

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

### -M-E-M-O-R-A-N-D-U-M-

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**DATE:** October 13, 2015  
**TO:** Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk  
**FROM:** Kelley F. Corbari, Senior Attorney, Office of the General Counsel *KFC*  
**RE:** **Docket No. 150185-EI** – Complaint by Erika Alvarez, Jerry Buechler, and Richard C. Silvestri against Florida Power & Light Company.

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Attached please find a copy of correspondence from FPL, regarding Mr. Buechler's request for mediation in this docket. Please file the attached comments in the documents tab of the docket file and reference Document Nos. 06439-15 and 06259-15.

Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact me.

KFC

RECEIVED FPSC  
15 OCT 13 PM 4:23  
COMMISSION  
CLERK

**From:** [Cano, Jessica](#)  
**To:** [Kelley Corbari](#)  
**Cc:** [Jerry Buechler](#); [RICHARD C SILVESTRI](#); [ERIKA ALVAREZ](#); [J. R. Kelly - OPC](#); [Keino Young](#); [Bianca Lherisson](#)  
**Subject:** Re: Sept. 23 Request for mediation for Docket No. 150185\  
**Date:** Monday, October 12, 2015 4:46:35 PM

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Kelley,

FPL has not agreed to mediation. I advised Mr. Buechler of our position this morning on the phone. Thank you.

Sent from my iPhone

On Oct 12, 2015, at 3:43 PM, "Kelley Corbari" <[KCorbari@psc.state.fl.us](mailto:KCorbari@psc.state.fl.us)> wrote:

Mr. Buechler,

As I stated previously in my October 5<sup>th</sup> email to you, the Commission cannot order the parties to mediate this matter. Rather, all the parties must voluntarily agree to participate in mediation. The Commission must continue to process this docket, unless all the parties request the matter be deferred while the parties engage in mediation. Since the Commission has not received any information from any of the parties to indicate a mediation is pending, the Commission will continue to proceed on this docket. *(See attached Email dated 10/05/15)*

For example, see Florida Administrative Code Rules 28-106.401 and 28-106.404:

**Rule 28-106.401, F.A.C. – Purpose:**

This rule applies to all mediation proceedings conducted pursuant to Section 120.573, F.S.

(1) Mediation is a process whereby a third person acts to encourage and facilitate a resolution of an administrative dispute, without prescribing what the resolution should be. Mediation is an informal and nonadversarial process with the objective of helping the parties reach a mutually acceptable agreement.

(2) Mediation proceedings are available to settle administrative disputes if provided for in the announcement of agency actions. If an agreement to mediation by the agency and all parties is filed

within 10 days of the announcement for election of an administrative remedy under Sections 120.569 and 120.57, F.S., the time limitations shall be tolled until the completion of the mediation with settlement or impasse.

**Rule 28-106.404, F.A.C. – Contents of Agreement to Mediate.**

The agreement to mediate shall set forth:

- (1) The names, addresses, any e-mail address, and telephone numbers of any persons who may attend the mediation;
- (2) The name, address, e-mail address, and telephone number of the mediator agreed to by the parties;
- (3) How the costs and fees associated with mediation will be allocated;
- (4) The agreement of the parties regarding the confidentiality of discussions and documents introduced during mediation to the extent authorized by law;
- (5) The date, time, and place of the first mediation session;
- (6) The name of the party's representative who shall have authority to settle or recommend settlement; and
- (7) The signatures of the parties.

I will file your email in the docket file so that it is available to the Commissioners.

With regard to your other two questions, I am not able to respond to your questions as I do not have sufficient knowledge of the issues to comment on them and the Commission does not comment on ongoing dockets. However, you may view the docket files of the matters on the Commission website at: <http://www.floridapsc.com/dockets/cms/>

The docket numbers pertaining to your questions are:

- (1) 140001-EI In Re: Fuel and purchased power cost

recovery clause with generating performance incentive factor.

