

State of Florida



ORIGINAL

Public Service Commission

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

DATE: April 10, 2007
TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk
FROM: Kira Scott, Senior Attorney, Office of the General Counsel *KS*
RE: Undocketed — Review of Existing Rules Relating to Customer Information and Relocation of Facilities.

Please place the attached post-workshop comments and suggestions sent via e-mail to me in regards to the above-referenced matter. The comments and suggestions are from Ms. Lisa Guzman and Mrs. Danielle Dobbs. Please treat each of their comments as a separate filing so that each may be identified in Docket No. 070000.

Thank you for your assistance. Please contact me at 413-6216 if there are any questions.

KS

cc: Timolyn Henry
Hong Wang

Dobbs
DOCUMENT NUMBER-DATE
03022 APR 10 5
FPSC-COMMISSION CLERK

Guzman
DOCUMENT NUMBER-DATE
03021 APR 10 5
FPSC-COMMISSION CLERK

ORIGINAL

January 24, 2007

Re: PSC Docket No. 060745-EI

Dear Governor Crist:

I am writing to you on behalf of the Residents of our neighborhood - Dommerich Hills, in Maitland, Florida. Our complaint is against both, Progress Energy and its representatives for abusing its power as a monopoly who stated at the PSC meeting that people had no rights to due process, and against the Public Service Commission that allows the utility to *continue acting as a monopoly*. The Commissioners felt bad for what had happened to the residents¹ to the point of calling them "Collateral Casualties"², but they failed to rule and bring justice sought by the residents.³ Said monopoly disregarded people's rights⁴ and their actions destroyed the uniformity of the neighborhood, jeopardized the safety of the residents, and affected their property values.

The dispute arose between the residents and Progress Energy Company following a business deal between the City of Winter Park and Progress Energy Company by which Progress Energy Company was forced by court order to sell their rights to service Winter Park residents to the City of Winter Park. This means that one half of our neighborhood is serviced by the City of Winter Park, in Orange County, and the other half, in Seminole County, by Progress Energy.

This take over by the City of Winter Park resulted in having Progress Energy Company barging into the Seminole section of Dommerich Hills subdivision in March 2005 and, without conferring with the residents,⁵ to install 50-ft poles on people's front lawns to reroute the power. The residents objected and requested that the rerouting poles be either installed in their backyards as they had been, hidden from view, for the past 40 years, or that the system be undergrounded. Mr. Matthews and Mr. Rogers from Progress Energy Company responded to the objection of the residents by citing the tariff telling the residents that the costs of undergrounding (\$43,000) could not be passed on to the taxpayers and that the residents would have to pay for it if they wanted it underground.⁶

Unbeknownst to the residents at that time was that both, Mr. Matthews and Mrs. Rogers misled the residents because this was totally false. The residents learned later and again at the PSC hearing from Mr. Burnett, attorney for Progress Energy who after arguing that the cost of undergrounding would have had to be passed on to the taxpayers, he later conceded when confronted by Mrs. Dobbs that she was correct - that the cost of the power separation and reintegration was going to be passed on to the City of Winter Park.⁷ In addition, the method by which the separation and reintegration was going to be done had not even been defined in the court order, thus the small sum of \$43,000 to underground the system could have been passed on to the City of Winter Park, and Progress Energy could have justified the undergrounding cost because all the poles had been hidden from view in the residents' backyards for the past 40 years, and it would have been the right thing to do.⁸

The residents went through the process of contacting the Commissioners of Seminole County who refused to help, saying the poles had been placed on right-of-ways easements and that Progress Energy Company paid the required fees for permits. The Residents contacted the City of Winter Park citing that the present power lines that served the City of Winter Park residents were on Seminole County residents property, which was contrary to their own study: **FEASIBILITY UPDATE FOR ELECTRIC DISTRIBUTION SYSTEM MUNICIPALIZATION, July 14, 2003**, which stipulated that poles residing on a property should serve that county/city's residents.⁹ The Chairman of the Winter Park City Commission responded by saying arrogantly: "Well, Mrs. Dobbs, it's not a perfect world!"¹⁰ The residents argued that the reconfiguration was the result of their business deal with Progress Energy Company and that the City of Winter Park had a responsibility to help the residents financially underground the new system. The response of the City of Winter Park was that the residents of Seminole County was not their problem and that their acquisition was done. The residents finally ended up at the Public Service Commission hoping that the PSC would see the inequity and inconsistencies and side with the residents and force Progress Energy Company to underground the system at its cost.

