposing of a motion to dismiss, this Commission must assume all of the allegations of the complaint to be true. *Id.* In determining the sufficiency of a complaint, the Commission should limit its consideration to the complaint and the grounds asserted in the motion to dismiss. *Flye v. Jeffords*, 106 So.2d 229 (Fla. 1st DCA 1958). In reviewing a motion to dismiss, this Commission should take all allegations in the Complaint as though true, and consider the allegations in the light most favorable to the Mr. Banks in order to determine whether the Complaint states a cause of action upon which relief may be granted. See, e.g., *Ralph v. City of Daytona Beach*, 471 So.2d 1,2 (Fla. 1983); *Orlando Sports Stadium, Inc. v. State of Florida ex rel Powell*, 262 So.2d 881, 883 (Fla. 1972); *Kest v. Nathanson*, 216 So.2d 233, 235 (Fla. 4th DCA, 1968); *Ocala Loan Co. v. Smith*, 155 So.2d 711, 715 (Fla. 1st DCA, 1963).

b. Requirements for a Complaint

10. Rule 25-22.036, F.A.C., provides that each complaint must contain:
1. The rule, order, or statute that has been violated;
 2. The actions that constitute the violation;
 3. The name and address of the person against whom the complaint is lodged;
 4. The specific relief requested, including any penalty sought.

A pleading does not meet the requirements of this rule unless it outlines the act or omission that constitutes the violation, the statute that is violated, injury suffered, and remedy or penalty

sought. *In re: Complaint of Rosario Rojo against Florida Power & Light Company*, Docket No. 110069-EI, Order No. PSC-11-0285-FOF-EI, issued June 29, 2011.

c. The Complaint Fails to Meet the Well Established Pleading Requirements for a Complaint Because it Fails to Identify the Rule, Order, or Statute that has Been Violated and the Actions that Constitute a Violation

11. Mr. Banks makes a number of vague attempts to allege that FPL violated Commission rules, generally suggesting that FPL is violating these rules because it billed the customer of record rather than another person for the amount due on the account as a result of back-billing for current diversion, and because FPL allegedly did not provide the results of the meter test for remote meter number 103. In both instances, his assertions must fail.

12. First, the Complaint suggests that FPL violated Rule 25-6.104, F.A.C., which simply states, “[i]n the event of unauthorized or fraudulent use, or meter tampering, the utility may bill the customer on a reasonable estimate of the energy used.” Mr. Banks provides no other detail on how FPL violated this rule (which is designed to be permissive, giving FPL authority to bill on an estimated basis in the event of current diversion), other than to allege that FPL improperly charged him, the customer of record, rather than the another “individual who fraudulently used or tampered with the energy source.” (Complaint p. 1) This allegation fails because no reading of the plain language of Rule 25-6.104, F.A.C., would support an argument that FPL could have violated the rule by billing the customer of record instead of some other person.

13. Next, the Complaint suggests that FPL violated Rule 25-6.022, F.A.C., because it allegedly failed to provide the results of the meter test for remote meter 103 to the customer. The Complaint vaguely asserts that such alleged failure by FPL to provide the test results, “is contrary to the requirements in Rule (sic), ” and therefore, “the record lacked information to

identify the unit and its location; lacked information to identify the equipment with which the unit is associated; whether the meter creeps; a statement as to the rate of creeping; a statement of the 'as found' accuracy; indications showing that app required checks have been made; and identification of the person making the test.” (Complaint pp. 1-2) This argument fails for two reasons:

a. Rule 25-6.022, F.A.C., relates to the requirement for FPL to make and maintain a test record whenever a unit of metering equipment is tested. At no point does the rule require that FPL provide the results of the meter test to the customer. Rule 25-6.059, F.A.C., specifies when meter test results must be provided to a customer and makes it clear that the requirement relates to *customer requested* meter tests, not meter tests conducted at the initiative of the utility or the Commission. Additionally, Rule 25-6.060, F.A.C., governs the provision of meter tests results for customer-requested, refereed tests to the customer; however, that rule requires that the *Commission*, rather than the utility, provide the test results to the customer. Mr. Banks did not request that a meter test be conducted at any point prior to the filing of the Complaint, nor does the Complaint allege that one was previously requested. Therefore, even if Mr. Banks had not been provided a copy of the meter test results, no rule violation would have occurred.

b. In point of fact, however, FPL *did* provide Mr. Banks with copies of the meter tests. This is demonstrated by the emails that are attached as Exhibit A to this Motion: On October 22, 2015, FPL provided Mr. Banks the test results for the June 19, 2015 remote meter 103 test and the July 15, 2015 meter ACD2708 test (this email was

provided to the Commission on October 27, 2015)³; on November 19, 2015, FPL provided Mr. Banks the test results for the April 23, 2015 and June 19, 2015 tests for remote meter 103, and the July 15, 2015 test for meter ACD2708 (this email was provided to the Commission on November 23, 2015).⁴ Moreover, Mr. Banks' own communication to the Commission during the Commission's staff review of the October 6, 2015 customer complaint confirms that he received copies of the meter test results: on November 16, 2015, Mr. Banks provided the Commission copies of the June 19, 2015 remote meter 103 test and the July 15, 2015 meter ACD2708 test. A copy of that email is attached to this Motion as Exhibit B.

On its face, the Complaint does not contain the necessary facts to support an action for a violation of rules by FPL concerning the provision of meter test results to customers. Moreover, Mr. Banks has contradicted the predicate for such an action (i.e., that he was not given copies of the meter test results) by his own communications and actions.

14. Mr. Banks then goes on to allege that FPL violated Rule 25-6.059, F.A.C., which requires a utility to test the accuracy of a meter in use at a customer's premises "upon request of a customer." Mr. Banks vaguely implies that there is no "indication that the second meter was even tested, nor was it given proper identification, nor are its whereabouts currently known." (Complaint p. 2) As discussed above, each of the meter tests were conducted on FPL's own initiative or upon request by the Commission. These tests were not conducted under Rule 25-6.059, F.A.C. Prior to filing the Complaint, Mr. Banks never requested a test of any of the

³ FPL forwarded the October 22, 2015 email to Mr. Banks on November 4, 2016 in order to provide the information to him again as a result of communications with Mr. Banks. A copy of that email is included within Exhibit A as a courtesy.

