

SUPREME COURT OF FLORIDA

Amy Gutman, Jeff Leserra, Jose Gutman,  
Donna Tennant, and Teresa Badillo  
Appellants,  
vs.  
Lila A. Jaber, Chairman, et al.  
Appellees.

Case No. SC03-932

TRANSCRIPT OF RECORD IN THE MATTER OF:

Complaint against Florida Power & Light Company regarding placement  
of power poles and transmission lines by Amy & Jose Gutman, Teresa  
Badillo, and Jeff Lessera.

FILED  
THOMAS D. HALL  
2003 AUG 26 AM 11: 7  
CLERK, SUPREME COURT  
BY \_\_\_\_\_

DOCKET NO. 010908-EI

Jose Gutman, Pro Se  
12643 Little Palm Lane  
Boca Raton, Florida 33428

Marlene Stern, Esquire  
David E. Smith, Esquire  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0862

John T. Butler, Esquire  
Steel Law Firm  
200 South Biscayne Boulevard, Suite 4000  
Miami, Florida 33131-2398

REPRESENTATIVE FOR APPELLANTS

ATTORNEYS FOR APPELLEES

DOCUMENT NO. DATE

14901-03 12/31/2003  
FPSC - COMMISSION CLERK

**I N D E X**

Amy Gutman, Jeff Leserra, Jose Gutman, Donna Tennant,  
and Teresa Badillo

vs.

Lila A. Jaber, Chairman, et al.  
FPSC Docket No. 010908-EI  
Supreme Court Case No. SC03-932

**VOLUME 1**

Progress Docket ..... 1

Request to establish docket, by Florida Public Service Commission (“Commission”) staff,  
filed June 26, 2001 ..... 4

Florida Power & Light Company’s (“FPL”) supplemental comments on Gutman, Badillo  
and Leserra complaints, filed July 9, 2001 ..... 6

Letter dated April 25, 2002 from John T. Butler to Commission responding to staff’s  
April 5, 2002 letter proposing to dismiss complaint, filed April 25, 2002 ..... 40

Letter dated May 1, 2002 from Amy Gutman o/b/o homeowners to Commission responding  
to staff’s April 5, 2002 letter proposing to dismiss complaint, and requesting a hearing  
be held, filed May 2, 2002 ..... 42

Memorandum from Commission’s Office of the General Counsel, Divisions of Auditing and  
Safety, and Consumer Affairs to Division of the Commission Clerk and Administrative  
Services, filed May 9, 2002 ..... 71

PAA Order PSC-02-0788-PAA-EI finding transmission facilities in compliance with  
National Electrical Safety Code and final order dismissing complaints on all other grounds  
for lack of jurisdiction, issued June 10, 2002 ..... 82

Petition in response to Order No. PSC-02-0788-PAA-EI, on behalf of Suzanne Terwilliger,  
Amy Gutman, Jose Gutman, Donna Tennant, Jeff Leserra, and Teresa Badillo, filed  
July 1, 2002 ..... 94

FPL’s motion to dismiss complainants’ petition for a hearing on Order No.  
PSC-02-0788-PAA-EI, filed July 17, 2002 ..... 141

Motion for extension of time to file response to FPL’s motion to dismiss, filed by Donna  
Tennant o/b/o petitioners, filed July 29, 2002 ..... 146

Petitioners' response to FPL's motion to dismiss complainants' petition for a hearing on Order No. PSC-02-0788-PAA-EI, filed July 31, 2002 ..... 148

Memorandum from Commission's Office of the General Counsel and Divisions of Auditing and Safety and Consumer Affairs to Division of the Commission Clerk and Administrative Services, filed August 22, 2002 ..... 152

Memorandum dated October 2, 2002 from Commission's Division of Auditing and Safety to Division of the Commission Clerk and Administrative Services with attached October 1, 2002 letter from Bill Walker, FPL, regarding staff's September 6, 2002 safety evaluation report, filed October 2, 2002 ..... 161

Order PSC-02-1516-FOF-EI granting motion to dismiss, issued November 5, 2002 ..... 165

Petitioners' motion for reconsideration of Order No. PSC-02-1516-FOF-EI, filed November 18, 2002 ..... 173

FPL's response to petitioners' motion for reconsideration of Order No. PSC-02-1516-FOF-EI, filed November 27, 2002 ..... 182

Memorandum dated March 20, 2003 from Commission's Office of the General Counsel and Divisions of Auditing and Safety and Consumer Affairs to Division of the Commission Clerk and Administrative Services, filed March 20, 2003 ..... 192

Order PSC-03-0494-FOF-EI denying motion for reconsideration, issued April 15, 2003 .... 204

Memorandum dated April 22, 2003 from Commission's Office of the General Counsel to Division of the Commission Clerk and Administrative Services advising of administrative closing of docket, filed April 23, 2003 ..... 215

Notice of appeal, on behalf of Jose Gutman o/b/o Amy Gutman, Jeff Leserra, Jose Gutman, Donna Tennant, and Teresa Badillo, filed May 12, 2003 ..... 216

Supreme Court of Florida acknowledgment of new case, Case No. SC03-932, filed June 10, 2003 ..... 229

Letter dated July 21, 2003 from John T. Butler o/b/o FPL requesting Commission letter dated April 5, 2002 to parties be included in record, filed July 22, 2003 ..... 230

Memorandum dated July 29, 2003 from Commission's Office of the General Counsel to Division of the Commission Clerk and Administrative Services with attached April 5, 2002 letter from Harold McClean, Commission, to petitioners regarding staff's proposal to dismiss complaint, filed July 29, 2003 ..... 231

Certificate of Director, Division of the Commission Clerk and Administrative Services .... 236