The testimonies presented at the PSC proceedings on December 5, 2006 by the residents showed that the present Rules and Regulations protect Utility Companies instead of the Public, allowing a utility company, like Progress Energy Company, to act as a monopoly. In addition, the residents showed that

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rules regarding the Tariff, did not apply to them because they had never requested that their infrastructure to be changed,¹¹ and that it was Progress Energy Company that decided unilaterally to change the system and add 50-ft poles on front lawns, as a result of their business deal with the City of Winter Park.

The residents of Dommerich subdivision went to the Public Service Commission as their last resort, because they felt that the Commissioners would help and see the injustice and how Progress Energy misled the residents, see the inconsistencies of the utility Company as they presented their case to the commission, and for the Commission to do the right thing by them - to force Progress Energy to underground the system. All the commissioners heard the injustice and sympathized with the plea of the residents by saying: their/my heart "... is with you", "... goes out to you", and that this is "... tearing at our heart", but none of the Commissioners did anything to rectify the situation.

Commissioner Arriaga said he did not know whether the Commission had the legal right to force Progress Energy to underground the system,¹² but he and all the commissioners continued to cite the erroneous argument presented by Progress Energy Company regarding the tariff as to why the undergrounding could not have been done,¹³ even though the tariff did not apply to the case, a fact that Mr. Burnett conceded at the proceedings when confronted by Mrs. Dobbs. Yet, none of the commissioners made any comments regarding the untrue statements and contradiction Mr. Burnett gave earlier. It was plain that he, as well as other representatives from Progress Energy Company, had not told the truth earlier while citing the tariff as the reason why they did not underground the system. It was also clear to the residents that the Commission was not going to rule in favor of the residents despite all the inconsistencies presented at the hearing by Progress Energy. The lack of action by the Commission continues to protect the interests of a monopoly instead of the public that the PSC is supposed to represent and protect.

Had Progress Energy Company felt an obligation to safeguard the well-being of their own customers instead of going the easy route by paying for a county permit to place 50-ft poles on the residents' properties, they would have informed the City of Winter Park that undergrounding the system at a cost of \$43,000 was the right thing to do and these costs would have been passed on to the City of Winter Park, as stipulated by court order. The justification for the small cost in a multi-million deal, would have been accepted by the City of Winter Park since all the poles had been in backyards in the entire neighborhood (in both Seminole and Orange counties) for the past 40 years, and that erecting 50-ft power poles on front lawns would destroy the uniformity of the neighborhood, depreciate the values of homes, and jeopardize the safety of the residents by doubling the number of poles. Should an accident happen because of the number of poles that increases safety hazards, the residents will hold Progress Energy Company directly responsible.

It is evident that similar incidents involving undergrounding have been brought to the attention of the PSC several times in the past.¹⁴ But, the rules and regulations were not changed, and the PSC failed to act upon the inequities inherent in the rules and regulations. Had the PSC taken it upon itself to correct laws and regulations, and stop Progress Energy or any other utility company from abusing its power as a monopoly, the residents of Dommerich Hills would not have gone through the ordeal they have experienced since April 2005. The residents understand that a group from Miami came to the Public Service Commission regarding a similar incident. It is our understanding that rather than ruling on the evidence, the commission asked both parties to resolve and settle their differences in a room other than the commission chamber. We understand that the group from Miami was successful with their utility company.

Instead, the Commission blamed municipalities for not intervening to protect the welfare of the residents.¹⁵ Mrs. Dobbs pointed out that Progress Energy had an obligation to look after the welfare of their customers and that the PSC had an obligation to make things right with the people and the sympathy of the PSC was not enough.¹⁶

The failure of the Commission to rule on cases like these help perpetuate the abuses of a monopoly that feels it can do anything it pleases to a neighborhood. The residents of Dommerich Hills went through the chain of command all the way to the PSC in Tallahassee in hope to have their case heard and have the PSC rule in their favor; however, since the PSC has not ruled in the past, no precedent has ever been established, and thus rules and regulations have not been changed because no wrong doing is shown anywhere.