⁴ FPL's October 22, 2015 provision to Mr. Banks of the June 19, 2015 test for remote meter 103 erroneously included a general remark related to a September 8, 2015 test of the remote meter conducted prior to placing it back in service. FPL corrected the general remark in the November 19, 2015 communication to Mr. Banks and included the September 8, 2015 test as a courtesy.

meters that were in service at the Residence, and has not alleged that he has done so at any point in the Complaint. Therefore, Rule 25-059, F.A.C. is not applicable. Additionally, as discussed above, it is clear that the meter tests were not only conducted on the remote meter, but that the FPL initiated meter test results were provided to Mr. Banks. This allegation must fail as well.

15. Mr. Banks next suggests that FPL has violated Rule 25-6.060, F.A.C., regarding refereed disputes. But here, Mr. Banks completely fails to identify how FPL violated Rule 25-6.060, providing no statement whatsoever or include any documentation that shows an act or omission by FPL that violates any statute, rule or order. Instead, Mr. Banks uses this portion of the Complaint as a platform to attempt to formally request the testing of meter number ACD2708 and remote meter number 103. Furthermore, as discussed above, Rule 25-6.060 requires a commission refereed meter test “upon written application to the Commission by any customer.” Mr. Banks never provided a written application to the Commission for a meter test, therefore Rule 25-6.060 is not applicable.

16. Finally, Mr. Banks alleges that FPL violated its own tariff sheet 6.061, Rule 8.3, which states:

8.3 Tampering with Meters. Title to meters and metering equipment shall be and remain in the Company. Unauthorized connections to, or tampering with the Company's meter or meters, or meter seals, or indications or evidence thereof, subjects the Customer to immediate discontinuance of service, prosecution under the laws of Florida, adjustment of prior bills for services rendered, and reimbursement to the Company for all extra expenses incurred on this account.

Mr. Banks here again fails to identify with any specificity how FPL violated its own tariff. He suggests that, somehow, FPL violated this tariff by billing Mr. Banks in a current account at his current address for a bill adjustment for a separate account under his name from a separate address. Tariff 6.061 in no way provides any limitation on FPL billing a customer for adjustments for current diversion at another address in his name. In fact, FPL Tariff 6.061, rule

8.3, specifically *allows* FPL to do just that. Therefore, FPL could not have possibly violated the tariff by doing just that.

Failure to Show Injury Suffered as a Result of Actions or Omissions by FPL

17. In order to succeed, a Complaint also must provide a showing of injury suffered as a result of any actions or omissions by FPL. See *Rojo* at p. 4. The Complaint utterly fails in this regard in that there is no statement whatsoever alleging any harm or injury suffered. Furthermore, as discussed above there is no showing of any actions or omissions by FPL that could have caused any injury.

Mr. Banks's Complaint fails to state a cause of action for which relief can be granted by the Commission

18. To sustain a motion to dismiss, the moving party must demonstrate that, accepting all allegations in the Complaint as facially correct, the Complaint fails to state a cause of action for which relief can be granted. *In re: Complaint to investigate, claim, for damages, complaint and other statements against respondents Evercom Systems, Inc. d/b/a Correctional Billing Services and BellSouth Corporation by Bessie Russ*, Order No. PSC-07-0332-PAA-TP, Docket No. 060640-TP (Issued April 16, 2007), citing *In re: Application for Amendment of Certificates Nos. 359-W and 290-S to Add Territory in Broward County by South Broward Utility, Inc.*, 95 FPSC 5:339 (1995); *Varnes*, at 350. Here, even if all the other elements of a viable complaint were present (which they assuredly are not), the Complaint would fail because it is seeking relief that this Commission is not in a position to grant.

19. In requesting relief, Mr. Banks asserts in the Complaint that,

“The wrongdoer in this action is Richard Unicone and his current address is 1255 Marshall Ct. Merritt Island, Florida 32953. However, Mr. Banks who has never had a personal interest nor a personal gain in receiving electricity at the above noted address. Mr. William Banks has been wrongfully accused and associated with Richard Unicone's action in this matter. Mr. Banks lives at 2415 Hathaway

Dr. Cocoa, Florida 32926.”

(Complaint p. 3). Banks then goes to request that, “the charges held against Mr. Banks be dismissed and all balances due on his account associated with the residence at 1255 Marshall Ct. Merritt Island, Florida 32953 be waived,” (Id.) Mr. Banks continues in his attempt to suggest that the customer of record should not be held responsible for the costs associated with the electricity used for an account held in his name. While the Commission can require adjustments for meter error under Rule 25-6.103, there has been neither any allegation on the part of Mr. Banks that meter error has occurred, nor has any support for an argument that meter error occurred been provided. There is no provision of law that authorizes the Commission to require FPL to discharge a balance due by a customer of record because of an allegation that someone else was responsible for the energy use.

20. As to the next requested relief that the, “electricity at his home at 2415 Hathaway Dr. Cocoa, Florida 32926 not be disconnected due to the charges associated in the matter discussed above,” (Complaint p. 3) with the exception of a temporary protection from disconnection provided under rule 25-22.032(3), F.A.C.,⁵ FPL has every right under Rule 25-6.105, F.A.C. to disconnect service in accordance with that rule and FPL Tariffs. There is no provision of law that authorizes the Commission to prevent FPL from disconnecting power to a customer when in accordance with the requirements provided in the rules and tariffs.

21. Finally, regarding the relief requested that, “Richard Unicone be involved in this matter instead of him and that Mr. Banks be released from all liability related to Richard Unicone’s actions,” (Complaint p. 3) the Commission has no authority to require a non-customer, in this instance Mr. Unicone to become a party to this docket, or otherwise to hold a

⁵ With which FPL has complied. Mr. Banks’ active service at 2514 Hathaway Drive, Cocoa, Florida has been protected during the pendency of this proceeding for the back-billed amount. FPL interprets Mr. Banks’s request to refer to disconnection of service for non-payment after the termination of the proceeding.

non-customer responsible for any actions of a customer.

