

Diamond Williams

110069-EI

From: Goorland, Scott [Scott.Goorland@fpl.com]
Sent: Monday, April 04, 2011 10:58 AM
To: Filings@psc.state.fl.us
Cc: Butler, John
Subject: Electronic Filing / Docket 110069-EI / FPL's Motion to Dismiss Complaint
Attachments: 4.4.11 FPL M Dismiss Complaint.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Scott A. Goorland, Esq.
 700 Universe Boulevard
 Juno Beach, FL 33408
 561-304-5633
Scott.Goorland@fpl.com

b. Docket No. 110069 - EI
 In RE: Complaint of Rosario Rojo against Florida Power & Light Company, Case No. 858880E

c. The Document is being filed on behalf of Florida Power & Light Company.

d. There are a total of 92 pages (Motion = 6 pages; Exhibits =86 pages)

e. The document attached for electronic filing is Florida Power & Light Company's Motion to Dismiss Complaint with Prejudice

Scott A. Goorland
 Managing Attorney
 Florida Power & Light Company
 (561) 304-5633
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DOCUMENT NUMBER-DATE
 02220 APR -4 =
 FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Rosario Rojo against Florida) Docket No. 110069-EI
Power & Light Company)
_____) Filed: April 4, 2011

**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, this Motion to Dismiss the Complaint filed by Petitioner Rosario Rojo in this docket. For the reasons set forth below, the Florida Public Service Commission ("Commission") should dismiss the Petitioner's Complaint with prejudice.

I. INTRODUCTION

Petitioner's Complaint should be dismissed because it falls far short of the well established pleadings requirements that a Complaint must meet to be deemed sufficient. Beyond the pleading requirements in Florida rules, the Complaint fails to state any cause of action whatsoever for which relief could be granted by the Commission. Furthermore, the Complaint is so vague as to both the operative facts and the law for which Petitioner seeks relief that it would be impossible for the Commission to properly issue a decision on the Complaint. The vagueness of the Complaint also makes it impossible for FPL to adequately respond without engaging in a substantial amount of conjecture as to the true facts in the instant situation. Furthermore, as discussed below, Petitioner's underlying premise for relief is misplaced. Neither Petitioner's current pleading nor any of her past practice suggests that she would or could re-plead in a way that states a cause of action. For these reasons, the Complaint should be dismissed as a matter of law, with prejudice.

II. ARGUMENT

A. Standard for Motion to Dismiss

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 petition as though true, and consider the allegations in the light most favorable to the petitioner in order to determine whether the petition 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. Petitioner's Complaint Fails to Meet the Well Established Pleading Requirements for a Complaint

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.

Petitioner's Complaint fails to meet any part of Rule 25-22.036, F.A.C. In the Complaint, Petitioner's first paragraph references the rules of procedure for administrative procedures before the Commission, including Chapter 120, F.S., Chapter 28-106, F.A.C., and Rule 25-22.036, F.A.C, but these statutes and rules solely apply to administrative processes, and

are not substantive in nature. Furthermore, Petitioner does not allege that FPL violated these statutes or rules, nor provide a specific reference to a section that has been violated.

Petitioner's only allegations appear to be in the second paragraph of the Complaint, which states:

"Petitioner summarizes complaint due to lack of time to the following:

The actions of the utility company have created a financial burden on Petitioner, both emotionally and financially.

The utility company has the power and resources to deny the complaint, therefore Petitioner requests Commission protection to seek relief from the abusive practices, bad faith and malice of the utility company that holds a monopoly that forces clients to accept their abuse."

The language here is vague and ambiguous at best, and contains no mention of rules, statutes, or orders.

Furthermore, there is no mention of a cause of action. Petitioner alleges that FPL "created a financial burden on Petitioner," but fails to allege any action FPL took that constituted a violation of any rule, order, or statute. Simply alleging that FPL has burdened Petitioner is not a legal cause of action which is within the authority of the Commission to grant relief. To sustain a motion to dismiss, the moving party must demonstrate that, accepting all allegations in the petition as facially correct, the petition still fails to state a cause of action for which relief can be granted. *In re: Petition 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. "In order to determine whether the petition states a cause of action upon which relief may be granted, it is necessary to examine the elements needed to be alleged under the

substantive law on the matter. All of the elements of a cause of action must be properly alleged in a pleading that seeks affirmative relief. If they are not the pleading should be dismissed.” See, *In re: Complaint and petition of John Charles Heekin against Florida Power & Light Co.*, Order No. PSC-99-1054-FOF-EI at 3, Docket No. 981923-EI, (Issued May 24, 1999). There is no action at law for which relief could be granted under Petitioner’s vague allegation.

Finally, Petitioner mentions “Commission protection to seek relief,” but does not specify or even suggest what relief is sought. Even reading Petitioner’s Complaint in the most favorable light possible for the Petitioner, it essentially ignores the well established pleading requirements for a complaint before the Commission, and therefore the Petitioner’s Complaint must be dismissed.

C. Petitioner’s purpose of filing her Complaint is misplaced and the Complaint should be dismissed with prejudice

Petitioner has a long history of attempting to use the Commission and its processes to improperly avoid paying her outstanding balances owed to FPL. Over the past four years, Petitioner has held four separate accounts with FPL and with each has failed to keep her account balance up to date, resulting in final disconnection notices or disconnection of service. In attempt to avoid payment, Petitioner has filed multiple complaints with the Commission and made numerous calls to the Commission alleging FPL had acted improperly in disconnecting service or in billing Petitioner’s account. In each instance, the Commission determined that FPL had acted properly. In further attempts to avoid owing FPL her balance, Petitioner has contacted the Commission numerous times falsely alleging that FPL damaged her property. Regardless of being told that the Commission did not have jurisdiction over damage claims, Petitioner continued to make calls to the Commission regarding the alleged damage to her property by FPL. For a more detailed history about the Petitioner’s attempts to use Commission procedures to avoid paying FPL her

outstanding balances, see Exhibit A, October 8, 2009, letter from the Commission to Petitioner; Exhibit B, November 24, 2009, letter from the Commission to the Petitioner; Exhibit C, August 18, 2010, letter from the Commission to Petitioner; and Exhibit D, March 10, 2011, letter from the Commission to Petitioner.

Petitioner is clearly, through this Petition, attempting once again to delay paying outstanding balances owed to FPL. Neither Petitioner's current pleading nor any of her past practice suggests that she could re-plead in a way that could state a cause of action. Thus, the Commission would be fully justified, and should dismiss, the Petition with prejudice at this time.¹

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

Respectfully submitted this 4th day of April, 2011.

R. Wade Litchfield, Vice President and General
Counsel
John T. Butler, Managing Attorney
Scott A. Goorland, Principal 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

¹ If the Commission determines that the Petitioner should be granted an opportunity to amend her Petition, however, the Commission should set a short time frame filing the amendment, so as to limit any continued delay in the Petitioner's obligations to pay FPL.

CERTIFICATE OF SERVICE
Docket No. 110069-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery on this 4th day of April, 2011, to the following:

Arlisha Roberts
Division of Economic Regulation
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
aroberts@psc.state.fl.us

Pauline Evans, Esq.
Office of Public Counsel
111 W. Madison St., Room 812
Tallahassee, FL 32399-1400
pevans@psc.state.fl.us

Rosario Rojo
2510 SW 17th Ave.
Miami, FL 33133
rojocharo@yahoo.com

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

EXHIBIT 'A'

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
NANCY AROENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



DIVISION OF SERVICE, SAFETY &
CONSUMER ASSISTANCE
DANIEL M. HOPPE, DIRECTOR
(850) 413-6480

Public Service Commission

October 8, 2009

Ms. Rosario Rojo
2510 Southwest 17 Avenue
Miami, FL 33133

RE: FPSC Request No. 856880E

Dear Ms. Rojo:

Thank you for contacting the Florida Public Service Commission (FPSC or Commission) about Florida Power and Light Company (FPL or company).

You were concerned about service disconnections on June 4, 2009, and on September 1, 2009; no written response regarding a credit; change in monthly kilowatt-hour consumption; and a meter replacement. We contacted the company regarding your concerns.

FPL's report stated that a regular bill was issued on your account on June 2, 2009, for \$1,114.43. The company reported that amount included a new charge of \$574.71 for service from May 1, 2009, to June 2, 2009, and a previous \$539.72 balance. FPL reported that the new charge became past due after June 23, 2009.

In addition to a final notice that was issued on your account, FPL stated that a field collector visited your residence on June 4, 2009, for the past-due amount. The company disconnected your service due to nonpayment.

After you filed your complaint with the FPSC on June 4, 2009, the company verified that a \$280 payment was made on your account. FPL also requested a \$503.61 payment before service reconnection. The company stated that you indicated that you could pay \$500 on June 5, 2009. FPL reported that you notified the company on June 5, 2009, that you filed bankruptcy under Chapter 13 on May 27, 2009. FPL confirmed the effective date for Case Number 09-20237 was May 27, 2009. FPL closed your account with an effective date of May 27, 2009, and filed a claim with the court. On the same day, FPL stated a "new post bankruptcy account was established" in your name. The company also stated that your \$280 payment was transferred to the new account, leaving a \$819.72 balance. When the company received your \$500 payment, FPL reconnected your service. The company stated that payment was also transferred to your new account.

After a final notice and a field collector's visit at your residence, FPL reported that the service was disconnected on September 1, 2009, for nonpayment of \$873.39. As a courtesy, the company stated that your service was reconnected on the same day without a payment.

The report shows that the company sent you a letter on August 28, 2009, along with a financial audit of your account. For your easy reference, we have attached a copy of the documents showing the debits and credits on your accounts.

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FPSC Website: <http://www.floridapsc.com>

Internet E-mail contact: psc.state.fl.us

Ms. Rosario Rojo
Page 2
October 8, 2009

Additionally, the company reported that a high bill investigation was performed at your residence on September 19, 2009. The company discussed conservation measures with you and completed a home energy survey. FPL stated an order was issued to replace and test the meter.

The company reported that the Meter Number 5C23344 was removed on October 1, 2009, and replaced with Meter Number 7C94151. The report shows that the meter was tested on October 2, 2009. The results indicated that the meter was registering at 99.80 percent full load and 100.27 percent light load. The weighted average was 99.90 percent. We have also attached a copy of FPL's October 2, 2009 letter to you regarding the meter test.

The Florida Administrative Code (FAC) 25-6.052(2) states:

(2) Accuracy Requirements for Watthour Meters The performance of an in-service watthour meter shall be acceptable when the meter does not creep and the average registration error does not exceed plus or minus two percent. Meter registration error shall be determined in accordance with subsection 25-6.058(1), F.A.C

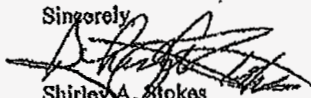
The meter accuracy limits are from 98 percent through 102 percent. Based on the meter test results, the meter recorded your electric usage within the accuracy limits. As a result, no credit is due on your account.

Weather conditions have a direct impact on customers' kilowatt-hour usage. However, neither the FPSC nor the company can tell customers exactly how the energy was used at their premises. To require a utility to adjust a bill, the Commission must have conclusive proof that the meter malfunctioned or the company applied improper rates. To do otherwise, one customer will have an unfair advantage over all the other utility customers.

If you need payment arrangements, you may contact FPL to discuss that concern. Payment arrangements fall under the company management and are not mandatory. Additionally, you may contact the Miami-Dade County Community Action Agency at 786-469-4685 to see if you qualify to get financial assistance through the Low Income Home Energy Assistance Program (LIHEAP).

No Commission rules or regulations were violated in this case. If you have any questions or concerns, please contact us by October 23, 2009. Otherwise, we will consider the matter resolved. You may reach us at our toll-free telephone number 1-800-342-3552 or toll-free fax at 1-800-511-0809.

Sincerely,



Shirley A. Stokes
Regulatory Consultant
Bureau of Consumer Assistance

SAS:sas

Attachments

cc: Florida Power and Light Company

EXHIBIT 'B'

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LIBA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



DIVISION OF SERVICE, SAFETY &
CONSUMER ASSISTANCE
DANIEL M. HOPPE, DIRECTOR
(850) 413-6480

Public Service Commission

BCA PROCESS REVIEW GROUP FACSIMILE TRANSMITTAL COVER SHEET

Date: Tuesday, November 24, 2009
To: Roseanne Lucas
Utility/Business: Florida Power & Light Company
Fax Number: 305-552-3849
From: Leroy A. Rasberry
Regulatory Consultant
BCR Review Team

Complaint Number: 0858880E

Customer Name: Rosario Rojo

SPECIAL COMMENTS TO FPL: PLEASE REPLACE THE PREVIOUS FAX COVER SHEET WITH THIS ONE REFLECTING THE CORRECT PSC CLOSURE DATE OF December 10, 2009 BELOW.

NOTES: Attached is Copy of PRT Resolution Letter mailed to the customer this date. Although this is a final resolution letter, the customer has 18 days to contact the BCA Process Review Group - THEREFORE, THIS COMPLAINT REMAINS OPEN AND ACTIVE.

As of this date, the complaint is scheduled to close on December 10, 2009

COMMISSIONERS:
 MATTHEW M. CARTER II, CHAIRMAN
 LISA POLAK EDGAR
 NANCY ARGENZIANO
 NATHAN A. SKOP
 DAVID R. KLEBMENT

STATE OF FLORIDA



DIVISION OF SERVICE, SAFETY &
 CONSUMER ASSISTANCE
 DANIEL M. HOPPE, DIRECTOR
 (850) 413-6480

Public Service Commission

November 24, 2009

Certified and Regular Mail

Ms. Rosario Rojo
 2510 SW 17th Avenue
 Miami, FL 33133

Re: FPSC Inquiry No. 0858880E

Dear Ms. Rojo:

This letter is a follow-up to your complaint filed with the Florida Public Service Commission (PSC) on June 4, 2009, against Florida Power & Light Company (FPL) concerning the proper application of a payment and disputed high bill. I appreciate the opportunity to assist you.

When you indicated that you were not satisfied with the proposed resolution of your complaint against FPL, your case was forwarded to the PSC's Bureau of Consumer Assistance (BCA) Process Review Group and assigned to me to determine if there was any way the PSC could further assist you. I have taken the opportunity to carefully review your case file.

When you contacted the PSC on June 4, 2009, you questioned whether a payment you made in the amount of \$280.00 had been properly credited to your account. You also expressed dissatisfaction with the disconnection of your service after the \$280.00 payment was made. At the time of the complaint filing you mentioned that \$526.85 was past due on your bill. The \$526.85 was later identified in the complaint process as the amount held in dispute or the disputed amount. The disputed amount is the amount that is protected from collection action for as long as this complaint is open. According to the Florida Administrative Code, any billed amount more than the disputed amount must be paid in a timely manner to avoid disconnection of service.

Upon review of your case file, I concur with the findings of Ms. Shirley Stokes' investigation and her conclusions as expounded in her letter to you dated October 8, 2009. I believe the following summation addresses each of the additional concerns identified in the complaint process.

When we spoke on October 21, 2009, you indicated that you felt FPL should reimburse you for damages to your appliances because of an electrical outage. You also expressed concern about a regular billing statement you received for over \$700 and felt that this was too much for one monthly bill. As well, you expressed a desire to receive information from FPL about any available rebate program which would assist you in obtaining Solar Panels. Even though your damage claim had

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Internet E-mail: contact@psc.state.fl.us

Ms Rosario Rojo
 PSC Inquiry # 0858880E
 November 24, 2009
 Page 2

already been denied by FPL, I agreed to forward a request for reconsideration for damages on your behalf. I also forwarded your request for information on how to qualify for a Solar Panels rebate program if one was offered by FPL.

In response to the PSC's supplemental request, FPL reported that on October 26, 2009, Mr. Weaver, Technology Support Engineer informed you that FPL does not sponsor a Solar Rebate program. Mr. Weaver did provide you with contact information for the Florida Energy & Climate Commission, and instructions on how to obtain the Solar Panel information you need by visiting this agency's website at www.MyFloridaClimate.com. Also, you were given FPL's website location, www.fpl.com/netmetering to obtain information about net metering to learn how to properly register with FPL if or when you get Solar Panels installed.

Ms. Patane with FPL spoke with you on October 26, 2009, and affirmed that FPL does not have a Solar Rebate program or a contractor to install solar panels free of charge. During the discussion, Ms. Patane also discussed your high bill concern and referred to the previous high bill investigation, which included the meter test performed by FPL on October 2, 2009, and referenced in Ms. Shirley Stokes' letter to you dated October 8, 2009. The high bill investigation and meter test indicated that FPL is in compliance with the PSC's rules and FPL's approved tariff. During the high bill investigation FPL also discovered a very low Seasonal Energy Efficiency Rating, (SEER) of eight on your air conditioner, indicating that the cost of operation is considerably high by today's standard.

On October 27, 2009, Ms. McMorris, Claims Supervisor with FPL, informed you that FPL denied your claim for damages and forwarded its October 27, 2009, denial letter to you along with sections from its tariff indicating the basis for the denial.

Documentation provided by FPL indicates that on June 5, 2009, you notified Ms. Bravo that you recently filed for bankruptcy. FPL's bankruptcy department confirmed that your bankruptcy case number 09-20237 was effective on May 27, 2009. Your electric account was closed effective May 27, 2009, and FPL filed its claim with the court and established a new post bankruptcy account in the name of Rosario E. Rojo effective May 27, 2009. On November 23, 2009, FPL reported that your bankruptcy filing was dismissed by the United States Bankruptcy Court and the remaining debt from the pre-bankruptcy account was transferred to your present account.

I have completed a thorough review of the activities, bills and payments on your accounts, for both pre and post bankruptcy filing activities. The following two lists show the pre and post bankruptcy account activities:

Pre-Bankruptcy activity - Account # 7881-77189

- 5/22/09 Final notice, \$\$57.89, payment due by 6/2/09
- 5/26/09 Late payment charge, \$12.87
- 6/01/09 Deposit interest -\$280.00
- 6/02/09 Now charges \$574.71
- 6/04/09 Service disconnected for non-payment of \$503.61;
- 6/04/09 PSC complaint #858880E filed by Rosario Rojo

Ms. Rosario Rojo
 PSC Inquiry # 0858880E
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- 6/05/09 Rosario Rojo informed FPL of bankruptcy
- 6/05/09 Transfer 6/1/09, payment to new account after 5/27/09, bankruptcy filing
- 6/05/09 Payment -\$500.00
- 6/08/09 Deposit plus interest, -\$846.00 applied to account balance
- 6/09/09 Previous 6/5/09 \$500.00 payment transferred to post bankruptcy account
- 6/09/09 Balance due \$435.79

FPL's actions indicate that when a customer files for bankruptcy its procedure is to close the old account associated with the bankruptcy time frame, and open a new account in the customer's name as was done in this case.

The following list shows the post-bankruptcy activities:

Post-Bankruptcy activity -- Account# 27146-27532

- 6/05/06 Transferred -\$280.00 payment from pre-bankruptcy account
- 6/08/09 Service charge \$14.88, new account
- 6/08/09 5/27/09-6/2/09 regular bill, \$93.26
- 6/09/09 Transfer -\$500.00 payment from pre-bankruptcy account
- 6/09/09 Cancellation of Service charge -\$14.88
- 6/09/09 Deposit billed, \$830.00
- 7/01/09 6/2/09-7/1/09 regular bill, \$333.18
- 7/23/09 Late payment charge \$10.15
- 7/23/09 Payment, -\$143.26
- 7/31/09 7/1/09-7/31/09 regular bill, \$630.00
- 8/04/09 Payment, -\$300.00
- 8/24/09 Late payment charge \$13.10
- 8/31/09 7/3/09-8/31/09 regular bill \$728.67
- 9/01/09 Reconnect charge \$17.66
- 9/01/09 Cancel reconnect charge \$17.66
- 9/14/09 Payment -\$300.00
- 9/24/09 Late payment charge \$11.13
- 9/30/09 8/31/09-9/30/09 regular bill, \$640.04
- 10/22/09 Late payment charge, \$29.49
- 10/29/09 9/30/09-10/29/09, regular bill, \$574.16
- 11/16/09 Electric service at 2510 SW 17th Avenue, Miami, FL 33133, disconnected
- 11/17/09 Bankruptcy dismissed by court balance of \$435.79 transferred to working account
- 11/18/09 Payment in the amount of \$950.00 received
- 11/18/09 Service reconnected
- 11/19/09 Reconnect fee of \$17.66 billed
- 11/20/09 Late payment charge billed in the amount of \$17.76

The attached chart shows the electric charges plus payments and other credits on the post-bankruptcy account #27146-27532 since its June 5, 2009, inception through November 23, 2009.

Ms. Rosario Rojo
PSC Inquiry # 0858880E
November 24, 2009
Page 4

On October 28, 2009, Ms. Patane informed you that the total amount due at that time was \$1,966.33. Payment arrangements of half the balance, or \$983.33, was offered; the remaining past due balance was to be paid in three (3) monthly installments along with your regular monthly electric bill payments. During the discussion with Ms. Patane, FPL reports that you offered to pay \$500.00 by November 2, 2009. You further advised Ms. Patane that you planned to contact the local Florida Low-Income Home Energy Assistance Program (LIHEAP) office for financial assistance. On October 29, 2009, a regular billing statement was issued in the amount of \$2,569.98. The total bill included new charges of \$574.16 for the electrical service period September 30, 2009, to October 29, 2009, a late payment charge of \$29.49, and a previous balance of \$1,966.33. The new charges became past due after November 19, 2009; however, the previous charges were already past due. As you know, usage continues to register for your post-bankruptcy established account. On November 16, 2009, the service was disconnected and on November 17, 2009, FPL received word that your May 27, 2009, bankruptcy filing was rejected by the United States Bankruptcy Court. Based on FPL's records, the final bill in the amount of \$435.79 deferred by the bankruptcy filing was transferred to your present account number 27146-27532 and is also considered valid and due.

Please be aware that bankruptcy and other judicial matters are not within the regulatory scope of the PSC's jurisdiction. Since this matter involves bankruptcy proceedings, the PSC will be unable to further assist you or address the issues regarding bankruptcy. The proper avenue for further recourse in the bankruptcy matter is through the United States Bankruptcy Court.

