

# BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re:**

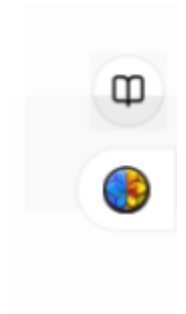
Petition of Juan Merchan and Gonzalo Lever

Against Tampa Electric Company (TECO)

PSC Complaint No. 1444515E

## PETITION FOR INITIATION OF FORMAL PROCEEDINGS

(Rule 25-22.036, Florida Administrative Code)



## **I. PARTIES**

### **Petitioner:**

Juan Merchan and Gonzalo Lever  
5503 E. Columbus Drive  
Tampa, Florida 33619

### **Respondent:**

Tampa Electric Company (TECO)  
702 N. Franklin Street  
Tampa, Florida 33602

## **II. JURISDICTION**

This Petition is filed pursuant to Rule 25-22.036, Florida Administrative Code, seeking Commission review of the reasonableness, fairness, and non-discriminatory exercise of utility discretion by a regulated electric utility.

Petitioner does not seek monetary damages and does not request adjudication of property ownership or easement boundaries, but seeks Commission oversight of regulated utility conduct.

## **III. STATEMENT OF FACTS**

- 1.** TECO maintained a utility pole and guy wires located in front of an adjacent property, where the facilities physically obstructed driveway access to a garage constructed by that property owner.
- 2.** The garage was constructed without an existing driveway and behind the pre-existing guy wires, demonstrating that the access limitation was self-created by the adjacent property owner.



- 3.** TECO subsequently relocated the pole and guy wires away from the adjacent property in order to accommodate construction of a private driveway, thereby shifting the burden of the utility infrastructure to Petitioner's property.
- 4.** The relocated facilities are now positioned directly in front of Petitioner's front entrance, materially affecting frontage, ingress, and use.
- 5.** The relocation was not required by safety concerns, clearance violations, service reliability, or system necessity, but instead correlates directly with the adjacent property's private development.
- 6.** After relocating the facilities, TECO proposed replacing the guy-wire configuration with a wireless pole only if Petitioner grants a new 10-foot by 10-foot easement deeper into the property, expanding TECO's property rights beyond existing conditions.
- 7.** This dispute has persisted for more than 24 months, despite informal Commission involvement.

## **IV. GROUNDS FOR FORMAL REVIEW**

### **A. Discretionary Relocation for Private Benefit**

TECO shows exercised discretionary placement authority to resolve a private development conflict for one customer, rather than addressing a public utility necessity.

### **B. Preferential Treatment and Burden Shifting**

TECO's actions appear to provide preferential accommodation to one customer while transferring the resulting burden to another customer, raising issues of non-discriminatory utility service.

### **C. Absence of Engineering or Safety Necessity**

The record reflects no documented safety hazard or operational deficiency that required relocation of the facilities.

### **D. Conditioning Mitigation on New Easement Grant**

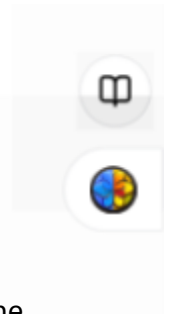
TECO's conditioning of mitigation on Petitioner's grant of additional property rights constitutes ongoing utility conduct subject to Commission review.

### **E. Incomplete Consideration in Informal Closure**

The informal closure did not fully evaluate the discretionary nature of the relocation or the subsequent demand for expanded easement rights.

## **V. RELIEF REQUESTED**

(Prospective, Non-Monetary)



**Petitioner respectfully requests that the Commission:**

- 1.** Initiate formal proceedings under Rule 25-22.036, F.A.C.;
- 2.** Require TECO to explain and justify the relocation decision and easement condition;
- 3.** Determine whether TECO's actions were reasonable and non-discriminatory;
- 4.** Provide Commission-facilitated mediation or guidance toward a fair resolution; and
- 5.** Grant such other relief as is within the Commission's authority.

**VI. RESERVATION OF RIGHTS**

Petitioner expressly reserves all rights and remedies available under Florida law.

Respectfully submitted,

Juan Merchan

Petitioner

Date: January 26, 2026

(See Exhibts A, B, and C)