IN THE FIRST DISTRICT COURT OF APPEAL

Leticia and Jorge L. Callard, Appellants,

vs.

Florida Power & Light Company, et al.,

Appellees.

Case No. 1D06-3453

TRANSCRIPT OF RECORD IN THE MATTER OF:

Consumer complaint against Florida Power & Light Company by Leticia Callard.

DOCKET NO. 040208-EI

Leticia and Jorge L. Callard 7860 Southwest 18th Terrace Miami, Florida 33155

David M. Lee, Esquire Florida Power & Light Company 700 Universe Boulevard Juno Beach, Florida 33408

Samantha Cibula, Esquire David Smith, Esquire 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

FILED

SEP 01 2006



JON S. WHEELER OFEBIC Clerk District Court of Appear ATTORNEY FOR APPELLEES First District

01 SEP 11 9:09

JULMENT NUMBER-DATE **BREGEIVED**

08241 SEP II 5

FPSC-COMMISSION CLERK

INDEX

.

.

Leticia and Jorge L. Callard vs. Florida Power & Light Company, et al. FPSC Docket No. 040208-EI 1st DCA Case No. 1D06-3453

VOLUME 1

Progress Docket1
Request to establish docket, by Florida Public Service Commission ("Commission") staff, filed March 8, 2004
Memorandum dated March 18, 2004 from Commission's Office of the General Counsel and Divisions of Consumer Affairs and Economic Regulation to Commission Clerk and Administrative Services, filed March 18, 2004
Memorandum dated March 29, 2004 from Commission's Office of the General Counsel to Commission Clerk and Administrative Services with attached March 22, 2004 correspondence from Leticia Callard, filed March 29, 2004
PAA Order PSC-04-0397-PAA-EI approving billing due to meter tampering, issued April 16, 2004
Letter from Leticia Callard to Commission with attached petition of appeal, filed May 12, 2004
Memorandum dated July 8, 2004 from Commission's Office of the General Counsel and Division of Economic Regulation to Commission Clerk and Administrative Services, filed July 8, 2004
Letter dated July 15, 2004 from Leticia Callard to Commission with attached information relating to back billing, filed July 20, 2004
Order PSC-04-0743-PCO-EI granting late-filed request for hearing, issued August 3, 2004146
Note dated August 4, 2004 from Commission's Chairman's Office to Commission Clerk and Administrative Services informing of approval to transfer docket to Division of Administrative Hearings ("DOAH"), filed August 4, 2004
Letter dated August 4, 2004 from Commission's Bureau of Records to DOAH referring attached record from docket for processing of case, filed August 4, 2004

•

.

VOLUME 2

[Continuation of] Letter dated May 13, 2005 from DOAH to Commission with attached recommended order, hearing transcript, and petitioner and respondent's hearing exhibits, filed May 16, 2005
VOLUME 3 [Continuation of] Letter dated May 13, 2005 from DOAH to Commission with attached recommended order, hearing transcript, and petitioner and respondent's hearing exhibits, filed May 16, 2005
Letter dated May 23, 2005 from Leticia Callard to DOAH advising of disagreement with recommended order and listing disputed facts, filed May 31, 2005
Florida Power & Light Company's ("FPL") exceptions to the May 13, 2005, recommended order issued by Administrative Law Judge John G. Van Laningham, filed May 31, 2005445
Memorandum dated July 7, 2005 from Commission's Office of the General Counsel and Divisions of Economic Regulation and Regulatory Compliance and Consumer Assistance to Commission Clerk and Administrative Services, filed July 7, 2005
Memorandum dated July 7, 2005 from Commission's Office of the General Counsel to Commission Clerk and Administrative Services with attached July 7, 2005 letters to Leticia Callard and David M. Lee, Esquire, filed July 7, 2005
Final Order PSC-05-0806-FOF-EI denying exceptions to the recommended order and adopting recommended order, issued August 5, 2005
Letter dated August 15, 2005 from Leticia Callard to Commissioners advising FPL had not provided evidence to support allegations and asking for reconsideration of final order, filed August 22, 2005
FPL's response to Leticia Callard's request for reconsideration of the August 5, 2005 final order of the Commission, filed August 29, 2005
Memorandum dated September 8, 2005 from Commission's Office of the General Counsel and Division of Economic Regulation to Commission Clerk and Administrative Services, filed September 8, 2005
Memorandum from Commission's Office of the General Counsel to Commission Clerk and Administrative Services with attached September 6, 2005 letter from Leticia Callard requesting reconsideration of final order, filed September 9, 2005

Order PSC-05-0957-FOF-EI denying request for reconsideration, issued October 7, 2005535
Third District Court of Appeals acknowledgment of new case, Case No. 3D05-2630, filed November 21, 2005
Supreme Court of Florida acknowledgment of new case, Case No. SC06-331, filed March 2, 2006
Supreme Court of Florida order to show cause, Case No. SC06-331, filed March 28, 2006543
Supreme Court of Florida order transferring appeal to 1 st District Court of Appeals, filed June 23, 2006
1 st District Court of Appeals acknowledgment receipt of notice of appeal, filed July 12, 2006
Certificate of Director, Division of the Commission Clerk and Administrative Services

• •

IN THE FIRST DISTRICT COURT OF APPEAL

)

)

)

)

Leticia and Jorge L. Callard, Appellants, vs. Florida Power & Light Company, et al.,

Appellees.

