

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Roy Toyota) DOCKET NO. 920799-EI
against Florida Power and Light) ORDER NO. PSC-92-1024-FOF-EI
Company regarding high electric) ISSUED: 09/21/92
bills)
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING COMPLAINT

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 April 22, 1992 Mr. Roy Toyota filed a complaint against Florida Power & Light Company with the Division of Consumer Affairs. The complaint concerns bills which Mr. Toyota feels have been too high for several years. Mr. Toyota was further concerned about past bills after his meter was changed, which he said caused his bills to drop. He believed he had been billed improperly.

In a report dated May 8, 1992, FPL advised Consumer Affairs of an energy survey conducted for Mr. Toyota on June 14, 1991. At that time the FPL representative explained energy conservation measures to the customer.

FPL further advised in the report that on February 4, 1992 its meter shop issued a periodic meter change request for Mr. Toyota's meter, due to the age and type of meter. The meter was removed and sent to FPL's meter test center and a new meter was set on that date.

Another energy survey was conducted at the customer's residence on April 7, 1992. Again, energy conservation measures were recommended to Mr. Toyota. The customer's electrical consumption was reviewed during this time. FPL determined the consumption dropped dramatically before the meter was replaced.

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Based on its investigation, staff advised the customer on May 12, 1992 that meter tests confirmed the meters serving his residence were functioning accurately and he had been properly billed.

In a letter received by Consumer Affairs on May 22, Mr. Toyota requested an informal conference. The conference was held pursuant to Commission rules on July 31, 1992 in the Commission's Miami office.

At the conference, Mr. Toyota raised the issue that he was unable to have an independent meter test conducted because the meter was discarded. According to FPL, meters are not retained when they are removed on the periodic meter change schedule for testing and found to be accurately measuring consumption. The parties did not resolve the dispute at the conference.

The meter which was removed according to the periodic meter change was tested on February 21, 1992. The meter was found to be registering at 100.92% weighted average registration, which is within the accuracy requirements established by this Commission. Accordingly, we find that the meter in use at Mr. Toyota's residence before February 4, 1992 was accurately registering consumption.

Mr. Toyota maintains the only reason his bills dropped was because the meter was changed. However, the consumption dropped prior to the meter change.

On April 28, 1992 the customer's new electric meter was field-tested. Results of the test showed a weighted average registration of 100.06%, also within Commission standards. Accordingly, we find that the meter in use at Mr. Toyota's residence since February 4, 1992 is accurately registering consumption.

Based on the foregoing, it is

ORDERED that the Complaint of Roy Toyota against Florida Power and Light Company regarding high electric bills is DENIED. It is further

ORDERED that this Order shall become final and this docket shall be closed unless an appropriate petition for formal

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proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

By ORDER of the Florida Public Service Commission this 21st day of September, 1992.

A handwritten signature in cursive script that reads "Steve Tribble". The signature is written in black ink and is positioned above a horizontal line.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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 12, 1992.

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 sewer 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.