III. CONCLUSION

22. The Complaint fails to identify, with any specificity, any rule, order, or statute that allegedly has been violated or the actions that constitute the violation; fails to provide any statement, or include any documentation that shows an act or omission by FPL that violates any statute, rule or order; fails to show any injury suffered as a result of the alleged actions or omissions by FPL; and fails to state any cause of action for which relief could be granted by the Commission. As such, the Complaint should be dismissed. Furthermore, because the relief requested by the Mr. Banks is not within the jurisdiction of the Commission to grant, the Complaint cannot be re-plead in a way that states a cause of action for which such relief could be granted. For these reasons, the Commission would be fully justified to, and should, dismiss the Complaint with prejudice at this time.

WHEREFORE, based upon the foregoing, FPL requests that the Commission enter an order dismissing the Complaint with prejudice.

Respectfully submitted this 22nd day of June, 2016.

R. Wade Litchfield, Vice President and General Counsel
John T. Butler, Assistant General Counsel
Scott A. Goorland, Senior Attorney
Attorneys for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: (561) 691-7101
Facsimile: (561) 691-7135

By: /s/Scott A. Goorland
Scott A. Goorland
Florida Bar No. 0066834

CERTIFICATE OF SERVICE
Docket No. 160122-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery and by U.S. Mail on this 22nd day of June, 2016, to the following:

William Banks
2514 Hathaway Drive
Cocoa, FL 32926
starsmuck@aol.com
(via email and U.S. Mail)

Richard Unicone
1255 Marshall Ct.
Merritt Island, FL32953
(via U.S. Mail)

By: /s/Scott A. Goorland
Scott A. Goorland
Florida Bar No. 0066834

EXHIBIT A

From: Wyanit, Mary
To: "STARSMUCK@AOL.COM"
Subject: Florida Public Service Commission Complaint #1194174E FPL account number: 17164-18544 FPL service address: 1255 Marshall Ct.
Date: Thursday, October 22, 2015 10:49:00 AM
Attachments: [Banks William BA #17164-18544 meter of record ACD2708 test report.pdf](#)
[Banks William BA #17164-18544 Remote meter #103 test report.pdf](#)

Mr. Banks,

Thank you for giving me an opportunity to assist you with the above referenced complaint and I have completed my review of your concerns.

As I had previously explained on February 3, 2015, FPL's Revenue Protection (RP) department opened an investigation of meter tampering for the service address of 1255 Marshall Court, Merritt Island. After field visits by our RP investigator, who documented on each visit, that outdoor lights, a pool pump and central air conditioning unit were in use, he suspected that an unauthorized tap had been placed on FPL's service line.

To confirm the tap, on May 4, 2015, FPL installed a remote meter #103 in the pad mount transformer, located behind 1255 Marshall Court. The pad mount transformer has two service lines and a secondary line. The house at 1255 Marshall Court is served by a single service line and is the only house on the service line. The remote meter was placed on the beginning point of the service line for 1255 Marshall Court and had a set reading was 00000. A meter reading of 01287 was obtained from the meter of record ACD2708 which is located on the house, and is at the ending point of the service line. Subsequently the investigator made field visits on May 11th and May 22nd he obtained meter readings from both meters, and each time the meter of record was found to be registering less electricity than the remote meter. During these visits, the investigator documented that several outdoor lights were on as well as the central air conditioning unit and the water in the pool was clean.

On May 29, 2015, a meter reading of 03973 was obtained from the remote meter. This reading indicated 3973 kWh were consumed in the 25 days. A meter reading of 01787 was obtained from the meter of record, this reading indicated only 500 kWh had registered on the meter which is used for billing purposes. In 25 days, the meter of record registered 3473 kWh less than the remote meter. This difference in the meter's registration confirmed that an unauthorized tap and unmetered electric service was being provided to 1255 Marshall Court.

On June 10, 2015, a RP investigator, a meter electrician, and service crew went to location of 1255 Marshall Ct, for the purpose of disconnecting the electric service without notice due to meter tampering. Disconnection of service without prior notice for an unauthorized condition is in compliance with Florida Administrative Code (F.A.C.) 25-6.105 (5)(i). Upon arrival the investigator document that a central air conditioning unit and outdoor lights were on. The meter electrician removed the meter of record ACD2708 and placed a cover over the meter socket. The FPL service crew removed the remote meter from inside the pad mount transformer and disconnected the service line for 1255 Marshall Court. After the disconnection, the investigator checked the other three houses that are served from the transformer and he confirmed that the other houses had service and were not affected by the disconnected service line. Both meters were sent to FPL's Meter Technology Center (MTC) for testing. In compliance with F.A.C. 25-6.104, FPL mailed a bill statement

reflecting a total account balance of \$26,322.79. Included was the back billed amount of \$26,323.30 minus a \$.51 credit which was a result of an overpayment. The kWh usage that registered on the remote meter was used to estimate the back bill. FPL used the Seasonal Average Percentage of Usage method to back bill the account and used projected usage for May and June 2015 as data points, to obtain the estimated yearly kWh.

SEASONAL AVERAGE PERCENT OF USAGE

FPL maintains records that track the monthly residential kilowatt-hour sales within geographic areas. From these records a chart is prepared by dividing the monthly sales into the annual sales to obtain the seasonal average percent of usage for each month of the year. Since the annual sales for the most current year on the chart is not known until the end of the year, the previous year's sales is duplicated.

FPL multiplies the average yearly total of kWh by the specific monthly seasonal average percentage of usage to determine the estimated usage for each month in the year. The original billed kWh is subtracted from the estimated monthly kWh, leaving the additional billed kWh.

This method of back billing was approved by Order No. PSC-96-1216-FOF-EI, issued September 24, 1996, in Docket No 960903-EI (In Re: Complaint of Mrs. Blanca Rodríguez against Florida Power & Light Company regarding alleged current diversion/meter tampering rebilling for estimated usage of electricity).

On June 17, 2015, the RP investigator went to the premise and found the electric service had been reconnected by an unauthorized person. The investigator documented the outdoor lights were on, the pool water was clean and there were no generators in use.