Documentation provided by FPL indicates that the total amount you owe as of November 23, 2009, is \$2,090.69. Please review the attached chart to determine if you have made payments not reflected in the available records, and if so, please provide proof of payment for consideration. Also, please note that when your next billing statement for service is generated the amount due will increase in proportion to the now billed amount.

My review of your account billing records and documentation presented by FPL indicates that your account was properly billed by the company. Furthermore, it appears that FPL has not violated any PSC rules and regulations or its approved tariff in billing your account. If you desire to arrange for payment of the bill you may contact FPL's Millie Patane at 1-800-397-6544 extension 13, or Heidi Ellenbatger at 305-552-4602. This payment information is provided as a courtesy, however, please be advised that the PSC does not have the authority to compel FPL or any other utility company to make payment arrangements for services provided. Such arrangements are at the discretion of FPL.

In summary, your complaint has been reviewed to ensure that FPL has complied with applicable statutes, rules, tariffs and orders of the PSC. Within the scope of legislated PSC authority and jurisdiction, PSC staff members have worked to the fullest extent possible to resolve your dispute.

While it is my hope that every complaint filed with the PSC can be satisfactorily resolved to the complete expectation of the consumer, this is not always achievable. Please understand that the PSC's inefficacy to provide you a more favorable conclusion to this matter is the result of statutory limitations, not a lack of concern for your situation.

Ms. Rosario Rojo
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If you have any questions or concerns, please contact me by December 9, 2009, 15 days from the date of this letter. I can be reached via toll-free number 1-800-342-3552, my direct number 1-850-413-6119, fax number 1-800-511-0809 or via e-mail at lrasberry@psc.state.fl.us.

Sincerely,



Leroy A. Raspberry
Regulatory Consultant
BCA Process Review Group

C: Florida Power & Light Company

Rosario Rojo
Account #27146-27532
Post-Bankruptcy Account activities

	Description	Date	Debit	Credit	Balance
1	Transfer Payment #78810-77189	6/5/09		<\$280.00>	<\$2,80.00>
2	Service Charge	6/8/09	\$14.88		<265.12>
3	Electric Bill 5/27/09-6/2/09	6/8/09	93.26		<171.86>
4	Transfer from 78810-77189	6/9/09		<500.00>	<671.86>
5	Cancel Service Charge	6/9/09		<14.88>	<686.74>
6	Deposit bill	6/9/09	830.00		143.26
7	Electric Bill 6/2/09-7/1/09		533.18		676.44
8	Late Payment Charge		10.15		686.59
9	Payment			<143.26>	543.33
10	Electric Bill 7/1/09-7/31/09	7/31/09	630.06		1,173.39
11	Payment	8/4/09		<300.00>	873.39
12	Late Payment Charge	8/24/09	13.10		886.49
13	Electric Bill 9/31/09-8/31/09	8/31/09	728.67		1,615.16
14	Reconnect Service Charge	9/1/09	17.66		1,632.82
15	Reco. Svc. Charge cancelled	9/1/09		<17.66>	1,615.16
16	Payment	9/14/09		<300.00>	1,315.16
17	Late Payment Charge	9/24/09	11.13		1,326.29
18	Electric Bill 8/31/09-9/30/09	9/30/09	640.04		1,966.33
19	Late Payment Charge	10/22/09	29.49		1,995.82
20	Electric Bill 9/30/09-10/29/09	10/29/09	574.16		2,569.98
21	Electric Service disconnected	11/16/09			
22	Bankruptcy dismissed	11/17/09	435.79		3005.77
23	Payment	11/18/09		950.50	2055.27
24	Service Reconnected	11/18/09			2,055.27
25	Reconnect charge	11/19/09	17.66		2,072.93
26	Late Payment Charge	11/20/09	17.76		2,090.69
27	Total	11/23/09	4,596.99	2,506.30	2,090.69

EXHIBIT 'C'

COMMISSIONERS:
 NANCY AROUNZIANO, CHAIRMAN
 LISA POLAK BOGAR
 NATHAN A. SKOP
 ART GRAHAM
 RONALD A. BRISB

STATE OF FLORIDA



DIVISION OF SERVICE, SAFETY &
 CONSUMER ASSISTANCE
 DANIEL M. HOPPS, DIRECTOR
 (850) 413-6480

Public Service Commission

August 18, 2010

Certified and Regular Mail

Ms. Rosario Rojo
 2510 SW 17th Ave.
 Miami, FL 33133

RE: Florida Public Service Commission Complaint Number 858880E

Dear Ms. Rojo:

This letter is in further response to PSC complaint number 858880E initially filed with the Florida Public Service Commission (PSC) on June 4, 2009, against Florida Power & Light Company (FPL). It also serves as follow-up to Shirley Stokes letter to you dated October 8, 2009, covering the period of June 4, 2009, through October 8, 2009, and Leroy Rasberry's letter to you dated November 24, 2009, covering the period of June 4, 2009, through November 24, 2009, and in response to our numerous documented telephone conversations. For your information and review, I have enclosed a copy of Ms. Stokes' letter and Mr. Rasberry's letter.

Summary

In contemplation of your further queries and continued disagreement with actions taken by FPL, I have taken the opportunity to carefully review your case file and analyze the presented documentation in correlation with applicable PSC Rules as set forth in the Florida Administrative Code. I have also thoroughly discussed the details of Mr. Rasberry's investigation and findings with him. After thoroughly examining the details and facts presented by you and FPL in this matter, I believe that Mr. Rasberry's investigation of this matter has been capably conducted to assure that all of your documented concerns and issues have been addressed and that FPL has complied with all applicable statutes, rules, tariffs, and orders of the PSC.

To emphasize and clarify what was previously explained in Mr. Rasberry's letter to you, I would like to recapitulate the facts that have led to PSC staff's conclusions in this matter. Following is a summation of my analysis, which I believe addresses each of the concerns you have identified regarding this matter.

Alleged Improper Billing

Your complaint encompasses service and billing activity for four (4) different electric account numbers as summarized below and on the following pages. In an effort to provide convenient

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reference and to clarify actions taken by FPL to investigate and reach resolution of this matter, I have provided the following chronological summary of documentation and action taken for each account in this matter. When the information provided correlates to the enclosed Account Audit Summary, a line and column reference is provided.

ACCOUNT 1 -- INACTIVE Pre-Bankruptcy Account (lines 1 -- 59)

Account Number:	78810-77189
Customer of Record:	Rosario Rojo
Service Address:	2510 SW 17 th Ave. Miami, FL 33133
Dates of Service:	June 6, 2006 -- May 27, 2009 -- Closed due to bankruptcy case number 09-20237
Final Balance (June 9, 2009):	\$435.79 (line 59, column I)

- June 4, 2009 -- After being issued a final notice in accordance with PSC rules and the company's tariff, you failed to make payment for a past due account balance of \$503.61; therefore your electric service was disconnected on June 4, 2009, for non-payment.

FPL spoke with you and verified that a payment in the amount of \$280.00 was received on June 1, 2009 (line 51, column G). You were advised that a payment of \$503.61 must be received before your service would be restored.

- June 5, 2009 -- A payment in the amount of \$500.00 was received (line 53, column G) and your electric service was restored.

FPL's records reflect that you contacted the company and advised that you filed Chapter 13 Bankruptcy on May 27, 2009, which included the entire unpaid balance as of May 27, 2009. When a customer files bankruptcy, it is the FPL's policy to close the customer's current account as an uncollectable Pre-Bankruptcy account and open a new Post-Bankruptcy account if the customer wishes to continue service. Subsequently, Pre-Bankruptcy account number 78810-77189 was closed effective May 27, 2009. A new Post-Bankruptcy account (78810-27532) was established with an effective date of May 27, 2009.

Because the payment in the amount of \$280.00 was received on June 1, 2009, after the effective bankruptcy date of May 27, 2009, it was debited back to Pre-Bankruptcy account number 78810-77189 (line 54, column F) and transferred as a payment credit on your new Post-Bankruptcy account # 78810-27532 (line 60, column G).

- June 8, 2009 -- The \$846.00 deposit being held for account number 78810-77189 plus deposit interest of \$0.98 were applied to your account as credit adjustments (lines 56 & 57, column H).

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- June 9, 2010 - Because the payment in the amount of \$500.00 was received on June 5, 2010, after the effective bankruptcy date of May 27, 2009, it was debited back to Pre-Bankruptcy account number 78810-77189 (line 59, column F) and transferred as a payment credit on your new Post-Bankruptcy account # 78810-27532 (line 63, column G). Subsequently, the ending balance on Pre-Bankruptcy account number 78810-77189 was \$435.79 (line 59, column I), which was petitioned for discharge in your first bankruptcy case number 09-20237.

ACCOUNT 2 -- INACTIVE Post-Bankruptcy Account (lines 60 - 92)

Account Number:	78810-27532
Customer of Record:	Rosario Rojo
Service Address:	2610 SW 17 th Ave. Miami, FL 33133
Dates of Service:	June 5, 2009 - December 3, 2009
Final Balance (February 15, 2010):	\$2,756.17 (line 92, column I)

- June 5, 2009 -- As the result of a Chapter 13 Bankruptcy filed by you on May 27, 2009, account number 78810-77189 was closed and a new post-bankruptcy account (78810-27532) was established in your name with an effective date of May 27, 2009.
- August 31, 2009 -- A billing statement was issued in the amount of \$1,615.16 (line 72, column I), which included new charges of \$728.67 and a late payment charge of \$13.10, and a past due balance of \$873.39.
- September 1, 2009 - After being issued a final notice in accordance with PSC rules and the company's tariff, your service was once again disconnected for non-payment of \$873.39.

FPL's records indicated that as a courtesy and without payment, your service was restored. FPL reported that you agreed to make a payment of \$233.18 by Friday, September 4, 2009. A \$17.66 reconnection charge was applied to your account and as a courtesy, was later removed (lines 73 & 74, columns F & H). Your account balance on September 1, 2009 was \$1,315.16 (line 75, column I).
- September 14, 2009 -- A \$300.00 payment was received (line 75, column G), leaving an unpaid account balance of \$1,315.16 (line 75, column I).
- November 6, 2009 -- The discharged bankruptcy balance of \$435.79 from account number 78810-77189 (line 59, column I) was applied to account number 78810-27532. On the same date, a credit adjustment for \$435.79 was applied to account number 78810-27532 (line 81, column H), cancelling out the debit transfer. Those adjustments yielded an account balance of \$2,569.98 (line 81, column I).

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- November 16, 2009 -- Your service was once again disconnected on November 16, 2010, for non-payment of the past due balance on your account.
- November 17, 2009 -- FPL received information that your bankruptcy case number 09-20237 was dismissed. Subsequently, the previously discharged amount of \$435.79 was debited to account number 78810-27532 (line 82, column F), yielding an account balance of \$3,005.77 (line 82, column I).
- November 18, 2010 - On November 18, 2009, after a payment in the amount of \$950.50 (line 83, column G) was received, FPL restored your service. Your account balance as of November 18, 2010, was \$2,055.27 (line 83, column I).
- December 10, 2009 -- FPL's records reflect that your \$950.50 payment received on November 18, 2009 (line 83, column G) was returned by the issuing financial institution stamped "Altered/Fake Item." Consequently, a debit adjustment in the amount of \$950.50 (line 87, column F) plus a "returned item charge" in the amount of \$47.52 (line 88, column F), which yielding an account balance in the amount of \$3,562.91 (line 88, column I).
- December 14, 2009 -- Once again, your service was disconnected on December 14, 2009, for non-payment of the past due balance on your account. On December 9, 2009, your account balance was \$3,562.91 (line 88, column I).

During our telephone conversation on December 14, 2009, in order to get your service restored, you proposed that FPL allow you to pay \$500.00 on Friday, December 18, 2009. From that point, you proposed that you be allowed to only pay a flat fee of \$350.00 per month for both the past due balance and all new charges. As we discussed, I informed you that you were proposing an amount that was much less than your normal electric consumption. You expressed your belief that your monthly bills should be no more than \$350.00 and that all of the current unpaid balance should be removed from your account.

I presented your offer to FPL; the company declined your proposal. However, FPL indicated that it was willing to accept a payment of \$950.50 to cover the fraudulent money order. If payment in that amount was made, and suitable payment arrangements for the remaining balance plus monthly bill were agreed to, FPL would restore your service. As we later discussed during a second telephone conversation, nothing less than a payment of \$950.50 would be acceptable.

- December 17, 2009 -- During our telephone conversation on December 17, 2009, you stated that you attended a bankruptcy hearing on December 15, 2009, during which you filed a new bankruptcy case under Docket # 0936779-RAM in the amount of \$2,756.17, the entire balance of account number 78810-27532.

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ACCOUNT 3 -- INACTIVE Post-Bankruptcy Account-- (Lines 93 -- 105)

Account Number:	58970-57575
Customer of Record:	Rosario Rojo
Service Address:	2510 SW 17 th Ave. Miami, FL 33133
Dates of Service:	December 18, 2009 -- February 15, 2010
Final Balance (February 15, 2010):	\$0.00 (line 105, column D)

- December 18, 2009 -- A new post-bankruptcy account number 58970-57575 was established in your name. FPL reported that a new deposit will be billed to your account for the equivalent of two months estimated usage based on previous usage records.

FPL reported that your service was restored, which was verified during telephone conversation on December 18, 2009. FPL reported that a deposit assessment in the amount of \$1,160.00 (line 93, column F) will be due within 30 days from December 18, 2009.

- January 19, 2010 -- FPL reported that effective December 18, 2009, your Bankruptcy Docket # 0936779-RAM was dismissed. Consequently, the amount of \$2,756.17 was transferred to your new account (line 96, column F), bringing your unpaid account balance to \$4,091.31 (line 96, column D).
- February 4, 2010 -- FPL reported that since account number 78810-27532 was established on December 18, 2009, you had not made a single payment on your new account, neither for the deposit amount nor your initial bill of \$175.14. A final disconnection notice for payment of at least \$1,035.14 was issued with a final due date of February 2, 2010. Your disputed amount is \$582.65.
- February 9, 2010 -- FPL's records reflect that your electric service was disconnected for non-payment of your account balance beyond the established disputed amount of \$582.65. It was noted that you had not made a payment on your account since December 18, 2009, and that your bankruptcy docket number 0936779-RAM was dismissed; the amount of \$2,756.17 was transferred to your new account (line 101, column F).
- February 10, 2010 -- FPL reported that one of its attorneys attended your bankruptcy hearing scheduled for February 10, 2010. FPL reported that because you did not show up, your motion to vacate the dismissal of your bankruptcy was denied; as such the dismissal was still in place.
- February 15, 2010 -- FPL reported that it was notified that sometime after the initially scheduled time of your bankruptcy hearing on February 12, 2010, you did in fact make an appearance. The bankruptcy court ruled that its dismissal order dated January 5, 2010, was vacated. Subsequently, another post-bankruptcy account, account number 91441-06557 was established and a credit adjustment in the amount of \$2,756.17 (line 99,

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column H) was applied to your account removing the bankruptcy discharged amount from your new account. This yielded a new account balance in the amount of \$1,749.73.

FPL reported that you contacted the company to discuss your new bankruptcy status. At that time, you were advised that you would need to make a payment of at least \$752.49 in order to have your service restored under your new account number. You indicated that you would make the payment later in the day on February 15, 2010, or on February 16, 2010.

- February 24, 2010 - According to FPL's legal staff, your bankruptcy case was dismissed by the bankruptcy court on February 24, 2010, for failure to file a credit certificate. The case was dismissed "with prejudice" because you failed to provide court requested information, which means that you cannot file another bankruptcy petition for 180 days (6 months).
- March 2, 2010 - As a result of your bankruptcy case being dismissed on February 24, 2010, \$2,756.17 was transferred to your new post-bankruptcy account (line 101, column F), creating an unpaid account balance in the amount of \$4,532.15 (line 101, column I). You were advised that you would need to make a payment of at least \$4,091.31 in cash before your service would be restored.
- March 11, 2010 - FPL's legal staff verified that your bankruptcy dismissal was vacated. As such, it was necessary that the pre-bankruptcy debt be moved back to your closed pre-bankruptcy account because that amount was uncollectible. However, it was determined that you still needed to pay all post-bankruptcy past due debts for electric service accrued after December 3, 2009, including any past due post-bankruptcy deposit. Your service was terminated due to a post-bankruptcy default. FPL reported that you needed to come current on your post-bankruptcy default to have service restored. FPL clarified that vacating the dismissal does not act like a new bankruptcy where the company would need to restore power. The vacating order simply puts back in place the bankruptcy you filed back on December 3, 2009. FPL determined that you would need to pay \$1,624.73 in cash in order to have your service reconnected on your post bankruptcy account. This amount includes past due electric usage for the post-bankruptcy past due debts in the amount of \$589.73 plus an initial deposit of \$1,035.00.
- March 12, 2010 - FPL reported that one of its attorneys attended a US Bankruptcy Court Emergency Motion to Compel hearing and Emergency Motion to Restore Electrical Service hearing via telephone. Based on the outcome of that hearing, FPL was ordered by the judge to accept a reduced payment of \$521.00 as payment of the previously requested deposit and to restore electric service when payment in that amount was received.
- March 15, 2010 - The pre-bankruptcy amount of \$2,756.17 was credited to account number 88970-87575 and transferred back to your pre-bankruptcy account on March 15, 2010, (line 104, column H), which yielding an account balance of \$667.88 (line 104, column I).

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- March 15, 2010 - A credit adjustment was issued to account number 58970-57575 for your unpaid account balance in the amount of \$667.88 (line 105, column H). That amount was transferred to your new account number 91441-06557 initiated on March 15, 2010, (line 109, column F).

ACCOUNT 4 - CURRENT ACTIVE Post-Bankruptcy Account - (lines 106 - 122)

Account Number:	91441-06557
Customer of Record:	Rosario Rojo
Service Address:	2510 SW 17 th Ave. Miami, FL 33133
Dates of Service:	February 15, 2010 - Current
Current Balance (July 15, 2010):	\$1,233.05 (line 122, column I)

- March 15, 2010 - A new post-bankruptcy account number 91441-06557 was established in your name. FPL reported that the new court ordered deposit assessment in the amount of \$521.00 was applied to your account (line 106, column E). As reflected on line 107, column G, a payment of \$521.00 was posted to your account; as well, your account was charged a reconnection fee of \$14.88 (line 108, column B) was billed to your account, and your electric service was restored.

The unpaid account balance from account number 58970-57575 was transferred to your new account number 91441-06557 initiated on March 15, 2010, (line 109, column F), which reflected an account balance in the amount of \$682.76 (line 109, column D) as of March 15, 2010.

- June 1, 2010 - FPL reported that you filed a motion with the US Bankruptcy Court to remove all deposit assessments or other billing from post-bankruptcy account number 91441-06557.
- June 3, 2010 - FPL reported that it filed a response to your most recent bankruptcy court motion. The bankruptcy court was advised by FPL that it was in compliance with the bankruptcy court order. Furthermore, the court was advised that your unpaid account balance as of June 3, 2010, did not include any pre-petition electric usage or any additional deposit on the post-bankruptcy account.
- June 24, 2010 - FPL reported that a final notice was issued for your account on June 24, 2010 for the past due amount of \$1,050.32 (line 118, column I), with a pay-by-date of July 1, 2010.
- July 6, 2010 - FPL's records reflect that a payment of \$380.00 was received on July 6, 2010, (line 121, column G), reducing your account balance to \$1,333.05 (line 121, column I).

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- July 8, 2010 - FPL's records reflect that a payment of \$100.00 was received on July 8, 2010, (line 122, column G), reducing your account balance to \$1,233.05 (line 122, column I).

Alleged Improper Disconnection of Service

PSC Rule 25-6.105(5)(g), Florida Administrative Code (F.A.C.) - Refusal or Discontinuance of Service states that ". . . As applicable, each utility may refuse or discontinue service under the following conditions: (g) For non-payment of bills or non-compliance with the utility's rules and regulations, and only after there has been a diligent attempt to have the customer comply, including at least 5 working days' written notice to the customer." Subsequently, PEF was justified in disconnecting your service for non-payment. For your information, I have enclosed a copy of PSC Rule 25-6.105, F.A.C.

In your complaint, you alleged that on several occasions, FPL improperly disconnected your service without suitable cause. According to FPL's records, your electric service was disconnected for non-payment on five separate occasions as previously explained - June 4, 2009, September 1, 2009, November 16, 2009, December 14, 2009, and February 9, 2010. I have reviewed the documentation for each occurrence of disconnection and it appears that in each case, FPL documented that proper disconnection notice was sent to you and in accordance with PSC Rule 25-6.105, F.A.C., the company was justified in disconnecting your service for non-payment.

Alleged Improper Billing due to Bankruptcy

This matter was previously addressed in Mr. Rasberry's letter through the period of November 24, 2009, and was explained in the preceding chronological summary. To reiterate Mr. Rasberry's response and to provide further clarification regarding your debt with FPL as it relates to your multiple bankruptcy proceedings, I have provided the following summation regarding this matter. As explained in Mr. Rasberry's letter, it should be clarified that bankruptcy and similar judicial matters are not within the regulatory scope of the PSC's jurisdiction. The following bankruptcy information summary is presented only to provide a chronological perspective of the activity on your various electric accounts and to demonstrate that your current account balance does not include "pre-bankruptcy portion" electric consumption charges.

US Bankruptcy Case Number 09-20237

FPL's records reflect that you contacted the company on June 5, 2009, and advised that you filed Chapter 13 Bankruptcy on May 27, 2009, which included FPL's debt. FPL's Bankruptcy Department confirmed that US Bankruptcy Case Number 09-20237 was filed by you effective May 27, 2009. Subsequently, your "pre-bankruptcy" electric account number 78810-77189 was closed effective May 27, 2009, and a new "post-bankruptcy" account number 78810-27532 was established in your name with an effective date of May 27, 2009.

Your payment in the amount of \$300.00 that was received on June 5, 2010, was debited back to account number 78810-77189 (line 59, column F) and transferred as a payment credit on your new

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account # 27146-27532 (line 63, column G). Subsequently, the ending balance on account number 78810-77189 was \$435.79 (line 59, column I), which was to be discharged in bankruptcy.

