

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Jory) DOCKET NO. 930599-EI
Bricker Against Florida Power) ORDER NO. PSC-93-1531-FOF-EI
Corporation Regarding High) ISSUED: October 19, 1993
Electric Bills.)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER GRANTING REQUEST FOR HEARING

BY THE COMMISSION:

On March 1, 1993, Jory Bricker filed a complaint with our Consumer Affairs Division against Florida Power Corporation (FPC) for high electric bills. An informal conference was conducted on the complaint on June 16, 1993, in Largo, Florida. No agreement was reached, and the complaint was docketed. At our July 20, 1993 agenda conference, we determined that FPC had properly billed Ms. Bricker for electric consumption at her home, that Ms. Bricker was not entitled to a credit for overbilling, and that FPC was not required to restore her electric service without full payment of \$1157.24 in outstanding charges.

We issued Proposed Agency Action Order No. PSC-93-1180-FOF-EI memorializing our decision on August 11, 1993. The order gave notice that Ms. Bricker was entitled to petition the Commission for a formal hearing on her complaint, and that the petition had to be received in the Commission's Division of Records and Reporting by the close of business on September 1, 1993.

On September 3, 1993, our Consumer Affairs division received a letter from Ms. Bricker, entitled Notice of Appeal, in which Ms. Bricker did request a hearing on her complaint. Consumer Affairs delivered the letter to the clerk's office, and it was logged in as filed on September 3. The letter was dated August 28, 1993, and it was postmarked August 31, 1993.

We grant Ms. Bricker's request for a hearing. While it is true that the request for hearing was received two days late, the request for hearing was dated and postmarked before the September

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FILED RECORDS/REPORTING

ORDER NO. PSC-93-1531-FOF-EI
DOCKET NO. 930599-EI
PAGE 2

1 deadline, and thus it appears that Ms. Bricker attempted to comply with the time schedule set out in Order No. PSC-93-1180-FOF-EI. Under these circumstances, we grant the request for hearing. The Chairman's office has transferred the case to the Division of Administrative Hearings. It is therefore

ORDERED that the request for hearing is granted. It is further

ORDERED that this docket shall remain open pending conclusion of the hearing.

By ORDER of the Florida Public Service Commission this 19th day of October, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)
MCB:bmi

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.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for

ORDER NO. PSC-93-1531-FOF-EI
DOCKET NO. 930599-EI
PAGE 3

reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.