On June 19, 2015, the RP investigator with a FPL service crew went to the premise and found no meter in the meter socket and documented the outdoor lights, central air conditioning unit, and the pool water was clean. The crew found an unauthorized tap on FPL's secondary line and the tap was providing unmetered electric service to 1255 Marshall Ct. The FPL crew removed the tap, repaired the secondary line, again leaving service disconnected for service at 1255 Marshall Ct. In addition, FPL filed a complaint with the Brevard County Police department.

On June 19, 2015, remote meter #103 was tested and was found to have a Weighted Average of 99.12%. On July 15, 2015, the meter of record ACD2708 was tested and found to have a Weighted Average of 99.9%. The test results reflect the meters were registering within acceptable tolerance as prescribed in Florida Administrative Code 25-6.052, which states electric meters must register a Weighted Average accuracy of between 98% and 102%. For your review I have attached the meter test reports for both meters.

On July 20, 2015, FPL closed the account with an effective date of June 19, 2015. A final bill statement was issued in the amount of \$26,803.01. Included were the final bill charges of \$19.45, for service used from June 10, 2015 to June 19, 2015, a \$395.82 late payment charge, and a past due amount of \$26,387.74, representing the June 10, 2015 charges of \$64.95 and the RP back bill balance of \$26,322.79.

Mr. Banks, I have canceled two late payment charges totaling \$797.87 (\$395.82 late

William Banks
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payment charge billed on the 1255 Marshall Court account and \$402.05 billed on the Hathaway Drive account) and the adjustments have reduced your account balance to \$26,477.37.

Mr. Banks, you requested that FPL review the prior customer's usage from 2009 and 2010 and rebill your account based on that usage. FPL's record retention for billing is 5 years and we do not have billing records, prior to September 2010. In addition, a review of FPL's RP records show that in February 2009, FPL had removed an unauthorized tap and there was no customer on record at that time.


Mr. Banks, I hope the above information is helpful, and should you have any questions or wish to discuss a payment arrangement on the back bill amount, please feel free to contact me. My office hours are 8:00 a.m. to 4:30 p.m., Monday through Friday.

Mary Wyatt

Customer Resolution Specialist
Office - 305 552-2302
Fax - 877 285-1597

Florida Power & Light Company



EMBRACING THE CURRENT 

PLEASE NOTE: This e-mail message and all attachments transmitted with it may contain privileged and confidential information that is intended solely for the use of the named addressee. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, copying or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply e-mail and delete this message and all copies and backups thereof.



FPL

FPL METER TEST REPORT

FPL SYMBOL: 7E
COMPANY NUMBER: 00103
SERIAL NUMBER: Z000000103
TYPE CODE: LB
DISTRICT:
ADDRESS: SNOOP METER#103
PPID: 000000000
DATE OF TEST: 6/19/2015 07:56:43
AS FOUND TEST RESULTS: SF: 99.24 SP: SL: 98.65 WA: 99.12
AS LEFT TEST RESULTS: SF: 99.24 SP: SL: 98.65 WA: 99.12
DIAL READING IN: 5769
DIAL READING OUT: 00000
TEST REASON: SNP
CREEP (YES/NO): N
OPERATOR: GJS
KWH BOARD #: 4462
REGISTER TEST (VERIBOARD) RESULTS:
DEMAND BOARD #:
KWD % ERROR AF:
KWD % ERROR AL:
GENERAL REMARKS: 09/08/15 SNOOP METER # 0103 PASSED COMMUNICATION
AND KWH TEST. DIAL READING IN 2669.6 DIAL
READING OUT 0000.

COMMENTS: _____

SIGNATURE _____ DATE _____



FPL

FPL METER TEST REPORT

FPL SYMBOL: AC
COMPANY NUMBER: D2708
SERIAL NUMBER: G204272708
TYPE CODE: GJ
DISTRICT: 21
ADDRESS: 1255 MARSHAL
PPID: 000159761
DATE OF TEST: 7/15/2015 12:58:29
AS FOUND TEST RESULTS: SF: 99.9 SP: 99.97 SL: 99.9 WA: 99.9
AS LEFT TEST RESULTS: SF: 99.9 SP: 99.97 SL: 99.9 WA: 99.9
DIAL READING IN: 02019
DIAL READING OUT: 00000
TEST REASON: RPN
CREEP (YES/NO):
OPERATOR: PDW
KWH BOARD #: 3318
REGISTER TEST (VERIBOARD) RESULTS:
DEMAND BOARD #:
KWD % ERROR AF:
KWD % ERROR AL:
TRANSMITTAL NUMBER:
TRANSMITTAL DATE:
TAMPER INFORMATION: 53

GENERAL REMARKS:

COMMENTS: _____

SIGNATURE _____ DATE _____

From: Wyant, Mary
To: "Honeydoer1@aol.com"
Subject: RE: Florida Public Service Commission complaint
Date: Wednesday, November 04, 2015 9:31:00 AM
Attachments: [Banks William BA #17164-18544 meter of record ACD2708 test report.pdf](#)
[Banks William BA #17164-18544 Remote meter #103 test report.pdf](#)

Mr. Banks,

I am sorry to hear about your difficult times. Hope you both are on the road to a speedy recovery.

Below is the information that was sent on October 22, 2015, to the email address that is listed on your FPL account.

From: Wyant, Mary
Sent: Thursday, October 22, 2015 10:50 AM
To: 'STARSMUCK@AOL.COM'
Subject: Florida Public Service Commission Complaint #1194174E FPL account number: 17164-18544
FPL service address: 1255 Marshall Ct.

Mr. Banks,

Thank you for giving me an opportunity to assist you with the above referenced complaint and I have completed my review of your concerns.

As I had previously explained on February 3, 2015, FPL's Revenue Protection (RP) department opened an investigation of meter tampering for the service address of 1255 Marshall Court, Merritt Island. After field visits by our RP investigator, who documented on each visit, that outdoor lights, a pool pump and central air conditioning unit were in use, he suspected that an unauthorized tap had been placed on FPL's service line.