On November 6, 2009, the discharged bankruptcy balance of \$435.79 from account number 78810-77189 (line 59, column I) was applied to account number 78810-27532. On the same date, a credit adjustment for \$435.79 was applied to account number 78810-27532 (line 81, column H), cancelling out the debit transfer. These adjustments yielded an account balance of \$2,569.98 (line 81, column I).

On November 17, 2009, FPL received information that bankruptcy case number 09-20237 was dismissed. Subsequently, the previously discharged amount of \$435.79 was debited to account number 78810-27532 (line 82, column F), yielding an account balance of \$3,005.77 (line 82, column I).

US Bankruptcy Docket Number 0936779-RAM

During our telephone conversation on December 17, 2009, you stated that you attended a bankruptcy hearing on December 15, 2009, during which you filed a new bankruptcy petition under Docket Number 0936779-RAM in the amount of \$2,756.17; the entire balance of account number 78810-27532 (line 90, column I), which was to be discharged in bankruptcy.

FPL confirmed Docket Number 0936779-RAM and on December 18, 2009, a new post-bankruptcy account number 58970-57575 was established in your name with a zero balance, plus a deposit assessment in the amount of \$1,160.00, yielding an account balance in the amount of \$1,160.00 (line 93, column I).

On January 19, 2010, FPL was notified that Bankruptcy Docket # 0936779-RAM was dismissed effective December 18, 2009. Consequently, the amount of \$2,756.17 was transferred to your new account number 58970-57575 (line 96, column F), bringing your unpaid account balance to \$4,091.31 (line 96, column I).

FPL reported that it was notified that during a Bankruptcy Court hearing on February 12, 2010, the court ruled that its dismissal order dated January 5, 2010, was vacated. Subsequently, account number 58970-57575 was credited for \$ 2,756.17 (line 99, column H), yielding an account balance in the amount of \$1,749.73 (line 99, column I).

According to FPL's legal staff, your bankruptcy Docket Number 0936779-RAM was once again dismissed by the bankruptcy court on February 24, 2010, for failure to file a credit certificate. The case was dismissed "with prejudice" because you failed to provide court requested information, which means that you cannot file another bankruptcy petition for 180 days (6 months). Consequently, on March 2, 2010, \$2,756.17 was transferred back to your new post-bankruptcy account number 58970-57575 (line 101, column F), creating an unpaid account balance in the amount of \$4,532.15 (line 101, column I).

On March 11, 2010, FPL's legal staff verified that your bankruptcy dismissal was once again vacated. Subsequently, the bankruptcy debt in the amount of \$2,756.17 was removed from account

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number 58970-57875 (line 104, column H) as uncollectible due to the bankruptcy status. This credit adjustment resulted in a remaining account balance in the amount of \$667.88 (line 104, column I) for account number 58970-57575. Subsequently, account number 58970-57875 was closed and the post-bankruptcy balance of \$667.88 was credited (line 105, column H) and transferred to newly established post-bankruptcy and current account number 91441-06557 (line 109, column F) on March 15, 2010.

FPL's records further indicate that on June 1, 2010, you filed a motion with the US Bankruptcy Court to remove all deposit assessments or other billing from post-bankruptcy account number 91441-06557. In response to your motion, the bankruptcy court was advised by FPL that it was in compliance with all bankruptcy court orders. Furthermore, the court was advised that your unpaid account balance as of June 3, 2010, did not include any pre-petition electric usage or any additional deposit on the post-bankruptcy account.

Alleged Excessive Electric Billing due to Faulty Equipment & Facilities

In an effort to provide convenient reference and to clarify actions taken by FPL to investigate and address your high bill concerns, I prepared the following chronology of activity documented on PEP's records and in your PSC case file.

- September 1, 2009 -- FPL reported that its representative Ms. Patane discussed your concerns regarding high electric bills and offered you a High Bill Investigation (HBI), which was accepted and scheduled for September 19, 2010.
- September 19, 2009 -- An FPL Energy Management Consultant (EMC) performed an HBI at your residence. A load test of the meter was performed using your air conditioner unit and tankless water heater; no meter problems were detected. Additionally, the EMC identified and discussed several energy conservation measures. An order was issued by the EMC to have your meter removed and tested.
- September 21, 2009 -- FPL's order to remove and test your meter was cancelled because the company was unable to access its meter due to a locked gate.
- September 28, 2009 -- FPL issued a second order to remove and test your meter.
- September 29, 2009 -- FPL staff attempted to once again remove and replace your meter. Again, there was no access due to a locked gate. The order was cancelled for a second time.
- October 1, 2009 -- FPL removed meter number 5C23344 for testing and replaced it with meter number 7C94151. Prior to its installation on October 1, 2009, meter number 7C94151 had been previously tested on July 1, 2009. The results of the meter test were: Full Load - 100.06 %, Light Load - 100.11 %, and Weighted Average - 100.07 %. These test results confirmed that your meter registered accurately in accordance with PSC Rule 26-6.052(2), Florida Administrative Code (F.A.C.), which requires that a meter when tested, should register no less than 98% or no more than 102%. For your information and review, I have enclosed a copy the FPL Meter Test Report for meter number 7C94151.

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- October 2, 2009 - In response to your high bill concerns, meter number 5C23344 was tested. The results of the meter test were: Full Load - 99.80 %, Light Load - 100.27 %, and Weighted Average - 99.90 %. These test results confirmed that your meter registered accurately in accordance with PSC Rule 26-6.052(2), Florida Administrative Code (F.A.C.), which requires that a meter when tested, should register no less than 98% or no more than 102%. A letter dated October 2, 2009 was mailed to you explaining the meter test results. As of July 13, 2010, FPL reported that meter number 5C23344 is no longer available for further testing. For your information and review, I have enclosed a copy the FPL Meter Test Report for meter number 5C23344.
- October 28, 2009 - As discussed during your telephone conversation with Mr. Rasberry on October 28, 2009, based on documented information you provided, you appear to have a damaged air conditioning unit, which may be the cause the high usage; therefore high electric costs. Higher consumption and electric costs will most likely continue until appropriate repairs to your air conditioner are made, which is your responsibility.
- November 18, 2009 - A new meter, meter number 7C67828 was installed at your residence and no other problems were identified. Although there was no prior test of this meter; meter number 7C67828 was tested on March 24, 2010. The results of the meter test were: Full Load - 99.99 %, Light Load - 100.00 %, and Weighted Average - 99.99 %. These test results confirmed that your meter registered accurately in accordance with PSC Rule 26-6.052(2), F.A.C., which requires that a meter when tested, should register no less than 98% or no more than 102%. For your information and review, I have enclosed a copy the FPL Meter Test Report for meter number 7C67828.
- December 18, 2009 - New meter number 7C22961 was installed at your residence. The meter had been tested on November 18, 2009, prior to installation. The results of the meter test were: Full Load - 99.87 %, Light Load - 99.96 %, and Weighted Average - 99.89 %. These test results confirmed that your meter registered accurately in accordance with PSC Rule 26-6.052(2), F.A.C., which requires that a meter when tested, should register no less than 98% or no more than 102%. Meter number 7C22961 is the current meter installed at your residence. For your information and review, I have enclosed a copy the FPL Meter Test Report for meter number 7C22961.
- July 7, 2010 - In response to the PSC's request to investigate your contention that faulty electric facilities were causing high bills, an FPL engineer conducted a visual investigation of its facilities serving your home. The engineer noted that your service is provided from an underground service from its pole to the meter can. The engineer did not identify any facility problems.
- July 10, 2010 - Regarding your contention that you have an existing underground cable problem and your expressed concern regarding excessive voltage, FPL's records reflect that there has been no report of an underground wire problem or high voltage problem from you for the period of January 1, 2009, through July 10, 2010.

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- July 13, 2010 – As of July 13, 2010, FPL's records indicate that you have not contacted the company regarding high voltage concerns since October 1, 2009. Likewise, there have been no trouble calls regarding your premise since January 1, 2009.

At the request of the PSC, FPL representative Ms. Vega contacted and spoke with you in response to your concern regarding alleged excessive voltage. You were advised that a trouble ticket was issued to test the service voltage coming into your home. During your discussion with Ms. Vega and in response to your inquiry, she explained how an electric meter functions and the fact that voltage fluctuations do not affect the kilowatt-hours (kWh) measured by your electric meter.

Based on your discussion with Ms. Vega, a trouble ticket was issued to have a Restoration Specialist (RS) check the voltage coming into your home. The RS obtained voltage readings and found the voltage to be within allowable limits -- 119v, 119v, and 238v. However, the RS identified a need to have the connections at the pole serving your home reworked. FPL reported that you were contacted by Ms. Vega regarding the need to rework the connection at the pole. In response to your inquiry, Ms. Vega advised you that the condition of the connections at the pole would have no effect on the amount of your electric bills. At your request, Ms. Vega agreed to mail you a letter to explain FPL's position.

Later the same day (July 13, 2010), an FPL crew responded to rework the connections at the pole where your underground service meets the overhead secondary line. It was determined that the secondary line also feeds traffic signals at the intersection of SW 17th Avenue and US-1, a very busy intersection. To avoid an outage of the traffic signal, the crew installed a new secondary service to serve your residence. The connections at the new secondary service were checked; voltage readings were taken and found to be within allowable limits -- 117v, 117v, and 234v. FPL sent you a letter dated August 12, 2010 regarding the outcome of its investigation concerning your voltage issue. For your information and review, a copy of FPL's letter dated August 12, 2010, is enclosed.

Both FPL and PSC technical and engineering staff considered your contention that you were incorrectly billed for higher than actual used kWh due to excessive voltage. PSC technical and engineering staff are in agreement that although excessive incoming voltage and the back-feed of electric power can create a safety hazard, neither would cause your electric meter to inaccurately record your kWh consumption.

Metering devices are fundamental to fair and accurate customer billing and are the foundation of the PSC's billing rules for regulated electric companies. As such, meter reliability standards and guidelines have been established in order to ensure billing accuracy. The authority of these standards and guidelines is based on the accuracy of the customer's electric meter.

It is not always possible for FPL or any other utility to explain the increase or decrease in any customer's electric consumption. PSC rules do not require FPL to show how energy was consumed. Only customers have the ability to control how their electric service is used and manage the amount of consumption. As outlined in PSC Rule 25-6.103, F.A.C., FPL is obligated to demonstrate that the energy consumed was recorded accurately. FPL is required to make an adjustment in the event of meter error. The PSC cannot require FPL to issue an adjustment to your account unless it can be

Ms. Rosario Rojo
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August 18, 2010
Page 13 of 15

demonstrated that the billing statements were based on an improperly functioning meter. In your case, as several meter tests have shown, the electric meters installed at your residence tested accurately; there is no evidence or documentation to conclude that FPL's meters installed at your residence were functioning improperly during the time of your increased kWh consumption. Since your meter was operating within established tolerances, there is no basis for an adjustment to your account.

Damage Claim

During your discussion with Ms. Patare on September 1, 2009, you expressed your belief that an unexpected electric outage that occurred sometime at the beginning of April 2009 or the beginning of 2009, caused damage to your air conditioner unit and other appliances. You requested that a damage claim be filed with FPL.

FPL reported that Ms. Gonzalez, FPL claims agent, discussed your damage claim with you; you were unable to provide any specific information regarding the date the alleged damage occurred. Ms. Gonzalez reported that there were no recorded outages during the period of time you provided thus your claim was denied.

Regarding your further contention that a lightning strike caused damage to your appliances, as discussed during your telephone conversation with Mr. Rasberry on October 28, 2009, lightning strikes are considered acts of God and are therefore not the fault of FPL. Subsequently, FPL is not liable for damage caused by lightning.

As you have been advised several times during the investigation of your complaint, the PSC has no jurisdiction over damage claims or similar legal matters. Subsequently, the PSC does not have the legal authority to award relief in the form of monetary damages and will be unable to further assist you with this matter. The proper avenue for further recourse on this issue is through your homeowner's insurance or a civil court of proper jurisdiction.

Improperly Established Disputed Amount

You maintain the position that when PSC complaint number 858880E was filed, your disputed billed amount was improperly established by PSC staff, which contributed to your service being disrupted. You further protested that since that PSC staff refused to allow you to later increase the disputed amount of your complaint.

As I explained to you several times during previous telephone conversations, when a customer files a PSC billing complaint, it is the policy of the PSC Bureau of Consumer Assistance (BCA) to establish a specific disputed amount within explicit guidelines. Additionally, within those guidelines, while the complaint is open and under investigation the determined disputed amount cannot be adjusted upward. Thus it is each customer's responsibility to not allow their unpaid account balance to exceed the disputed amount. When your complaint was initially filed on June 4, 2009, based on information provided by you regarding a past due amount of \$526.85, a disputed amount of \$526.85 was established. While your complaint remains open and under investigation, your disputed amount remains at \$526.85.

Ms. Rosario Rojo
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Current Account Status

In order to more clearly understand your account billing history, I have conducted an audit of FPL's billing statements and account summaries for your account. I have prepared the enclosed Account Activity Summary for your account, which reflects all transactions applied to your current account for the period of May 23, 2008, through August 9, 2010.

As reflected on the account activity summary, FPL's records reflect that as of August 9, 2010, your unpaid account balance is \$1,507.40 (line 125 and 126, column I), which includes previous usage charges of \$637.39 plus an overdue balance of \$1,250.01, less payments totaling \$380.00.

In accordance with PSC Rule 25-22.032(3), F.A.C., FPL may require you to pay that part of your outstanding balance that is not in dispute. Since your established disputed amount is \$526.85, your account is subject to immediate disconnection pending notice unless you make a payment of at least \$980.55, or secure acceptable payment arrangements with FPL.

Furthermore, in accordance with PSC Rule 25-22.032, F.A.C., once complaint number 858880B is closed, your account will no longer be protected from disconnection for the established disputed amount. At the time of closing, any remaining account balance will be subject to immediate payment or your electric service will be subject to interruption after proper notice. Therefore, you may wish to seek acceptable payment arrangements with FPL directly. Please be advised that the PSC does not have the authority to compel FPL or any other utility company to make payment arrangements for services provided. Such arrangements are at the discretion of FPL.

Conclusion

In conclusion, I concur with the findings of Mr. Rasberry's investigation and his conclusions as expounded in his letter to you dated November 24, 2009, a copy of which is enclosed. The PSC's investigation of this matter has been thoroughly conducted to assure that FPL has complied with all applicable statutes, rules, tariffs, and orders of the PSC. My investigation and resultant conclusion is that it does not appear that FPL has violated any jurisdictionally applicable provision of the Florida Statutes, the Florida Administrative Code, or its tariff in the handling of your account. An audit of your account verifies that there is simply no evidence or data to support your contention that you were improperly billed for services and related charges and fees. As well, all payments, credit adjustments, and other transactions have all been accounted for and appear to have been properly posted to your account.

The PSC is unable to grant you the redress you are seeking from FPL; therefore, at this point, all due consideration has been given to your complaint and the informal complaint process as specified in PSC Rule 25-22.032, F.A.C., Customer Complaints, has been concluded.

If you disagree with this resolution of the complaint, you may file a formal petition for relief against FPL with the PSC's Office of the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850. The formal petition must be filed pursuant to the provisions of Chapter 120, Florida Statutes, the Uniform Rules of Administrative Procedure found in Chapter 28-106, Florida Administrative Code, and the Commission's procedural rules, in particular, Rule 25-22.036,

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Florida Administrative Code. The company will have the opportunity to respond to your petition, which would be addressed by the Commission pursuant to the statutes and rules cited above.

If you have any questions or concerns, please do not hesitate to contact me. This complaint will be closed on September 3, 2010. I can be reached via toll-free number 1-800-342-3552, my direct line 1-850-413-6459, or via e-mail at - nealforzman@psc.state.fl.us.

Sincerely,

Neal E. Forsman

Neal Forsman
Regulatory Program Administrator
BCA Process Review Group
Florida Public Service Commission
Division of Service, Safety &
Consumer Assistance

cc: Florida Power & Light Company
Enclosures

EXHIBIT 'D'

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
LISA POLAK BOGAR
RONALD A. BRISH
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



DIVISION OF SERVICE, SAFETY &
CONSUMER ASSISTANCE
DANIEL M. HOPPE, DIRECTOR
(850) 413-6480

Public Service Commission

March 10, 2011

Certified and Regular Mail

Ms. Rosario Rojo
2510 SW 17th Ave.
Miami, FL 33133

RE: Florida Public Service Commission Complaint Number 858880E

Dear Ms. Rojo:

This letter is in further response to PSC complaint number 858880E initially filed with the Florida Public Service Commission (PSC) on June 4, 2009, against Florida Power & Light Company (FPL). It also serves as follow-up to Shirley Stokes' letter to you dated October 8, 2009, covering the period of June 4, 2009, through October 8, 2009, and Leroy Rasberry's letter to you dated November 24, 2009, covering the period of June 4, 2009, through November 24, 2009.

The letter also serves as an addendum to my letter to you dated August 18, 2010, covering the entire period of June 4, 2009, through August 18, 2010. This addendum letter covers the continuation of my investigation for the time period from August 19, 2010, through February 22, 2011. Furthermore, this addendum is in response to numerous documented telephone conversations between you and PSC staff during that same period of time, as well as your documented telephone conversations with The Governor's Office of Citizen Services. For your information and review, I have enclosed a copy of each of the referenced letters as well as a copy of your entire case file, which contains any and all other related reports and documentation. Following is a summation of my additional investigation and analysis, which I believe further addresses each of the concerns you have identified regarding this matter.

Alleged Improper Disconnection of Service

You called me on September 1, 2010, and reported that your electric service had been disconnected. You further stated that you did not know why your service was disconnected, since you had been making monthly payments on your account. Following our conversation, you faxed billing documentation for my review, which you believed would support your position that your service should not have been disconnected.

Ms. Rosario Rojo
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Upon inquiring with FPL about your disconnection, Mr. Nesbitt with FPL informed me that in fact, your service was disconnected the morning of September 1, 2010, due to nonpayment. As of that date, your account balance was \$1,507.40, as verified and reflected on line 126, column I in the enclosed audit account summary. Mr. Nesbitt reported that in order to have your service restored you must make a payment in the amount of \$980.55, which was the current account balance minus the established disputed amount of \$526.85 (\$1,507.40 (-) \$526.85 (=) \$980.55. Later that same day, I spoke with you and advised you that in order to have your service restored, you would need to make a payment in the amount of \$980.55. I stressed the fact that I could not force FPL to restore your service without making a payment of \$980.55.

During our September 1st conversation, you acknowledged that although you are making monthly payments, you had not been paying the billed amount in full because you believed that the amount was excessive. You indicated that you had been paying what you thought your electric bills should be. I advised you that in order to avoid disconnection of service in the future, it is important that you make full payment of your monthly electric bill and maintain your account balance at or below \$526.85, the established disputed amount.

You also called me on September 17, 2010. During that telephone conversation, you advised me that at some unknown time, a person or persons unknown restored the electric service at your home. You further reported that in spite of your payments totalling \$700.00, FPL came to your house that morning and once again disconnected your service without cause or notice. You alleged that the disconnection of service was a personal attack on you and an act of retaliation by FPL.

Following our September 17th telephone conversation, I called FPL and inquired about the disconnection of service on that date. FPL clarified that in fact, your service was disconnected on the morning of September 17, 2010. The reason it was disconnected is because FPL discovered that there was kWh usage being registered on your electric meter, which was previous disconnected on September 1, 2010. An FPL technician was sent to investigate and it was further determined that your service had been unlawfully reconnected by someone other than authorized FPL staff, therefore the service was once again disconnected due to the unauthorized service connection and until your account was brought current.

FPL reported that it received a payment of \$200.00 on September 17, 2010. As previously agreed upon, as a courtesy and in order to expedite installation of a Recording Volt Meter (RVM) at your residence, your service was restored on that date.

During our telephone conversation on January 4, 2011, you stated that you received another disconnect notice and were fearful of having your service disconnected again. You requested that the PSC instruct FPL to not disconnect your service until your complaint was totally resolved and closed. Once again, I advised you of your responsibility to make regular payments for new monthly charges billed to your account and to maintain your account balance at or below the disputed amount of

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\$526.85 in order to avoid disconnection. I advised you that as of December 16, 2010, your account balance was \$3,982.34, as reflected on line 155, column I of the enclosed audit account summary.

I have reviewed the documentation for each of the aforementioned occurrences of disconnection and it appears that in each case, FPL documented that proper disconnection notices were sent to you and in accordance with PSC Rule 25-6.105, F.A.C., the company was justified in its reasons for disconnecting your service. PSC Rule 25-6.105, F.A.C. was explained and quoted in my letter to you dated August 18, 2010, please reference page eight of my letter for further explanation and clarification regarding regulated utilities' rights to disconnect service. You may also further research F.A.C. regarding PSC regulations by visiting the PSC website at www.psc.state.fl.us.

Alleged Inaccurate Billing

During our referenced telephone conversation on September 1, 2010, you emphasized your continued insistence that your billing statements and FPL's ledger for your account are incorrect; reflecting erroneous account balances and unrecorded payments made by you.

You called me on September 17, 2010, and stated that since our last telephone conversation on September 1, 2010, you made two payments totaling \$700.00 (one for \$500.00 and one for \$200.00) that had not been credited to your account. I advised you that I would contact FPL to inquire about these payments; however, I reminded you that when we spoke on September 1, 2010, you were advised that you needed to make a payment of \$980.55 in order to have your service restored. You verified that you had not paid that amount.

In response to your inquiry, a short time later, I contacted FPL and spoke with Mr. Nesbitt with FPL. Mr. Nesbitt advised me that according to FPL's records, only one payment in the amount of \$500.00 was received and credited to your account on September 2, 2010, as reflected on line 129, column G of the enclosed audit account summary. He indicated that there was no record of receiving a payment for \$200.00 as of that date.

FPL's records reflected that as of September 17, 2010, your current bill was \$522.03 (line 128, column D), which was due on September 21, 2010. The past due amount at that time was \$1,507.40 (line 126, column I) - less the disputed amount of \$526.85, less the payment of \$500.00 on September 2, 2010, = \$480.55, which was to be paid in full before your service could be restored.

