

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Janet Knauss )	DOCKET NO. 910583-EI
against Florida Power and Light Company )	ORDER NO. 24716
regarding rebilling for estimated usage )	ISSUED: 6/26/91
of electricity )	
_____ )	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 J. TERRY DEASON  
 BETTY EASLEY  
 GERALD L. GUNTER  
 MICHAEL MCK. WILSON

**NOTICE OF PROPOSED AGENCY ACTION**  
**ORDER DENYING COMPLAINT**

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On December 4, 1990, Steven L. Winig, Esquire, filed a complaint with the Division of Consumer Affairs against Florida Power and Light (FPL) on behalf of his client, Ms. Janet Knauss. Mr. Winig stated that FPL had rebilled his client \$5,366.16 due to meter tampering and that his client denied all knowledge of any meter tampering and questioned whether the rebilling was proper.

In a report dated December 20, 1990, FPL advised Consumer Affairs that the meter at Mrs. Knauss' residence is located behind a six foot privacy fence. The gate is locked from the inside. Special instructions pertaining to this account advise the meter reader that there are "three pit bulls-knock first". On November 3, 1990, a Saturday, the meter reader knocked on the door, then went to the gate. An individual approximately 18 years old opened the gate. The meter reader then observed another individual removing an object from a hole in the meter canopy. On November 6, an FPL investigator inspected the meter and removed it for testing.

Inspection of the meter revealed a hole in the meter canopy, scratches on the top of the meter canopy around the hole, scratches

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on the disc, and a missing inner seal. With no object in the hole, the meter tested accurately.

Based on its investigation, Staff advised the customer in a letter dated January 15, 1990, that according to FPSC rules, FPL may rebill for unmeasured electric energy usage caused by meter tampering and that FPL had complied with these rules.

In a letter dated February 11, 1991, Mr. Donald P. Kohl requested an informal conference on behalf of Ms. Knauss, stating that he was now her attorney. The conference was held pursuant to Commission rules on March 7, 1991, in the West Palm Beach City Hall Building. The customer's attorney raised the following issues:

(1) The date selected by FPL for backbilling was arbitrary and the methodology used to calculate the backbilled amount was also questionable when compared to actual usage since the meter was replaced.

(2) All occupants of the Knauss residence deny any unauthorized electric use, and a comparison of the customer's usage with that of similar homes nearby with approximately the same size house showed similar usage.

After reviewing the evidence presented at the conference and the post-conference filings submitted by the parties, Staff found no basis for revising its earlier determination that FPL had complied with all applicable statutes and rules in rendering this backbilling.

We find that the electric meter at the Knauss residence had been tampered with and was not accurately registering consumption. We find that FPL acted properly in backbilling this customer. We find that the amount of the rebilling is reasonable. Accordingly the complaint of Janet Knauss against Florida Power and Light Company is hereby denied.

In consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that Janet Knauss' complaint against Florida Power and Light Company is hereby denied. It is further

ORDERED that this Order shall become final unless an appropriate petition for formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the

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date indicated in the Notice of Further Proceedings or Judicial Review. It is further

ORDERED that if no party/substantially interested person timely files a petition for formal proceeding or notice of appeal this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 26th  
day of JUNE, 1991.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

R V E

by: Kay Flynn  
Chief, Bureau of Records

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee,

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Florida 32399-0870, by the close of business on  
July 18, 1991.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer 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 of the effective date 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.