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August 1, 2012

HAND DELIVERED

RECEIVED FPSC  
12 AUG - 1 PM 4:00  
COMMISSION  
CLERK

Ms. Ann Cole, Director  
Division of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Robert D. Evans' formal complaint against Tampa Electric Company requesting reimbursement of money paid for installation of infrastructure on Mr. Evans property for which Tampa Electric Company failed to complete.  
Docket No. 120192-EI

Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Response to Petition.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,

  
James D. Beasley

JDB/pp  
Enclosure

COM	_____
AFD	_____
APA	_____
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DOCUMENT NUMBER-DATE  
05192 AUG-1 12  
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Robert D. Evans' formal complaint against )  
Tampa Electric Company requesting reimbursement )  
of money paid for installation of infrastructure )  
on Mr. Evans property for which Tampa Electric )  
Company failed to complete. )  
\_\_\_\_\_ )

DOCKET NO. 120192-EI

FILED: August 1, 2012

**TAMPA ELECTRIC COMPANY'S  
RESPONSE TO PETITION**

Tampa Electric Company ("Tampa Electric" or "the company") responds as follows to the Petition filed on behalf of Mr. Robert D. Evans on July 17, 2012:

1. Tampa Electric denies that Mr. Evans is entitled to any relief as against Tampa Electric. With respect to the specific relief requested, Tampa Electric denies that Mr. Evans is entitled to the return of any monies he paid to Tampa Electric pursuant to the Commission's contribution in aid of construction ("CIAC") rules and Tampa Electric's Commission-approved retail tariff provisions relating to CIAC. Further, the Commission lacks jurisdiction to award attorney's fees and costs.

2. On December 6, 2010, Mr. Evans contacted Tampa Electric requesting underground electric service of a length of approximately 750 feet on property owned by Mr. Evans at 7207 Alafia Ridge Road, Riverview, Florida.

3. Mr. Evans advised Tampa Electric that there was existing unused underground electric service conduit previously installed on the site with no underground electric cable or transformer having been installed. Tampa Electric evaluated the conduit and determined that it was in place and usable with some minor repair.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

4. Mr. Evans furnished Tampa Electric a copy of a recorded easement over the property in question that a previous owner granted to the company. Mr. Evans also provided Tampa Electric his construction plans for a barn on the property in question. Tampa Electric used the plans to design electric service for Mr. Evans' property. Utilizing the Commission's CIAC rule formula and the company's Commission approved retail tariff, Tampa Electric billed and collected a CIAC charge from Mr. Evans in the amount of \$5,221.15. In reviewing that calculation for purposes of preparing this response, Tampa Electric discovered that it actually undercharged Mr. Evans approximately \$287 below what the company should have charged for the service it provided.

5. Mr. Evans' Petition devotes considerable amount of detail to the existence of the easement and the fact that the underground conduit was already installed on his property at the time he requested electric service from Tampa Electric. Tampa Electric does not dispute the existence of the easement. However, the existence of an easement does not entitle Mr. Evans to any exemption from otherwise applicable Commission rules and Tampa Electric tariff provisions prescribing CIAC charges. Moreover, to the extent Mr. Evans claims that the easement created any type of contract, the Commission lacks jurisdiction to adjudicate contractual disputes or award damages or attorney's fees.

6. With respect to the conduit, Tampa Electric does not know for certain who installed the conduit as there is no record of the installation by Tampa Electric or the customer. Tampa Electric believes that a previous owner of the property installed customer-owned conduits for both telephone and electric service. However, this really doesn't matter. Mr. Evans was not charged CIAC for any underground conduit.


7. The CIAC charge that Tampa Electric billed to Mr. Evans and which Mr. Evans paid was calculated in accordance with the Commission's rules and the company's retail tariff and, with the exception of the above-referenced \$287 calculation error in Mr. Evans' favor, was the appropriate amount to collect for the service provided.

8. Mr. Evans is currently receiving electric service on the property in question.

WHEREFORE, Tampa Electric denies any liability to Mr. Evans relating to the CIAC amount charged to and collected from Mr. Evans by Tampa Electric in connection with the provision of electric service at Mr. Evans' property at 7207 Alafia Ridge Road, Riverview, Florida. Tampa Electric urges that Mr. Evans' Petition be denied and that the Commission confirm in its order denying the Petition that Tampa Electric properly calculated and collected CIAC from Mr. Evans.

DATED this 15<sup>th</sup> day of August 2012.

Respectfully submitted,

  
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JAMES D. BEASLEY  
J. JEFFRY WAHLEN  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, Florida 32302  
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

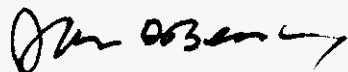
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Response to Petition, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (\*)

on this 1<sup>st</sup> day of August 2012 to the following:

Ms. Pauline Robinson\*  
Senior Attorney  
Office of General Counsel  
Florida Public Service Commission  
Room 390M – Gerald L. Gunter Bldg.  
2650 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. J. Benton Stewart  
Stewart Law PLLC  
11705 Boyette Rd., Suite 205  
Riverview, FL 33569



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ATTORNEY