During a second telephone conversation on September 17, 2010, you indicated that you had a receipt for the missing payment of \$200.00, which was made at one of FPL's payment sites on September 14, 2010. The receipt number provided was 02572006820. You further indicated that it was your belief that the payment was misapplied to one of your closed post-bankruptcy accounts instead of your current open account.

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FPL further investigated your missing \$200.00 payment and determined that the receipt number provided was for a \$200.00 payment that was made by you on September 14, 2010, at Continental Drugs. FPL further reported that when the payment was made, instead of giving your current account number, you gave Continental Drugs the account number for your closed pre-bankruptcy account; consequently, the payment was posted to that account. FPL reported that it will transfer the \$200.00 payment to her current post-bankruptcy account. The transfer was completed on September 20, 2010, (line 132, column G) which left a total account balance of \$1,169.70 as reflected on line 132, column I.

FPL further reported that as a result of your telephone conversation with its executive office, you agreed to make a payment of \$200.00 on that date (September 17, 2010). The company further reported that as a courtesy and in order to expedite installation of an RVM that PSC engineering staff wanted at your residence, it was agreed that after your \$200.00 payment was received, your service would be restored.

FPL reported that in response to your direct discussion with its staff, Ms. Millie Patane, Corporate Resolution Specialist sent you a letter dated October 6, 2010. As you requested, Ms. Patane enclosed with her letter, a copy of FPL's billing history of your service address for the past five years. A copy of Ms. Patane's letter and attachments is included in your case file that is enclosed with this letter.

On October 8, 2010, I called and spoke with Ms. Ceil Bruner, FPL, to seek the current status of your account. Ms. Bruner verified that as of October 8, 2010, your account balance was \$1,506.39, as reflected on line 141, column I of the enclosed audit account summary. Ms. Bruner further indicated that as of October 8, 2010, you had already been sent a final notice in September 2010 for \$1,152.04. However, Ms. Bruner indicated that at that time, FPL was protecting your account from disconnection.

During our telephone conversation on October 11, 2010, you stated that you had received another bill for \$2,000.00. You indicated that you could not pay that amount. I advised you that as of Friday, October 8, 2010, FPL reported that your account balance was \$1,506.39. I advised you that FPL is currently protecting your account for that amount until its investigation and report of the RVM is finalized and sent to Mr. Antonio Velazquez, PSC Engineer Specialist Supervisor.

It should be made clear that during our telephone conversation, I once again advised you that you must pay your current monthly electric bills in a timely manner, which you failed to do in the past. You stated that you were unable to do so because your monthly bills are unjustly high. You indicated that Heidi Ellenburger, an FPL representative is assisting you with locating an agency that will perhaps provide financial assistance. However, you stated that you did not want that assistance because your bills are unjustly too high. Once again, I advised you of your responsibility to pay your electric bills for service used.

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Ms. Rosario Rojo
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During our telephone conversation on December 13, 2010, you reported that you received a letter from FPL advising you that another \$2,000.00 had been debited to your account. You indicated that you had a disagreeable telephone conversation with Ms. Ellenburger on December 7, 2010, regarding several issues, including the \$2,000.00 that was recently debited to your account. You expressed your belief that the previous unpaid balance of \$2,000.00 was discharged by the Bankruptcy Court and that the judge ordered FPL to accept a payment of \$521.00 to settle the account. You requested that your current account be credited for the debited \$2,000.00 amount. Your request was presented to FPL and was denied based on the enclosed order of the US Bankruptcy Court Judge.

Regarding your referenced telephone conversation with Ms. Ellenburger on December 7, 2010, for your clarification and my understanding, I asked FPL to provide a full summary of the documented content of your discussion with Ms. Ellenburger on that date. FPL reported the following:

- **Payment Arrangement** – Ms. Ellenburger documented that you advised her you were expecting to receive a check no later than December 13, 2010, and would be able to make a payment in the amount of \$972.77 by that date. Ms. Ellenburger granted your payment arrangement request.
- **Estimated Bills** - In response to your inquiry, Ms. Ellenburger explained that the automated meter installed at your home on September 20, 2010, was not yet activated for billing purposes and due to meter access problems the last three months' bills were estimated. Ms. Ellenburger explained that she would obtain the actual meter readings then re-bill your account and notify you of the amount.

The actual meter readings were obtained and Ms. Ellenburger called you and explained that the estimates were higher than the actual readings and that your account would be properly re-billed and adjusted.

On December 10, 2010, Ms. Millie Patane, Corporate Resolution Specialist, contacted you and informed you that the re-billing adjustment would provide a net credit of \$338.87. These adjustments to your account were entered on December 8, 2010, and are reflected on lines 150 – 155 of the enclosed Audit Account Summary. The adjustments reduced your account balance from \$4,321.21 (line 149, column I) to \$3,982.34 (line 155, column I), a net credit adjustment of \$338.87.

- **Bankruptcy Debit Transfer** - Ms. Ellenburger explained to you that a total of \$2,756.17 was transferred to your account due to your bankruptcy case being dismissed. She further explained

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that the \$2,756.17 represented your pre-bankruptcy unpaid account balance. Ms. Ellenberger advised you that should your bankruptcy case be re-opened, the amount would be removed from your current account and placed back on the pre-bankruptcy account.

The debit transfer is identified on line 148, columns B-F of the enclosed Audit Account Summary, which yielded an account balance of \$4,521.21 as reflected on line 148, column I.

Regarding your contention that The US Bankruptcy Court Judge ordered you to pay only \$521.00, to get your service restored and satisfy your debt with FPL; the company has provided the enclosed Bankruptcy Court Order stating that the \$521.00 payment was to be applied towards the electric deposit only in order to have your service restored. There is no mention of satisfying your debt with FPL. Please see the enclosed court orders - Page 4, exhibit A.

As a reminder regarding bankruptcy matters, as explained on page four in Mr. Rasberry's letter and on page eight of my letter dated August 18, 2010, as well as numerous times during our telephone discussions, bankruptcy and similar judicial matters are not within the regulatory scope of the PSC's jurisdiction. The bankruptcy information in this letter and in my August 18th letter was presented only to provide a chronological perspective of the activity on your various electric accounts and to demonstrate how your filed bankruptcies have impacted your current account balance.

Also, during our telephone conversation on December 13, 2010, you told me that FPL was requiring you to make an immediate payment of \$1,000.00 and an additional payment of \$1,000.00 each month until your account was current. You requested clarification regarding this matter. I contacted FPL regarding this matter and asked for clarification. FPL reported that there was no such payment arrangement discussed or approved by its staff.

On pages two, three, and four of his letter to you dated November 24, 2009, Mr. Rasberry explained that he conducted a thorough review of your FPL account activity, which indicated that you were billed correctly and that your account balance at the time was accurate. You may wish to review Mr. Rasberry's account activity charts on pages two and three of his report, as well as the account summary chart for account number 27146-27532, which was appended to his letter.

A large portion of my letter dated August 18, 2010, is dedicated to addressing a myriad of questions, concerns, and alleged billing discrepancies for each of your pre-bankruptcy and post-bankruptcy accounts with FPL. As well, on page 14 of my letter to you dated August 18, 2010, I referenced an audit of your account and FPL's billing records that I conducted for each of your pre-bankruptcy and post-bankruptcy accounts with FPL through August 18, 2010. On that page and throughout my letter, I made several audit line and column references that specifically explained and addressed all of the billing concerns you expressed up to that point. A copy of the audit account summary was appended to my letter. Furthermore, in my conclusion on page 14, I stated; "An audit of your account verifies that there is simply no evidence or data to support your contention that you

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March 10, 2011
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were improperly billed for services and related charges and fees. As well, all payments, credit adjustments, and other transactions have all been accounted for and appear to have been properly posted to your account."

To progress from the point that I completed my August 18 audit account summary, I have updated the audit through February 22, 2011. There are several line and column references throughout this letter regarding specific issues and concerns raised by you since August 18, 2010. For your understanding and review, an updated copy of the audit account summary is enclosed. Once again, my audit verified that there is no evidence or data to support your contention that you were improperly billed for services and related charges and fees. As well, all payments, credit adjustments, and other transactions reported by you and FPL have all been accounted for and appear to have been properly posted to your account.

Disagreement with Established Disputed Amount

During our telephone conversation on September 1, 2010, and again during our telephone conversation on October 11, 2010, you reemphasized your disagreement with the disputed amount that was established for your complaint.

On October 11, 2010, you asked to have the amount of your most recent billing statement added to the established disputed amount. As I explained on page 13 of my August 18 letter and as I have explained to you several times during previous telephone conversations, when a customer files a PSC billing complaint, it is the policy of the PSC Bureau of Consumer Assistance (BCA) to establish a specific disputed amount within explicit guidelines. Additionally, within those guidelines, while the complaint is open and under investigation the determined disputed amount cannot be adjusted upward. Thus it is each customer's responsibility to not allow their unpaid account balance to exceed the disputed amount. When your complaint was initially filed on June 4, 2009, based on information provided by you regarding a past due amount of \$526.85, a disputed amount of \$526.85 was established. While your complaint remains open and under investigation, your disputed amount remains at \$526.85.

Loss Claim -- Alleged Damages to Appliances & Equipment

Numerous times throughout the more than one and one-half years that your complaint has been under investigation, you have interjected the topic of property loss and damages you suffered as the alleged result of FPL's equipment, facilities, and its staff. Repeatedly, in spite of information provided in Mr. Rasberry's letter and my letter, as well as numerous spoken explanations, you have either refused to accept or failed to understand that the PSC has no jurisdiction over damage claims or similar legal matters. Subsequently, the PSC does not have the legal authority to award relief in the form of monetary damages and will be unable to further assist you with this matter. The proper

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avenue for further recourse on this issue is through a civil court of proper jurisdiction. Following is a chronological summary of documented activity concerning your alleged damages.

- **September 1, 2009** - FPL reported that during a discussion between you and Ms. Patane, with FPL, you reported that your air conditioning unit was damaged due to an outage that occurred sometime in April 2009 or May 2009. Ms. Patane referred this matter to FPL's Claims Department.

- **September 3, 2009** - Ms. Maria Gonzalez, FPL's Claims Agent, contacted you to further address your claim. Ms. Gonzalez reported that during your telephone conversation, you mentioned that your air conditioning repair technician advised you that a wire inside of your air conditioning unit had fallen onto a copper pipe and caused the damage. After investigating the claim, Mrs. Gonzalez respectfully denied your claim.

- **October 5, 2010** - During our telephone discussion on October 5, 2010, you expressed your concerns that FPL had done nothing to investigate or evaluate your appliances or inside wiring. You also reported that your personal electrician told you that the damage to your appliances and inside wiring was caused by FPL.

As we discussed, I advised you that a faulty appliance or faulty inside wiring may be attributed to your high kWh usage. In fact, FPL previously conducted a high bill investigation (HBI) investigation at your residence on September 19, 2009. The HBI investigation revealed and you were advised that your four ton air conditioning unit had a very low Seasonal Energy Efficiency Rating (SEER) of 8.3, which could easily contribute to high kWh consumption.

However, I further advised you that FPL is not responsible for evaluating inside wiring or customer owned equipment and appliances. I suggested that if you wished to have your inside wiring or appliances evaluated to support your allegation that FPL's equipment and facilities were responsible for appliance damage and high kWh usage, you would need to hire an independent electrician of your choice to make such an evaluation and provide a report. You indicated that your electrician would be performing an evaluation and providing a report shortly. I advised you that once your electrician has completed his evaluation, he should provide a comprehensive report and submit it directly to FPL for its consideration. To date, neither FPL nor the PSC has received a report from you or your consultant electrician.

- **October 21, 2009** - Mr. Rasberry documented that during a telephone conversation with you on this date, you again expressed your frustration that FPL denied your claim for damage caused to several appliances such as your air conditioner, refrigerator, hot water heater, and computer. You requested that your claim be reconsidered. This matter was addressed in Mr. Rasberry's letter dated November 24 on page one.

- **October 27, 2009 & October 28, 2009** - At your request, Mr. Rasberry asked FPL to reconsider your damage claim. FPL reported that Ms. McMorris with FPL called and spoke with you on October 27, 2009, and reiterated that no liability was identified on FPL's behalf and once again, the company respectfully denied your damage claim. FPL

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reported that a denial letter was sent to you as you requested. During your discussion with Mr. Rasberry on October 28, 2010, he documented that he again advised you that the PSC has no jurisdiction regarding damage claims and will be unable to further assist you with your claim.

- November 17, 2009 - Mr. Rasberry documented that he received a telephone call from you and Mr. Joe Ruiz with the Office of Representative Lopez Cantera. With the urging of Mr. Ruiz, you again made a request to file another damage claim with FPL. As a courtesy, Mr. Rasberry resubmitted the claim request on your behalf and FPL again respectfully denied the claim.
 - November 17, 2009 - After Mr. Rasberry's discussion with you and Mr. Ruiz, he called FPL and resubmitted your damage claim, which was immediately denied for the same reasons it was previously denied.

- December 14, 2009 - I received a telephone call from you. Once again, you attempted to persuade me that FPL is responsible for damage to your appliance as the result of voltage surges and excess voltage entering your home and that I and the PSC should force FPL to pay for the damage.

You also stated that because of damage caused by FPL, you wanted FPL to inspect your electrical wiring, equipment, and appliances to confirm its damages.

 - I advised you that as stated in Mr. Rasberry's letter, the PSC cannot assist you with the non-jurisdictional matter of damage claims. I further advised you that damage claims should be addressed in the civil courts. You claimed that you have contacted several lawyers and no one will take your case.
 - I further advised you that inside wiring, equipment, and appliances are the responsibility of the customer, not the company; therefore, the PSC could not ask FPL to inspect your equipment. I explained that if you wanted such an inspection, you would need to hire your own electrician.

- December 15, 2009 - I received a telephone call from you for the purpose of once again inquiring about and discussing your damage claim. You advised me that to date, no one from FPL has responded to your home to investigate and discuss your property damage claim and to verify through inspection that your equipment and appliances were damaged.
 - As I advised you the day before (December 14, 2009), I repeated that inside wiring, equipment, and appliances are your responsibility not the company's; therefore, the PSC could not ask FPL to inspect your equipment. I explained that if you wanted such an inspection, you would need to hire your own electrician.

- December 17, 2009 - Once again, you called me and repeated that to date, no one from FPL has responded to your home to investigate and discuss your property damage claim and to verify through inspection that your equipment and appliances were damaged.

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- Again, I advised you that inside wiring, equipment, and appliances are your responsibility not the company's; therefore, the PSC could not ask FPL to inspect your equipment. I explained that if you wanted such an inspection, you would need to hire your own electrician.
- **March 11, 2010** - You called me and reiterated your belief that bad underground cables and excessive voltage damaged or destroyed your appliances and equipment. You believe that those factors combined contributed to excessive kWh billing. I advised you that this matter was under investigation.
 - I repeated my previous advisement that inside wiring, equipment, and appliances are your responsibility not the company's; therefore, the PSC could not ask FPL to inspect your equipment. I explained that if you wanted such an inspection, you would need to hire your own electrician.
- **September 17, 2010** - I received a telephone call from you. You reported that when FPL's technician responded to your home that morning to disconnect your service, he broke into your fenced yard in order to gain access to your meter for purposes of service disconnection. In doing so, he allegedly caused damage to your fence and gate. You stated that you expected reimbursement for the damage.
 - **September 19, 2010** - I reported this incident to Mr. Nesbitt with FPL for further investigation.
- **September 30, 2010** - Ms. Ellen Plendl with the PSC documented that during your telephone conversation with her, you reported that due to alleged excessive incoming voltage, you previously had to replace an air conditioning system, refrigerator, computer, and water heater, as well as several other appliances. You reported that these losses have cost you about \$10,000.
 - Ms. Plendl documented that she explained to you that the PSC cannot make determinations about damage claims and that the proper venue for recourse, if sought, was your homeowner's/renter's insurance, or a court of proper jurisdiction.
- **October 5, 2010** - I received a call from you. During our telephone conversation, you again asked to have PPL reconsider your damage claim as you were seeking reimbursement from FPL. I again advised you that neither PSC staff nor FPL staff can evaluate your inside wiring, equipment, or appliances and that you will need to hire an independent electrician of your choice to make such an evaluation. You indicated that you had an electrician who was going to assess the damage caused by FPL. I advised you that once the electrician has completed his evaluation, he should provide a comprehensive report that should be submitted directly to FPL for its consideration. To date, neither FPL nor the PSC has received this electrical assessment.
- **October 11, 2010** - During our telephone discussion, you reported that when FPL came to your residence on October 6, 2010, and again on October 8, 2010, to repair the ground resistance, the

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company shut off and then later restored your power when you were not home to first shut off your main breaker. You stated that on those dates, your air conditioning unit was shut off.

You further reported that when you started your air conditioning unit on October 9 2010, the unit made a loud "whining" sound, would not shut off, iced up, and would not cool the air. You further reported that you had an air conditioning repairman come look at your air conditioning unit and that after his assessment, the repairman reported that FPL was responsible for the air conditioner unit being burned out and destroyed because of the two referenced shut downs. You indicated that you reported the incident to Heidi Ellenburger with FPL via voicemail.

You once again stated that you wanted your former damage claim with FPL (claim number 3602868) reopened and more closely investigated. You further requested that the replacement cost of the air conditioning unit be added to the former claim. I advised you that although the PSC has no jurisdiction regarding inside equipment or property damage, I would submit your request to FPL.

- o I advised you to have your air conditioning repairman prepare and submit a report and a statement that FPL was responsible for the destruction of the air conditioning unit. You indicated that the repairman was in the process of doing so and you would submit the report to me. As of the date of this letter, neither FPL nor the PSC has received the referenced report.
 - o October 15, 2010 - In response and follow-up to your request, FPL reported that Ms. Maria Ely, FPL's Claim Agent, contacted you to discuss your claim request. Ms. Ely reported that she explained to you that FPL has no liability for damage and respectfully denied your air conditioning claim and refused to reopen claim number 3602868. Ms. Ely further reported that you told her you did not request a claim for the air conditioning unit, only to have claim number 3602868 reopened. At your request, Ms. Ely mailed you a copy of the denial letter for the 2009 claim that same day.
- November 29, 2010 - During our telephone conversation on this date, you stated that you were told either by an FPL or PSC staff person that the recent destruction of your air conditioning unit was due to high voltage coming into her house.
- o I again advised you that the PSC cannot assist you with the non-jurisdictional matter of damage claims. I further advised you that damage claims should be addressed in the civil courts.
- December 16, 2010 - Ms. Jennifer Britt, with the Governor's Office of Citizen Services, reported that she had a telephone conversation with you on this date. Ms. Britt reported that you wanted the Governor to tell FPL that they have to pay for your damaged air conditioning system, which had to do with FPL's transformer blowing up.
- o Ms. Britt advised you that the Governor's Office of Citizen Services cannot do as you requested as this is not a determination that her office can make. Ms. Britt further documented that if you felt that equipment and appliances were damaged by FPL's

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equipment then you should seek legal counsel from an attorney to possibly file a civil lawsuit.

As a conclusive response to your concerns regarding alleged equipment damage and your desire to have this matter resolved by the PSC, I wish to emphatically reiterate that under no circumstances does the PSC have the legal authority to award relief in the form of monetary adjudication for alleged losses or damages. Subsequently, the PSC will be unable to further assist you with this matter. The proper avenue for further recourse on this issue is through your homeowner's insurance or a civil court of proper jurisdiction.

Alleged Exceptionally High Bills due to Excessive Voltage and Faulty Ground Wiring

Throughout the entire investigation of complaint number 858880E, you persistently maintained that your electric bills were disproportionately high due to excessive voltage that entered your home as the result of a bad ground wire. It has been your belief that the combination of excessive voltage and a bad ground wire contributed to excessive kWh billing and was also responsible for damage and destruction of equipment and several appliances in your home.

In my August 18 letter to you, I provided a chronology of investigation and corrective activity that is documented in FPL's records and in this complaint file for the period of September 1, 2009, through July 13, 2010, regarding your alleged voltage and ground wiring concerns. For your clarification and further understanding of this matter, please refer to pages 10 - 12 of my referenced letter.

To progress from the point in time that I completed in my August 18 letter, I have updated the chronology of investigation and corrective activity through February 18, 2011, as follows:

- August 4, 2010 - FPL reported that you contacted the company on July 12, 2010, and reported voltage problems, indicating that you were experiencing power dips and surges. An FPL repair crew arrived at your residence and determined that the riser pole connections needed repair. Subsequently, the repairs to the connections were completed on August 4, 2010. FPL reported that these types of no loss of service (NLS) incidents have no impact on the amount of kWh usage registered on your meter.
- September 1, 2010 - I spoke with you on this date. During our discussion, you expressed your ongoing belief that your electric bills were high due to a bad ground wire that was previously in place at your residence, but has since been replaced. Without any substantiation, you expressed your suspicion that FPL staff "sneaked" on your property and replaced the bad ground wire to conceal the fact that you were being charged excessive kWh usage due to the bad ground wire.

I reminded you that as documented in my August 18 letter, FPL previously performed a voltage test on your residence and also replaced your meter four times. All of the voltage readings

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and meter tests results were within established guidelines and allowed limits. Furthermore, I reviewed with you what I summarized on page 12 of my letter, which states: "*Both FPL and PSC technical and engineering staff considered your contention that you were incorrectly billed for higher than actual used kWh due to excessive voltage. PSC technical and engineering staff are in agreement that although excessive incoming voltage and the back-feed of electric power can create a safety hazard, neither would cause your electric meter to inaccurately record your kWh consumption.*" You refused to accept my explanation, stating that you have talked to several engineers and electricians, all of whom advised you that you were paying about double the electric costs you should be paying. I asked you to please provide a report or assessment from any of the engineers and electricians you have spoken with who support your contention that you are paying higher electric bills due to a bad ground or voltage problems. You indicated that you had an electrician who was going to provide an assessment report. I advised you that once the electrician has completed his evaluation, he should provide a comprehensive report and submit it directly to FPL for its consideration. To date, neither FPL nor the PSC has received this electrical assessment.

At the conclusion of our conversation, I advised you that I will confer with PSC electrical safety engineering staff to see if and how they may be able to assist you.

