

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.



GENERAL COUNSEL
ROBERT D. VANDIVER
(850) 413-6248

RECEIVED-FPSC
99 JUN 18 AM 11:52
RECORDS AND REPORTING

Public Service Commission

June 18, 1999

990689

David E. Roomes
3340 NW 71st Street
Coconut Creek, Florida 33073-4800

R. Wade Litchfield
Florida Power & Light Company
Post Office Box 1400
Juno Beach, Florida 33408-0420

Dear Mr. Roomes and Mr. Litchfield:

I provided you a recommendation by letter of June 4, 1999. Unfortunately, the pagination of the attachments was incorrect. Please substitute the attached revised copy for the original I sent you on June 4, 1999.

I apologize for any inconvenience which this may have caused. As always, feel free to call if you have any questions.

Sincerely,

Robert D. Vandiver
General Counsel

RDV:jmb
Enclosure
cc: Lynne Adams
Bev DeMello
Blanca Bayo

DOCUMENT NO.
17114-01

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: JUNE 1, 1999

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

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

DATE: June 1, 1999

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.

RDV/jb
Attachments

M E M O R A N D U M

RECEIVED-HPSC

99 JUL -6 PM 1:40

July 1, 1999

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: ROBERT VANDIVER, GENERAL COUNSEL *RV*

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

99-1290-PCO

Attached is an ORDER AUTHORIZING QUALIFIED REPRESENTATIVE
STATUS, to be issued in the above-referenced docket.

(Number of pages in order - 2)

RV/ALC/dr

Attachment

I:\990689A.ALC

MUST GO TODAY

lm
(signature)

State of Florida
-M-E-M-O-R-A-N-D-U-M-

Public Service Commission



RECEIVED-PPSC
20 AUG - 2 AM 10:49
RECORDS AND REPORTING

DATE: July 29, 1999
TO: DIVISION OF RECORDS AND REPORTING (BAYO)
FROM: OFFICE OF GENERAL COUNSEL (VANDIVER) *R*
RE: DOCKET NO. 990689-EI

99-1481-PCO

Pursuant to Commission vote at the July 27, 1999 agenda conference, please issue the attached order at your convenience.

RDV/jb
Attachment

See 2

mailed.

RAR Official Filing:

6/1/01*** 5:01 PM*****Linda Williams*****1**

Linda Williams

1240-FOF

From: Dorothy Menasco
Sent: Friday, June 01, 2001 4:37 PM
To: RAR - Orders-Notices
Cc: June Ariola; Patsy White

3

Sensitivity: Private

The following orders have been transferred to GCOrders for issuance:

Order Granting Approval of Modification
Docket No. 010423-EI
File name: 010423or.kw

Order Granting Dismissal
Docket No. 990689or.kw
File name: 990689or.kw

Atty: Katrina Walker

S

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