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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 140024-EI

INITIATION OF FORMAL  
PROCEEDINGS ON COMPLAINT NO.  
1109752E OF BRENDA RODRIGUEZ  
AGAINST DUKE ENERGY FLORIDA,  
INC. FOR ALLEGED IMPROPER  
BILLING.

\_\_\_\_\_ /

PROCEEDINGS: COMMISSION CONFERENCE AGENDA  
ITEM NO. 4

COMMISSIONERS  
PARTICIPATING: CHAIRMAN ART GRAHAM  
COMMISSIONER LISA POLAK EDGAR  
COMMISSIONER RONALD A. BRISÉ  
COMMISSIONER EDUARDO E. BALBIS  
COMMISSIONER JULIE I. BROWN

DATE: Friday, May 9, 2014

PLACE: Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida

REPORTED BY: LINDA BOLES, CRR, RPR  
Official FPSC Reporter  
(850) 413-6732

## P R O C E E D I N G S

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2           **CHAIRMAN GRAHAM:** Next we are moving on to  
3 Item Number 4.

4           **MS. BROWNLESS:** Good morning, Commissioners.  
5 My name is Suzanne Brownless on behalf of Commission  
6 staff.

7           Item Number 4 is a consumer complaint filed by  
8 Brenda Rodriguez against Duke Energy of Florida, Inc.,  
9 for back-billing in the amount of \$7,974.44 associated  
10 with alleged meter tampering at Ms. Rodriguez's  
11 residence. Having determined that there is sufficient  
12 proof that meter tampering has occurred, that the  
13 back-billing period is reasonable, and that the  
14 investigative costs are reasonable, staff recommends  
15 that Ms. Rodriguez's complaint be dismissed. Ms.  
16 Rodriguez has requested that she be allowed to  
17 participate and is available by phone.

18           **CHAIRMAN GRAHAM:** All right. I believe we do  
19 have Ms. Rodriguez on the phone. Ms. Rodriguez, you  
20 have three minutes if you have something to say to us.

21           (Technical difficulties).

22           Ms. Rodriguez, could I get you to hold on for  
23 just a second. We're having some technical  
24 difficulties.

25           (Pause.)

1 Ms. Rodriguez, are you there?

2 **MS. RODRIGUEZ:** Yes, I am.

3 **CHAIRMAN GRAHAM:** Okay. Let's start that  
4 again.

5 **MS. RODRIGUEZ:** Okay. My name is Brenda  
6 Rodriguez, and my --

7 (Technical difficulties.)

8 **CHAIRMAN GRAHAM:** Okay. Well, we thank you  
9 for your participation.

10 **MS. RODRIGUEZ:** Thank you and have a good day.

11 **CHAIRMAN GRAHAM:** Thanks.

12 Commissioners.

13 Commissioner Balbis.

14 **COMMISSIONER BALBIS:** Mr. Chairman, I'm going  
15 to be -- well, I'm not going to say that. I couldn't  
16 understand hardly anything she said. And my concern is  
17 that, you know, in this process, you know, we always  
18 like to hear from both sides. And I think her  
19 information is important, and I'm wondering are we under  
20 some sort of statutory time frame here? Is there a way  
21 we can get that information and her side of this issue  
22 before we rule on it?

23 **CHAIRMAN GRAHAM:** Well, my understanding was  
24 that she was told that she could send any written  
25 information in to us that she wanted to and that she

1 could come to this meeting and attend. And evidently  
2 she had a hardship and couldn't make it to this meeting,  
3 so we allowed for her to participate by phone. It is  
4 what it is. You know, if you want to defer it and you  
5 think there's some more information you can get from  
6 her, that's fine. I encourage everybody to give us as  
7 much in written form as possible, and that's why I allow  
8 for them to -- if there's something that they think that  
9 they need to emphasize more, I allow the three minutes  
10 on the phone so they can basically hit the high points  
11 or get something that they want to emphasize more. But  
12 other than that, I mean, this is their place for due  
13 process. They come in and give us their side of the  
14 story and then that's it.

15 **COMMISSIONER BALBIS:** Well, Mr. Chairman, if I  
16 may. You know, this is her complaint.

17 **CHAIRMAN GRAHAM:** Okay.

18 **COMMISSIONER BALBIS:** And, and you mentioned,  
19 you know, a deferral. I believe that the person filing  
20 the complaint can ask it to be deferred. I mean, this  
21 isn't Duke's complaint and issue. So I don't know if  
22 there's a way that we can contact her and see if we can  
23 get this deferred. You know, I certainly don't have  
24 enough information as far as her side of the story,  
25 because the three minutes she spent, I caught maybe one

1 sentence out of it.