The residents also suggested that three amendments be made to the Rules and Regulations to protect the people. These amendments:

- #1 Would define the "rights" of customers.
- #2 Would establish the obligations of the Utility towards its customers when it unilaterally decides to change the infrastructure of a neighborhood by requiring the utility company to hold a hearing for the residents and all interested parties.
- #3 Would establish the obligations of the Utility towards its customers when it unilaterally decides to change the infrastructure of a neighborhood and for the utility company to underground the system at its costs to preserve the character of the neighborhood, insure the safety of the residents, and avoid depreciating property values.

Chairman Edgar ordered the PSC legal department to look into the three proposed amendments.¹⁷
Comissioner Arriaga also felt the PSC had an obligation to point out loopholes in the laws.¹⁸

Yesterday morning, January 22, 2007, I had a telephone conversation with Ms. Carter Brown, Attorney for the PSC. I asked her whether anyone had looked at the suggestions we made regarding rules and regulations. According to Ms. Carter Brown, Attorney for the PSC no one has reviewed anything and she was not sure whether something could be changed. She said that these would be reviewed whenever they might have time . . .

We resent being called "Collateral Casualties" by Chairman Edgar and other commissioners on the PSC without them rectifying the wrongs that Progress Energy brought into this neighborhood and other neighborhoods in the past. We ask you, Governor Chris, to look into our case and to see what can be done to bring the neighborhood relief and to force Progress Energy to underground the system at their cost to preserve the uniformity of the neighborhood and to insure our safety and preserve the values of our homes.

It appears that our recommendation for the PSC to look at loopholes in rules and regulations and our suggestion for three amendments to protect the rights of the people is not going to be reviewed any time soon. Thus Progress Energy Company, a for-profit company traded on the American Stock Exchange, and other utility companies will continue to act as monopolies and continue to disregard the public's rights to have any say in their welfare. The utility company will continue to decide, just like in this case, to unilaterally change the infrastructure of neighborhoods by installing 50-ft poles on front lawns, instead of placing them in backyards hidden from view or undergrounding the system, because it is easier for the utility company to pay for a permit to use the utility easement right-of-way.

We ask you, Governor, to look into our case and evaluate the facts and see whether you can force Progress Energy into removing the 50-ft poles from the front lawns of Dommerich Hills residents and have Progress Energy Company underground the system at its cost. We also feel that the PSC is not protecting the interest of the public by failing to rectify the wrongs done by a monopoly, such as Progress Energy Company.

Sincerely,



Danielle Dobbs, spokesperson for Dommerich Hills subdivision
2945 Waumpi Trail
Maitland, FL 32751
Tel: 407-629-4820