To confirm the tap, on May 4, 2015, FPL installed a remote meter #103 in the pad mount transformer, located behind 1255 Marshall Court. The pad mount transformer has two service lines and a secondary line. The house at 1255 Marshall Court is served by a single service line and is the only house on the service line. The remote meter was placed on the beginning point of the service line for 1255 Marshall Court and had a set reading was 00000. A meter reading of 01287 was obtained from the meter of record ACD2708 which is located on the house, and is at the ending point of the service line. Subsequently the investigator made field visits on May 11th and May 22nd he obtained meter readings from both meters, and each time the meter of record was found to be registering less electricity than the remote meter. During these visits, the investigator documented that several outdoor lights were on as well as the central air conditioning unit and the water in the pool was clean.

On May 29, 2015, a meter reading of 03973 was obtained from the remote meter. This reading indicated 3973 kWh were consumed in the 25 days. A meter reading of 01787 was obtained from the meter of record, this reading indicated only 500 kWh had registered on the meter which is used for billing purposes. In 25 days, the meter of record registered 3473 kWh less than the remote meter. This difference in the meter's registration confirmed that an unauthorized tap and unmetered electric service was being provided to 1255

Marshall Court.

On June 10, 2015, a RP investigator, a meter electrician, and service crew went to location of 1255 Marshall Ct, for the purpose of disconnecting the electric service without notice due to meter tampering. Disconnection of service without prior notice for an unauthorized condition is in compliance with Florida Administrative Code (F.A.C.) 25-6.105 (5)(i). Upon arrival the investigator document that a central air conditioning unit and outdoor lights were on. The meter electrician removed the meter of record ACD2708 and placed a cover over the meter socket. The FPL service crew removed the remote meter from inside the pad mount transformer and disconnected the service line for 1255 Marshall Court. After the disconnection, the investigator checked the other three houses that are served from the transformer and he confirmed that the other houses had service and were not affected by the disconnected service line. Both meters were sent to FPL's Meter Technology Center (MTC) for testing. In compliance with F.A.C. 25-6.104, FPL mailed a bill statement reflecting a total account balance of \$26,322.79. Included was the back billed amount of \$26,323.30 minus a \$.51 credit which was a result of an overpayment. The kWh usage that registered on the remote meter was used to estimate the back bill. FPL used the Seasonal Average Percentage of Usage method to back bill the account and used projected usage for May and June 2015 as data points, to obtain the estimated yearly kWh.

SEASONAL AVERAGE PERCENT OF USAGE

FPL maintains records that track the monthly residential kilowatt-hour sales within geographic areas. From these records a chart is prepared by dividing the monthly sales into the annual sales to obtain the seasonal average percent of usage for each month of the year. Since the annual sales for the most current year on the chart is not known until the end of the year, the previous year's sales is duplicated.

FPL multiplies the average yearly total of kWh by the specific monthly seasonal average percentage of usage to determine the estimated usage for each month in the year. The original billed kWh is subtracted from the estimated monthly kWh, leaving the additional billed kWh.

This method of back billing was approved by Order No. PSC-96-1216-FOF-EI, issued September 24, 1996, in Docket No 960903-EI (In Re: Complaint of Mrs. Blanca Rodriguez against Florida Power & Light Company regarding alleged current diversion/meter tampering rebilling for estimated usage of electricity).

On June 17, 2015, the RP investigator went to the premise and found the electric service had been reconnected by an unauthorized person. The investigator documented the outdoor lights were on, the pool water was clean and there were no generators in use.

On June 19, 2015, the RP investigator with a FPL service crew went to the premise and found no meter in the meter socket and documented the outdoor lights, central air conditioning unit, and the pool water was clean. The crew found an unauthorized tap on FPL's secondary line and the tap was providing unmetered electric service to 1255 Marshall Ct. The FPL crew removed the tap, repaired the secondary line, again leaving service disconnected for service at 1255 Marshall Ct. In addition, FPL filed a complaint with the Brevard County Police department.

On June 19, 2015, remote meter #103 was tested and was found to have a Weighted

Average of 99.12%. On July 15, 2015, the meter of record ACD2708 was tested and found to have a Weighted Average of 99.9%. The test results reflect the meters were registering within acceptable tolerance as prescribed in Florida Administrative Code 25-6.052, which states electric meters must register a Weighted Average accuracy of between 98% and 102%. For your review I have attached the meter test reports for both meters.

On July 20, 2015, FPL closed the account with an effective date of June 19, 2015. A final bill statement was issued in the amount of \$26,803.01. Included were the final bill charges of \$19.45, for service used from June 10, 2015 to June 19, 2015, a \$395.82 late payment charge, and a past due amount of \$26,387.74, representing the June 10, 2015 charges of \$64.95 and the RP back bill balance of \$26,322.79.

Mr. Banks, I have canceled two late payment charges totaling \$797.87 (\$395.82 late payment charge billed on the 1255 Marshall Court account and \$402.05 billed on the Hathaway Drive account) and the adjustments have reduced your account balance to \$26,477.37.

Mr. Banks, you requested that FPL review the prior customer's usage from 2009 and 2010 and rebill your account based on that usage. FPL's record retention for billing is 5 years and we do not have billing records, prior to September 2010. In addition, a review of FPL's RP records show that in February 2009, FPL had removed an unauthorized tap and there was no customer on record at that time.

Mr. Banks, I hope the above information is helpful, and should you have any questions or wish to discuss a payment arrangement on the back bill amount, please feel free to contact me. My office hours are 8:00 a.m. to 4:30 p.m., Monday through Friday.

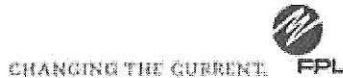
Mary Wyant

Customer Resolution Specialist

Office - 305 552-2302

Fax - 877 285-1597

Florida Power & Light Company



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From: Honeydoer1@aol.com [mailto:Honeydoer1@aol.com]

Sent: Tuesday, November 03, 2015 7:07 AM

To: Wyant, Mary

Subject: Re: Florida Public Service Commission complaint

This is an EXTERNAL email. Exercise caution, DO NOT open attachments or click links from unknown senders or unexpected email.

sorry its been so long was in hospital my self besides my mom these and her having fallen an surgery has taken a toll on me i my self had a couple of heart attacks last 4 are [REDACTED]

In a message dated 10/22/2015 2:51:46 P.M. Eastern Daylight Time, Mary.Wyant@fpl.com writes:

Mr. Banks,

Earlier today I sent a response to your concerns, to the email address that is on your FPL account. I just reviewed your voice mail from October 14, 2015, and your requested that I provide a response to this email address. Before I resend the email to honeydoer1@aol.com, I will need you to confirm you are the account holder. Please provide me with the last 4 digits of the social security number that is listed on your FPL account.