2 **CHAIRMAN GRAHAM:** Well, I guess this goes back  
3 to our legal counsel. If there's nothing time wise  
4 that's holding us up, you simply, as a Commissioner up  
5 here, can ask for the deferral. I don't have a problem  
6 with that at all.

7 **MS. HELTON:** That's correct.

8 **CHAIRMAN GRAHAM:** So if you'd like to defer  
9 this and to reach out and have staff reach out, or you  
10 can go through legal to figure out exactly what it is  
11 you can do, that you want to get more information from  
12 her, I mean, feel free to do that. We can put it on the  
13 next agenda.

14 **COMMISSIONER BALBIS:** Yeah. I mean,  
15 obviously, you know, I think, especially when we have a  
16 customer that comes all the way to this process, I think  
17 it's important to get their side of the story and have  
18 everyone's due process rights resolved. And whether  
19 those were technical issues on our end or their end, we  
20 don't know. So I would move that we defer this item  
21 until we can get those difficulties ironed out, or if,  
22 if there's any other processes that are appropriate.

23 **CHAIRMAN GRAHAM:** And, and I would emphasize  
24 both to you and to staff, I mean, this is why I  
25 encourage for the written form even more and more

1 because it takes all the rest of this stuff out of the  
2 picture.

3 Commissioner Brisé.

4 **COMMISSIONER BRISÉ:** Thank you, Mr. Chairman.

5 And I think I would support the motion and second it  
6 just for the mere fact that we should give the customer  
7 the opportunity. And as was stated, we don't know if  
8 the technical Issue was on our end or on her end,  
9 recognizing that she could have availed herself of  
10 sending all the information in writing and so forth.  
11 But just to be overly cautious, we'll give her the  
12 opportunity -- from my perspective, we should give her  
13 the opportunity.

14 **CHAIRMAN GRAHAM:** Commissioner Brown.

15 **COMMISSIONER BROWN:** Thank you. I'm just a  
16 little confused as to what we are seeking. Her entire  
17 complaint is in the docket file. And as a courtesy, of  
18 course, and not to infringe on her due process rights,  
19 the Chairman allowed her three minutes to, to reiterate  
20 her complaint. I don't know what information you're  
21 seeking that's not already in the record, and I'm  
22 prepared to vote today. But I'm just -- for clarity so  
23 that we understand what the deferral is for, what are  
24 you seeking?

25 **COMMISSIONER BALBIS:** Well, obviously if I did

1 not understand what she was saying, I could not know  
2 what information that she could provide that I would  
3 need. So all I'm seeking is her opportunity to provide  
4 any additional information or provide any comments as to  
5 her complaint. This is her complaint. I agree that,  
6 you know, everything is in the docket file, but we also  
7 can consider comments and oral arguments made in many  
8 proceedings. And so that is simply what I wanted to do  
9 is offer her that opportunity.

10 **COMMISSIONER BROWN:** Well, I believe it's up  
11 to the Chairman's discretion, so.

12 **CHAIRMAN GRAHAM:** Any further discussion? All  
13 right. We'll go ahead and defer this or I guess we'll  
14 table this, whatever the legal term is, to the next  
15 hearing, to the next meeting so we can put it on the  
16 next agenda. And then, Commissioner Balbis, if you'd  
17 work through staff, and whatever information it is that  
18 you need or whatever may not be in this docket  
19 additional, and we can just take this up next time.

20 That being said, we'll go ahead and table this  
21 one, defer it. Which is, which is the better way of  
22 handling that?

23 **MS. HELTON:** Defer.

24 **CHAIRMAN GRAHAM:** We will defer Item Number 4.

25 (Agenda item concluded.)

1 STATE OF FLORIDA )  
 : CERTIFICATE OF REPORTER  
2 COUNTY OF LEON )

3  
4 I, LINDA BOLES, CRR, RPR, Official Commission  
Reporter, do hereby certify that the foregoing  
5 proceeding was heard at the time and place herein  
stated.

6  
7 IT IS FURTHER CERTIFIED that I  
stenographically reported the said proceedings; that the  
same has been transcribed under my direct supervision;  
8 and that this transcript constitutes a true  
transcription of my notes of said proceedings.

9  
10 I FURTHER CERTIFY that I am not a relative,  
employee, attorney or counsel of any of the parties, nor  
am I a relative or employee of any of the parties'  
11 attorney or counsel connected with the action, nor am I  
financially interested in the action.

12 DATED THIS 16th day of May, 2014.

13  
14 *Linda Boles*

15  
16 LINDA BOLES, CRR, RPR  
FPSC Official Commission Reporters  
17 (850) 413-6734