

Ruth Nettles

From: cushunpen_1@hotmail.com
Sent: Tuesday, July 14, 2009 6:02 PM
To: Filings@psc.state.fl.us
Subject: Fw: Juliette Royer petition docket no 809449E
Attachments: PSC petition 7-14-09.doc

A:Petitioner :Juliette Royer and Fred Royer
address :780 NW 202 Street
Miami, FL. 33169
ph:(786)277-5524 or (786)234-7343
email:cushunpen_1@hotmail.com

B:Docket No. 809449E

C:filed on behalf of Juliette Royer and Fred Royer

d:The attached document petition contains three(3) pages.

e: The attached petition is a formal request disputing fact findings by the PSC in docket no 809449E.

From: cushunpen_1@hotmail.com
Sent: Tuesday, July 14, 2009 4:22 PM
To: filings@psc.state.fl.us
Subject: Juliette Royer petition docket no 809449E

A:Petitioner :Juliette Royer and Fred Royer
address :780 NW 202 Street
Miami, FL. 33169
ph:(786)277-5524 or (786)234-7343
email:cushunpen_1@hotmail.com

B:Docket No. 809449E

C:filed on behalf of Juliette Royer and Fred Royer

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Juliette Royer and Fred Royer
780 NW 202 Street
Miami, FL. 33169
Cell (786)234-7343
Cell (786)277-5524

July 14, 2009

Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL. 32399-0850
Docket no. 809449E

Re: Florida Power and Light acct#24076-24275
P.O.Box 025209
Miami, FL. 33102-5209

I am formerly disputing the PSC's proposed agency action order which allowed FPL's unreasonable back billing on my account due to meter tampering. I request a formal hearing into the matter.

The rule which has been violated in this case is Rule 25-6.104 Florida Administrative Code which states, "Unauthorized use of energy. In the event of unauthorized or fraudulent use, or meter tampering, the utility may bill the customer on a reasonable estimate of the energy used."

My basis for the dispute is that FPL's estimate of the amount of alleged "unmetered" electricity during January 8th, 2000 thru August 10th, 2005 significantly overstates my probable actual usage and therefore is not reasonable.

Furthermore there is no evidential basis on which "investigative charges" of \$366.41 are also warranted and to be included in this back billing. **Rule 25-6.104** under which FPL is traveling, plainly does not authorize the utility to recover investigative costs, as FPL has sought to do in this case. There is no legal precedent or law that substantiates this kind of recovery fee based on my research on the PSC and DOAH case dispositions.

DOCUMENT NUMBER-DATE
07167 JUL 15 8
FPSC-COMMISSION CLERK

FPL contends meter tampering occurred at my residence from January 8th 2000 thru August 10th, 2005. FPL back billed my account for \$18,156.86. The previous amount during this period according to FPL was \$4934.74. This is a difference of \$13,588.53 including "investigative charges" of \$366.41. FPL claimed to have presented enough data to my attorney Cynthia Strict land, the PSC and my spouse Fred Royer. However, FPL failed to explain how they derived the aforementioned back billed sum of \$18,156.86. A fair back billing should've been computed and based on my consumption of energy from the time the old meter was removed and the new meter was installed. That way a comparison would show the alleged five years of un-metered energy consumption and the new energy consumption to date after the new meter was installed. Based on a most recent data report on my account I received from the PSC, one paragraph read as follows, "FPL used the seasonal Average Percentage of Usage method to back bill the account and used a projected usage for the August, September and October 05 billing (the new meter was set on July 15, 2005) as data points, to project what the yearly KWH should have been using the Seasonal Average Percentage of Usage." The methodology FPL refers to above is used to determine residential customers' energy consumption in a given month. This is referred to as PAUM. FPL factors in the PAUM'S of an average customer for each of the months during which tampering is suspected to have occurred. In my case, FPL produced PAUMs that are purportedly my PAUMs for every month from July 1999 through December 2005.

1. I request that FPL review their unreasonable estimate of the alleged un-metered energy I consumed at my residence and recalculate their "refill" figures and "as billed" figures on my account.

2. I request credits and adjustments be issued on my account and my account be ridden of these unreasonable back billing charges.

3. I ask that the "investigative charges" in the amount of \$366.41 be written off my account.

4. I request that all extra monthly monetary payments I've made since January of 2006 to date as part of the repayment plan agreement between FPL and myself be refunded to me.

Furthermore, I have in my possession several years of paperwork obtained from both FPL and PSC correspondence. There are many questions and contradictions in this paperwork where I feel a hearing officer at the DOAH would be able to hear my case and possibly render a fair recommendation and set a precedent in this kind of matter. That way, FPL could improve their methodology to determine a customer's actual alleged un-metered energy usage if any and inaccurate back billing procedures. Thank you.

Sincerely,

s/ Juliette Royer and Fred Royer