

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for initiation of formal proceedings for relief against Florida Power & Light Company regarding backbilling for alleged meter tampering and disconnection, by Terry A. Avera

Docket No. 20180109-EI

Filed: July 12, 2018

**FLORIDA POWER & LIGHT COMPANY'S  
NOTICE OF FILING AFFIDAVIT OF ALEX URQUIAGA**

Florida Power & Light Company gives notice of filing the attached Affidavit of Alex Urquiaga in the above captioned docket.

Respectfully submitted this 12<sup>th</sup> day of July, 2018.

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By: s/ David M. Lee  
David M. Lee  
Florida Bar No. 103152

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished

by electronic mail this 12th day of July, 2018, to the following parties:

Kurt Schrader  
Jennifer Crawford  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-1400  
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**Office of the General Counsel**  
**Florida Public Service Commission**

Frank L. Hollander  
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One Biscayne Tower, Suite 3760  
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**Attorney for Terry A. Avera**

By: s/ David M. Lee  
David M. Lee  
Florida Bar No. 103152

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In re: Petition for initiation of formal proceedings for relief against Florida Power & Light Company regarding backbilling for alleged meter tampering and disconnection, by Terry A. Avera

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**AFFIDAVIT OF ALEX URQUIAGA**

I, Alex Urquiaga, having first been duly sworn, state the following:

1. My name is Alex Urquiaga. I am employed by Florida Power & Light Company (“FPL”) and hold the position of Manager of Revenue Protection.

2. As Manager of Revenue Protection, I oversaw and am familiar with FPL’s investigation of Mr. Avera’s backbilling. I have reviewed all the reports of the meter tests and FPL’s responses to the FPSC, and I have had conversations with the employees responsible for the various aspects of the investigation. This forms the basis for the sworn statements contained in this Affidavit.

3. On April 26, 2017, an FPL Meter Electrician visited Mr. Avera’s residence to investigate a potential unauthorized meter condition and documented an unauthorized lineside tap in the meter enclosure. The Meter Electrician removed meter ACD5693 and the unauthorized condition, a wire in this case (see attached photo), and installed meter ACD5262. The meter ACD5693 was sent, to FPL’s Meter Technology Center (MTC) to be tested, along with the wire and DM boot found on the left load side meter blade. The Meter Electrician incorrectly populated the investigation ticket with an unauthorized condition code of “96”, denoting that a lineside tap was present. In addition, the Meter Electrician populated the investigation label attached to the meter with a condition code of “96”. In this case the meter electrician confused a jumper for a line side tap and should have documented the ticket and label with code “63” (1) Jumper in meter blocks. Both methods are similar but require different protocols when tested at our Meter Technology Center.

4. A lineside tap, is a wire or cable coming from the customer's main panel or a particular appliance, spliced into the lineside cable before the meter, or installed into the lineside lug in the meter enclosure. In some cases, the customer's existing load cable has been rerouted directly to the lineside lug. A jumper, on the other hand, is a wire or other conductor that is attached to both the line side and load side meter blocks for the purpose of allowing electricity to flow to the premise without registering on the meter. This condition is often found with a DM boot on the load side of the meter where the jumper was found. The DM boot ensures that all the load flows through the jumper instead of the meter on that leg, thereby preventing the meter from properly registering all the electricity usage.

5. On June 15, 2017, when the meter ACD5693 was tested at FPL's MTC, the Meter Technician used the condition code on the label of "96" to choose a protocol for the type of testing to be performed. The protocol for a "lineside tap" calls for a series test on the current coil of the meter without any cable or wire present. The customer cable used to tap into the service is usually not available and is not associated with the meter, resulting in the meter testing within an accurate tolerance of plus or minus 2% (98% to 100%). In Mr. Avera's case, since the meter had a DM boot on the left line side meter blade, the MTC Meter Technician tested the meter (ACD5693) with the DM boot present, but without the provided piece of wire, per the protocol for a lineside tap. In the MTC shop environment, the test board does not recognize a meter with a single boot, since it only sees the 120 volts from one side of the meter and needs 240 volts (both legs of service) to properly test a meter, which the DM boot prevented. Since the test board did not measure 240 volts on the load side of the meter, the test results defaulted to zero registration. In addition, the protocol for a lineside tap does not call for an "as left" test of the meter. No test was performed without the DM boot, and the "as left" value on the test report also defaulted to zero registration. Due to the meter test results defaulting to zero. The kWh use from the new meter at the residence was used to

calculate an “average of total yearly kWh use”, and the customer was back billed using the FPSC approved “Seasonal Average” billing methodology.

