

State of Florida



ORIGINAL

Public Service Commission

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

DATE: February 7, 2003
TO: Division of the Commission Clerk and Administrative Services
FROM: Office of the General Counsel (Holley) *JAH*
RE: Docket No. 021051-EI - Complaint of The Links Homeowners Association, Inc. against Tampa Electric Company, request for investigation, and request for determination that The Links is not responsible for monies TECO claims are due and owing.

Please file the attached letter from James D. Beasley, Esquire, dated February 5, 2003, in the docket file for the above-referenced docket.

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Done 2/13/03

DOCUMENT NUMBER - DATE
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AUSLEY & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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February 5, 2003

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PUBLIC SERVICE COMMISSION
OF THE GENERAL COUNSEL

Ms. Lorena A. Holley
Staff Counsel
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 021051-EI – Complaint of The Links Homeowners Association, Inc. against Tampa Electric Company, request for investigation, and request for determination that The Links is not responsible for monies to TECO claims are due and owing.

Dear Lorena:

During the conference call meeting between the Staff, Tampa Electric and counsel for The Links Homeowners Association last Friday afternoon, Connie Kummer asked that the parties consider and advise the Staff whether they believe mediation can play an appropriate role in attempting to resolve the above-referenced dispute. As a general matter, Tampa Electric favors mediation and has found it to be an efficient and useful dispute resolution medium in a number of past proceedings.

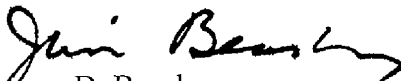
If the instant case involved a claim that the electric bills Tampa Electric sent to The Links Homeowners Association had been improperly calculated or that a meter or meters were not properly working or some other similar type of claim, Tampa Electric might be inclined to pursue mediation. However, in this proceeding, the customer disputes liability altogether for the lighting service it admittedly received from Tampa Electric from September of 1996 through the date in October of 2001 when Hillsborough County assumed the cost of street lighting for The Links subdivision. The Links complaint does not present a question of how much the subdivision owes for lighting it received but, instead, whether there is any basis for liability at all. Tampa Electric does not believe that the underlying issue of liability is one that can be appropriately resolved through mediation and, thus, does not see a useful role for mediation in this proceeding.

Ms. Lorena A. Holley
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I should point out that the amount in dispute here is less than \$9,000. This fact suggests it would be a lot more economical for all involved to allow the liability issue to be resolved in the normal collections process rather than conducting mediation and/or a separate Commission proceeding in parallel with that process.

Should you have any questions or require further information, please let us know.

Sincerely,


James D. Beasley

JDB/pp

cc: Connie Kummer
Steven H. Mezer
Eric N. Appleton
Angela Llewellyn