

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint No. 1109752E  
of Brenda Rodriguez against Duke Energy  
Florida, Inc., for alleged improper billing

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Docket No. 140024-EI  
Filed: December 16, 2014

**DUKE ENERGY FLORIDA'S MOTION TO INITIATE MEDIATION**

Duke Energy Florida, Inc. ("DEF" or the "Company"), pursuant to Order No. PSC-14-0674-PCO-EI (the "OEP") and Rules 28-106.402 and 28-106.211, F.A.C., respectfully moves the Commission for an order referring this docket to mediation. The Company believes that mediation can assist the parties in reaching a mutually agreeable settlement which would promote administrative efficiency by eliminating the need for a formal hearing.

Pursuant to Rule 28-106.402, the name, address, email address and telephone number of DEF for purposes of this motion are those of its undersigned attorneys. The preliminary agency action that forms the basis of this motion is the OEP.

The Company believes that a member of the Commission's Staff with familiarity of Chapter 366, Florida Statutes, the Commission's Rules, and experience conducting mediation would be an appropriate mediator of this dispute; in the alternative, a Florida licensed civil court mediator would also be acceptable. DEF proposes to conduct the mediation session(s) in Kissimmee where Ms. Rodriguez resides and DEF will bear the costs of the mediation (i.e., the costs of securing a mediation location, hiring a civil court mediator if one is used, and a translator if necessary).

Additionally, there is ample time in the month of January to conduct the mediation session(s) without disturbing the schedule set forth in the OEP. If successful, the proposed

mediation would eliminate the necessity and expense of witness travel to Tallahassee and promote administrative efficiency by eliminating the necessity of a final hearing.

In the "Notice of Further Proceedings and Judicial Review" section, the OEP states that "Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing." The Company believes that mediation can assist the parties to reach an amicable resolution and can do so without delaying or prejudicing the parties' right to a formal hearing if mediation ultimately proves unsuccessful.

Therefore, in the interest of promoting the just, speedy, and inexpensive resolution of this docket, DEF respectfully requests the Prehearing Officer refer this docket to mediation. See Rule 28-106.211, F.A.C.

Pursuant to Rule 28-106.204, the undersigned has contacted Ms. Rodriguez and can represent that she is in support of this motion.

Respectfully submitted,

s/ Matthew R. Bernier  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via electronic mail to Suzanne S. Brownless, ([sbrownle@psc.state.fl.us](mailto:sbrownle@psc.state.fl.us)), Attorney, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399, and Brenda Rodriguez, ([notarybrenda67@yahoo.com](mailto:notarybrenda67@yahoo.com)), 185 Anzio Drive, Kissimmee, Florida 34758 this 16<sup>th</sup> day of December, 2014.

*s/ Matthew R. Bernier*  
Attorney