(2) 150148-EI In Re: Petition for approval to include in base rates the revenue requirement for the CR3 regulatory asset, by Duke Energy Florida, Inc. \*\* consolidated with \*\*

150171-EI In Re: Petition for issuance of nuclear asset-recovery financing order, by Duke Energy Florida, Inc. d/b/a Duke Energy.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,  
Kelley

*Kelley F. Corbari,*

Senior Attorney - Regulatory Analysis Section

Office of the General Counsel

FLORIDA PUBLIC SERVICE COMMISSION

Email: [KCorbari@psc.state.fl.us](mailto:KCorbari@psc.state.fl.us)

Direct Phone: (850) 413-6234

Direct Fax: (850) 413-6235

*PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message may be subject to public disclosure.*

**From:** Jerry Buechler [<mailto:thetruthbyjerryb@gmail.com>]

**Sent:** Monday, October 12, 2015 12:39 PM

**To:** Kelley Corbari; Jerry Buechler; RICHARD C SILVESTRI; ERIKA ALVAREZ

**Subject:** Re: RE: Sept. 23 Request for mediation for Docket No. 150185\

Correction: I meant to address to you Kelly.. Kelly please forward to the PSC commissioners the previous email and let us know if this is legal ground to delay action on the "Motion to Dismiss" Also could you please verify for me two items I have read about in newspapers and on the internet.

!. Is it true that the PSC has given the green light to FPL to charge its customers up to \$500,000 per year to partner with a "hydrofracking" company in Oklahoma

for up to 30 years.

2. Duke Energy customers were charged 4.2 Billion over the last several years to build a nuclear power plant and now Duke has decided to not build the plant. If this is true has the money been refunded to customers and if it hasn't why not?

Sincerely,  
Jerry Buechler

On Mon, Oct 12, 2015 at 12:25 PM, Jerry Buechler  
<[thetruthbyjerryb@gmail.com](mailto:thetruthbyjerryb@gmail.com)> wrote:

Jessica, Please forward to all of the PSC commissioners, so they are aware of the fact that FPL has still not responded to our Sept. 23 request for mediation. It would be prudent to delay our item until FPL responds to our mediation request.

Sincerely,  
Jerry Buechler  
[305 510 4927](tel:3055104927)

----- Forwarded message -----

From: "Cano, Jessica" <[Jessica.Cano@fpl.com](mailto:Jessica.Cano@fpl.com)>  
Date: Sep 24, 2015 2:57 PM  
Subject: RE: Sept. 23 Request for mediation for Docket No. 150185\  
To: "Jerry Buechler" <[thetruthbyjerryb@gmail.com](mailto:thetruthbyjerryb@gmail.com)>  
Cc: "KCorbari@psc.state.fl.us" <[KCorbari@psc.state.fl.us](mailto:KCorbari@psc.state.fl.us)>, "RICHARD C SILVESTRI" <[rsilvest@bellsouth.net](mailto:rsilvest@bellsouth.net)>, "Erika Álvarez" <[erikared707@gmail.com](mailto:erikared707@gmail.com)>

Dear Mr. Buechler,

FPL is considering your request to participate in mediation. In the meantime, and regardless of whether mediation is pursued, please be assured that I am willing to meet with you, Mr. Silvestri, and Ms. Alvarez, either by phone or in person, to discuss your complaint.

Sincerely,

Jessica A. Cano  
Senior Attorney  
Florida Power & Light Company  
[\(561\) 304-5226](tel:5613045226)

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**From:** Jerry Buechler [<mailto:thetruthbyjerryb@gmail.com>]  
**Sent:** Thursday, September 24, 2015 10:35 AM  
**To:** Cano, Jessica  
**Cc:** [KCorbari@psc.state.fl.us](mailto:KCorbari@psc.state.fl.us); Jerry Buechler; RICHARD C SILVESTRI; Erika Álvarez  
**Subject:** Sept. 23 Request for mediation for Docket No. 150185\

This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.

I was going to make this request yesterday but I found that my internet was out and today's paper reports that a major underground cable was cut affecting all service on the south end of Port St. Lucie. They say it could be days before service is restored. Thus I am having a coffee at a Burger King in north Port St. Lucie.

I talked to the 2 other parties involved with this complaint and both Erika Alvarez and Richard C. Silvestri are in support of a request for mediation.

Due to the living addresses of all involved, including the attorney (mediator) coming from Tallahassee we think a Orlando location would be most central for everyone involved. If Erika cannot attend she would like to be involved by phone on final negotiations and agreements. We feel this is the most fair and human way to resolve this complaint against FPL. I am sure we can find common ground. My phone number if you need to contact me directly is 305-510-4927. This is the best way to contact me currently as I am involved in some construction deadlines and not attending everyday to my emails. Thanks!

Sincerely,  
Jerry Buechler  
305-510-4927

<150185-EI Email RE Staff Recommendation (10-05-15).pdf>