

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of:

DOCKET NO. 11030

INITIATION OF FORMAL PROCEEDINGS
OF COMPLAINT NO. 1006767E OF
EDWARD MCDONALD AGAINST TAMPA
ELECTRIC COMPANY, FOR ALLEGED
IMPROPER BILLING.

RECEIVED FPSC
12 DEC 13 AM 11:38
COMMISSION
CLERK

PROCEEDINGS: COMMISSION CONFERENCE
ITEM NO. 7

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

DATE: Monday, December 10, 2012

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

REPORTED BY: LINDA BOLES, CRR, RPR
Official FPSC Reporter
(850) 413-6734

P R O C E E D I N G S

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3 **CHAIRMAN BRISÉ:** Moving to Item Number 7. It
4 is my understanding that Mr. McDonald is on the line and
5 will be available to answer questions, if necessary.

6 **MR. HARRIS:** Yes, sir. Thank you, Mr.
7 Chairman.

8 Larry Harris on behalf of the Office of
9 General Counsel.

10 This is Docket 110305. It's a complaint by
11 Mr. Edward McDonald against Tampa Electric Company.
12 We're here today on a recommendation regarding a
13 motion -- request for oral argument by Mr. McDonald, a
14 motion for reconsideration, motion for stay of
15 proceedings, motion to strike, and notice of filing a
16 complaint. Staff recommends that oral argument be
17 denied, and we recommend that the Commission not proceed
18 with the motions filed by Mr. McDonald and instead
19 issue -- the order would remain final.

20 Staff is available to answer any questions.
21 And as you said, Mr. McDonald is on the phone and
22 available to answer any questions the Commission might
23 have.

24 **CHAIRMAN BRISÉ:** Thank you very much. I just
25 want to make sure Mr. McDonald, Mr. McDonald understands

1 that he's there to answer questions, if there are any
2 questions that are posed to him.

3 **MR. HARRIS:** I did convey that to him, yes,
4 sir.

5 **CHAIRMAN BRISÉ:** Okay. Thank you.

6 Commissioner Graham.

7 **COMMISSIONER GRAHAM:** Thank you, Mr. Chairman.

8 This question, I guess, is to staff. Staff,
9 this thing seems to be lingering on for quite a while.
10 What can we do to bring this to closure so something
11 else doesn't pop up again in another three more months
12 and something else comes up in another three more
13 months?

14 **MR. HARRIS:** Staff would suggest that an
15 affirmative vote on staff's recommendation today should
16 bring this to a landing. It's essentially recommending
17 that all of the previous orders be made final, that
18 Mr. McDonald has not stated a complaint upon which this
19 Commission would take action. And, therefore, with
20 reconsideration denied it would become final. I suppose
21 Mr. McDonald could appeal that, but it would probably
22 close the proceedings here.

23 **COMMISSIONER GRAHAM:** So if he chose to appeal
24 that, then does that appeal go to a different court or
25 does it come back here?

1 **MR. HARRIS:** If he were able to appeal that,
2 and I don't know that he is, but if he were, yes, it
3 would go to the district court of appeal.

4 **COMMISSIONER GRAHAM:** But so as far as we here
5 at the PSC are concerned, this issue is just done after
6 we, we move forward with this vote?

7 **MR. HARRIS:** That is my understanding. Yes,
8 sir.

9 **COMMISSIONER GRAHAM:** Okay. Well, if there's
10 nobody else, I'll move staff recommendation.

11 **COMMISSIONER BROWN:** Second.

12 **CHAIRMAN BRISÉ:** All right. It's been moved
13 and seconded. Any further discussion or questions?

14 **MR. McDONALD:** Mr. Chairman? Mr. Chairman?

15 **CHAIRMAN BRISÉ:** Mr. McDonald.

16 **MR. McDONALD:** Yes. I'd like to address the
17 Commission, if I may.

18 **CHAIRMAN BRISÉ:** Mr. McDonald, I think it was
19 made clear to you that you were available to answer
20 questions, and, from my vantage point, I haven't heard a
21 question for you. Okay? Thank you for your
22 participation.

23 Commissioners, it's been moved and seconded.
24 Any further comments or questions? All right. Seeing
25 none, all in favor, say aye.

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(Vote taken.)
All right. Thank you.
(Agenda item concluded.)

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

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

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

13 I FURTHER CERTIFY that I am not a relative,
14 employee, attorney or counsel of any of the parties, nor
15 am I a relative or employee of any of the parties'
16 attorneys or counsel connected with the action, nor am I
17 financially interested in the action.

18 DATED THIS 13th day of December, 2012.

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21 LINDA BOLES, RPR, CRR
22 FPSC Official Commission Reporter
23 (850) 413-6734
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