

EDWARD MCDONALD, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 TAMPA ELECTRIC COMPANY, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

COMMISSION  
CLERK

DOCKET NO. 110305-EI

MOTION TO STRIKE


TAMPA ELECTRIC COMPANY'S RESPONSE TO PETITIONER'S MOTION FOR RECONSIDERATION AND MOTION FOR STAY should be STRICKEN for the following reasons; To Wit:

- (1) On September 24, 2012, Respondent WAIVED his right to plead further in these proceedings. (EXHIBIT 1 attached)
- (2) Respondent's motion is not responsive. THERE IS NO REBUTTAL OF ALLEGATIONS OF FRAUD and NO REBUTTAL OF THE MOTION FOR SUMMARY JUDGEMENT.

Accordingly, Respondent's motion should be STRICKEN and Petitioner's unrefuted assertions in his Motion for Summary Judgement SHOULD PREVAIL AS A MATTER OF LAW.

CERTIFICATE OF SERVICE

A copy hereof was forwarded this 15th day of October, 2012 to James Beasley, P.O. Box 391, Tallahassee, FL 32302 & Pauline Robinson, Staff Counsel, Office of General Counsel, FPSC, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850

  
 Edward McDonald  
 7203 N. 41st St.  
 Tampa, FL 33604-2425

DOCUMENT NUMBER-DATE (813) 374-3837

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FPSC-COMMISSION CLERK

# AUSLEY & MCMULLEN

EXHIBIT 1

ATTORNEYS AND COUNSELORS AT LAW

123 SOUTH CALHOUN STREET  
P.O. BOX 391 (ZIP 32302)  
TALLAHASSEE, FLORIDA 32301  
(850) 224-9115 FAX (850) 222-7560

September 24, 2012

HAND DELIVERED

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

Re: Edward McDonald v. Tampa Electric Company  
FPSC Docket No. 110305-EI

Dear Ms. Cole:

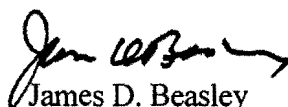
On September 18, 2012 the Commission voted to dismiss with prejudice the amended petition requesting the initiation of formal proceedings for Proposed Agency Action Order No. PSC-12-0053-PAA-EI. That vote was followed by the issuance of Order No. PSC-12-0485-FOF-EI on September 21, 2012 dismissing Mr. McDonald's complaint with prejudice.

Mr. McDonald had filed a renewed motion for continuance and a motion for summary judgment. It is our understanding that those and any other pleadings that may be forthcoming from Mr. McDonald in this docket regarding matters addressed in his complaint are subsumed in the above-referenced order dismissing his complaint with prejudice. Accordingly, we will not be filing responses to those pleadings.

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

cc: Pauline Robinson  
Edward McDonald ✓

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

EDWARD MCDONALD, )  
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