- **September 2, 2010** - On September 2, 2010, Mr. Antonio Velazquez, PSC Engineer Specialist Supervisor initiated efforts to investigate your allegations of voltage and grounding problems. Mr. Velazquez instructed FPL to install a recording volt meter (RVM) at your home for a full two weeks period.
 As for the grounding problem, Mr. Velazquez advised that FPL is responsible for the ground at the transformer pole that serves your home. The company is not responsible for the condition of the ground at your home. Mr. Velazquez requested that the pole ground be measured both by FPL and the PSC in your presence.
- **September 3, 2010 & September 13, 2010** - On September 3, 2010, and again on September 13, 2010, FPL notified Mr. Velazquez that it was unable to install the RVM at your residence or begin any further investigation because your service was still disconnected for non-payment and no payment was received.
- **September 17, 2010** - When we spoke on September 17, 2010, I advised you that PSC safety engineering staff are waiting to coordinate with FPL an installation of a RVM at your home for two full weeks, as requested by Mr. Velazquez, PSC Engineer Specialist Supervisor. FPL and PSC staff were unable to proceed or analyze your voltage concerns until you paid your unpaid balance and your power was restored.
- **September 20, 2010** - The PSC was notified that FPL restored your electric service on September 20, 2010, thereby clearing the way for scheduling installation of the RVM at your residence and planning to measure the ground resistance.

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- September 22, 2010 -- On this date, as requested by Mr. Velazquez, FPL placed an RVM at your residence to obtain voltage measurements. You were advised that the RVM would remain on site for two full weeks and that FPL would remove the RVM on October 6, 2010, at which time the company will provide Mr. Velazquez a report.
- September 23, 2010 & September 24, 2010 - On September 23, 2010, FPL staff and PSC engineering staff completed measurement of the ground resistance at the transformer and service poles serving your home. Although the National Electrical Safety Code (NESC) or the PSC does not specify a value for ground resistance, it was determined that the ground resistance readings taken were greater than FPL's established standard of 25 ohms or less. Subsequently, On September 24, 2010, Mr. Velazquez instructed FPL to initiate corrective action to bring the resistance level readings in compliance with FPL's standards.
- October 5, 2010 -- I received a telephone call from you on October 5, 2010. During our discussion, you inquired about a device that was installed on your residence more than a week before by FPL and PSC staff. You expressed concern because you heard the staff talking about some type of high reading. I advised you at that time that a measurement was taken of the ground resistance at the transformer and pole serving your residence. I explained that it was determined that the ground resistance ohms were greater than FPL's established standards. I advised you that our engineering staff has requested that FPL correct this situation and provide a report. I told you that once the report was included, the information would be added to my disposition letter.
Also during our telephone conversation on October 5, 2010, we discussed the fact that an RVM was installed at your residence to measure incoming voltage to your residence. I told you that the RVM was to remain in place for two weeks, at which time an evaluation of the voltage would determine if the incoming voltage to your home was too high or too low. I advised you that once Mr. Velazquez completes his analysis and provides the information, I will include it in my disposition letter.
- October 6, 2010 - As follow-up to your belief that elevated ground resistance has been responsible for registering excessive kWh usage, I spoke Mr. Velazquez, on October 6, 2010, to discuss your concerns. Mr. Velazquez reported that the elevated ground resistance measured by FPL at the transformer and pole serving your residence had nothing to do with your high electric bills.

Mr. Velazquez and I also discussed your contention that that excessive voltage is coming into your residence, which you asserted is causing excessive electric bills and has caused major damage to your inside wiring and appliances. Mr. Velazquez advised that excessive incoming voltage would not impact your meter readings; the power would still go through the meter and be recorded. However, he did indicate that excessive voltage can damage electric appliances in that higher voltage degrades the insulation on the wires, which can damage or destroy an appliance motor. He also explained that a malfunctioning motor will also draw more power, which could

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result in higher kWh consumption, thus an increase in electric bills. He further explained that electric motors draw more power when the incoming voltage is low, which will also increase electric bills. It is important to once again remind you that such issues as alleged damage to your inside wiring, equipment, and appliances are your responsibility to either validate or refute.

On October 6, 2010, FPL's Power Quality (PQ) technician removed the RVM from your residence. The PQ Technician reported that you were not present at that time; therefore he was unable to speak with you. Contrary to your contention, the PQ Technician reported that FPL did not replace the transformer or conduct any grounding repairs at that time.

- October 8, 2010 - FPL reported that on October 8, 2010, an FPL crew installed a ground rod at the transformer pole. At that time, the crew reported that five feet of copper pole bond had been stolen. The crew replaced the missing pole bond and installed another ground rod. FPL interrupted service at the transformer for a short period of time in order to rework all connections. Once the service was restored the crew checked the voltage at your meter and reported that the readings taken were within allowable PSC standards. A final report was tabulated by FPL and sent to Mr. Velazquez. The documentation is contained in your case file, a copy of which is enclosed.
- October 11, 2010 - FPL reported that a work crew installed a ground rod at the service pole serving your residence; a reading of 24.4 ohms was obtained. Another reading was taken at the transformer pole, which yielded a reading of 24 ohms. Both readings were within FPL's established standard of 25 ohms or less.
- October 14, 2010 - On October 14, 2010, FPL's Power Quality (PQ) staff completed their analysis of the data obtained from the RVM that was installed at your residence; no problems were identified. The RVM chart from the period of September 22, 2010, to October 6, 2010, shows that all voltage was found to be within the allowable standards set forth by the PSC. FPL sent the RVM's files to Mr. Velazquez, so he could perform his own, independent analysis of the data.
- October 19, 2010 - On October 19, 2010, Mr. Velazquez reported that FPL placed additional ground rods at the transformer and service poles serving your home. PSC Engineer Specialist Ernesto Rencurrell, re-measured the ground resistance at both poles and obtained very good numbers, confirming that the resistance now meets FPL's standard of 25 ohms or less. However, although there were no voltage violations, there appeared to be some RVM data missing. Subsequently, Mr. Velazquez asked FPL to re-install the RVM at your home for another 2 weeks.
Mr. Velazquez contacted and worked with the RVM's manufacturer, Power Monitors Inc. to verify and confirm that during each of the time periods the RVM was installed at your residence, the unit functioned properly and no data was missing. There were no anomalies with any of the equipment or test results.
- October 26, 2010 - Another RVM was installed at your residence.

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- November 2, 2010 - FPL's Power Quality (PQ) staff returned to your home to download the first week of recorded data.
- November 9, 2010 - FPL's Power Quality (PQ) staff returned to your home for a second time to download the second week of recorded data.
- November 11, 2010 - All RVM data were analyzed for the period of October 26, 2010, to November 9, 2010, and found to be within the allowable standards set forth in the PSC - F.A.C. No problems were identified.

- November 29, 2010 - During our telephone conversation on this date, you stated that you were told either by an FPL or PSC staff person that the recent destruction of your air conditioning unit was due to high voltage coming into your house. You also alleged that the same staff person told her that the ground problems you were experiencing were also responsible for her higher than normal electric usage. You claimed that because of the grounding problem, not enough voltage was powering your appliances; therefore, they were working harder and causing her appliances to strain and use excessive electricity. You stated that you wanted this information verified or refuted.

The RVM chart from the period of September 22, 2010, to October 6, 2010, shows that all voltage was found to be within the allowable standards set forth by the PSC. FPL sent the RVM's files to Mr. Velasquez, so he could perform his own, independent analysis of the data.

All RVM data were analyzed for the period of October 26, 2010, to November 9, 2010, and found to be within the allowable standards set forth in the PSC - F.A.C. No problems were identified.

I advised you that neither FPL nor the PSC could assess your equipment and appliances; assessment of your equipment and appliances was your responsibility. I further advised you to hire an independent electrical consultant of your choice and once the consultant has completed his evaluation, he should provide a comprehensive report that should be submitted directly to FPL for its consideration. In spite of being reminded of this several times and your affirmation that you were going to do so, neither FPL nor the PSC has received this electrical assessment.

- December 16, 2010 - I received a telephone call from you on this date. Regarding your bad ground wire causing higher electric bills speculation, you alleged that three days before the PSC's engineering staff arrived to investigate this matter, FPL intentionally changed the bad ground line to in order to cover up its actions. When questioned about more information, you were unable to provide any further detail. I asked you to gather more specific corroboration and forward it to me. You indicated that you were going to do so; to date I have received nothing further from you.

You further mentioned that your electrician told you that FPL was the cause of your equipment and appliance damage as well as your excessive usage. You further claimed that your electrician has proof that that he is coming to your house today. You stated that he will be

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preparing a detailed report and that you will be sending the report as soon as it is completed. To date, no report has been received from you.

Electric Consumption Comparison

In order to more clearly understand your (kWh) consumption history, using documents and billing statements provided by you and FPL, I reviewed FPL's electric consumption history for your residence for the 48 months period from February 2, 2007, through February 1, 2011, which encompassed 1,460 days. For evaluation purposes, I prepared the enclosed Daily Average Kilowatt-Hour Consumption Comparison Summary for that period of time.

Comparison Chart 1 reflects a side-by-side comparison of the 365 days period of February 2, 2007, through January 3, 2008, as compared to the corresponding 365 days period of February 4, 2008, through January 2, 2009, the corresponding 367 days period of February 3, 2009, through January 4, 2010, and the corresponding 359 days period of February 3, 2010, through February 1, 2011.

As you can see, during the 365 days period in 2007/2008, you consumed 37,690 kWh, an average daily usage of 103 kWh (line 13, column D). For the corresponding 365 day period in 2008/2009, you consumed 34,458 kWh, an average daily usage of 94 kWh (line 13, column H), a decrease in usage of 8.74 percent. During the corresponding 367 days period in 2009/2010, you consumed 44,928 kWh, an average daily usage of 122 kWh (line 28, column D), an increase in usage of 29.79 percent. For the final corresponding 359 days period in 2010/2011, you consumed 43,192 kWh, an average daily usage of 120 kWh (line 28, column H), a decrease in usage of 1.64 percent. For the entire comparison period, this comparison chart reflects rather consistent usage from one year to the next; in fact, current year kWh consumption actually decreased from the previous year by 1.64 percent in spite of the billing periods you have disputed. There were no unusual trends or extraordinary anomalies identified that would indicate skewed or disproportionate kWh consumption.

The highlighted, lines 6, 7, 8, and 9, as well as lines 19, 20, 21, 22, and 23 on Chart 1 reflect the hot summer seasonal peak electric consumption period. The usage for those highlighted periods has also been broken out in more detail in Chart 2.

Comparison Chart 2 reflects kWh usage during the identified corresponding summer seasonal peak periods. As you can see, for the 122 days summer peak period in 2007, you consumed 16,773 kWh, an average daily usage of 137 kWh (line 32, column D), as compared to consumption of 15,015 kWh, for the corresponding 120 days summer peak period in 2008, an average daily usage of 125 (line 32, column H). During the corresponding 120 days summer peak period in 2009, you consumed 19,056 kWh, an average daily usage of 159 kWh (line 37, column D), as compared to the most recent summer peak period for 2010, during which you consumed 19,012 kWh, an average daily usage of 158 kWh (line 37, column H). For the entire comparison period, this chart

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reflects rather consistent summer seasonal peak period usage from one year to the next; in fact, current year kWh consumption (line 37, column H) actually decreased from the previous year by 1.64 percent in spite of the billing periods you have disputed. There were no unusual trends or extraordinary anomalies identified that would indicate skewed or disproportionate kWh consumption.

Comparison Chart 3 reflects kWh usage during the identified corresponding cold winter seasonal peak periods. As you can see, for the 126 days winter peak period in 2007/2008, you consumed 8,108 kWh, an average daily usage of 64 kWh (line 42, column D), as compared to consumption of 10,689 kWh, for the corresponding 126 days winter peak period in 2008/2009, an average daily usage of 85 kWh (line 42, column H). During the corresponding 103 days winter peak period in 2009/2010, you consumed 9,976 kWh, an average daily usage of 97 kWh (line 48, column D), as compared to the most recent winter peak period for 2010/2011, during which you consumed 7,692 kWh, an average daily usage of 81 kWh (line 48, column H). For the entire comparison period, this chart reflects rather consistent winter seasonal peak period usage from one year to the next; in fact, current year kWh consumption (line 48, column H) actually decreased from the previous year by 16.49 percent in spite of the billing periods you have disputed. There were no unusual trends or extraordinary anomalies identified that would indicate skewed or disproportionate kWh consumption.

As previously referenced in my letter to you dated August 18, 2010, FPL removed a meter from your residence on October 1, 2009, and installed a replacement meter at your residence on December 18, 2009. Although FPL documented that the former and the replacement meters tested within PSC established performance guidelines, in order to alleviate the possibility of disproportionate kWh usage due to malfunctioning meters installed at your residence, I charted your kWh usage before and after the specified meter removal and replacement dates. This data is recorded in Chart 4 and Chart 5 of the enclosed Daily Average Kilowatt-Hour Consumption Comparison Summary.

Comparison Chart 4 reflects kWh usage PRIOR to removal of meter # 5C23344 on October 1, 2009. As you can see, for the 271 days period in 2007, you consumed 29,907 kWh, an average daily usage of 110 kWh (line 11, column D), as compared to consumption of 25,963 kWh, for the corresponding 271 days period in 2008, an average daily usage of 96 kWh (line 11, column H). During the corresponding 271 days period in 2009, you consumed 34,458 kWh, an average daily usage of 127 kWh (line 11, column L). For the entire comparison period prior to removal of meter # 5C23344, your average daily usage for the 813 days period was 111 kWh as reflected on line 15, column D. This chart reflects rather consistent usage from one year to the next. There were no unusual trends or extraordinary anomalies identified that would indicate meter malfunction or skewed or disproportionate kWh consumption.

Comparison Chart 5, columns A through H, reflects kWh usage BEFORE placement of new meter # 7C94151 on December 18, 2009. As you can see, for the 367 days period in 2008, you consumed 33,848 kWh, an average daily usage of 92 kWh (line 28, column D), as compared to

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consumption of 45,426 kWh, for the corresponding 365 days period in 2009, an average daily usage of 124 kWh (line 28, column H).

Comparison Chart 5, shaded columns I through L, reflects kWh usage AFTER placement of new meter # 7C94151 on December 18, 2009. For the 329 days period in 2010, you consumed 39,769 kWh, an average daily usage of 121 kWh (line 28, column L). Although the specified 2009 and 2010 periods reflect a slight increase from the 2008 average daily usage (line 28, column D), the change is not significant enough to suggest meter malfunction; furthermore, your average daily kWh usage for 2010 actually decreased by 2.42 percent from the 2009 period of time. This chart reflects, as compared to consumption of 45,426 kWh, for the corresponding 365 days period in 2009, an average daily usage of 124 kWh (line 28, column H). Once again, this chart comparison reflects rather consistent usage from one year to the next. There were no unusual trends or extraordinary anomalies identified that would indicate meter malfunction or skewed or disproportionate kWh consumption.

Alleged FPL Staff Rudeness

Several times during our telephone conversations, you complained about the rudeness and disrespectfulness exhibited by FPL staff, stating that you want the company's staff held accountable for their rudeness and disrespect. FPL has reported that it is the company's policy and expectation that all of its employees and representatives treat all customers professionally and with respect. As such, the company is regretful of your unpleasant experiences. These concerns are an FPL internal human resource matter of a nature not regulated by or within the jurisdiction of the PSC. Such personnel matters are handled by FPL's human resource management. Your staff concerns have been referred to FPL management.

Current Account Status

Accompanying my previous letter to you was a PSC Audit Account Summary that I prepared. The Audit Account Summary at that time reflected all transactions applied to all of your past and present accounts in your name at your residence. The summary encompassed the time period of May 23, 2008, through August 9, 2010. As reflected on line 126, column I, your account balance on August 9, 2010, was \$1,507.40.

In order to have a clear and current understand of your account billing, I updated the enclosed Audit Account Summary from the time period of August 9, 2010, through February 17, 2011, (lines 126 through 161).

As reflected on the account activity summary, FPL's records reflect that as of February 17, 2011, your unpaid account balance is \$4,563.59 (line 161, column D), which includes an overdue

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balance of \$4,617.64 (line 158, column I), plus new charges totaling \$195.95 (line 159, column F), less a payment of \$250.00 (line 160, column G).

In accordance with PSC Rule 25-22.032(3), F.A.C., FPL may require you to pay that part of your outstanding balance that is not in dispute. Since your established disputed amount is \$526.85, your account is subject to immediate disconnection pending notice unless you make a payment of at least \$4,036.74, or secure acceptable payment arrangements with FPL.

Furthermore, in accordance with PSC Rule 25-22.032, F.A.C., once complaint number 858880E is closed, your account will no longer be protected from disconnection for the established disputed amount. At the time of complaint closing, any remaining account balance will be subject to immediate payment or your electric service will be subject to interruption after proper notice. Therefore, you may wish to seek acceptable payment arrangements with FPL directly. Please be advised that the PSC does not have the authority to compel FPL or any other utility company to make payment arrangements for services provided. Such arrangements are at the discretion of FPL.

PSC Complaint Process and Investigation Conclusion

Throughout the PSC investigation of your complaint, you have been critical of the PSC complaint process and have expressed your dissatisfaction with how the PSC has investigated your complaint and its inability to take swift action against FPL and command the company to resolve this complaint to your satisfaction.

PSC Rule 25-22.032 F.A.C. - *Customer Complaints* establishes informal customer complaint procedures that are designed to address disputes, subject to the PSC's jurisdiction, that occur between regulated companies and individual customers; hopefully in an expeditious manner.

I can assure you that within the boundaries of PSC Rule 25-22.032 F.A.C., your case has been carefully and thoroughly investigated and reviewed and that I and other pertinent PSC staff fully understand each and every issue and concern you have expressed. When your complaint was assigned to the Process Review Group phase, every fact and bit of supported documentation was capaciously deliberated and scrutinized before final recommendations and resolutions were concluded. However, although you have been seeking immediate favorable solutions and actions, the PSC must follow the process as prescribed by the Florida Administrative Code.

Repeatedly, you have voiced your desire to have FPL and its staff held accountable for its "fraudulent and misleading" actions concerning your case. In accordance with PSC Rule 25-22.032 F.A.C., if during the course of an informal complaint investigation, it appears that a company may have committed a rule infraction, tariff breach, or violated a PSC Order that requires enforcement proceedings, such actions are determined by the appropriate technical division within the PSC. If

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

An Affirmative Action / Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

Ms. Rosario Rojo
PSC Complaint # 858880E
March 10, 2011
Page 21 of 22

during the informal complaint process, it is apparent that a violation or infraction is associated with a PSC rule that contains a disposition directive ordering credit adjustment or reimbursement, the PSC may instruct the utility to effect such required adjustment. Otherwise, the violation becomes an enforcement issue to be referred to and handled by the appropriate PSC technical division.

It should be clarified however, that if it is determined that enforcement proceedings or further action is necessary; such proceedings are intended to hold the company accountable for non-compliance and to reinforce conformity in the identified area. The proceedings are not a means to award recompense to customers for matters not specified in PSC rules. As I previously stated, the PSC does not have the authority to compel FPL or any other regulated utility to apply credit adjustments beyond the terms of its tariff or PSC rules. Such adjustments are at the sole discretion of FPL.

Furthermore, the PSC's investigation of this matter has been thoroughly conducted to assure that FPL has complied with all applicable statutes, rules, tariffs, and orders of the PSC. My investigation and resultant conclusion is that it does not appear that FPL has violated any jurisdictionally applicable provision of the Florida Statutes, the Florida Administrative Code, or its tariff in the handling of your account. As detailed throughout this letter, an audit of your account verifies that there is simply no evidence or data to support your contention that you were improperly billed for services and related charges and fees. As well, all payments, credit adjustments, and other transactions have all been accounted for and appear to have been properly posted to your account.

Several times throughout your complaint, you have insisted in having your case presented as a hearing before the Public Service Commissioners. Several times during our documented telephone conversations and in my letter to you dated August 18, 2010, I explained how you go about filing a PSC formal petition against FPL.

To repeat my conclusion stated in my letter dated August 18, 2010, *"The PSC is unable to grant you the redress you are seeking from FPL; therefore, at this point, all due consideration has been given to your complaint and the informal complaint process as specified in PSC Rule 25-22.032, F.A.C., Customer Complaints, has been concluded."*

If you disagree with this resolution of the complaint, you may file a formal petition for relief against FPL with the PSC's Office of the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850. The formal petition must be filed pursuant to the provisions of Chapter 120, Florida Statutes, the Uniform Rules of Administrative Procedure found in Chapter 28-106, Florida Administrative Code, and the Commission's procedural rules, in particular, Rule 25-22.036, Florida Administrative Code. The company will have the opportunity to respond to your petition, which would be addressed by the Commission pursuant to the statutes and rules cited above.

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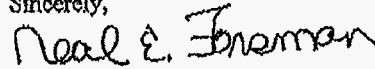
PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

Ms. Rosario Rojo
PSC Complaint # 858830E
March 10, 2011
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If you have any questions or concerns, please do not hesitate to contact me. This complaint will be closed on March 25, 2010. I can be reached via toll-free number 1-800-342-3552, my direct line 1-850-413-6459, or via e-mail at --nealforsman@psc.state.fl.us.

