

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint against Duke Energy Florida,
LLC d/b/a Duke Energy regarding billing
errors and inaccurate meter readings, by
Elizabeth Randle.

DOCKET NO. 20190139-EI
ORDER NO. PSC-2019-0476-PAA-EI
ISSUED: November 12, 2019

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
JULIE I. BROWN
DONALD J. POLMANN
GARY F. CLARK
ANDREW GILES FAY

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING FORMAL COMPLAINT

BY THE COMMISSION:

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

Background

On June 22, 2018, Elizabeth Randle filed an informal complaint with this Commission against Duke Energy Florida, LLC (Duke or Utility).¹ In her complaint, Ms. Randle stated that she was being charged for services not rendered. Several Commission staff members worked with Ms. Randle and Duke to resolve her informal complaint.

By letter dated March 20, 2019, Commission staff advised Ms. Randle that her informal complaint had been reviewed by this Commission's Process Review Team (PRT), in accordance with Rule 25-22.032, F.A.C., and it appeared that Duke had not violated any applicable statutes, rules, orders, or Utility tariffs. Staff advised Ms. Randle that if she disagreed with staff's complaint conclusion, she could file a petition for initiation of formal proceedings for relief against Duke.

Ms. Randle filed a formal complaint against Duke on July 10, 2019, pursuant to Rule 25-22.036, F.A.C. In her complaint, Ms. Randle stated that Duke is charging her for services not

¹ Complaint Number 1280970E.

rendered and her meter is reading inaccurately. She also stated that Duke incorrectly disconnected her services while her informal complaint was pending.

On September 20, 2019, Commission staff sent a letter to Ms. Randle requesting any additional information or documentation that might assist this Commission in addressing her complaint. On September 25, 2019, Ms. Randle told staff she had no additional documentation.

Ms. Randle seeks for us to find that Duke incorrectly billed her account. She also requests an “updated accurate reading” of her meter. This Order addresses the appropriate disposition of Ms. Randle’s complaint against Duke. We have jurisdiction over this matter pursuant to Section 366.04, Florida Statutes.

Decision

Ms. Randle enrolled in Duke’s Budget Billing (BB) program on January 29, 2018. BB is an optional payment program designed to help residential customers budget for their electric bills. The BB amount is based on the average of a customer’s actual bills during the last 12 months. Every three months, the BB amount is recalculated to reflect the average of the last 12 months’ actual bills and deferred balance. Ms. Randle’s BB amount for the individual months of February, March, and April of 2018 was \$129.00. Her actual usage amount for those months totaled \$635.68. This resulted in a deferred balance of \$248.68 over the three month period.

On April 5, 2018, Ms. Randle received a bill for \$173.96. This included \$129.00 for BB, a \$5.00 late payment charge, and a \$39.96 past due balance. On May 4, 2018, Ms. Randle was billed for \$341.96. This amount included \$163.00 for BB, \$173.96 for a past due balance, and a \$5.00 late payment charge.² She made a payment of \$134.00 on May 15, 2018, and \$120.00 on May 25, 2018, which went towards her past due balance of \$173.96, reflecting a line item credit of \$80.04 on her bill.

At the request of Ms. Randle, her account was removed from the BB program on June 4, 2018. When her account was removed, she received a revised May bill for \$289.98. This included a deferred BB balance of \$248.68, a \$5.00 late payment charge, a \$5.00 balance forward, \$111.34 reflecting actual usage from April 5, 2018, to May 4, 2018, and a credit of \$80.04.³ On June 5, 2018, Ms. Randle received a bill for \$398.36, which included \$108.38 for the current bill and a \$289.98 balance forward.

On June 22, 2018, Ms. Randle filed an informal complaint with this Commission. In her complaint, she alleged that Duke overbilled her. She also stated that they were charging her for services not rendered, that she submitted payment twice in May, and had a credit reflected on her account. Commission staff contacted Duke and requested a detailed report regarding Ms. Randle’s concerns. Duke provided information on the BB program and the actions the Utility took in regards to Ms. Randle’s billing.

