

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Mr. Raymond ) DOCKET NO. 930755-WS  
White Against SOUTHERN STATES ) ORDER NO. PSC-93-1378-FOF-WS  
UTILITIES, INC. in Orange County ) ISSUED: September 20, 1993  
Regarding High Water Bill. )  
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The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JULIA L. JOHNSON  
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION  
ORDER APPROVING UTILITY'S ADJUSTMENT TO HIGH WATER BILL

BY THE COMMISSION:

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

On December 3, 1992, the Division of Consumer Affairs received a complaint against Southern States Utilities, Inc. (SSU) from Mr. Raymond White. Mr. White complained of a high water bill of over \$500 for two months usage. According to Mr. White, he had no water leaks that could have accounted for the consumption. Mr. White did say that he filled his pool but that the pool only holds 13,500 gallons of water.

SSU responded to the complaint on December 18, 1992. According to SSU, the bill of \$512.49 covered the period July 24, 1992 through September 24, 1992 and was for 479,410 gallons of water. The bill was dated September 28, 1992, and Mr. White first

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called SSU to complain about the high bill on September 30, 1992. On October 5, 1992, Mr. White requested that SSU conduct an accuracy test. A field test was performed October 8, 1992 on Mr. White's meter and it registered four and a half percent fast on three different flows of water (minimum, median, and maximum). The meter was pulled and bench-tested on October 29, 1992. The bench test results showed that the meter was registering 3 percent fast. On the November 1992 bill, SSU credited Mr. White's account \$22.24 for 21,427 gallons of water. This credit was calculated based on 3 percent of 12 months' usage.

Based on the information provided by the utility, Mr. White was informed that no further adjustments were appropriate. By letter to this Commission dated January 15, 1993, Mr. White wrote that he did have a "...very small leak, a pin hole in the pipe" leading to his home. However, Mr. White believes that any leak using around 500,000 gallons of water would have at least flooded the street which he said did not happen. Mr. White questioned SSU's report about the field test. Mr. White said that SSU used a 5-gallon canister, ran the test on two flows, and that the canister only contained four out of five gallons at the end of each flow. Mr. White believed this meant that the meter was working 20 percent fast. Mr. White also indicated that SSU bench-tested his meter using its technicians on its own equipment, and that no independent meter test was offered or furnished.

SSU's response was received February 17, 1993, and it explained that SSU's bench testing equipment had recently been checked and certified. SSU also advised that Mr. White had not requested that his meter be tested by an outside company.

By letter received May 20, 1993, Mr. White requested an informal conference which was held June 28, 1993. Mr. White, Judy Sweat (SSU), Mary Ann Szukala (SSU), and PSC staff participated in the informal conference. No settlement was reached. However, SSU indicated that an independent meter test would be conducted. This test was performed by Precision Meters on July 7, 1993 and the meter registered 1.23 percent fast.

Information provided by Precision Meters concerning the different bench test results indicates that laboratory conditions, test equipment, flow fluctuations, and the technician performance are factors that could result in different test results, and that different test results are not uncommon. Therefore, since the independent bench test results were lower than SSU's test results,

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staff finds that the refund calculation of 3 percent fast is reasonable.

Commission Rule 25-30.340(2), Florida Administrative Code, provides as follows:

Whenever a meter tested is found to register fast in excess of the tolerance permitted under Rule 25-30.262, F.A.C., the utility shall refund to the customer the amount billed in error for one half the period from the time the meter was last tested not to exceed twelve (12) months except that if it can be shown that the error was due to some cause, the date of which can be fixed, the overcharge shall be computed back to but not beyond such date, based upon available records. The refund shall not include any part of the minimum charge.

Although Mr. White was billed for an extraordinary amount of water usage for the July 24, 1992 through September 24, 1992 period in question, we find that SSU's crediting Mr. White's account 3 percent for 12 months' usage is in compliance with Rule 25-30.340 (2), Florida Administrative Code. Therefore, we find no further adjustment is required.

Based on the foregoing, it is, therefore,

ORDERED that Southern States Utilities, Inc. adjusted Mr. White's high water bill in accordance with Rule 25-30.340, Florida Administrative Code, and no further adjustment is required. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

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

By ORDER of the Florida Public Service Commission this 20th day of September, 1993.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

CB

by: Kay J. Lynn  
Chief, Bureau of Records

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on October 11, 1993.

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

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

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.