Attachment: References from PSC Docket No. 060745-EI

REFERENCES
PSC Docket No. 060745-EI

1. RECAP OF THE DEMANDS OF THE RESIDENTS OF DOMMERICH HILLS
P. 22, line 18 - p. 28
2. CHAIRMAN EDGARD: (Calling residents "Collateral damage") p. 50, lines 21
3. RESIDENTS: (Citing rules that protect monopolies) p. 12, lines 19-24
4. RESIDENTS: (Arguing they should have some rights including "due process")
p. 18, lines 20-25 - p. 19, lines 1-4
5. RESIDENTS: (Arguing that Progress Energy had no right to change the infrastructure without conferring with the residents) p. 19, lines 7-13
MR. BURNETT: (Acknowledging that their company did not contact residents)
p. 37, lines 16-18
6. MR. MATTHEWS: (Arguing that undergrounding would have to be paid by someone when he knew full well that the cost of separation and reintegration was going to be assumed by the City of Winter Park.) p. 44, lines 10-11
MR. BURNETT: (Arguing the tariff applied) p. 36, lines 17-25; p. 46, lines 1-13; p. 49, lines 11-18
7. MRS. DOBBS: (Confronting Mr. Burnett and Mr. Burnett conceding the tariff did not apply and admitting the costs were passed on to the City of Winter Park) p. 48, lines 15-25, and p. 49, lines 6-18
8. THE RESIDENTS: (Citing the Feasibility Update for Distribution Municipalization of July 2003 that says that the cost would be passed on to the City of Winter Park.)
p. 20, lines 22-25, and p. 50, lines 1-9
9. THE RESIDENTS: (Citing the Feasibility Study regarding the placement of poles)
p. 6, lines 11-25; page 7, lines 1-2
10. MRS. DOBBS: (Related the remark made by the Chairman of the City of Winter Park to her and the residents when they said the pole placements was against their own rule - he replied "*Well, Mrs. Dobbs, it's not a perfect world!*") p. 47, lines 5-10
11. RESIDENTS: (Citing that the tariff does not apply to them) p. 13, lines 14-19
12. COMMISSIONER ARRIAGA: (Saying that he does not know whether the Commission has the power to force Progress Energy to underground the system.)
p. 47, lines 12-20
13. COMMISSIONER ARRIAGA: (Showing he sympathized with the residents but continues to cite erroneously the cost (the tariff) as to why there was nothing he could do) p. 47, lines 12-25, and p. 48, lines 1-3
14. COMMISSIONER ARRIAGA: (Admitting that the issue of undergrounding has been brought to them many times before, but so far they have not come to a resolution)
p. 48, lines 3-8
15. COMMISSIONER CARTER: (Blaming municipalities and agreeing with the Chairman) p. 50, lines 16-2551;
p. 52, lines 1-16, lines 21-25;
p. 53, lines 1-5; p. 54, lines 23-25; p. 55, lines 1-25; p. 56, lines 1-5
CHAIRMAN EDGARD: (Agreeing that local government is responsible)
p. 56, lines 8-13
16. MRS. DOBBS: (Pointing out that the PSC should be there to make things equitable and right.) p. 52, lines 7-25, and p. 53, lines 1-5
17. CHAIRMAN EDGAR: (Agreeing to look into changing rules and regulations)
p. 53, lines 9-25 - p. 54, lines 1-6
18. COMMISSIONER ARRIAGA: (Agreeing that the issue of jurisdiction is a problem and that PSC has an obligation to point out loopholes in the laws)
p. 57, lines 23-25; p. 58, lines 1-25

THE PEOPLE OF DOMMERICH HILLLS SUBDIVISION

SUGGEST

THREE (3) AMENDMENTS

TO

THE RULES OF THE FLORIDA PUBLIC SERVICE COMMISSION

Chapter 25-6

ELECTRIC SERVICE BY ELECTRIC PUBLIC UTILITIES

PURPOSE:

DEFINING AND PROTECTING THE RIGHTS OF CUSTOMERS

AND TO INSURE THE EQUITABLE RESPONSIBILITIES OF

UTILITY COMPANIES OR MUNICIPALITIES

WITH RESPECT TO THE PEOPLE

Contact:

Danielle Dobbs
2945 Waumpi Trail
Maitland, FL 32751
Tel: 407-629-4820

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PROPOSED AMENDMENT #1

PURPOSE: The amendment would define the “rights” of customers (NOT PRESENTLY DEFINED).

CURRENT STATUTES:

RULE 25-6.002 (1) asserts that both the utility and the customer have rights

25-6.002 Application and Scope.

(1) These rules and regulations shall apply to all electric public utilities operating under the jurisdiction of the Florida Public Service Commission. They are intended to define and promote good utility practices and procedures, adequate and efficient services to the public at reasonable costs, and to establish the rights and responsibilities of both the utility and the customer.

DEFICIENCIES:

1. The Statutes declares that customers have rights

According to the above Rule 25-6-002 (1), the Statutes are intended to “establish the rights and responsibilities of both the utility and the customer”, yet in the 86 pages of Statutes the word “rights” appears only 5 times. The only time that it pertains to customers is in section 25-6.0442 about “Territorial Disputes for Electric Utilities”. It reads:

“(2) Any substantially affected customer shall have the right to intervene in such proceedings.”

