



Public Service Commission

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RECORDS AND
REPORTING

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DATE: JUNE 1, 1999

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAY)

FROM: GENERAL COUNSEL (ROBERT D. VANDIVER) *R*

RE: DOCKET NO. 990689-EI - COMPLAINT BY DAVID E. ROOMES AGAINST FLORIDA POWER & LIGHT COMPANY REGARDING POWER OUTAGES AT HIS RESIDENCE.

AGENDA: 07/27/99 - REGULAR AGENDA - DECISION PRIOR TO HEARING - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: Customer to Participate by Conference Call

FILE NAME AND LOCATION: S:\PSC\GCL\WP\990689.RCM

CASE BACKGROUND

Mr. David E. Roomes has been complaining of power outages since the summer of 1997 at his residence at 3340 NW 71st Street, Coconut Creek, Florida. Attachment I (Pages 4-9) is a timeline of Mr. Roomes' complaints. Commission staff have visited Mr. Roomes' home to attempt to locate the problem. Attachment II (Pages 10-13) consists of Ms. Kummer's letter of June 2, 1998 which describes these efforts. Attachment III is a September 30, 1998 FPL letter describing FPL's view of the 1997-1998 incidents. Included in Attachment III is an FPL update on outages up to the date of the informal conference. (Pages 14-19).

Mr. Roomes then requested an informal conference on this matter. See Page 9. Staff held an informal conference with both

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parties on January 14, 1999. At this conference it became clear that the parties disagreed on factual issues, specifically the number and/or duration of outages. The parties agreed to place monitoring devices at Mr. Roomes' residence to attempt to get a baseline of data to evaluate Mr. Roomes' complaints. Attachment IV (Pages 20-22) is the letter memorializing the January 14, 1999 informal conference.

Attachment V (Pages 23-27) is the FPL report concerning the monitoring devices. Attachment VI (Pages 28-46) is Mr. Roomes' correspondence on this issue for 1999.

ISSUE 1: What action should the Commission take on Mr. Roomes' complaint?

RECOMMENDATION: This case remains a factual disagreement as what actually happened with Mr. Roomes' service. Staff, therefore, recommends that the Commission send this matter to the Division of Administrative Hearings (DOAH) for a hearing to determine what actually occurred.

STAFF ANALYSIS: There is a factual dispute here as to the quality of electric service provided by FPL to Mr. Roomes. Mr. Roomes continues to believe that he is not receiving adequate service. FPL believes that service is adequate. See Pages 23-27. This factual issue should be resolved by a DOAH judge or this Commission.

A PSC safety engineer from the Miami office was assigned to investigate the complaint in April 1998 and was in close contact with both the company and the customer throughout this investigation. He reviewed the results of the monitoring devices and accompanied FPL on a thorough inspection of FPL's facilities serving Mr. Roomes. He also had several conversations with Mr. Roomes to explain FPL's findings. See Pages 10-13. Staff does not believe the fundamental disagreement between the customer and the company will be resolved by additional intervention by Staff. Since there are no quantitative rules setting a limit on the number of duration of outages, there does not appear to be a violation of any rule or tariff by the utility. The basic disagreement is over the outages reported by the company versus the outages the customer maintains he experienced. Therefore

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Staff recommends that the matter be sent to DOAH for hearing on the disputed facts.

To compare the parties' positions, see Mr. Roomes' letter at Page 33; FPL letter at Pages 24-25. These are the 1999 disputed outages. The 1997-1998 factual dispute over outages can be found at Pages 29-30; Pages 15-9.

The disputes discussed above are for the years 1998-1999. During the course of these complaints, Mr. Roomes also complained about his prior residential FPL service at 3540 Banks Road, Apartment 106. See Attachment VI at 6-15. This period covers 1991-1995. See Attachment VI at page 8. Mr. Roomes did not raise this prior service at the informal conference. Staff believes Mr. Roomes can pursue these claims at the hearing on this matter if he chooses to do so.

The parties held a conference call on May 21, 1999. At that time, due to conflicting schedules, this matter was set for the July 27, 1999 Agenda Conference. Mr. Roomes will participate by telephone hook-up.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open.

RDV/jb

Attachments