

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-

DATE: October 30, 2019

TO: Adam J. Teitzman, Commission Clerk, Office of Commission Clerk

FROM: Kristen Simmons, Senior Attorney, Office of the General Counsel *KS*

RE: 20190139-EI - Complaint against Duke Energy Florida, LLC d/b/a Duke Energy regarding billing errors and inaccurate meter readings, by Elizabeth Randle.

Please place the attached letter to Ms. Elizabeth Randle in the above referenced Docket file.

KBS/lms
Attachments

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
JULIE I. BROWN
DONALD J. POLMANN
GARY F. CLARK
ANDREW GILES FAY

STATE OF FLORIDA



KEITH C. HETRICK
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

October 28, 2019

Ms. Elizabeth S. Randle
1702 Newark St. South
St. Petersburg, FL 33711
thebazile2001@msn.com

via e-mail and U.S. mail

Re: Docket No. 20190139-EI – Complaint against Duke Energy Florida, LLC d/b/a Duke Energy regarding billing errors and inaccurate meter readings, by Elizabeth Randle.

Dear Ms. Randle:

In a letter dated October 28, 2019, you stated you would like to protest staff's recommendation. However, any protest filed before the Commission issues an order is considered abandoned unless it satisfies the conditions in Rule 28-106.201, Florida Administrative Code (F.A.C.), and is renewed within the specified protest period.

Staff's recommendation is scheduled to be heard at the November 5, 2019 Commission Conference. Once the Commissioners vote on staff's recommendation, an order will follow. The protest period begins once the order has been filed and lasts 21 days. If you wish to protest the decision of the Commission, you will need to refile your protest during this period, satisfying the conditions set out in Rule 28-106.201, F.A.C. A copy of the Rule is attached to this letter for your convenience.

Please feel free to call me at (850) 413-6175 or email me at ksimmons@psc.state.fl.us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristen Simmons", with a long horizontal flourish extending to the right.

Kristen Simmons
Senior Attorney

KBS
Attachment

cc: Office of Commission Clerk

28-106.201 Initiation of Proceedings.

(1) Unless otherwise provided by statute, and except for agency enforcement and disciplinary actions that shall be initiated under Rule 28-106.2015, F.A.C., initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 1/2 by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

Rulemaking Authority 14.202, 120.54(3), (5) FS. Law Implemented 120.54(3) FS. History—New 4-1-97, Amended 9-17-98, 1-15-07, 2-5-13.