The other aforementioned four “rights” are used in matters of “right-of-ways”. **Nowhere do the Statutes define or even mention the rights of the customers.**

2. The PSC Staff declares that customers do not possess rights

The Public Service Commission staff stated:

“Customers do not have a due process right to a hearing regarding Progress’ configuration of its electrical system.” (*Docket No. 060745-EI, November 21, 2006 p. 4, 3rd paragraph*)

We contend that due process rights are inherently held by the people when any actions by a utility company or municipality will affect either the character of the neighborhood, people’s safety, or property values.

PROPOSED AMENDMENT:

RULE 25-6.0021: Rights of customers: Due Process

Any time that a neighborhood will be affected, with respect to the character, safety, or property values of the neighborhood, as a result of a utility system reconfiguration, the utility company/municipality has an obligation to send a written notice to the residents who would be affected by such a change. The written notice must mention a time and place for a hearing within 2 miles from the neighborhood in question. The purpose of such a hearing would help the utility receive input from the residents so that an acceptable utility reconfiguration can be implemented.

PROPOSED AMENDMENT #2

PURPOSE: The amendment would establish the obligations of the Utility toward its Customers when it decides unilaterally to change the character of service (reconfigure the electrical system).

CURRENT STATUTES:

RULE 25-6.038 Change of Character of Service

If any changes are made by the utility in its existing service characteristics **which would impair the safe, efficient utilization of energy by the customer's equipment**, the utility shall bear the cost of all changes necessary to adapt the customer's equipment to the new service conditions so that such equipment will perform to the same degree of effectiveness as therefore unless such change is necessitated by a change in the customer's requirement.

Specific Authority 366.05(1) FS. Law Implemented 366.03 FS. History-Amended 7-29-69. Formely 25-6.38

"Progress stated that it is not required by any statute or Commission rule to notify customers when it makes changes to its distribution system to serve those customers."
(Docket No. 060745-EI, November 21, 2006, p. 3 last paragraph)

DEFICIENCIES:

The above statutes talks about "change of Character of Service" but only in so far as the new configuration may affect the customer's equipment. It does not however protect the customers from the utility reconfiguring, at will, the infrastructure of a neighborhood while affecting the character of the neighborhood, the safety of the residents, and their property values.

A second Statute becomes necessary to protect the people from the utility placing undue negative effects on their neighborhood.

PROPOSED AMENDMENT:

RULE 25-6.039 Change of Character of Service made by the utility

If the utility decides unilaterally to make any changes in its existing service characteristics, the utility is required to have a hearing with the residents of the neighborhood or the residents of that subdivision who will be affected by such reconfiguration. The purpose of such hearing is to find an acceptable reconfiguration that will not affect the character of the neighborhood in a way that could either make it unsafe for the residents or depreciate their property values. The cost of such reconfiguration will be borne by the utility.

PROPOSED AMENDMENT #3

UNDERGROUND ELECTRIC DISTRIBUTION FACILITY CHARGES

PURPOSE: This amendment would clarify the obligations of the utility toward its customers when it decides unilaterally to reconfigure an electrical system already in place

CURRENT STATUTES:

RULE 25-6.115

(1) Each public utility shall file a tariff showing the non-refundable deposit amounts for standard applications addressing new construction and the conversion of existing overhead to underground facilities excluding new residential subdivisions.

(2) For purposes of this rule, the applicant is the person or entity seeking the undergrounding of existing overhead electric distribution facilities. . . .

DEFICIENCIES:

RULE 25-6.115 (1) pertains to the tariff of undergrounding a new utility construction or **undergrounding an existing overhead electric distribution system.**

RULE 25-6.115 (2) pertains to **applicants seeking to underground** an existing overhead electric distribution facilities . . .

In their arguments Progress Energy and the PSC staff cited RULE 25-6.115." (*Docket No. 060745-EI, November 21, 2006, p. 4 and 5*). However, that rule does not apply to our situation because:

1. We are not "applicants". We never asked for our system to be changed. We were happy with our poles in backyards hidden from view.
2. It is Progress Energy that unilaterally decided to reconfigure our system. Thus they are the applicants, not us.
3. Since the reconfiguration has altered the character of the neighborhood, and increased safety hazards, and depreciated our property values, Progress should have the responsibility to underground the system at their cost.