² Ms. Randle’s BB amount was recalculated for the months of May, June, and July at \$163.00.

³ The \$5.00 late payment charge was for the first May bill which she did not pay on time. The \$5.00 balance forward was the late payment charge from not paying the April bill on time. The \$254.00 Ms. Randle paid in May went towards her \$173.96 past due balance, reflecting an \$80.04 credit as a line item on her bill.

On July 3, 2018, Commission staff requested that the Utility test Ms. Randle's meter. However, when the Utility attempted to test Ms. Randle's meter, she denied the meter technician access. When asked if she would like to reschedule a test, she declined.

Commission staff conducted an analysis of the information received from both Ms. Randle and Duke. Based on this analysis and discussions with both parties, staff sent a letter to Ms. Randle on August 8, 2018, stating that it appeared she had been billed and credited appropriately. On August 13, 2018, Ms. Randle reiterated to Commission staff that she was being charged for electricity that she did not use. Due to Ms. Randle's dissatisfaction with the disposition of her complaint, her complaint was forwarded to the PRT.

On February 11, 2019, Duke erroneously disconnected Ms. Randle's service. By doing so, Duke violated Rule 25-22.032(3), F.A.C., by disconnecting Ms. Randle's electricity while her informal complaint was pending. However, the Utility restored Ms. Randle's power within four hours.

After further investigation, the PRT concluded on March 20, 2019, that it appeared Duke had not violated any statutes, rules, orders, or Utility tariffs in regards to her informal complaint that Duke overbilled her account. Ms. Randle did not agree with Commission staff's conclusion and filed a formal complaint on July 10, 2019. In her formal complaint, Ms. Randle reiterated that she was being overbilled. She also stated that her meter was reading inaccurately and that Duke improperly disconnected her service.

In response to Ms. Randle's formal complaint, the Utility, accompanied by Commission staff, conducted a witnessed meter test at Ms. Randle's residence on October 14, 2019. The results of the meter test showed that Ms. Randle's meter was accurately reading her usage.⁴ During the month of October, the Utility also offered Ms. Randle a credit adjustment to her account in an attempt to settle the disagreement. However, Ms. Randle declined the Utility's offer.

A thorough and complete analysis of this matter has been conducted, including Commission staff participating in a witnessed meter test. Based on the information gathered and discussions with both the Utility and Ms. Randle, there is no evidence that Duke billed Ms. Randle incorrectly. While Ms. Randle did pay a total of \$254 in May of 2018, that amount went towards her past due balance of \$173.96, shown as an \$80.04 credit on her revised May bill. However, the \$80.04 credit was offset by the deferred balance accrued while participating in the BB program and Ms. Randle's actual usage amount.

Duke did violate Rule 25-22.032(3), F.A.C., by disconnecting Ms. Randle's electricity while her informal complaint was pending. However, this violation is not related to the relief sought by Ms. Randle in her formal complaint. Furthermore, Commission staff has addressed the violation for the improper disconnection of Ms. Randle's electricity by issuing an apparent

⁴ Both Commission staff and Duke recorded a weighted average registration of 99.83 percent.

infraction⁵ against Duke. Based on the foregoing, we hereby deny Ms. Randle's petition as it does not demonstrate that Duke's billing of her account violates any statute, rule, order, or Utility tariff.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Ms. Randle's formal complaint is hereby denied. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 12th day of November, 2019.


ADAM J. TEITZMAN
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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⁵ An apparent infraction, annotated by an internal tracking code, indicates a potential Commission rule violation. If staff believes that a company's action, or lack thereof, may be a Commission rule violation, the complaint is assigned an infraction code. All apparent infractions received by a utility are reviewed during rate proceedings.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this Order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 3, 2019. In the absence of such a petition, this Order shall become final and effective upon the issuance of a Consummating Order.

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