Thank you

Mary Wyant

Customer Resolution Specialist
Office - 305 552-2302
Fax – 877 285-1597

Florida Power & Light Company
1177 N Lime Ave
Sarasota, Fl 34232



CHANGING THE CURRENT FPL

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FPL

FPL METER TEST REPORT

FPL SYMBOL: AC
 COMPANY NUMBER: D2708
 SERIAL NUMBER: G204272708
 TYPE CODE: GJ
 DISTRICT: 21
 ADDRESS: 1255 MARSHAL
 PPID: 000159761
 DATE OF TEST: 7/15/2015 12:58:29
 AS FOUND TEST RESULTS: SF: 99.9 SP: 99.97 SL: 99.9 WA: 99.9
 AS LEFT TEST RESULTS: SF: 99.9 SP: 99.97 SL: 99.9 WA: 99.9
 DIAL READING IN: 02019
 DIAL READING OUT: 00000
 TEST REASON: RPN
 CREEP (YES/NO):
 OPERATOR: PDW
 KWH BOARD #: 3318
 REGISTER TEST (VERIBOARD) RESULTS:
 DEMAND BOARD #:
 KWD % ERROR AF:
 KWD % ERROR AL:
 TRANSMITTAL NUMBER:
 TRANSMITTAL DATE:
 TAMPER INFORMATION: 53

GENERAL REMARKS:

COMMENTS: _____

SIGNATURE _____ DATE _____



FPL

FPL METER TEST REPORT

FPL SYMBOL: 7E
 COMPANY NUMBER: 00103
 SERIAL NUMBER: Z000000103
 TYPE CODE: LE
 DISTRICT:
 ADDRESS: SNOOP METER#103
 PPID: 000000000
 DATE OF TEST: 6/19/2015 07:56:43
 AS FOUND TEST RESULTS: SF: 99.24 SP: SL: 98.65 WA: 99.12
 AS LEFT TEST RESULTS: SF: 99.24 SP: SL: 98.65 WA: 99.12
 DIAL READING IN: 5769
 DIAL READING OUT: 00000
 TEST REASON: SNP
 CREEP (YES/NO): N
 OPERATOR: GJS
 KWH BOARD #: 4462
 REGISTER TEST (VERIBOARD) RESULTS:
 DEMAND BOARD #:
 KWD % ERROR AF:
 KWD % ERROR AL:
 GENERAL REMARKS: 09/08/15 SNOOP METER # 0103 PASSED COMMUNICATION
 AND KWH TEST. DIAL READING IN 2669.6 DIAL
 READING OUT 0000.

COMMENTS: _____

SIGNATURE _____ DATE _____

From: Wyant, Mary
To: honeydoer1@aol.com
Subject: Florida Public Service Commission complaint (FPSC) #1194174E
Date: Thursday, November 19, 2015 3:49:00 PM
Attachments: [201511191316.pdf](#)

Mr. Banks,

Thank you for giving me an opportunity to address your concerns as stated in your letter received by the FPSC on November 16, 2015.

During our telephone conversation you indicated the central air conditioning unit was in use at 1255 Marshall Court. I explained the 5 year kWh history does not reflect the typical summer increase in kWh usage you would expect to see, with summer temperatures and air conditioning usage. Mr. Banks I further explained that based on the kWh history it appears the central air conditioning unit may have been connected to the line side tap. For your review, included in the attachment is the KWH Information Sheet which reflects five years of kWh usage.

We also discussed the remote (snoop) meter #103 tests results. The remote meter was tested on April 23, 2015, just prior to being installed on May 4, 2015, at 1255 Marshall Court. After the remote meter was removed on June 10, 2015, the meter was tested on June 19, 2015. A June 19, 2015 meter test report previously provided to you reflected the June 19, 2015 test results and inadvertently included remarks from a September 9, 2015 test. I have included in the attachment the three meter tests for the remote meter, which reflect the correct General Remarks for the meter tests conducted on April 23, 2015, June 19, 2015, and September 8, 2015. I do apologize for any inconvenience the incorrect comments on the June 19, 2015 test report may have caused you. In addition, I have included the meter of record ACD2708 meter test. All of the meter tests reflect the meters were registering within acceptable tolerance as prescribed in Florida Administrative Code 25-6.052, which states electric meters must register a Weighted Average accuracy of between 98% and 102%. In your letter you requested to see the meters in question. I informed you that the two meters, ACD2708 and remote meter #103 are currently held in FPL's Revenue Protection secured meter room. I offered to arrange for you to see the meters and witness testing at our Meter Technology Center, located in Miami. However, you declined my offer.

In regards to the back billing, I explained FPL issued a back bill based on the usage that registered on the remote meter, which was registering within acceptable tolerance. FPL does not issue back bills based on the electrical equipment or size of the dwelling or neighboring residences. The back billing is to capture to usage while the unauthorized condition was present to we are unable to use future usage to calculate the back bill.

Mr. Banks, it is our hope to resolve your concerns, and we are prepared to discuss a payment arrangement on the back bill balance. Please feel free to contact me at 305 552-2302. My office hours are 8:00 a.m. to 4:30 p.m., Monday through Friday.

Mary Wyant
Customer Resolution Specialist
Office - 305 552-2302
Fax - 877 285-1597

Florida Power & Light Company

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please notify the sender immediately by reply e-mail and delete this message and all copies and backups thereof.

.....