7. After further review and inspection of the wire removed from Mr. Avera’s meter enclosure, it has been determined that the wire provided by the Meter Electrician who removed the condition, was installed from the left lineside lug to the left load side lug with a DM boot on the left load blade of the meter and should have been documented with code “63”, indicating that a single jumper was present with the DM boot.

8. On November 7, 2017, meter ACD5693 was tested using the protocol for an unauthorized jumper. This test showed that the meter was not registering within the tolerance prescribed in Florida Administrative Code 25-6.052. The test results show: Full Load: 49.89%, Light Load: 49.96% and Weighted Average: 49.91%. In addition, the meter was tested without the unauthorized jumper or DM boot (“as-left”) and registered within the allowable tolerance as follows: Full Load: 99.86%, Light Load: 100.00% and Weighted Average: 99.89%.

9. On February 26, 2018, per Mr. Avera’s request to have a witnessed meter test, FPSC Field Engineer, Fabio Vazquez met with FPL Regulatory Consumer Issues Manager, Roseanne Lucas, FPL Senior Attorney, David Lee, Revenue Protection (RP) Technician, Maria Gonzalez, RP Supervisor, Lavonne Getchell, the customer, Terry Avera, his wife, and his attorney (Mr. Hollander), at FPL's Meter Technology Center (MTC) to witness the testing of meter ACD5693 that was removed from the premise of 1755 NW 93rd St, Miami, FL 33147, on April 26, 2017. The second meter to be tested (ACD5262) was installed at the premise on April 26, 2017, and subsequently removed from the premise on November 8, 2017.

10. Prior to beginning the witnessed testing, Mr. Youngman explained both of the meters were secured in a lockbox and provided the seal number color and year (0018331 FPL yellow 2013). Mr. Youngman explained the meter testing process (FPL will first test with their

equipment and then FPSC will test with their equipment) and provided a calibration report for the FPL meter test board that would be used for the meter testing. It was then discussed how the test board is calibrated monthly and how it's accuracy is traceable back to the National Institute of Standards and Technology (NIST). Mr. Youngman verified the number of the first meter to be tested (ACD5693) and performed a visual inspection of the meter, noting the inner seal was intact and a Disconnect Meter (DM) boot was attached on the left load blade of the meter. Mr. Vazquez took a picture to document the condition. Mr. Avera also asked to take a picture and it was explained that pictures were not allowed in the facility; however, the FPSC was allowed to take a picture to aid in their investigation of the complaint, and Mr. Hollander could request a copy of the FPSC photo(s) from FPSC Staff. Mr. Youngman then placed the DM boot on the meter and placed the meter on the test board.

11. It was explained to all present that the first test (as found) would be done with the DM boot in place and the second test (as left) would be without the DM boot. The test revealed the meter was not registering within the allowable tolerances set forth in Florida Administrative Code (F.A.C.) 25-6.052: Full Load: 00.00%, Light Load: 00.00%, and Weighted Average: 00.00%. Mr. Youngman then removed the DM boot from the meter, placed the meter on the test board and proceeded to test the meter. The meter test indicated the meter was registering within the allowable tolerances set forth in Florida Administrative Code (F.A.C.) 25-6.052: Full Load: 99.89%, Light Load: 99.85%, and Weighted Average: 99.88%. Mr. Youngman explained the allowable tolerance of plus or minus 2%, as outlined in F.A.C. 25-6.052. FPL's meter test reports were signed by Mr. Tommy Youngman and Mr. Fabio Vazquez. An original signed copy of the FPSC witnessed meter test results was provided to Mr. Vazquez and Ms. Lucas and an original will be left with the meter.

