

STATE OF FLORIDA

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GENERAL COUNSEL
HAROLD A. MCLEAN
(850) 413-6248

Public Service Commission

July 22, 2003

Mr. Eric Appleton
The Links Homeowners Association
c/o Bush Ross Law Firm
P.O. Box 3913
Tampa, FL 33601

Mr. James Beasley
Tampa Electric Company
c/o Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302

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 in not responsible for monies TECO claims are due and owing

Dear Messrs. Appleton and Beasley:

I have been informed that Commission staff is currently in the process of preparing its recommendation addressing the above-referenced docket. It is my understanding that this docket addresses a complaint filed by The Links Homeowners Association (The Links) against Tampa Electric Company (TECO), for improperly billing it for streetlight service for the period of March 1999 through October 2001. Specifically, The Links is requesting that the Commission investigate this matter and determine that The Links is not responsible for the monies TECO claims to be due and owing. The amount in question is \$8,874.19, which includes \$6,311.72 for lighting service from March 3, 1999 through February 3, 2001, \$1,984.97 for lighting service from February 23, 2001 to October 1, 2001, which was billed directly to The Links, and \$577.50 for late fees.

I understand that negotiations have thus far been unsuccessful in this matter, but I do not believe the path to litigation on which the parties have embarked is the only available route. I do not believe it is ever too late to consider alternatives to litigation, and I would like to extend to you the offer of our assistance in finding a mediated solution, if your clients are amenable. As you know, mediation has many advantages over litigation. Parties are able to maintain control over the outcome of the dispute, avoid litigation delay and expense and maintain constructive business and personal relationships for future transactions.

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The Florida Administrative Procedure Act, section 120.573, Florida Statutes, now expressly endorses mediation as a means of dispute resolution. The Commission has likewise wholeheartedly embraced the concept and has incorporated mediation in the structure of its Office of General Counsel in the Appeals, Rules and Mediation Section. We have four highly qualified mediators, any of whom I can enthusiastically offer for this task, and whose services would be available to you at no charge:

David Smith, A.B., M.A., Ph.D, JD; Certified Civil Circuit and County Court Mediator, 1996 - present. Admitted Fla. Bar 1980, Ak. Bar 1994. 20 years with FPSC working in all bureaus, Director of Appeals since 1988, active in appeals and other court work and mediation as well as supervising Division of Appeals.

Richard Bellak, B.A., M.F.A., Ph.D, JD; Certified Civil Circuit Court Mediator, April 2001 - present. Admitted Fla. Bar 1982. Associate General Counsel, Division of Appeals FPSC since 1990.

Christiana T. Moore, B.S., M.S.W., JD; Certified Court Mediator, August 1997 - present. Admitted Fla. Bar 1982. Associate General Counsel, FPSC, Division of Appeals since 1990.

Martha Carter Brown, B.A., JD; Trained Mediator, Admitted Fla. Bar 1978, 13-year veteran of FPSC legal staff.

As longtime participants in this process, and as parties to numerous settlements, the Commission favors amicable settlements where circumstances permit. In consideration of the numerous items scheduled to appear before the Commission at each of its Agenda Conferences, it is much more convenient to schedule the approval of a negotiated settlement between parties than to schedule the adjudication of the dispute. The approval of a negotiated settlement is far less consumptive of public and private resources.

Please call David Smith, the head of the Mediation Section at (850) 413-6084, if you would like to discuss the possibility of a mediated resolution of this dispute.

Sincerely,



Harold McLean
General Counsel

cc: Office of the General Counsel (Holley)
Division of Economic Regulation (Kummer)