

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by The Colony  
Beach & Tennis Club, Inc.  
Against Florida Power & Light  
Company Regarding Rates Charged  
for Service Between January 1988  
and July 1998, and Request for  
Refund.

DOCKET NO. 991680-EI  
ORDER NO. PSC-00-0477-PCO-EI  
ISSUED: March 6, 2000

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.  
LILA A. JABER

ORDER GRANTING MOTION TO TRANSFER COMPLAINT TO THE DIVISION OF  
ADMINISTRATIVE HEARINGS

BY THE COMMISSION:

On November 4, 1999, The Colony Beach & Tennis Club, Inc. (Colony) filed a formal consumer complaint against Florida Power & Light Company (FPL). Colony alleged that FPL had violated Rules 25-6.049(5)(a)(3) and 25-6.093(2), Florida Administrative Code, by failing to master meter Colony's facility when Colony had requested a more favorable electric rate from FPL in January of 1988. Colony requested a refund of the difference between the residential rate it had paid between January 1988, when it first requested to be put on a more favorable rate, and June 1998, when FPL finally master metered the facility.

FPL responded to Colony's assertions by denying that Colony had requested a more favorable rate in 1988. FPL further stated that even if Colony had requested a more favorable rate in 1988, its claims for refund were barred by the civil statute of limitations under contract theory. FPL also stated that, because Colony was organized as a condominium, it was not eligible for master metering without a waiver of Rule 25-6.049(5)(a)(3), Florida

DOCUMENT NUMBER-DATE

02908 MAR-68

FPSO-RECORDS/REPORTING

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Administrative Code. On February 7, 2000, FPL filed a Motion to Transfer Complaint to the Division of Administrative Hearings.

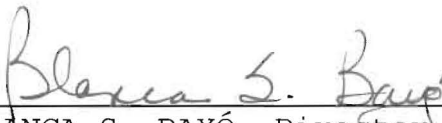
Because of the number of disputed facts in this case, we believe that the parties' interests would be best served by granting FPL's motion. We therefore transfer this matter to the Division of Administrative Hearings for a full evidentiary hearing on the merits.

Therefore, it is

ORDERED by the Florida Public Service Commission that Florida Power & Light Company's Motion to Transfer Complaint Filed by Colony Beach & Tennis Club, Inc. to the Division of Administrative Hearings is hereby granted. It is further

ORDERED that this docket shall remain open pending disposition of this matter at the Division of Administrative Hearings.

By ORDER of the Florida Public Service Commission this 6th day of March, 2000.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

GAJ

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 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

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hearing or judicial review 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.

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 25-22.0376, 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 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.