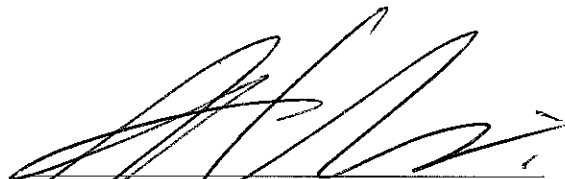
12. At that time, Mr. Avera received a phone call and explained to those present that he had an emergency and would need to leave. He further explained that his wife would stay to witness the meter testing and he would come back and pick her up. Mr. Youngman then verified the number of the second meter to be tested (ACD5262) and performed a visual inspection of the meter, noting the inner seal was intact and no abnormalities were identified. Mr. Youngman then placed the meter on the test board. Mr. Youngman proceeded to perform the meter testing of the second meter (ACD5262), the test revealed the meter used to register the data points used to calculate the back bill was registering within the allowable tolerance set forth in Florida Administrative Code (F.A.C.) 25-6.052: Full Load: 100.00%, Light Load: 99.98%, and Weighted Average: 100.00%. FPL's meter test reports were signed by Mr. Tommy Youngman and Mr. Fabio Vazquez. An original signed copy of the FPSC witnessed meter test results was provided to Mr. Vazquez and Ms. Lucas and an original will be left with the meter.

13. It was explained that the FPSC would not be able to test the customer's meter with the DM boot on the meter because the FPSC's Probewell MT-1 portable test standard could be damaged in the process; therefore, it was determined that the only test that could be performed was the test without the DM boot to document that the meter would have registered accurately without the unauthorized condition in place. FPL Laboratory Electricians, Mr. Glen Eldon and Mr. Gary Stemmer then joined the group so that the FPSC could perform their own test of the meter using their Probewell MT-1 portable test standard. Mr. Eldon placed the FPSC's meter test equipment on the meter test socket and installed and tested an FPL standard meter to assure the accuracy of the FPSC's meter test equipment. The FPL standard meter tested accurately with the FPSC's meter test equipment. Mr. Eldon then installed meter ACD5693 on the FPSC's meter test equipment, so Mr. Vazquez could perform a test of the meter. The FPSC's meter test revealed the meter was registering within the allowable tolerances set forth in Florida Administrative Code (F.A.C.) 25-

6.052: Full Load: 99.92%, Light Load: 99.89%, and Weighted Average: 99.92%. It was noted that both meter tests (FPL and FPSC) revealed meter ACD5693 was accurately registering kWh consumption without the unauthorized condition in place and is within the allowable standards set forth in FAC 25-6.052. Mr. Eldon then installed the second meter, ACD5262, on the FPSC's meter test equipment, so Mr. Vazquez could perform a test of the meter. The FPSC's meter test revealed the meter was registering within the allowable tolerance set forth in Florida Administrative Code (F.A.C.) 25-6.052: Full Load: 99.98%, Light Load: 99.95%, and Weighted Average: 99.97%. It was noted that both meter tests (FPL and FPSC) revealed meter ACD5262 was accurately registering kWh consumption and is within the allowable standards set forth in FAC 25-6.052. Meters ACD5693 and ACD5262 were returned to the lock-box and resealed with FPL seal number 0018332, yellow 2013.

14. The wire/jumper found in the field at Mr. Avera's home was stored in Mr. Youngman's desk at the MTC after completing the November 7, 2017 test of meter ACD5693. Mr. Youngman's office is a secure location within the building at the MTC – it is only open to badged FPL employees.

DATED July 12 2018.



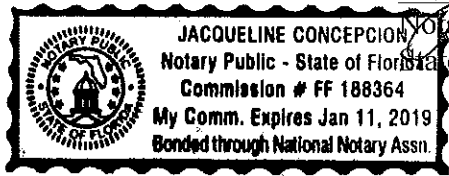
ALEX URQUIAGA



State of Florida Florida )  
County of Palm Beach )

Subscribed and sworn to before me, a Notary Public, by Alex Urquiaga, who is personally \_\_\_\_\_  
known to me / produced photo identification (DL State and number \_\_\_\_\_), this  
12<sup>th</sup> day of July \_\_, 2018.

*Jacqueline Concepcion*



Notary Public  
State of Florida

(SEAL)

My commission expires:

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY  
5708 SOUTH CAMPUS DRIVE  
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