Sincerely,



Neal Forsman
Regulatory Program Administrator
BCA Process Review Group
Florida Public Service Commission
Division of Service, Safety &
Consumer Assistance

cc: Florida Power & Light Company
Enclosures

Rosario Rojas
 2510 SW 17th Ave.
 Miami, FL 33153
 PSC Complaint Number 858490E
 Daily Average Kilowatt-Hour Consumption Comparison Summary

Comparison Chart 4

Meter Change Usage Comparison - PRIOR to Meter # 5C23344 Removal on 10/1/09

2007				2008				2009				
A	B	C	D	E	F	G	H	I	J	K	L	
Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)	Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)	Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)	
1	2/22/2007	2218	30	77	2/4/2008	1834	32	57	2/3/2009	2494	32	78
2	3/5/2007	2470	31	80	3/4/2008	1557	29	54	3/4/2009	2523	29	87
3	4/3/2007	2931	29	80	4/2/2008	1717	28	58	4/2/2009	2640	28	91
4	5/2/2007	2520	29	87	5/1/2008	2216	28	76	5/1/2009	3412	28	115
5	6/1/2007	3494	30	116	6/2/2008	3520	32	113	6/2/2009	3521	25	135
6	7/2/2007	3678	31	119	7/1/2008	3521	28	107	6/22/2009	812	6	135
7	8/1/2007	4415	30	147	7/31/2008	4054	30	135	7/1/2009	4074	29	140
8	8/30/2007	4342	29	150	8/28/2008	3762	28	130	7/31/2009	4732	30	150
9	10/1/2007	4385	32	135	8/30/2008	4265	32	133	8/31/2009	5417	31	175
10									9/30/2009	4775	30	159
11	Totals	29907	271	110	Totals	25963	271	96	Totals	34458	271	127

12	Sub-Total	29907	271	110
13	Sub-Total	25963	271	96
14	Sub-Total	34458	271	127
15	Totals	90328	813	311

Comparison Chart 5

Usage 1/3/08 - 12/1/09 - BEFORE Placement of Meter # 7C94151 on 12/16/09

Monthly Usage Comparison - AFTER Placement of Meter # 7C94151 on 12/16/09

2008				2009				2010				
A	B	C	D	E	F	G	H	I	J	K	L	
Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)	Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)	Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)	
16	1/3/2008	2534	34	77	1/2/2009	3224	32	101	1/4/2010	2532	32	79
17	2/4/2008	1834	32	57	2/3/2009	2494	32	76	2/3/2010	3285	30	110
18	3/4/2008	1557	28	54	3/4/2009	1523	29	52	2/28/2010	438	6	82
19	4/2/2008	1717	28	58	4/2/2009	2640	28	91	4/2/2010	582	16	43
20	5/1/2008	2216	29	75	5/1/2009	3412	29	118	5/3/2010	3975	31	128
21	6/2/2008	3520	32	113	6/2/2009	4333	32	135	6/2/2010	4375	30	145
22	7/1/2008	3521	29	107	7/1/2009	4074	28	140	7/1/2010	5414	29	187
23	7/31/2008	4054	30	135	7/31/2009	4742	30	158	6/22/2010	5300	32	166
24	8/28/2008	3762	28	130	8/31/2009	5417	31	175	8/31/2010	4854	29	150
25	9/30/2008	4265	32	133	9/30/2009	4775	30	159	9/30/2010	3934	30	131
26	10/29/2008	2823	28	97	10/29/2009	4278	28	148	10/28/2010	5472	28	120
27	12/1/2008	2468	33	74	12/1/2009	3455	33	105	12/1/2010	1737	33	53
28	Totals	33848	367	92	Totals	45426	365	124	Totals	39769	328	121

29	Sub-Total	33848	367	92
30	Sub-Total	45426	365	124
31	Totals	79274	732	108

Line 26, column D vs Line 24, column L = 12.04% increase

Rosario Rojo
2510 SW 17th Ave.
Miami, FL 33153
PSC Complaint Number 858880E
Daily Average Kilowatt-Hours Consumption Comparison Summary

Comparison Chart 1								
Monthly Usage Comparison Billing Dates 2/2/07 through 2/1/11								
2007 - 2008					2008 - 2009			
	A	B	C	D	E	F	G	H
	Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)	Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)
1	2/2/2007	2319	30	77	2/4/2008	1834	32	57
2	3/5/2007	2470	31	80	3/4/2008	1561	29	54
3	4/3/2007	2331	29	80	4/2/2008	1717	29	59
4	5/2/2007	2520	29	87	5/1/2008	2216	29	76
5	6/1/2007	3494	30	116	6/2/2008	3620	32	113
6	7/2/2007	2675	31	86	7/1/2008	2571	31	83
7	8/2/2007	2117	30	71	8/31/2008	2101	31	68
8	9/3/2007	2174	29	75	9/29/2008	1762	29	61
9	10/1/2007	2333	30	78	10/30/2008	1768	30	59
10	10/30/2007	3070	29	106	10/29/2008	2823	29	97
11	11/30/2007	2099	31	68	12/1/2008	2448	33	74
12	1/3/2008	2614	34	77	1/2/2009	3224	32	101
13	Totals	37690	365	103	Totals	34458	365	94

Rosario Rojo
 2510 SW 17th Ave.
 Miami, FL 33153
 PSC Complaint Number 858880E
 Daily Average Kilowatt-Hours Consumption Comparison Summary

Comparison Chart 1								
Monthly Usage Comparison Billing Dates 2/2/07 through 2/1/11								
2009 - 2010					2010 - 2011			
	A	B	C	D	E	F	G	H
	Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)	Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)
14	2/3/2009	2494	32	78	2/3/2010	3285	30	110
15	3/4/2009	2523	29	87	2/9/2010	499	6	83
16	4/2/2009	2640	29	91	4/2/2010	882	18	49
17	5/1/2009	3412	29	118	5/3/2010	3975	31	128
18	5/27/2009	3521	26	135	6/2/2010	4375	30	146
19	6/2/2009	812	6	135				
20								
21								
22								
23					10/29/2010	3472	29	120
24	10/29/2009	4278	29	148	12/1/2010	1737	33	53
25	12/1/2009	3466	33	105	1/3/2011	4239	33	128
26	12/3/2009	194	2	97	2/1/2011	1716	29	59
27	1/4/2010	2532	32	79				
28	Totals	44928	367	122	Totals	43192	359	120

Line 13, column D vs column H - 2007/2008 vs 2008/2009 = 8.74 % decrease
 Line 13, column H vs Line 28, column D - 2008/2009 vs 2009/2010 = 29.79% increase
 Line 28, column D vs column H - 2009/2010 vs 2010/2011 = 1.64 % decrease

Rosafio Rojo
 2510 SW 17th Ave.
 Miami, FL 33153
 PSC Complaint Number 858880E
 Daily Average Kilo-watt-Hours Consumption Comparison Summary

Comparison Chart 2								
Summer Peak Months Usage July - September								
2007					2008			
	A	B	C	D	E	F	G	H
	Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)	Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)
28	7/2/2007	3679	31	119	7/1/2008	2921	29	101
29	8/1/2007	4415	30	147	7/31/2008	4064	30	135
30	8/30/2007	4344	29	150	8/29/2008	3762	29	130
31	10/1/2007	4335	32	135	9/30/2008	4268	32	133
32	Totals	16773	122	137	Totals	15015	120	125

2009					2010			
	A	B	C	D	E	F	G	H
	Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)	Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)
33	7/1/2009	4074	29	140	7/1/2010	5414	29	187
34	7/31/2009	4792	30	166	8/2/2010	5300	32	166
35	8/31/2009	5417	31	175	8/31/2010	4364	29	150
36	9/30/2009	4773	30	159	9/30/2010	3934	30	131
37	Totals	19056	120	159	Totals	19012	120	158

Line 32, column D vs column H - 2007 vs 2008 = 8.76 % decrease
 Line 32, column H vs Line 37, column D - 2008 vs 2009 = 27.2% increase
 Line 37, column D vs column H - 2009 vs 2010 = 1.64 % decrease

Rosario Rojo
2610 SW 17th Ave.
Miami, FL 33153
PSC Complaint Number 85888DE
Daily Average Kilowatt-Hours Consumption Comparison Summary

Comparison Chart 3								
Winter Months Usage December - February								
2007/2008					2008/2009			
	A	B	C	D	E	F	G	H
	Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)	Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)
38	11/30/2007	2099	31	68	12/1/2008	2448	33	74
39	1/3/2008	2614	34	77	1/2/2009	3224	32	101
40	2/4/2008	1834	32	57	2/3/2009	2494	32	78
41	3/4/2008	1561	29	54	3/4/2009	2523	29	87
42	Totals	8108	126	64	Totals	10689	126	85

2009/2010					2010/2011			
	A	B	C	D	E	F	G	H
	Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)	Meter Read Date	Electric Consumption (kWh)	Number of Days	Average Daily Usage (kWh)
43	12/1/2009	3466	33	105	12/1/2010	1737	33	53
44	12/3/2009	194	2	97	1/3/2011	4239	33	128
45	1/4/2010	2532	32	79	2/1/2011	1716	29	59
46	2/3/2010	3285	30	110				
47	2/9/2010	499	6	83				
48	Totals	9976	103	97	Totals	7692	95	81

Line 42, column D vs column H - 2007/2008 vs 2008/2009 = 32.81 % increase

Line 42, column H vs Line 48, column D - 2008/2009 vs 2009/2010 = 27.2% increase

Line 48, column D vs column H - 2009/2010 vs 2010/2011 = 16.49 % decrease

Rosario Rojo
 2510 SW 17th Ave.
 Miami, FL 33133
 PSC Complaint Number 858880E
 PSC Account Audit Summary

FPSC

03/18/2011 14:05 8504137112

ACCOUNT # 1 - PRE-BANKRUPTCY ACCOUNT NUMBER 78810-77189									
A	B	C	Debits			Credits		I	
			D	E	F	G	H		
Date	Transaction Type	BILLED KWH USAGE	Electric Service Charges	Other Charges	Total New Charges	Payment	Other Credit Adjustments	Account Balance	
1	May 23, 2006							\$382.61	
2	May 30, 2006						(\$50.76)	\$331.85	
3	June 2, 2006		3620	\$458.05	\$458.05			\$789.91	
4	June 2, 2006					(\$300.00)		\$489.91	
5	June 24, 2006			\$7.35	\$7.35			\$497.26	
6	June 25, 2006				\$0.00	(\$300.00)		\$197.26	
7	July 1, 2006		2821	\$365.36	\$365.36			\$563.62	
8	July 10, 2006					(\$300.00)		\$263.62	
9	July 23, 2006			\$3.95	\$3.95			\$267.57	
10	July 31, 2006		4054	\$516.29	\$516.29			\$783.86	
11	July 31, 2006				\$0.00	(\$189.00)		\$594.86	
12	August 22, 2006			\$8.06	\$8.06			\$602.92	
13	August 29, 2006		3762	\$509.10	\$509.10			\$1,122.02	
14	September 2, 2006				\$0.00	(\$400.00)		\$722.02	
15	September 16, 2006				\$0.00	(\$200.00)		\$522.02	
16	September 22, 2006			\$7.83	\$7.83			\$529.85	
17	September 30, 2006		4268	\$579.86	\$579.86			\$1,109.71	
18	October 7, 2006				\$0.00	(\$188.00)		\$921.71	
19	October 10, 2006				\$0.00	(\$300.00)		\$621.71	
20	October 22, 2006			\$9.75	\$9.75			\$631.46	
21	October 28, 2006		2825	\$375.74	\$375.74			\$1,038.20	
22	November 10, 2006				\$0.00	(\$400.00)		\$638.20	
23	November 20, 2006				\$9.54	\$9.54		\$647.74	
24	December 1, 2006					(\$220.00)		\$427.74	
25	December 1, 2006		2448	\$325.48	\$325.48			\$753.22	
26	December 23, 2006				\$11.27	\$11.27		\$764.49	
27	December 30, 2006				\$5.11	\$5.11		\$769.60	
28	December 30, 2006				\$0.00	(\$350.00)		\$419.60	

Rosario Rojo
 2510 SW 17th Ave.
 Miami, FL 33133
 PSC Complaint Number 858880E
 PSC Account Audit Summary

ACCOUNT # 1 - PRE-BANKRUPTCY ACCOUNT NUMBER 78810-77189									
		Debits				Credits			
A	B	C	D	E	F	G	H	I	
Date	Transaction Type	BILLED KWH USAGE	Electric Service Charges	Other Charges	Total New Charges	Payment	Other Credit Adjustments	Account Balance	
29	January 2, 2009	3224	\$433.68		\$433.68			\$851.26	
30	January 13, 2009				\$0.00	(\$400.00)		\$451.26	
31	January 26, 2009			\$6.77	\$6.77			\$458.03	
32	February 3, 2009	2494	\$327.73		\$327.73			\$785.76	
33	February 6, 2009				\$0.00	(\$350.00)		\$435.76	
34	February 25, 2009			\$5.54	\$5.54			\$442.30	
35	March 2, 2009				\$0.00	(\$401.76)		\$340.54	
36	March 4, 2009	2523	\$331.73		\$331.73			\$672.27	
37	March 4, 2009				\$0.00		(\$2.57)	\$669.70	
38	March 26, 2009				\$10.05			\$679.75	
39	April 2, 2009	2540	\$347.89		\$347.89			\$1,027.64	
40	April 6, 2009				\$5.11			\$1,032.75	
41	April 6, 2009				\$0.00	(\$350.00)		\$682.75	
42	April 14, 2009				\$350.00	\$350.00		\$1,032.75	
43	April 14, 2009				\$23.24			\$1,055.99	
44	April 20, 2009				\$5.11			\$1,061.10	
45	April 20, 2009				\$0.00	(\$510.00)		\$551.10	
46	April 24, 2009				\$7.76			\$568.86	
47	May 1, 2009	3412	\$443.03		\$443.03			\$1,011.89	
48	May 11, 2009				\$0.00	(\$150.00)		\$857.89	
49	May 25, 2009				\$12.87			\$870.76	
50	May 25, 2009				\$0.00		(\$51.04)	\$819.72	
51	June 1, 2009				\$0.00	(\$280.00)		\$539.72	
52	June 1, 2009				\$0.00			\$539.72	
53	June 2, 2009	4333	\$574.71		\$574.71			\$1,114.43	
54	June 5, 2009				\$0.00		(\$574.71)	\$539.72	
55	June 5, 2009				\$280.00	\$280.00		\$819.72	

Rosario Rojo
 2510 SW 17th Ave.
 Miami, FL 33133
 PSC Complaint Number 858880E
 PSC Account Audit Summary

ACCOUNT # 1 - PRE-BANKRUPTCY ACCOUNT NUMBER 78810-77189								
A	B	C	Debits			Credits		I
			D	E	F	G	H	
Date	Transaction Type	BILLED KWH USAGE	Electric Service Charges	Other Charges	Total New Charges	Payment	Other Credit Adjustments	Account Balance
56	June 5, 2009	Payment			\$0.00	(\$806.00)		\$319.72
57	June 5, 2009	Deposit Credit Adjustment			\$0.00		(\$846.00)	(\$526.28)
58	June 6, 2009	Deposit Interest Credit			\$0.00		(\$0.98)	(\$527.26)
59	June 8, 2009	Billing Statement - 5/1/09 - 5/27/09	3521	\$463.05	\$463.05			(\$64.21)
60	June 8, 2009	Transfer \$500.00 payment to new account # 27532-27532 DUE TO BANKRUPTCY			\$500.00	\$500.00		\$435.73

ACCOUNT # 2 - POST-BANKRUPTCY ACCOUNT NUMBER 78810-27532								
A	B	C	Debits			Credits		I
			D	E	F	G	H	
Date	Transaction Type	BILLED KWH USAGE	Electric Service Charges	Other Charges	Total New Charges	Payment	Other Credit Adjustments	Account Balance
61	June 5, 2009	Payment transfer from account 78810-77189				(\$280.00)		(\$280.00)
62	June 8, 2009	Service Charge			\$14.88	\$14.88		(\$265.12)
63	June 8, 2009	Billing Statement - 5/27/09 - 6/2/09	512	\$93.26	\$93.26			(\$171.86)
64	June 9, 2009	Payment transfer from account 78810-77189				(\$500.00)		(\$671.86)
65	June 9, 2009	Credit Adjustment - cancel service charge					(\$14.88)	(\$686.74)
66	June 9, 2009	Deposit Assessment			\$830.00	\$830.00		\$143.26
67	July 1, 2009	Billing Statement - 6/2/09 - 7/1/09	4074	\$533.18	\$533.18			\$676.44
68	July 23, 2009	Late Payment Charge			\$10.15	\$10.15		\$686.59
69	July 23, 2009	Payment				(\$143.26)		\$543.33
70	July 31, 2009	Billing Statement - 7/1/09 - 7/31/09	4782	\$530.06	\$530.06			\$1,073.39
71	August 4, 2009	Payment				(\$300.00)		\$773.39
72	August 24, 2009	Late Payment Charge			\$13.10	\$13.10		\$786.49
73	August 31, 2009	Billing Statement - 7/31/09 - 8/31/09	5417	\$728.67	\$728.67			\$1,515.16
74	September 1, 2009	Reconnect Charge			\$17.66	\$17.66		\$1,532.82
75	September 1, 2009	Credit Adjustment - Cancel Reconnect Charge					(\$17.66)	\$1,515.16

Rosario Rojo
 2510 SW 17th Ave.
 Miami, FL 33133
 PSC Complaint Number 858880E
 PSC Account Audit Summary

ACCOUNT # 3 - ACCOUNT NUMBER 58970-57575 - CLOSED 3/15/10								
A	B	Debits				Credits		I
		C	D	E	F	G	H	
Date	Transaction Type	BILLED KWH USAGE	Electric Service Charges	Other Charges	Total New Charges	Payment	Other Credit Adjustments	Account Balance
94	December 22, 2008	Deposit Assessment			\$1,160.00	\$1,160.00		\$1,160.00
95	January 4, 2010	Final Refund Adjustment					(\$125.00)	\$1,035.00
96	January 4, 2010	Billing Statement - 12/3/09 - 1/4/10	2532	\$308.14		\$308.14		\$1,335.14
97	January 18, 2010	Transfer Debt from account # 27146-27532			\$2,756.17	\$2,756.17		\$4,091.31
98	January 28, 2010	Late Payment Charge			\$20.03	\$20.03		\$4,111.34
99	February 3, 2010	Billing Statement - 1/4/10 - 2/3/10	3285	\$394.56		\$394.56		\$4,505.90
100	February 15, 2010	Transfer Debt to account # 27146-27532					(\$2,756.17)	\$1,749.73
101	February 25, 2010	Late Payment Charge			\$26.25	\$26.25		\$1,775.98
102	March 2, 2010	Transfer Pre-Bankruptcy Debt from account 27146-27532			\$2,756.17	\$2,756.17		\$4,532.15
103	March 3, 2010	Deposit Credit Adjustment					(\$1,160.00)	\$3,372.15
104	March 3, 2010	Billing Statement - 2/3/10 - 2/3/10	499	\$51.98		\$51.98		\$3,424.05
105	March 15, 2010	Bankruptcy Discharge - Credit adjustment for pre-bankruptcy balance - account 78810-27532					(\$2,756.17)	\$667.88
106	March 15, 2010	Credit adjustment - balance transferred to new account 91441-06557					(\$667.88)	\$0.00

Rosario Rojo
 2510 SW 17th Ave.
 Miami, FL 33133
 PSC Complaint Number 858890E
 PSC Account Audit Summary

ACCOUNT # 4 - ACCOUNT NUMBER 91441-06557									
A	B	C	Debits			Credits		I	
			D	E	F	G	H		
Date	Transaction Type	BILLED KWH USAGE	Electric Service Charges	Other Charges	Total New Charges	Payment	Other Credit Adjustments	Account Balance	
107	March 15, 2010				\$521.00	\$521.00		\$521.00	
108	March 15, 2010						(\$521.00)	\$0.00	
109	March 15, 2010			\$14.88	\$14.88			\$14.88	
110	March 15, 2010			\$667.88	\$667.88			\$682.76	
111	April 2, 2010	6688	\$91.89		\$91.89			\$774.65	
112	April 20, 2010				\$2,758.17	\$2,758.17		\$3,530.82	
113	April 25, 2010					\$0.00	(\$2,758.17)	\$774.65	
114	May 3, 2010	3975	\$470.82		\$470.82			\$1,245.47	
115	May 3, 2010					\$0.00	(\$400.00)	\$845.47	
116	May 25, 2010					\$0.00	(\$175.00)	\$670.47	
117	May 25, 2010			\$10.06	\$10.06			\$680.53	
118	June 1, 2010					\$0.00	(\$150.00)	\$530.53	
119	June 2, 2010	4379	\$519.79		\$519.79			\$1,050.32	
120	June 24, 2010			\$15.75	\$15.75			\$1,066.07	
121	July 1, 2010	5414	\$646.98		\$646.98			\$1,713.05	
122	July 8, 2010					\$0.00	(\$380.00)	\$1,333.05	
123	July 8, 2010					\$9.00	(\$100.00)	\$1,233.05	
124	July 23, 2010			\$16.96	\$16.96			\$1,250.01	
125	August 2, 2010	5303	\$637.39		\$637.39			\$1,887.40	
126	August 9, 2010					\$0.00	(\$380.00)	\$1,507.40	
127	August 24, 2010			\$22.61	\$22.61			\$1,530.01	
128	August 31, 2010	4364	\$522.03		\$522.03			\$2,052.04	
129	September 2, 2010					\$0.00	(\$500.00)	\$1,552.04	
130	September 17, 2010			\$17.66	\$17.66			\$1,569.70	
131	September 17, 2010					\$0.00	(\$200.00)	\$1,369.70	
132	September 20, 2010					\$0.00	(\$200.00)	\$1,169.70	
133	September 22, 2010			\$17.28	\$17.28			\$1,186.98	
134	September 30, 2010	4183	\$489.73		\$489.73			\$1,636.71	

Rosario Rojo
 2510 SW 17th Ave.
 Miami, FL 33133
 PSC Complaint Number 858880E
 PSC Account Audit Summary

	A	B	C	Debits			Credits		I
				D	E	F	G	H	
	Date	Transaction Type	BILLED KWH USAGE	Electric Service Charges	Other Charges	Total New Charges	Payment	Other Credit Adjustments	Account Balance
135	October 5, 2010	Credit Adjust. - Cancel Late Payment Charge				\$0.00		(\$10.08)	\$1,676.65
136	October 5, 2010	Credit Adjust. - Cancel Late Payment Charge				\$0.00		(\$15.75)	\$1,660.90
137	October 5, 2010	Credit Adjust. - Cancel Late Payment Charge				\$0.00		(\$16.95)	\$1,643.94
138	October 5, 2010	Credit Adjust. - Cancel Late Payment Charge				\$0.00		(\$22.61)	\$1,621.33
139	October 5, 2010	Credit Adjust. - Cancel Late Payment Charge				\$0.00		(\$17.96)	\$1,603.37
140	October 5, 2010	Credit Adjust. - Cancel Late Payment Charge				\$0.00		(\$17.28)	\$1,586.09
141	October 5, 2010	Payment				\$0.00	(\$80.00)		\$1,506.09
142	October 14, 2010	Payment				\$0.00	(\$160.00)		\$1,406.09
143	October 22, 2010	Late Payment Charge			\$21.10	\$21.10			\$1,427.19
144	October 29, 2010	Billing Statement - 9/30/10 - 10/29/10	3737	\$444.78		\$444.78			\$1,871.97
145	November 22, 2010	Misapplied Payment Transfer Credit				\$0.00	(\$500.00)		\$1,371.97
146	November 22, 2010	Late Payment Charge			\$19.08	\$19.08			\$1,391.05
147	December 1, 2010	Billing Statement - 10/29/10 - 12/1/10	3974	\$473.69		\$473.69			\$1,864.74
148	December 3, 2010	Transfer Debit from Account 27146-27532 - Pro Bankruptcy Account - Bankruptcy Dismissed			\$2,756.17	\$2,756.17			\$4,620.91
149	December 6, 2010	Payment				\$0.00	(\$200.00)		\$4,420.91
150	December 8, 2010	Cancel Estimated Billing for 9/30/10				\$0.00		(\$499.73)	\$3,921.18
151	December 8, 2010	Cancel Estimated Billing for 10/29/10				\$0.00		(\$444.78)	\$3,476.40
152	December 8, 2010	Cancel Estimated Billing for 12/1/10				\$0.00		(\$473.69)	\$3,002.71
153	December 8, 2010	Rebilled for Actual Usage for 9/30/10 - 9/30/10	3934	\$469.04		\$469.04			\$3,473.67
154	December 8, 2010	Rebilled for Actual Usage for 9/30/10 - 10/29/10	3472	\$412.12		\$412.12			\$3,885.79
155	December 8, 2010	Rebilled for Actual Usage for 10/29/10 - 12/1/10	1737	\$198.17		\$198.17			\$4,083.96
156	January 3, 2011	Billing Statement - 12/1/10 - 1/3/11	4239	\$507.32		\$507.32			\$4,591.28
157	January 3, 2011	Late Payment Charge			\$59.74	\$59.74			\$4,651.02
158	January 25, 2011	Late Payment Charge			\$68.24	\$68.24			\$4,719.26
159	February 1, 2011	Billing Statement - 1/3/11 - 2/1/11	1766	\$195.95		\$195.95			\$4,915.21
160	February 17, 2011	Payment				\$0.00	(\$250.00)		\$4,665.21
161		TOTALS				\$13,074.28	(\$4,236.00)	(\$4,274.69)	\$4,565.58

Bankruptcy Discharge Amount - account 78810-77168	\$435.78
Bankruptcy Discharge Amount - account 78810-77168	\$2,756.17
TOTAL	\$3,191.95



Florida Power & Light Company, P.O. Box 820100, Miami, FL 33102-0100

Regular Mail

October 6, 2010

Ms. Rosario Rojo
2810 SW 17th Ave
Miami, FL 33133

RE: Account #91441-06887

Dear Ms. Rojo:

I am writing in reference to your recent request regarding your FPL account.

