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STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JULLA L. JOHNSON
E. LEON JACOBS, JR.



DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

July 29, 1999

Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, FL 32399

Re: Case No. 98-5067: Albert Sadaka, Petitioner, v. Florida Power & Light Company, Respondent, and Florida Public Service Commission, Intervenor.

Dear Clerk:

Attached are the original and two copies of the Florida Public Service Commission's Proposed Prehearing Statement to be filed in the above referenced case. Please date stamp the additional copy and return to me in the enclosed postage-paid envelope. Thank you.

Yours truly,

Grace A. Jaye
Staff Counsel

- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- MAS _____
- OPC _____
- RRR _____
- SEC _____
- WAY _____
- OTM _____

GAJ:js
Enclosure

cc: Division of Records and Reporting (Bayo)
Division of Consumer Affairs (Pena)
Division of Electric and Gas (Draper)

DOCUMENT NUMBER - DATE
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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ALBERT SADAKA,)
Petitioner,)
)
vs.)
)
FLORIDA POWER & LIGHT COMPANY,) DOAH Case No. 98-5067
Respondent)
)
and)
)
FLORIDA PUBLIC SERVICE COMMISSION,)
Intervenor)
)

PROPOSED PREHEARING STATEMENT
OF THE FLORIDA PUBLIC SERVICE COMMISSION

The FLORIDA PUBLIC SERVICE COMMISSION (Commission), by and through its undersigned counsel, files this Proposed Prehearing Statement pursuant to the Order of Prehearing Instructions issued by the Administrative Law Judge on December 15, 1998. The parties met via telephone on July 27, 1999, and were unable to agree to any of the items listed in the Order of Prehearing Instructions. Parties did agree that petitioner lived at 5600 South West 85th Street Miami, Florida 33143 and received electric service at that address from respondent from 1984 to January of 1998.


The Commission's statement responds to each point required in the Order of Prehearing Instructions below:

1. Pursuant to Order No. PSC-98-1486-PCO-EI, issued November 5, 1998, in Docket No. 980864-EI, the Commission referred the present controversy to the Division of Administrative Hearings for a Section 120.57(1), Florida Statutes, hearing to determine the facts at issue. The controversy as presented to the Commission involved a dispute between the petitioner and respondent over backbilling and alleged meter tampering.
2. The Commission has no position pending the evidence adduced at the hearing.
3. The Commission expects to enter no exhibits.
4. The Commission expects to call no witnesses.
5. The Commission has referred this matter to the Division of

Administrative Hearings for an evidentiary hearing on disputed issues of fact, therefore the Commission has no position concerning the facts pending the evidence adduced at the hearing.

6. The Commission asserts that it is the sole governmental entity with jurisdiction over the subject matter of this hearing pursuant to Section 366.02(1) and 366.04(1), Florida Statutes. The Commission asserts that it has the sole jurisdiction to issue a final order in this cause.
7. The Commission has referred this matter to the Division of Administrative Hearings for an evidentiary hearing on disputed issues of fact, therefore the Commission has no position concerning the facts pending the evidence adduced at the hearing.
8. The Commission asserts that it is the sole governmental entity with jurisdiction over the subject matter of this hearing pursuant to Section 366.02(1) and 366.04(1), Florida Statutes. The Commission asserts that it has the sole jurisdiction to issue a final order in this cause.
9. The Commission is unaware of any disagreement as to the application of the rules of evidence.
10. The only motion of which the Commission is aware is petitioner's Motion to Set Aside the Granting of the Motion to Intervene by Public Service Commission Staff and in the Alternative Motion for Hearing on the Motion to Intervene together with the Commission's Response in Opposition to that motion.
11. The Commission has no indication as to the length of this hearing.

Respectfully submitted this 29th day of July 1999.


GRACE A. JAYE
Staff Counsel
Florida Bar No. 0847143

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ALBERT SADAKA,)
Petitioner,)
vs.)
FLORIDA POWER & LIGHT COMPANY,) DOAH Case No. 98-5067
Respondent)
and)
FLORIDA PUBLIC SERVICE COMMISSION,)
Intervenor)

Certificate of Service


I HEREBY CERTIFY that one true and correct copy of Proposed Prehearing Statement of the Florida Public Service Commission have been furnished by U.S. Mail to the following this 29th day of July, 1999:

Richard W. Bonehill, Esq.
305 N.E. 24th Street
Miami, FL 33137

Florida Power & Light Company
Bill Feaster
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Tallahassee, FL 32301

Florida Power & Light Company
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