RULE 25-6.115 does not provide for the utility company to assume the cost of undergrounding an existing system when it unilaterally decides to change the infrastructure of a neighborhood and undergrounding the system may become necessary to preserve the character of the neighborhood, insure the safety of the residents, and avoid depreciating property values.

PROPOSED AMENDMENT:

RULE 25-6.115

(2) For purposes of this rule, the applicant is the person or entity seeking the undergrounding of existing overhead electric distribution facilities. . . .

However, Rule 25-6.115 does not apply in instances when the utility has decided unilaterally to reconfigure an existing system and that undergrounding a portion or an entire system may become necessary to preserve the character of the neighborhood, insure the safety of the residents, and avoid depreciating property values. In this instance, the utility will bear the cost of undergrounding the system.

Also attached:

3 amendments from December 4, 2006 PSC Hearing

A letter to the Governor dated January 24, 2007

April 9, 2007

Florida Public Service Commission
ATTN: Ms. Kira Scott
Division of Legal Services
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850

Re: Notes taken at Workshop 25-6.0440

Notice ID: 3823757,

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Undocketed - The purpose of this Informal Workshop is to review existing Commission rules regarding the information customers do, or should, receive when a utility relocates existing facilities. This initial workshop will explore existing practices and determine if those practices need to be clarified or amended.

From:

Danielle Dobbs, spokesperson for Dommerich Hills,
2945 Waumpi Trail
Maitland, FL 32751
Tel: 407-629-4820

Besides the PSC staff and the utility companies only two customers were present on the telephone: Danielle Dobbs from Maitland and Lisa Guzman from Hollywood.

The workshop was supposed to be recorded, but Attorney Kira Scott from the Office of the General Council told Mrs. Dobbs that the recording did not work.

The following is a recap based on notes taken by Mrs. Dobbs at the March 20 workshop:

Utilities' response:

1. Some said they "try" to inform people by putting door hangers, but it "depends".
2. Some said they do nothing.
3. Some indicated that certain cities have ordinances that require public hearings, such as in the Tampa area, whenever a change is made in distribution.

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The staff suggestion:

1. The utility companies should be “encouraged” to notify customers.
2. Attorney Martha Brown pointed out that the PSC had received numerous complaints over the years with regards to lack of notification by the utility companies.
3. Attorney Kira Scott suggested that there should be a standardization of notice, such as an ad placed in the newspaper.
4. Attorney Kira Scott said that there will be more workshops and ask the participants to send their suggestions.

Lisa Guzman input:

1. Mrs. Guzman complained that she and many people from her neighborhood did not receive any notification for a hearing from her utility company about the rerouting of electrical power requiring 80 ft. poles on people’s properties.
2. She and the residents objected to this but they had no where to turn to because both, the City of Hollywood and Brevard County, said there was nothing they could do.

Danielle Dobbs suggestion:

1. All the above are about “notification”, after the utility companies has decided unilaterally to change the electrical infrastructure, without any customers input.
2. Mrs. Dobbs said utilities companies should hold hearings to get people’s input and people should have that right. (Presently people do not have the right for due process)
3. Mrs. Dobbs asked why (according to Attorney Martha Brown), the PSC had received many complaints from customers over the years and the PSC has done nothing about it?

According to Attorney Kira Scott the workshop had been posted on the **Florida Administrative Weekly**. When I checked that website a very pertinent piece of information was missing from the entire website - that is the option for anyone to participate by telephone. This important piece of information should be included with the workshop topic along with accommodations for people with disability for all future announcements whenever this option is available, and not in a separate word document that people would have to open. In addition, many links do not work from that website, which need to be fixed.