Case No. 1D06-3453

Volume 2

TRANSCRIPT OF RECORD IN THE MATTER OF:

Consumer complaint against Florida Power & Light Company by Leticia Callard.

DOCKET NO. 040208-EI

Leticia and Jorge L. Callard 7860 Southwest 18th Terrace Miami, Florida 33155 David M. Lee, Esquire Florida Power & Light Company 700 Universe Boulevard Juno Beach, Florida 33408

Samantha Cibula, Esquire David Smith, Esquire 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850 07 SEP 11 AM 9: 10

RECEIVED-7280

FILED

SEP 01 2006

JON S. WHEELER Clerk District Oburt of Appeal First District

APPELLANTS

ATTORNEY FOR APPELLEES

Letter dated May 13, 20	005 from DOAH to Commission with attached rece	ommended order,
hearing transcript, and	petitioner and respondent's hearing exhibits, filed	May 16, 2005154

• •

VOLUME 2

ttached exhibits,
ent with
ommended 1, 2005
nsel and ssistance to
nsel to s to Leticia
r and
PL had not order, filed
2005 final
al Counsel Services,

IN THE FIRST DISTRICT COURT OF APPEAL

)

Leticia and Jorge L. Callard, Appellants, vs.

Case No. 1D06-3453

Florida Power & Light Company, et al.,

Appellees.

Volume 3

TRANSCRIPT OF RECORD IN THE MATTER OF:

Consumer complaint against Florida Power & Light Company by Leticia Callard.

DOCKET NO. 040208-EI

Leticia and Jorge L. Callard 7860 Southwest 18th Terrace Miami, Florida 33155 David M. Lee, Esquire Florida Power & Light Company 700 Universe Boulevard Juno Beach, Florida 33408

Samantha Cibula, Esquire David Smith, Esquire 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

FILED

SEP 01 2006

APPELLANTS

JON S. WHEELER Clerk District Court of Appeal First District



VOLUME 2

[Continuation of] Letter dated May 13, 2005 from DOAH to Commission with attached

recommended order, hearing transcript, and petitioner and respondent's hearing exhibits, filed May 16, 2005
VOLUME 3 [Continuation of] Letter dated May 13, 2005 from DOAH to Commission with attached recommended order, hearing transcript, and petitioner and respondent's hearing exhibits,
filed May 16, 2005
Letter dated May 23, 2005 from Leticia Callard to DOAH advising of disagreement with recommended order and listing disputed facts, filed May 31, 2005
Florida Power & Light Company's ("FPL") exceptions to the May 13, 2005, recommended order issued by Administrative Law Judge John G. Van Laningham, filed May 31, 2005445
Memorandum dated July 7, 2005 from Commission's Office of the General Counsel and Divisions of Economic Regulation and Regulatory Compliance and Consumer Assistance to Commission Clerk and Administrative Services, filed July 7, 2005
Memorandum dated July 7, 2005 from Commission's Office of the General Counsel to Commission Clerk and Administrative Services with attached July 7, 2005 letters to Leticia Callard and David M. Lee, Esquire, filed July 7, 2005
Final Order PSC-05-0806-FOF-EI denying exceptions to the recommended order and adopting recommended order, issued August 5, 2005
Letter dated August 15, 2005 from Leticia Callard to Commissioners advising FPL had not provided evidence to support allegations and asking for reconsideration of final order, filed August 22, 2005
FPL's response to Leticia Callard's request for reconsideration of the August 5, 2005 final order of the Commission, filed August 29, 2005
Memorandum dated September 8, 2005 from Commission's Office of the General Counsel and Division of Economic Regulation to Commission Clerk and Administrative Services, filed September 8, 2005
Memorandum from Commission's Office of the General Counsel to Commission Clerk and Administrative Services with attached September 6, 2005 letter from Leticia Callard requesting reconsideration of final order, filed September 9, 2005

Order PSC-05-0957-FOF-EI denying request for reconsideration, issued October 7, 2005	.535
Third District Court of Appeals acknowledgment of new case, Case No. 3D05-2630, filed November 21, 2005	.538
Supreme Court of Florida acknowledgment of new case, Case No. SC06-331, filed March 2, 2006	.541
Supreme Court of Florida order to show cause, Case No. SC06-331, filed March 28, 2006	.543
Supreme Court of Florida order transferring appeal to 1 st District Court of Appeals, filed June 23, 2006	.545
1 st District Court of Appeals acknowledgment receipt of notice of appeal, filed July 12, 2006	.547
Certificate of Director, Division of the Commission Clerk and Administrative Services	.548

. .