Bill Account: 17164-18544
Name: WILLIAM BANKS
Address: 1255 MARSHALL CT MERRITT ISLAND FL, 32953

KWH Information Sheet

	2015	2014	2013	2012	2011	2010	2009
January	579	463	421	511	614		
February	412	491	499	359	434		
March	157	439	399	398	400		
April	570	463	411	507	551		
May	689	468	433	368	532		
June		483	467	458	991		
July		480	434	425	611		
August		645	520	622	504		
September		586	572	500	491		
October		559	449	442	426	532	
November		510	456	441	440	520	
December		479	458	435	440	597	
Totals	2407	6066	5519	5466	6434	1649	0



FPL

FPL METER TEST REPORT

FPL SYMBOL: 7E
COMPANY NUMBER: 00103
SERIAL NUMBER: Z000000103
TYPE CODE: LE
DISTRICT:
ADDRESS: SNOOP METER#103
PPID: 000000000
DATE OF TEST: 4/23/2015 16:28:52
AS FOUND TEST RESULTS: SF: 99.58 SP: SL: 98.81 WA: 99.42
AS LEFT TEST RESULTS: SF: 99.58 SP: SL: 98.81 WA: 99.42
DIAL READING IN: 00000
DIAL READING OUT: 00000
TEST REASON: SNP
CREEP (YES/NO): N
OPERATOR: GJS
KWH BOARD #: 4462
REGISTER TEST (VERIBOARD) RESULTS:
DEMAND BOARD #:
KWD % ERROR AP:
KWD % ERROR AL:
GENERAL REMARKS: SNOOP METER 103 BACK FROM FACTORY CHECKS OUT OK
4/23/15

COMMENTS: _____

SIGNATURE _____ DATE _____



FPL

FPL METER TEST REPORT

FPL SYMBOL: 7E
COMPANY NUMBER: 00103
SERIAL NUMBER: Z000000103
TYPE CODE: LE
DISTRICT:
ADDRESS: SNOOP METER#103
PPID: 000000000
DATE OF TEST: 6/19/2015 07:56:43
AS FOUND TEST RESULTS: SF: 99.24 SP: SL: 98.65 WA: 99.12
AS LEFT TEST RESULTS: SF: 99.24 SP: SL: 98.65 WA: 99.12
DIAL READING IN: 5769
DIAL READING OUT: 00000
TEST REASON: SNP
CREEP (YES/NO): N
OPERATOR: GJS
KWH BOARD #: 4462
REGISTER TEST (VERIBOARD) RESULTS:
DEMAND BOARD #:
KWD % ERROR AF:
KWD % ERROR AL:
GENERAL REMARKS: 06/19/2015 SNOOP METER # 0103 PASSED
COMMUNICATION AND KWH TEST. DIAL READING IN
5769.23 DIAL READING OUT 00000

COMMENTS: _____

SIGNATURE _____ DATE _____



FPL

FPL METER TEST REPORT

FPL SYMBOL: 7E
COMPANY NUMBER: 00103
SERIAL NUMBER: Z000000103
TYPE CODE: LE
DISTRICT:
ADDRESS: SNOOP METER#103
PPID: 000000000
DATE OF TEST: 9/8/2015 07:52:20
AS FOUND TEST RESULTS: SF: 99.55 SP: SL: 98.88 WA: 99.42
AS LEFT TEST RESULTS: SF: 99.55 SP: SL: 98.88 WA: 99.42
DIAL READING IN: 2669
DIAL READING OUT: 00000
TEST REASON: SNP
CREEP (YES/NO):
OPERATOR: GJS
KWH BOARD #: 4462
REGISTER TEST (VERIBOARD) RESULTS:
DEMAND BOARD #:
KWD % ERROR AF:
KWD % ERROR AL:
GENERAL REMARKS: 09/08/15 SNOOP METER # 0103 PASSED COMMUNICATION
AND KWH TEST. DIAL READING IN 2669.6 DIAL
READING OUT 0000.

COMMENTS: _____

SIGNATURE _____ DATE _____



FPL METER TEST REPORT

FPL SYMBOL: AC
COMPANY NUMBER: D2708
SERIAL NUMBER: G204272708
TYPE CODE: GJ
DISTRICT: 21
ADDRESS: 1255 MARSHAL
PPID: 000159761
DATE OF TEST: 7/15/2015 12:58:29
AS FOUND TEST RESULTS: SF: 99.9 SP: 99.97 SL: 99.9 WA: 99.9
AS LEFT TEST RESULTS: SF: 99.9 SP: 99.97 SL: 99.9 WA: 99.9
DIAL READING IN: 02019
DIAL READING OUT: 00000
TEST REASON: RPN
CREEP (YES/NO):
OPERATOR: PDW
KWH BOARD #: 3318
REGISTER TEST (VERIBOARD) RESULTS:
DEMAND BOARD #:
KWD % ERROR AF:
KWD % ERROR AL:
TRANSMITTAL NUMBER:
TRANSMITTAL DATE:
TAMPER INFORMATION: 53

GENERAL REMARKS:

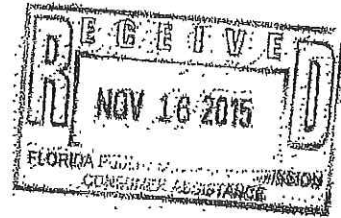
COMMENTS: _____

SIGNATURE _____

DATE _____

EXHIBIT B

Case # 1194174E



Dear Ruth McHargue.

We are getting now where with FPL in there over charging of this property

As I stated to you on the phone that there was no tampering of the smart meter as per the investigator nor was there any evidence showing that there was a line tap. And as for there snoop meter after refusing to show the meter to anyone other then them self. Which they were asked to see the meter and to show the certification that it was tested prior to placing it on the line they refused to do this request.

Talking to my attorney he explained that when they were ask to present the meter to us that in refusing to do so shows that they were unsure of what the results would be till they take it back to there shop to test this and as we know that anything can be said to favor the power company.

As we know evidence that is to be used in any kind of case has to be dealt with properly if it isn't it can be tampered with and made to show in there favor.

An as for the power company placing the bill on my own home bill and threatening to turn off my power that has been on for years is wrong. Every month it is added to my bill.

As for the over charging of the bill for 1255 Marshall ct. Merritt island.

Lets look at the facts of this property as follows:

Before Mr. Uticone purchased this home it was not up to any energy standard. This is what was done to the home and property of up-grades.