**SUGGESTIONS FROM MRS. DOBBS
REGARDING WORKSHOP 25-6/0440 HELD ON MARCH 20, 2007**

The following suggestions with regards to the topic of the workshop of March 20, 2007 are but just a band-aid, because a much bigger problem exists that needs to be addressed - mainly the people's rights. See below "WHO HAS THE ULTIMATE POWER"

1. In regards to the staff suggestion that the utility companies should be encouraged to notify customers. We contend that people, and much less the utility companies, will not do things simply because it is "the right thing to do", unless there are consequences. So, "encouragement" does not work in matters of law.
2. Newspaper notification would not be enough because few people read the entire newspaper everyday and they may miss the announcement. Some people cannot afford the cost of buying regularly a newspaper. Thus a newspaper ad would not be sufficient and could be discriminatory because some people would not have a chance to read the announcement. A more effective way would be for the utility company to send a notice for a hearing through the United States Postal Service mailed to each person affected by a change.
3. The notification should not be a notification that the utility company has decided to do, but a HEARING NOTICE to obtain input from the residents. People should have the right to due process, which they do not at the present, according to the PSC staff. The utility company should send a HEARING NOTICE to obtain customers input and find an agreeable solution between the utility company and their customers. This notice for a hearing should be sent by mail to each person that would be affected by a change to their existing infrastructure, such as involving pole relocations or change in infrastructure, involving part of a neighborhood or an entire neighborhood.
 - a) **Date of notification** - The hearing notice should be sent by certified mail with return receipt 3 weeks prior to the hearing. This would establish proof that the utility company has notified the owner of the property about the hearing.
 - b) **Place of the hearing** - The hearing should be held on location at the subdivision or no more than a mile away at a church or other meeting place so that people, even the elderly, do not have far to drive.
 - c) **Time** - The hearing should be held at a reasonable time, such as 6:30 PM so that people who work can attend after work.
3. Any time that a change in the infrastructure involving pole relocations or a change in the infrastructure, undergrounding an electrical system instead of erecting poles

on people's front lawns should be done when one or more of the following factors are present:

- a) To preserve the character of the neighborhood.
- b) To insure the safety of the residents
- c) To avoid depreciating property values.

This is because no one should have the right to jeopardize the safety of the residents, change the character of their neighborhood or affect their property values. Those rights are and should be self-evident.

4. The utility company should be prohibited from simply going to the county and pay the fees to use rights of way. Before obtaining the rights from the county, the utility company would have to provide the county with proof that a hearing has taken place, and that they have received the approval of the majority of residents.
5. We ask that the 3 proposed Amendments submitted to the Public Service Commission on 12/4/2007 be implemented to ensure people's rights. See attached 3 proposed amendments.

These amendments would help protect the rights of the people.

- **Amendment #1** - Would define the "rights" of customers.
- **Amendment #2** - Would establish the obligations of the Utility towards its customers when it unilaterally decides to change the infrastructure of a neighborhood by requiring the utility company to hold a hearing for the residents and all interested parties.
- **Amendment #3** - Would establish the obligations of the Utility towards its customers when it unilaterally decides to change the infrastructure of a neighborhood and for the utility company to underground the system at its costs to preserve the character of the neighborhood, insure the safety of the residents, and avoid depreciating property values.

**WHO HAS THE ULTIMATE POWER
TO
HELP CORRECT OR MEDIATE A SITUATION
BETWEEN THE CUSTOMERS AND THE UTILITY COMPANIES
TO MAKE IT AGREEABLE TO ALL PARTIES INVOLVED?**

See attachment: Letter to the Governor, dated January 24, 2007

Subsequent to our letter to the Governor of January 24, 2007, we received a letter from the PSC director informing us that that the Office of the Governor had sent our letter over to the PSC. Mr. Hoppe indicated in his letter that a workshop would be held on March 20, 2007 about the notification or lack of notification process by the utility companies with regards to the relocation of existing facilities. Although it is a start, this is not the root of the problem and unless the root of the problem is addressed this will only serve as a temporary band-aid.

The roots of the problem, which should be addressed, are:

1. The workshop is a result of a much bigger problem that exists - monopolies such as utilities companies are protected with laws that protect them and not the public (customers). The PSC staff, and Mr. Burnett from Progress Energy declared that customers do not have due process rights. People complain to the PSC but the commissioners fail to act. The PSC commissioners blame municipalities for not acting, such as the PSC hearing of December 4, 2006. The municipalities say that only the PSC or the Governor can do anything. The Office of the Governor sends public complaints back to the PSC. And, round and round we go.