Enclosed is a copy of the billing history of the address for the last five years.

We at Florida Power & Light Company value you as a customer and strive for ways to better serve you in the future. For information on programs and rebates available please visit our website at fpl.com/residential/energy_saving/programs/index.shtml

If you have any questions, please contact me at 1-800-397-6544, extension 13 during regular business hours.

Best regards,

Millie Patane
Corporate Resolution Specialist

NAME: ROSARIO E ROJO
 SERVICE ADDRESS: 2510 SW 17TH AVE
 MIAMI, FL 33133
 BELLACCOUNT: 78810-77189

Service Date	Days	MP	Elect. Amount	Total
05/27/09	28	3521	\$ 483.05	\$ 84.21
05/01/09	29	3412	\$ 449.03	\$1,007.89
04/02/09	29	2840	\$ 347.89	\$1,027.64
03/04/09	29	2523	\$ 331.73	\$ 669.70
02/03/09	32	2494	\$ 327.73	\$ 785.76
01/02/09	32	3224	\$ 433.68	\$ 851.26
12/01/08	33	2448	\$ 325.45	\$ 971.20
10/29/08	29	2823	\$ 376.74	\$1,096.20
09/30/08	32	4268	\$ 579.86	\$1,109.71
08/29/08	29	3752	\$ 509.10	\$1,122.02
07/31/08	30	4064	\$ 516.29	\$ 783.86
07/01/08	29	2921	\$ 366.36	\$ 563.62

Service Date	Days	MP	Elect. Amount	Total
*06/02/08	32	3620	\$458.06	\$ 789.91
05/01/08	29	2246	\$273.86	\$ 566.96
04/02/08	29	1717	\$268.86	\$ 673.86
02/04/08	29	2561	\$187.89	\$ 453.62
02/04/08	32	1834	\$223.71	\$ 766.86
01/03/08	34	2614	\$328.54	\$1,036.09
11/30/07	31	2059	\$260.48	\$ 697.09
10/30/07	29	3070	\$388.92	\$1,228.12
10/01/07	32	4335	\$558.11	\$2,226.80
08/30/07	29	4344	\$557.29	\$1,634.17
08/01/07	30	4415	\$566.67	\$1,514.45
07/02/07	31	3679	\$469.39	\$1,207.06

Service Date	Days	MP	Elect. Amount	Total
06/01/07	30	3494	\$ 444.95	\$1,622.42
05/02/07	29	2520	\$ 316.46	\$ 816.24
04/03/07	29	2331	\$ 290.65	\$ 608.74
03/05/07	31	2470	\$ 308.97	\$ 607.88
02/02/07	30	2319	\$ 289.08	\$ 654.88
01/03/07	34	2746	\$ 360.39	\$ 360.39
11/30/06	31	3067	\$ 404.46	\$ 803.19
10/30/06	31	2932	\$ 385.94	\$ 853.06
09/29/06	30	3423	\$ 453.36	\$ 917.40
08/30/06	29	3451	\$ 457.18	\$1,188.24
08/01/06	32	3115	\$ 411.06	\$ 774.02
06/30/06	24	2632	\$ 348.07	\$ 362.95

* Estimated

NAME: ROSARIO E ROJO
 SERVICE ADDRESS: 2510 SW 17TH AVE
 MIAMI, FL 33133
 BILL ACCOUNT: 27146-27532

Service Date	Days	Units	Rate	Amount	Balance
12/03/09	2	194	\$ 23.26	\$2,756.17	
12/01/09	33	3486	\$ 474.20	\$2,554.89	
10/29/09	29	4278	\$ 574.16	\$2,569.98	
09/30/09	30	4773	\$ 640.04	\$1,966.33	
08/31/09	31	5417	\$ 728.67	\$1,615.16	
07/31/09	30	4792	\$ 630.06	\$1,173.39	
07/01/09	29	4074	\$ 533.18	\$ 678.44	
06/02/09	6	812	\$ 93.26	\$ (171.86)	

NAME: ROSARIO EROJO
 SERVICE ADDRESS: 2510 SW 17TH AVE
 MIAMI, FL 33133
 BILL ACCOUNT: 58970-57575

Service Date	DAYS	WATT HOURS	ELECTRIC METERS	CHG
02/09/10	6	499	\$ 51.90	\$3,424.05
02/03/10	30	3285	\$ 394.56	\$4,505.90
01/04/10	32	2532	\$ 300.14	\$1,335.14

03/18/2011 14:05 8504137112

FPSC

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Rosario Rojo

NAME: ROSARIO E ROJO
 SERVICE ADDRESS: 2510 SW 17TH AVE
 MIAMI, FL 33133
 BILL ACCOUNT: 91441-06557

Service Date	Days	Rate	Elect. Metering	Total
08/31/10	29	4364	\$ 522.03	\$2,052.04
08/02/10	32	5300	\$ 637.39	\$1,887.40
07/01/10	29	5414	\$ 646.98	\$1,713.05
06/02/10	30	4876	\$ 519.79	\$1,050.32
05/03/10	31	3975	\$ 470.32	\$1,245.47
04/02/10	18	882	\$ 91.89	\$ 774.55

Case 09-36779-RAM Doc 78 Filed 06/03/10 Page 1 of 7

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
www.flsb.uscourts.gov

In re:

Case No. 09-36779-BKC-RAM

ROSARIO ROJO,

Chapter 7 Case

Debtor.

CREDITOR FLORIDA POWER & LIGHT COMPANY'S RESPONSE TO DEBTOR'S
MOTION REQUESTING UTILITY COMPANY TO COMPEL

Creditor, Florida Power & Light Company ("FPL"), through undersigned counsel, files this Response (the "Response") to Debtor, Rosario Rojo's ("Debtor") Motion Requesting Utility Company to Compel (the "Motion") (D.B. 76), filed on June 1, 2010, and states as follows:

1. Debtor filed this bankruptcy on December 3, 2009, the petition date.
2. FPL supplied post-petition utility service to Debtor after the petition date.
3. FPL disconnected electric service to Debtor on February 9, 2010 due to Debtor's failure to pay for post-petition utility service. The disconnection was based solely on Debtor's post-petition electric usage and was not based on Debtor's bankruptcy filing or on any unpaid pre-petition electric usage.
4. Subsequent to the reinstatement of Debtor's bankruptcy, after a dismissal, on March 12, 2010, Debtor filed an "Emergency Order to Compel and Emergency Injunction to Restore Electrical Service" (D.B. 40), asserting that FPL had disconnected service because of Debtor's bankruptcy dismissal.
5. An emergency hearing was conducted before the Honorable Judge A. Jay Cristol the same day, March 12, 2010. At the hearing the parties agreed that Debtor would pay a one

Case 09-36779-RAM Doc 70 Filed 08/03/10 Page 2 of 7

- month cash deposit of \$521 and RPL would restore power to Debtor's residence. A copy of the Agreed Order (D.B. 44) is attached hereto as Exhibit "A". The Agreed Order also provided that RPL would continue to provide post-petition utility service to Debtor in accordance with RPL's customary billing practices, tariff and applicable non-bankruptcy law.
6. The Debtor provided RPL with the agreed deposit, and electric service was restored on March 15, 2010 pursuant to the Agreed Order.
 7. Since the payment of the \$521 deposit pursuant to the Agreed Order, RPL has not billed Debtor any additional deposit and no additional deposit is due on Debtor's RPL account.
 8. The Debtor is currently past due on her electric bill, and RPL is owed \$520.47 in past due charges stemming solely from post-petition electric usage. In fact, RPL issued Debtor a final notice on May 26, 2010 giving the Debtor additional time to pay before the account is subject to disconnection pursuant to RPL's tariff. The Debtor did subsequently make a partial payment of \$150 on June 1, 2010, but full payment has not been received and the account still remains past due in the amount of \$520.47.
 9. The Debtor's electric service is subject to disconnection as of today, June 3, 2010, for nonpayment of post-petition electric usage.
 10. This past due amount does not include any pre-petition electric usage; any additional deposit billing on Debtor's post-petition account; nor does this amount include the Debtor's most recent electric bill in the amount of \$519.79 for electric service from May 3, 2010 through June 2, 2010, which is not due until June 23, 2010. An audit showing electric usage and deposit billing on Debtor's post-petition RPL account is attached as Exhibit "B".
 11. Accordingly, RPL is in compliance with the Agreed Order and is in compliance with

Case 09-36779-RAM Doc 79 Filed 06/08/10 Page 3 of 7

RPL's customary billing practices, tariff and applicable non-bankruptcy law, which guide RPL's relationship with all its customers.

WHEREFORE, Creditor, Florida Power & Light Company, respectfully requests this Court to deny the Debtor's Motion Requesting Utility Company to Compel, and any other such relief as the Court may deem appropriate.

Respectfully submitted,

Dated: June 3, 2010.

By: /s/ Rachel S. Budke
Rachel S. Budke, Esq.

Rule 9011-4(b) Certification

I hereby certify that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualification to practice in this court set forth in Local Rule 2090-1(A).

By: /s/ Rachel S. Budke
Rachel S. Budke, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via U.S. Mail to Rosario Rojo, 2510 SW 17th Avenue, Miami, Florida 33133; Trustee, Joel L. Tabas, 14 NE 1st Avenue - Penthouse, Miami, Florida 33132; and those parties listed on the Master Service List, attached hereto; and by Electronic Means as listed on the Court's BOB Noticing System, on this 3rd day of June, 2010.

By: /s/ Rachel S. Budke
Rachel S. Budke, Esq.
Florida Bar Number 185851
RPL Legal Department
700 Universe Boulevard
Juno Beach, Florida 33408
Telephone 361-304-5209
Facsimile 361-691-7103
rachol.budke@fpl.com
Attorney for Florida Power & Light Company

Case 09-36779-RAM Doc 46 Filed 03/02/10 Page 4 of 8

ORDERED in the Southern District of Florida on March 12, 2010



Robert A. Mark
Robert A. Mark, Judge
United States Bankruptcy Court

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

In re:
ROSARIO ROJO,

CASE NO: 09-36779-BKC-RAM
Chapter 7

Debtor,

AGREED ORDER ON DEBTOR'S EMERGENCY ORDER TO COMPEL AND
EMERGENCY ORDER TO RESTORE ELECTRICAL SERVICE

This matter having come before the Court at 1:30 P.M. on March 12, 2010, on Debtor's, Rosario Rojo, Emergency Order to Compel and Emergency Order to Restore Electrical Service ("Emergency Motion") against Florida Power & Light Company ("FPL"), and the Court having heard argument of counsel, it is ORDERED as follows:

1. Debtor agrees to pay FPL \$521.00 in cash as post-petition adequate assurance pursuant to 11 U.S.C. 366(b) for post petition electrical services (the "Cash Deposit"), and agrees to provide the Cash Deposit to an FPL representative at 12:00 P.M. on Monday, March 15, 2009 at Debtor's service address at 2510 S.W. 17th Avenue, Miami Florida 33138.
2. Up receipt of the cash deposit of \$521.00 at 12:00 P.M. on March 15, 2009, FPL will restore electrical service to Debtor at the above referenced service address.

BKII. A

Case 08-36779-RAM Doc 76 Filed 03/03/10 Page 3 of 3

3. RPL agrees that receipt of the Cash Deposit constitutes adequate assurance pursuant to 11 U.S.C. 366(b) of the Bankruptcy Code.
4. RPL will provide post-petition utility service to Debtor in accordance with RPL's customary billing practices, tariff and applicable non-bankruptcy law (the "Applicable Regulations"), which provides for meter reading approximately every 30 days.
5. RPL will invoice Debtor in accordance with the Applicable Regulations after each meter reading.
6. The Parties agree that in the event the Debtor fails to tender a payment for post-petition electric service to RPL by the applicable invoice deadline, as to which there is not a good faith dispute, RPL may, without further order or authorization from the Bankruptcy Court, avail itself of any remedies available to it under the Applicable Regulations, including termination of service. Additionally, RPL may apply the Cash Deposit as necessary to pay unpaid invoices for post-petition electric service after termination of service.
7. The Court shall retain jurisdiction for the purposes of enforcing and interpreting this Agreed Order.

Case 09-39779-RAM Doc 70 Filed 08/08/10 Page 8 of 8

Submitted by:

Rachel S. Budke, Esq.
Florida Bar No. 183891
700 Universe Blvd.
Juno Beach, Florida 33408
Rachel_budke@jbl.com
Phone: 304-304-5209
Fax: 661-691-7109
Attorney for PPL

Attorney Budke is directed to serve a conformed copy of this Order to all interested parties immediately upon receipt of this Order and shall file a certificate of service with the Clerk of the Court.

NAME: ROSARIO EROLO
 SERVICE ADDRESS: 2910 SW 17TH AVE
 MIAMI, FL 33133
 BILL ACCOUNT: REDACTED
 DATE: June 3 2010

Line #	Description	Date	Reading	KWH	Debit (\$)	Credit (\$)	Balance (\$)
1	Current Balance	June 03 2010					1,050.32
2	Electric Bill 05/09/10-06/02/10	June 2 2010	15848	4375	549.79		1,050.32
3	Payment	June 1 2010					680.53
4	Late Payment Charge	June 1 2010				150.00	680.53
5	Payment	May 26 2010			10.05		670.47
6	Payment	May 25 2010				175.00	845.47
7	Electric Bill 04/02/10-05/09/10	May 3 2010				400.00	1,245.47
8	Transfer Debit to 27146-27532 - Bankruptcy Reinstatement	May 3 2010	10673	3,975	470.82		774.65
9	Transfer Debit from 27146-27532 - Bankruptcy Dismissal	Apr 26 2010				2,756.17	3,530.82
10	Electric Bill 03/15/10-04/02/10	Apr 20 2010	6696	882	91.88		774.65
11	Transfer Debit from 58970-57575 (Electric Bill 12/3/09-02/09/2010)	March 16 2010			657.88		682.76
12	Payment	March 15 2010				521.00	14.88
13	Service Charge	March 15 2010			14.88		535.88
14	Deposit billed	March 15 2010				521.00	521.00

Case 09-36779-FLAM Doc 79 Filed 06/09/10 Page 7 of 7

KRM, K

MM

Case 09-36779-RAM Doc 81 Filed 08/20/10 Page 1 of 3

ORDERED in the Southern District of Florida on Aug. 20, 2010



[Signature]
Robert A. Mark, Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

In re:
ROSARIO ROJO,

Debtor.

CASE NO. 09-36779-BKC-RAM
CHAPTER 7

ORDER (1) DENYING
DEBTOR'S MOTION SEEKING RELIEF
AGAINST FPL; AND (2) DENYING REQUEST
FOR REHEARING OF ORDER DENYING MOTION TO CONVERT

The Court has considered two handwritten papers submitted by the Debtor, one entitled "Request for Hearing" (CP# 77), and one entitled "Debtor Motion Requesting Utility Company to Compel" (CP# 76). The Court has also reviewed JP Morgan Chase Bank's Response to Motion to Reconsider (CP# 80), and Florida Power & Light Company's ("FPL's") Response to Debtor's Motion Requesting

Case 09-36779-RAM Doc 01 Filed 08/20/10 Page 2 of 3

Utility Company to Compel [CP# 79]. Upon review of the above-described papers, the Court finds that both of the Debtor's motions should be denied and that no hearing is necessary or appropriate.

The "Request for Rehearing" seeks reconsideration of this Court's May 20, 2010 Order (1) Denying Motion to Convert; and (2) Denying Motion to Vacate Stay Relief Order (the "May 20th Order") [CP# 73]. The Debtor has provided no basis for the Court to reconsider its finding that JP Morgan Chase Bank was entitled to stay relief and that the Debtor has no ability to propose and fund a Chapter 13 plan to cure the arrearages under her mortgage.

The motion seeking relief against FPAI alleges that FPAI is seeking an additional deposit in violation of a March 12, 2010 Order in this case [CP# 44] fixing the deposit at \$521.00. FPAI's Response states that no additional deposit has been requested.

For the foregoing reasons, it is -

ORDERED as follows:

1. The Motion to Reconsider the May 20th Order is denied.
2. The "Motion Requesting Utility Company to Compel" is

Case 09-36779-RAM Doc 81 Filed 08/20/10 Page 3 of 3

denied.

###

*8-20-10
mcl*

COPIES TO:

Rosario Rojo
2010 S.W. 17th Ave.
Miami, FL 33133

Scott Noles, Esq.
Rachel S. Budke, Esq.
Joel L. Tabac, Trustee

Case 09-30770-RAM Doc 86 Filed 11/30/10 Page 1 of 1

CORN34 (2/19/08)

United States Bankruptcy Court
Southern District of Florida
www.flsb.uscourts.gov

Case Number: 09-30770-RAM
Chapter: 7

(if (re) Debtor(s) name(s) used by the debtor(s) in the last 9 years, including aliases, maiden, and address)

Rosario Rofo
2810 SW 17 Avenue
Miami, FL 33135

SSN: xxx-xx-1026

NOTICE OF CHAPTER 7 CASE CLOSED

WITHOUT DISCHARGE

The trustee Joel I. Tabas, having filed a final report that the estate has been fully administered, is discharged.

All creditors and parties in interest are notified that the above-captioned case has been closed without entry of discharge as Debtor did not file Official Form 23, "Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management."

Under Local Rule 3010-1(G), if the debtor subsequently completes the financial management course requirement, the debtor may request entry of a discharge by filing a motion to reopen the case accompanied by the required reopening filing fee and by the Official Bankruptcy Form "Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management."

Dated: 11/30/10

CLERK OF COURT
By: Ellen Haas
Deputy Clerk

The clerk shall serve a copy of this order on all parties of record.