- 1 installed new insulated windows.
- 2 installed tank less water heater.
- 3 installed insulated doors.
- 4 increased the insulation in attic.
- 5 insulated exterior of the block house with insulation an vinyl siding
- 6 replaced all electrical bulbs with cfl or led
- 7 replaced all a/c duct work and new efficient a/c
- 8 replace appliances new gas stove, gas dryer, new dishwasher.
- 9 install programmable thermostat.

This home is 880 sq ft. could some one explain to us how this home can produce \$500.00 per month electric impossible unless you leave on every light and tv an every appliance that is electric on 24/7.

a above-ground pool was put in 2 yrs ago and this has a pool pump and according to Mr. uticone it was only turned on 2 times a week to keep it clean. He even changed the system to use salt instead of chlorine.

*I'm just saying there could have been
 a problem at this property for yrs before
 Mr. Uticone moved in now they want to collect for all
 three yrs*

The only way to prove that this house is energy efficiency is to re connect the meter and monitor it daily if they want to show that all the electrical problem that were found were corrected but they were not the problems that would draw the kind of energy that they say it was using.

We even asked for print outs of the past years even before Mr. Uticone had purchased the property to show this property does not use or has ever used that kind of energy.

There again they still have not answered that request this would establish that this home can not and does not use 500 a month in electricity.

Not only does Mr. Uticone up graded his home he places the thermostat at 79 during the day and 77 in the evening to conserve on electricity.

We have gone to the neighbors and asked them what there bills average and most of the homes in the neighborhood are much larger homes not up graded to the standard of 1255 Marshall ct. .

one home that has a in ground pool during the summer there bill is on the average 185.00 and we know a in ground pool cost about 75 to 100 more a month on the electric. During the fall they say there bill averages 109.00 and were talking home 1600 sq. ft. not 880 others in area are averaging around 135. to 165 a month during summer and down to 100 off season. So explain to me how they can justify a 27,000.00 bill for 5 yrs.

They can't there trying to steal from Mr. Uticone it has already cost him over 6000.00 in moving and paying 1000.00 a month rent.

Like we have said right along there is no tampering when they removed the meter an turned off power.

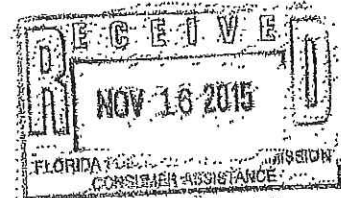
After doing a lot of research we have found that a lot of people are complaining about these smart meters that there electric bills have gone from 20.00 to even 75.00 higher of course the power company has and will deny this but ask those who are complaining I can guess even your institute have received many complaints to this.

I know of one in Palm Bay, Florida

at 564 Arcadia Ave, N.E., Palm Bay 32907 that everything in that home is energy efficient and there bill is 189.00 to 259.00 a month if you would like you can contact the woman who lives there her name is Beth Baldwin same thing here all led no gas but tank less unit for water heater uses micro wave most of time does wash one day a week turns thermostat down before work, Only 2 people live there something is wrong she had talked to old owner that bills were never that high till smart meter put in.

So for your ans. No still not resolved. I would like this removed from my bill at 2514 Hathaway Dr. Cocoa, Fl. And they want to charge me with interest.

William Banks
Rich Uticone





FPL

FPL METER TEST REPORT

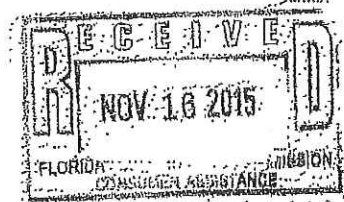
PPL SYMBOL: AC
 COMPANY NUMBER: D2708
 SERIAL NUMBER: G204272708
 TYPE CODE: GJ
 DISTRICT: 21
 ADDRESS: 1255 MARSHAL
 PPID: 000159761
 DATE OF TEST: 7/15/2015 12:58:25
 AS FOUND TEST RESULTS: SP: 99.9 SP: 99.97 SL: 99.9 WA: 99.9
 AS LEFT TEST RESULTS: SP: 99.9 SP: 99.97 SL: 99.9 WA: 99.9
 DIAL READING IN: 02019
 DIAL READING OUT: 00000
 TEST REASON: KPN
 CREEP (YES/NO):
 OPERATOR: PDW
 KWH BOARD #: 3318
 REGISTER TEST (VERIBOARD) RESULTS:
 DEMAND BOARD #:
 KWD % ERROR AF:
 KWD % ERROR AL:
 TRANSMITTAL NUMBER:
 TRANSMITTAL DATE:
 TAMPER INFORMATION: 53

See No Tampering

GENERAL REMARKS:

COMMENTS:

SIGNATURE _____ DATE _____





FPL

FPL METER TEST REPORT

FPL SYMBOL: 7E
 COMPANY NUMBER: 00103
 SERIAL NUMBER: Z000000103
 TYPE CODE: LE
 DISTRICT:
 ADDRESS: SNOOP METER#103
 FPLID: 000000000

DATE OF TEST: 6/19/2015 07:56:43

AS FOUND TEST RESULTS: SP: 99.24 SP: SL: 98.65 WA: 99.12
 AS LEFT TEST RESULTS: SP: 99.24 SP: SL: 98.65 WA: 99.12

DIAL READING IN: 5769

DIAL READING OUT: 00000

TEST REASON: SNP

CREEP (YES/NO): N

OPERATOR: GJS

KWH BOARD #: 4462

REGISTER TEST (VERIBOARD) RESULTS:

DEMAND BOARD #:

KWD % ERROR AF:

KWD % ERROR AL:

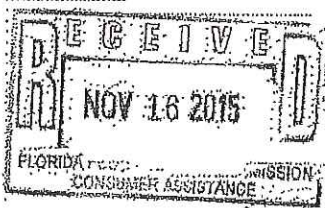
GENERAL REMARKS: 09/08/15 SNOOP METER# 0103 PASSED COMMUNICATION AND KWH TEST. DIAL READING IN 2669.6 DIAL READING OUT 0000.

Took them 2 1/2 months to test this something wrong

COMMENTS:

SIGNATURE

DATE



I would say to make the test come out for their benefit. You don't want that long to confirm something.