Who is in charge? Apparently the utility companies - the monopolies

Let us review what has happened so far with us:

- Without a word to the residents, Progress Energy barged into our neighborhood one day and planted 50ft. electric poles on people's front lawns. All the poles until then had been hidden from view in backyards for 40 years.
- We contacted our Seminole County Commissioners who said there was nothing they could do. Yet, the County issued Progress Energy the permit to erect the poles.
- We appealed to the City of Winter Park because what was happening to our neighborhood was a result of a business deal between the City of Winter Park and Progress Energy, in which Progress Energy sold the right to service half of our neighborhood.

Thus Progress Energy separated the power lines anyway they saw fit.

- The City of Winter Park Chairman said at the chamber meeting that the City of Winter Park had nothing to do with us because we were not their residents. When I pointed out a study made by them that prohibited having a pole on someone yard that served power not to that person but to someone else, he replied, “Well, Mrs. Dobbs, it’s not a perfect world!”
 - When we were at the PSC on December 4th, 2006, the PSC commissioners said that the cities or counties need to help residents, and they were annoyed that residents came all the way to Tallahassee to the PSC to complain. The PSC Commissioners felt that this should be solved at the local level. The commissioners said there was nothing they could do for us.
 - I wrote to the Governor to explain what was happening and the failure of the PSC to look after the interest of the Public. I asked for the Governor to look into the matter and see what he could do.
 - The Office of the Governor sent my letter back to PSC . . .
 - And round and round we go while the utility companies and their lawyers are laughing at us and doing very well with their stocks traded on the New York Stock Exchange.
2. Present rules and regulations with regards to utility companies protect the interests of utility companies that act as monopolies at the expense of the public. The rights of the customers are not even defined in rules and regulations, and the customers have no rights for due process, according to the PSC staff and Mr. Burnett, Attorney for Progress Energy.
 3. The buck should stop at the Public Service Commission - a commission that is supposed to protect the “public”, not monopolies. Instead, the Public Service Commissioners do not act when customers submit their complaints. The fact that the commissioners express their feeling to the people by saying they feel “bad” or “their hearts go out to the residents” show that they saw some injustice, but feeling bad does not help people who are seeking their help! According to Attorney Martha Brown and the PSC commissioners they have received many complaints over the years, but they did nothing about it!

The PSC commission blames municipalities for not taking care of problems involving residents, thus leaving customers with no one to turn to. Sending a letter to the Governor failed also, since his office sent our letter back to the PSC to investigate itself. Our questions are:

Who is or should be ultimately in charge, if not the PSC?
Who is supposed to protect the public (customers) against monopolies, if not the "Public" Service Commission?

4. The failure of the Commission to rule on cases like ours help perpetuate the abuses of monopolies that feel they can do anything they please to a neighborhood. The residents of Dommerich Hills went through the chain of command all the way to the PSC in Tallahassee in hope to have their case heard and have the PSC right a wrong and rule in their favor; instead, the PSC ruled in favor of Progress Energy, while saying they felt very sorry for the residents. However, since the PSC has not ruled in the past, even though they received many complaints over the years, no precedent has ever been established, and thus rules and regulations have not been changed because no wrong doing is shown anywhere. People - customers have nowhere to turn to.
5. On December 4, 2006 the residents of Dommerich Hills suggested that three amendments be made to the Rules and Regulations to protect the people. These amendments:
 - #1. Would define the "rights" of customers.
 - #2. Would establish the obligations of the Utility towards its customers when it unilaterally decides to change the infrastructure of a neighborhood by requiring the utility company to hold a hearing for the residents and all interested parties.
 - #3. Would establish the obligations of the Utility towards its customers when it unilaterally decides to change the infrastructure of a neighborhood and for the utility company to underground the system at its cost to preserve the character of the neighborhood, insure the safety of the residents, and avoid depreciating property values.