

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Regina Walsh
against Florida Power
Corporation regarding
backbilling.

DOCKET NO. 990913-EI
ORDER NO. PSC-00-0674-AS-EI
ISSUED: April 11, 2000

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER

ORDER APPROVING SETTLEMENT AGREEMENT

BY THE COMMISSION:

CASE BACKGROUND

On March 18, 1998, Ms. Regina Walsh contacted the Division of Consumer Affairs (CAF) and complained that Florida Power Corporation (FPC) disconnected her service and backbilled her account for \$2,255.06. Ms. Walsh disputed the backbilling from FPC for usage not recorded or previously billed because of alleged meter tampering. This amount also included FPC's investigative charges. An inquiry was taken and sent to FPC for a full report. On April 8, 1998, CAF received a report from FPC.

In response to the complaint, FPC reported the following sequence of events:

- 1) Regina Walsh opened an account on February 1, 1993. The account was disconnected for non-payment on October 17, 1996, and terminated on October 28, 1996.
- 2) On October 17, 1996, the reading on the meter was 04018.

DOCUMENT NUMBER-DATE

04414 APR 11 8

1000 0000000000

3) On March 12, 1998, the reading on the meter was 04018. An FPC meter reader found the seal broken and an investigation was ordered.

4) On March 13, 1998, the current diversion investigator found a rigged seal and an open potential clip on the back of the meter. The open clip disables the meter from measuring usage. The investigator knocked on the door and a young woman identified herself as Regina Walsh. Upon further inquiry, the investigator determined from neighbors that Ms. Walsh's residence was occupied after the account had been terminated. At that time, the investigator removed the meter and sealed the base.

6) On March 13, 1998, a woman, who identified herself as Regina Walsh, went to the New Port Richey Solutions Store to have the service reconnected. A representative explained that due to the meter tampering investigation, she would have to pay the back-billing of \$2,255.06, plus a \$200 deposit, before the service would be restored. The backbilling period extends from October 17, 1996 to March 11, 1998, for a total of 519 days at 52 KWH per day.

7) On March 30, 1998, Ms. Walsh submitted a lease from a California trailer park. An FPC representative contacted and faxed a copy of the lease submitted by Ms. Walsh to the property manager of the trailer park. The property manager recalled that Ms. Walsh resided with a tenant, but stated that Ms. Walsh had not entered into a lease with the park. The property manager further stated that she did not recognize the witness signatures on the lease submitted by Ms. Walsh.

8) On March 30, 1998, at our request, FPC restored the service for Ms. Walsh at 11611 Scallop Drive, pending continuance of the investigation to determine responsibility for the unauthorized electric usage and meter tampering.

Ms. Walsh requested an informal conference on May 18, 1998. On May 20, 1998, CAF notified Ms. Walsh that her request was received. We spoke with Ms. Walsh and FPC on numerous occasions about reaching a settlement. Because of factual disputes and stalled negotiations, this matter was brought to us for final disposition.

This matter was scheduled to be addressed at the November 30, 1999, Agenda Conference. However, on November 29, 1999, we received a fax from Ms. Walsh's doctor stating that Ms. Walsh

ORDER NO. PSC-00-0674-AS-EI
DOCKET NO. 990913-EI
PAGE 3

~~underwent surgery on November 17, 1999, and would require six to eight weeks to recover. As a result, we deferred the matter until the February 1, 2000, Agenda Conference.~~

On January 31, 2000, FPC notified us that it had reached a settlement agreement with Ms. Walsh regarding her complaint. As a result, we deferred the matter. On February 21, 2000, we received the settlement agreement signed by the parties.

This agreement is included as Attachment A. By the terms of the agreement, Florida Power Corporation agrees to reduce the backbilling amount from \$2,252.03 to \$656.00. The agreement provides that this sum shall be paid in monthly installments of \$56 per month, without interest, until paid in full.

Pursuant to Rule 25-22.032(11), Florida Administrative Code, a settlement reached by parties to a customer complaint shall indicate that it is binding on both parties and that the parties waive any right to further review or action by the Commission. As provided in the settlement agreement, Ms. Walsh and Florida Power Corporation agree that this settlement represents a satisfactory resolution of the complaint and waive any right to further review or action by the Commission. The parties also agree that they are bound by the terms and conditions contained in the settlement agreement. The settlement agreement appears to be a reasonable resolution of the issues raised in Ms. Walsh's complaint. It appears to comply with all applicable rules. Therefore, we find that the agreement shall be approved.


Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Settlement Agreement, included in this Order, as Attachment A, that was entered into by Florida Power Corporation and Ms. Regina Walsh on February 11, 2000, is incorporated herein by reference and, is hereby approved. It is further

ORDERED that this docket shall be closed.

ORDER NO. PSC-00-0674-AS-EI
DOCKET NO. 990913-EI
PAGE 4

By ORDER of the Florida Public Service Commission this 11th
day of April, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

RNI

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

STATE OF FLORIDA

Commissioners:
OF CONSUMER AFFAIRS
JOE GARCIA, CHAIRMAN
BEVERLEE DEMELLO
J. TERRY DEASON
DIRECTOR
SUSAN F. CLARK
JULIA I. JOHNSON
F. LEON JACOBS, JR.

DIVISION

(850)413-6100
TOLL FREE 1-800-342-3552

Public Service Commission

SETTLEMENT AGREEMENT

Complaint Number: 2074951

By signing the following statement, the parties agree that a satisfactory resolution of the complaint has been reached and understand that the settlement is binding on both parties and that the parties waive any right to further review or action by the Commission.

Florida Power Corporation agrees to reduce the backbilling of \$2,252.03 to \$656.00. This backbilling represented charges incurred due to meter tampering.

If meter was tampered with party is unknown to Regina Walsh.

I, Regina Walsh accept NO responsibility for the above accusation and admit NO guilt to meter tampering.

As per agreement my monthly payments @ \$56. a month for 12 months without interest.

Regina Walsh
Customer Regina Walsh
(Acct #16830-93031)

2-11-00
Date

David W. Tomlinson
Company David W. Tomlinson, Manager
Business Planning & Quality Assurance

1/28/00
Date

M E M O R A N D U M

April 10, 2000

RECEIVED-FPSC

00 APR 11 AM 10:46

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (R. ISAAC) *RNS RVE*
RE: DOCKET NO. 990913-EI - COMPLAINT BY REGINA WALSH AGAINST
FLORIDA POWER CORPORATION REGARDING BACKBILLING.

0674-AS

Attached is a ORDER APPROVING SETTLEMENT AGREEMENT, with
attachment, to be issued in the above-referenced docket. (Number
of pages in order *-4/5*)

RNI/jb
ATTACHMENT
cc: Division of Electric and Gas
I: 990913or.rni

ATTACHMENT(S) NOT ON-LINE