CM/BCF LIVE - U.S. Bankruptcy Court:fla

Page 1 of 9

IFP, DebtEd, CLOSED

U.S. Bankruptcy Court
Southern District of Florida (Miami)
Bankruptcy Petition #: 09-36779-RAM

Date filed: 12/03/2009
Date terminated: 11/30/2010

Assigned to: Robert A Mark
Chapter 7
Voluntary
No asset

Debtor disposition: Discharge Withheld for Failure to Submit Court of Instructional Course for Personal Financial Mgmt

Debtor
Rosario Rojo
2510 SW 17 Avenue
Miami, FL 33133
SSN / ITIN: xxx-xx-1326

represented by Rosario Rojo
PRO SE

Trustee
Joel L. Tobias
14 NE 1 Ave PH
Miami, FL 33132
305-375-8171

U.S. Trustee
Office of the US Trustee
51 S.W. 1st Ave,
Suite 1204
Miami, FL 33130
(305) 596-7285

Filing Date	#	Docket Text
12/03/2009	01	Chapter 7 Voluntary Petition (Tooka, Ida) (Entered: 12/03/2009)
12/03/2009	02	Meeting of Creditors to be held on 01/12/2010 at 09:00 AM at 51 SW First Ave Room 102, Miami. Objections to Discharge/Dischargeability due by 03/15/2010. (Tooka, Ida) (Entered: 12/03/2009)
12/03/2009	03	Statement of Debtor(s) Social Security Number(s) [Document Image Available ONLY to Court Users] Filed by Debtor Rosario Rojo . (Tooka, Ida) (Entered: 12/03/2009)
12/03/2009	04	Application for Waiver of Chapter 7 Filing Fee Filed by Debtor Rosario Rojo . (Tooka, Ida) (Entered: 12/03/2009)

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12/03/2009	05	Notice of Defaultency Summary of Schedules due 12/17/2009, Schedules A-J due 12/17/2009, Statement of Financial Affairs Due 12/17/2009, Declaration Concerning Debtors Schedules Due: 12/17/2009, Statement of Current Monthly Income and Means Test Calculation Due: 12/17/2009, Certificate of Budget and Credit Counseling Course (Cb) due 12/17/2009, Payment Advloes due for Debtor 12/17/2009, [Incomplete Filings due by 12/17/2009], (Took, Ida) (Entered: 12/03/2009)
12/05/2009	06	BNC Certificate of Mailing (Re: 2 Meeting of Creditors to be held on 01/12/2010 at 09:00 AM at 31 SW First Ave Room 102, Miami, Objections to Discharge/Dischargeability due by 03/15/2010,) Service Date 12/05/2009, (Admin.) (Entered: 12/06/2009)
12/05/2009	07	BNC Certificate of Mailing (Re: 5 Notice of Defaultency Summary of Schedules due 12/17/2009, Schedules A-J due 12/17/2009, Statement of Financial Affairs Due 12/17/2009, Declaration Concerning Debtors Schedules Due: 12/17/2009, Statement of Current Monthly Income and Means Test Calculation Due: 12/17/2009, Certificate of Budget and Credit Counseling Course) Service Date 12/05/2009, (Admin.) (Entered: 12/06/2009)
12/07/2009	08	Case Checked and Notice of Requirement to File a Certificate of Completion of a Financial Management Course, (Schinner-Grant, Sheila) (Entered: 12/07/2009)
12/09/2009	09	BNC Certificate of Mailing (Re: 8 Case Checked and Notice of Requirement to File a Certificate of Completion of a Financial Management Course,) Service Date 12/09/2009, (Admin.) (Entered: 12/10/2009)
12/11/2009	10	Order Granting Application for Waiver of the Chapter 7 Filing Fee (Re: # 4) (Pittman, Linda) (Entered: 12/14/2009)
12/15/2009	11	Notice of Appearance and Request for Service by Allison B Duffie Filed by Creditor JPMorgan Chase Bank, National Association. (Duffie, Allison) (Entered: 12/15/2009)
12/16/2009	12	BNC Certificate of Mailing - PDF Document (Re: 10 Order Granting Application for Waiver of the Chapter 7 Filing Fee) Service Date 12/16/2009, (Admin.) (Entered: 12/17/2009)
12/16/2009	13	Motion to Extend Time to File Schedules Filed by Debtor Rosario Rojo. (Gutierrez, Susan) (Entered: 12/17/2009)
12/16/2009	14	Amended Schedules Filed by Debtor Rosario Rojo. (Gutierrez, Susan) (Entered: 12/17/2009)
12/17/2009	15	Order Granting Motion to Extend Time to File Schedules/Plan/Required Information. Deadline Extended through 12/30/09, (Re: # 13) (Gutierrez, Susan) (Entered: 12/22/2009)
		BNC Certificate of Mailing - PDF Document (Re: 15 Order Granting Motion to Extend Time to File Schedules/Plan/Required Information, Deadline Extended

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12/24/2009	Ⓞ 16	through 12/30/09.) Service Date 12/24/2009. (Admin.) (Entered: 12/25/2009)
12/31/2009	Ⓞ 17	Statement of Current Monthly Income and Means Test Calculation Filed by Debtor Rosaro Rojo. (Re: Update 14 Day Deadlines (Ch 7)) (Gutierrez, Susan) (Entered: 01/05/2010)
12/31/2009	Ⓞ 18	Payment Advices by Debtor Filed by Debtor Rosaro Rojo. (Re: Update 14 Day Deadlines (Ch 7)) (Gutierrez, Susan) (Entered: 01/05/2010)
12/31/2009	Ⓞ 19	Schedules Filed [All Schedules] Filed by Debtor Rosaro Rojo. (Gutierrez, Susan) (Entered: 01/05/2010)
01/05/2010	Ⓞ 20	Order Dismissing Case with 180 Days Prejudice for Failure to File Credit Counseling Certificate [Db], [Filing Fee Balance Due: \$0.00]. (Cohan, Diana) (Entered: 01/05/2010)
01/07/2010	Ⓞ 21	BNC Certificate of Mailing - Order Dismissing Case (Re: 20 Order Dismissing Case with 180 Days Prejudice for Failure to File Credit Counseling Certificate [Db], [Filing Fee Balance Due: \$0.00].) Service Date 01/07/2010. (Admin.) (Entered: 01/08/2010)
01/14/2010	Ⓞ 22	Emergency Motion to Vacate Dismissal (Re: 20 Order Dismissing Case), Motion to Extend Time to File Schedules Filed by Debtor Rosaro Rojo. (Gutierrez, Susan) (Entered: 01/14/2010)
01/14/2010	Ⓞ 23	Order Setting Hearing (Re: 22 Motion to Vacate Dismissal filed by Debtor Rosaro Rojo), Hearing scheduled for 02/10/2010 at 10:00 AM at 51 SW First Ave Room 1406, Miami. (Gutierrez, Susan) (Entered: 01/20/2010)
01/22/2010	Ⓞ 24	BNC Certificate of Mailing - EDP Document (Re: 23 Order Setting Hearing) Service Date 01/22/2010. (Admin.) (Entered: 01/23/2010)
02/10/2010	Ⓞ 25	Order Granting Motion To Vacate Dismissal (Re: # 22), Granting Motion to Extend Time to File Schedules/Plan/Required Information. Deadline Extended through 2/10/10. (Re: # 22.) (Gutierrez, Susan) (Entered: 02/12/2010)
02/12/2010	Ⓞ 26	Meeting of Creditors to be Held on 3/12/2010 at 11:30 AM at 51 SW First Ave Room 102, Miami. Last Day to Oppose Discharge or Dischargeability is 3/11/2010. (Gutierrez, Susan) (Entered: 02/12/2010)
02/14/2010	Ⓞ 27	BNC Certificate of Mailing (Re: 26 Meeting of Creditors to be Held on 3/12/2010 at 11:30 AM at 51 SW First Ave Room 102, Miami. Last Day to Oppose Discharge or Dischargeability is 3/11/2010.) Service Date 02/14/2010. (Admin.) (Entered: 02/15/2010)
02/14/2010	Ⓞ 28	BNC Certificate of Mailing - EDP Document (Re: 25 Order Granting Motion To Vacate Dismissal) Service Date 02/14/2010. (Admin.) (Entered: 02/15/2010)
02/23/2010	Ⓞ 29	Amended Schedule D Filed by Debtor Rosaro Rojo. (Gutierrez, Susan) (Entered: 02/24/2010)

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02/24/2010	022	Order Dismissing Case with 180 Days Prejudice for Failure to File Credit Counseling Certificate (Db), [Filing Fee Balance Due: \$0.00] (Gutierrez, Susan) (Entered: 02/24/2010)
02/26/2010	021	BNC Certificate of Mailing - Order Dismissing Case (Re: 22 Order Dismissing Case with 180 Days Prejudice for Failure to File Credit Counseling Certificate (Db), [Filing Fee Balance Due: \$0.00]) Service Date 02/26/2010. (Admin.) (Entered: 02/27/2010)
03/05/2010	022	Emergency Motion to Vacate Dismissal (Re: 22 Order Dismissing Case) Filed by Debtor Rosaro Rojo. (Gutierrez, Susan) (Entered: 03/05/2010)
03/05/2010	023	Certification of Budget and Credit Counseling Course by Debtor, Filed by Debtor Rosaro Rojo. (Gutierrez, Susan) (Entered: 03/05/2010)
03/05/2010	024	Notice of Hearing (Re: 22 Emergency Motion to Vacate Dismissal) Hearing scheduled for 03/05/2010 at 11:30 AM at 51 SW First Ave Room 1406, Miami, (Sannabra, Noemi) (Entered: 03/05/2010)
03/05/2010	025	Amended Notice of Hearing (Re: 22 Emergency Motion to Vacate Dismissal) Hearing scheduled for 03/05/2010 at 11:30 AM at 51 SW First Ave Room 1409, Miami, (Sannabra, Noemi) (Entered: 03/05/2010)
03/05/2010	027	Order Granting Emergency Motion To Vacate Dismissal (Re: # 22.) (Gutierrez, Susan) (Entered: 03/09/2010)
03/07/2010	026	BNC Certificate of Mailing - Hearing (Re: 25 Amended Notice of Hearing) Service Date 03/07/2010. (Admin.) (Entered: 03/08/2010)
03/10/2010	028	Meeting of Creditors to be Held on 4/14/2010 at 11:30 AM at 51 SW First Ave Room 102, Miami. Last Day to Oppose Discharge or Dischargeability is 6/14/2010. (Gutierrez, Susan) (Entered: 03/10/2010)
03/11/2010	029	BNC Certificate of Mailing - PDF Document (Re: 27 Order Granting Emergency Motion To Vacate Dismissal) Service Date 03/11/2010. (Admin.) (Entered: 03/12/2010)
03/12/2010	040	Emergency Motion to Compel, Emergency Injunction Order to Restore Electrical Service Filed by Debtor Rosaro Rojo. (Gutierrez, Susan) (Entered: 03/12/2010)
03/12/2010	041	Notice of Hearing (Re: 40 Emergency Motion to Compel, Emergency Injunction Order to Restore Electrical Service Filed by Debtor Rosaro Rojo.) Hearing scheduled for 03/12/2010 at 01:30 PM at 51 SW First Ave Room 1406, Miami. (Howlan, Elaine) (Entered: 03/12/2010)
03/12/2010	042	BNC Certificate of Mailing (Re: 38 Meeting of Creditors to be Held on 4/14/2010 at 11:30 AM at 51 SW First Ave Room 102, Miami. Last Day to Oppose Discharge or Dischargeability is 6/14/2010.) Service Date 03/12/2010. (Admin.) (Entered: 03/13/2010)

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03/12/2010	44	Agreed Order on Emergency Motion To Compel (Re: # 40.). (Gutierrez, Susan) (Entered: 03/17/2010)
03/14/2010	43	BNC Certificate of Mailing - Hearing (Re: 41 Notice of Hearing) Service Date 03/14/2010. (Admin.) (Entered: 03/15/2010)
03/17/2010	45	Notice of Appearance and Request for Service by Allison B Duffie Filed by Creditor JPMorgan Chase Bank, National Association. (Duffie, Allison) (Entered: 03/17/2010)
03/19/2010	46	Certificate of Service Filed by Creditor Florida Power & Light Company (Re: 44 Order on Motion to Compel, Order on Miscellaneous Motion). (Buckle, Rachel) (Entered: 03/19/2010)
03/19/2010	47	BNC Certificate of Mailing - PDF Document (Re: 44 Agreed Order on Emergency Motion To Compel) Service Date 03/19/2010. (Admin.) (Entered: 03/20/2010)
03/23/2010	48	Notice of Appearance and Request for Service by Scott R. Weiss Esq Filed by Creditor JPMorgan Chase Bank NA. (Weiss, Scott) (Entered: 03/23/2010)
03/23/2010	49	Motion for Relief from Stay RE: 2510 SW 17th Avenue, Miami, FL 33133 [Fee Amount \$150], Motion to Enforce Final Judgment of Foreclosure, Motion for Payment of Attorneys Fees and Costs, in the Amount of \$700.00. Filed by Creditor JPMorgan Chase Bank NA. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C) (Weiss, Scott) (Entered: 03/23/2010)
03/23/2010		Receipt of Motion for Relief From Stay(09-36779-RAM) [motion,mrfsfy] (150.00) Filing Fee. Receipt number 7410614. Fee amount 150.00. (U.S. Treasury) (Entered: 03/23/2010)
03/24/2010	50	Notice of Hearing (Re: 49 Motion for Relief from Stay RE: 2510 SW 17th Avenue, Miami, FL 33133 [Fee Amount \$150], Motion to Enforce Final Judgment of Foreclosure, Motion for Payment of Attorneys Fees and Costs, in the Amount of \$700.00. Filed by Creditor JPMorgan Chase Bank NA.) Hearing scheduled for 04/15/2010 at 10:30 AM at 51 SW First Ave Room 1406, Miami. (Howlan, Blaine) (Entered: 03/24/2010)
03/25/2010	51	Certificate of Service by Attorney Scott R. Weiss Esq (Re: 50 Notice of Hearing). (Weiss, Scott) (Entered: 03/25/2010)
04/15/2010	52	Motion for Relief from Stay (related to property located 2510 SW 17th Ave., Miami, FL) [Fee Amount \$150] Filed by Creditor JPMorgan Chase Bank, National Association. (Attachments: # 1 note# 2 mortgage# 3 Affidavit# 4 Indebtedness worksheet# 5 property appraisal# 6 Proposed Order) (Duffie, Allison) (Entered: 04/15/2010)
04/15/2010		Receipt of Motion for Relief From Stay(09-36779-RAM) [motion,mrfsfy] (150.00) Filing Fee. Receipt number 7572367. Fee amount 150.00. (U.S. Treasury) (Entered: 04/15/2010)

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04/15/2010	☉ 52	Ex Parte Motion to Dismiss Case for Failure by Debtor(s) to Appear at Meeting of Creditors Filed by Trustee Joel L. Tabas. (Tabas, Joel) (Entered: 04/15/2010)
04/16/2010	☉ 54	Notice of Hearing (Re: 52 Motion for Relief from Stay) Hearing scheduled for 05/04/2010 at 10:00 AM at 51 SW First Ave Room 1406, Miami. (Howlan, Blaine) (Entered: 04/16/2010)
04/16/2010	☉ 55	Order Granting Motion to Dismiss Case (Re: # 53). Dismissal Shall Be with 180 Days Prejudice [Filing Fee Balance Due: \$0.00] (Rodriguez, Olga) (Entered: 04/16/2010)
04/18/2010	☉ 56	BNC Certificate of Mailing - Order Dismissing Case (Re: 55 Order Granting Motion to Dismiss Case) Service Date 04/18/2010. (Admin.) (Entered: 04/19/2010)
04/20/2010	☉ 57	Certificate of Service Filed by Creditor JPMorgan Chase Bank, National Association (Re: 54 Notice of Hearing). (Duffie, Allison) (Entered: 04/20/2010)
04/20/2010	☉ 58	Order Granting Motion For Relief From Stay Re: # 49 (Gutierrez, Susan) (Entered: 04/21/2010)
04/23/2010	☉ 59	Ex Parte Motion to Vacate Dismissal (Re: 55 Order on Motion to Dismiss Case) Filed by Trustee Joel L. Tabas. (Tabas, Joel) (Entered: 04/23/2010)
04/23/2010	☉ 60	Motion to Convert Case to Chapter 13 Filed by Debtor Rosaro Rojo. (Gutierrez, Susan) (Entered: 04/26/2010)
04/23/2010	☉ 61	Motion to Vacate Dismissal (Re: 55 Order on Motion to Dismiss Case) Filed by Debtor Rosaro Rojo. (Gutierrez, Susan) (Entered: 04/26/2010)
04/23/2010	☉ 62	Motion to Vacate (Re: 58 Order on Motion For Relief From Stay) Filed by Debtor Rosaro Rojo. (Gutierrez, Susan) (Entered: 04/26/2010)
04/24/2010	☉ 63	Order Granting Motion To Vacate Dismissal (Re: # 61) (Gutierrez, Susan) (Entered: 04/26/2010)
04/28/2010	☉ 64	BNC Certificate of Mailing - PDF Document (Re: 63 Order Granting Motion To Vacate Dismissal) Service Date 04/28/2010. (Admin.) (Entered: 04/29/2010)
04/29/2010	☉ 65	Certificate of Service Filed by Trustee Joel L. Tabas (Re: 63 Order on Motion to Vacate Dismissal). (Tabas, Joel) (Entered: 04/29/2010)
04/30/2010	☉ 66	Notice of Hearing (Re: 60 Motion to Convert Case to Chapter 13 Filed by Debtor Rosaro Rojo.) Hearing scheduled for 05/20/2010 at 11:00 AM at 51 SW First Ave Room 1406, Miami. (Howlan, Blaine) (Entered: 04/30/2010)
04/30/2010	☉ 67	Notice of Hearing (Re: 62 Motion to Vacate) Hearing scheduled for 05/20/2010 at 11:00 AM at 51 SW First Ave Room 1406, Miami. (Howlan, Blaine) (Entered: 04/30/2010)

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04/30/2010	058	Re Notice of Hearing (Re: 52 Motion for Relief from Stay) Hearing scheduled for 05/30/2010 at 11:00 AM at 51 SW First Ave Room 1406, Miami, (Howlan, Elaine) (Entered: 04/30/2010)
05/02/2010	059	BNC Certificate of Mailing - Hearing (Re: 56 Notice of Hearing) Service Date 05/02/2010, (Admin.) (Entered: 05/03/2010)
05/02/2010	070	BNC Certificate of Mailing - Hearing (Re: 57 Notice of Hearing) Service Date 05/02/2010, (Admin.) (Entered: 05/03/2010)
05/03/2010	071	Certificate of Service by Attorney Allison B Duffie (Re: 58 Notice of Hearing Amended/Retolled/Continued), (Duffie, Allison) (Entered: 05/03/2010)
05/03/2010	072	Notice of Waiver of 90-Day Rule Filed by Creditor JPMorgan Chase Bank, National Association (Re: 58 Notice of Hearing Amended/Retolled/Continued), (Duffie, Allison) (Entered: 05/03/2010)
05/20/2010	073	Order Denying Motion to Convert Case to Chapter 13 (Related Doc # 60), Denying Motion To Vacate (Re: # 62) (Gutierrez, Susan) (Entered: 05/21/2010)
05/23/2010	074	BNC Certificate of Mailing - PDF Document (Re: 73 Order Denying Motion to Convert Case to Chapter 13) Service Date 05/23/2010, (Admin.) (Entered: 05/24/2010)
05/27/2010	075	Order Granting Motion For Relief From Stay Re: # 52 (Vatavola, Yantleth) (Entered: 05/27/2010)
06/01/2010	076	Motion Requesting Utility Company to Compel Filed by Debtor Rosario Rojo. (Gutierrez, Susan) (Entered: 06/02/2010)
06/01/2010	077	Motion to Reconsider (Re: 73 Order on Motion to Convert Case To Chapter 13, Order on Motion to Vacate, 75 Order on Motion For Relief From Stay) Filed by Debtor Rosario Rojo. (Gutierrez, Susan) (Entered: 06/02/2010)
06/02/2010	078	Certificate of Service Filed by Creditor JPMorgan Chase Bank, National Association (Re: 75 Order on Motion For Relief From Stay), (Duffie, Allison) (Entered: 06/02/2010)
06/03/2010	079	Response to (76 Motion to Compel Filed by Debtor Rosario Rojo) Filed by Creditor Florida Power & Light Company (Budke, Rachel) (Entered: 06/03/2010)
07/15/2010	080	Response to (77 Motion to Reconsider (Re: 73 Order on Motion to Convert Case To Chapter 13, Order on Motion to Vacate, 75 Order on Motion For Relief From Stay) Filed by Debtor Rosario Rojo) Filed by Creditor JPMorgan Chase Bank, National Association (Duffie, Allison) (Entered: 07/15/2010)
08/20/2010	081	Order (1) Denying Motion Seeking Relief Against FP&L and (2) Denying Request for Rehearing of Order Denying Motion to Convert. # 77 (Gutierrez, Susan) (Entered: 08/24/2010)

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08/26/2010	82	BNC Certificate of Mailing - PDF Document (Re: 81 Order) Service Date 08/26/2010, (Admin.) (Entered: 08/27/2010)
10/26/2010	83	Chapter 7 Trustee's Report of No Distribution I, Joel L. Tabas, having been appointed trustee of the estate of the above-named debtor(s), report that I have neither received any property nor paid any money on account of this estate; that I have made a diligent inquiry into the financial affairs of the debtor(s) and the location of the property belonging to the estate; and that there is no property available for distribution from the estate over and above that exempted by law. Pursuant to Fed R Bank P 5009, I hereby certify that the estate of the above named debtor(s) has been fully administered. I request that I be discharged from any further duties as trustee. Key information about this case as reported in schedules filed by the debtor(s) or otherwise found in the case record: This case was pending for 11 months. Assets Abandoned (without deducting any secured claims): \$252000.00, Assets Exempt: Not Applicable, Claims Scheduled: \$816000.00, Claims Asserted: Not Applicable, Claims scheduled to be discharged without payment (without deducting the value of collateral or debts excepted from discharge): \$816000.00. Filed by Trustee Joel L. Tabas. (Tabas, Joel) (Entered: 10/26/2010)
10/28/2010	84	Trustee's Interim Report. The trustee has submitted to the Office of the United States Trustee an interim report for the period ending 09/30/10. The interim report provides information concerning asset administration and an accounting of the financial activity in the case. Filed by Trustee Joel L. Tabas. (Tabas, Joel) (Entered: 10/28/2010)
11/30/2010	85	Final Decree and Discharge of Trustee. (Haas, Ellen) (Entered: 11/30/2010)
11/30/2010	86	Case Closed Without Discharge. Debtor(s) has not filed a Financial Management Course Certificate proving compliance with the required instructional course requirement for discharge. If the debtor(s) subsequently file(s) a Motion to Reopen the case to allow for the filing of the Financial Management Course Certificate, the debtor(s) must pay the full filing fee due for filing such a motion. (Haas, Ellen) (Entered: 11/30/2010)
12/02/2010	87	BNC Certificate of Mailing (Re: 85 Final Decree and Discharge of Trustee) Service Date 12/02/2010, (Admin.) (Entered: 12/03/2010)
12/02/2010	88	BNC Certificate of Mailing (Re: 86 Case Closed Without Discharge. Debtor) Service Date 12/02/2010, (Admin.) (Entered: 12/03/2010)

PACER Service Center			
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Description	Docket Report	Search Criteria	09-36779-RAM Fil or Rpt filed Doc From: 0 Doc To: 99999999 Term Included Format: htm
Billable Pages:	5	Cost:	0.10