

Marguerite McLean

100312-EI  
100175-TL

**From:** [REDACTED]  
**Sent:** Wednesday, October 06, 2010 1:54 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** FW: Dockets 100312-EI, 100175-TL  
**Attachments:** 1012FPSC.docx

REDACTED

Attached is "1012FPSC" .doc file. Efforts by Commission Staff to redact personal information from (internet) files are appreciated.

REDACTED

1. [REDACTED] used for outgoing emails;
2. 100312-EI, 100175-TL Motion to Suspend 10/12/10 Regular Agenda pending clarification;
3. [REDACTED]
4. 3;
5. Petitioner seeks clarity about Commission and Florida Power and Light Conflict, and resolution about 9/30/10 Commission Memorandum.

REDACTED

--- On Wed, 10/6/10, [REDACTED] <gs@psc.state.fl.us <Filings@PSC.STATE.FL.US> wrote:

**From:** Filings@psc.state.fl.us <Filings@PSC.STATE.FL.US>  
**Subject:** FW: Dockets 100312-EI, 100175-TL  
**To:** [REDACTED]  
**Date:** Wednesday, October 6, 2010, 1:46 PM

REDACTED

We are in receipt of your filing below. However, this filing is not eligible for electronic filing. Please see e-filing requirements on the PSC webpage at: <http://www.psc.state.fl.us/dockets/e-filings/> Specifically:

**E-Mail Transmitting an Electronically Filed Document**

- The e-mail message to which the document is attached shall include the following information, in the order listed:
  - a. The full name, address, telephone number, and e-mail address of the person responsible for the electronic filing,
  - b. The docket number and title if filed in an existing docket,
  - c. The name of the party on whose behalf the document is filed,
  - d. The total number of pages in each attached document., and
  - e. A brief but complete description of each attached document.

Your filing will need to be revised and resubmitted in order to be officially accepted for filing.

Please feel free to call our office if you have any questions.

10/6/2010

DOCUMENT NO. DATE  
08357-10 10/6/10  
PSC - COMMISSION CLERK

**REDACTED**

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**From:** [REDACTED]  
**Sent:** Wednesday, October 06, 2010 9:31 AM  
**To:** Filings@psc.state.fl.us  
**Subject:** Dockets 100312-EI, 100175-TL

**REDACTED**

attached is "1012FPSC" .doc file

[REDACTED]  
[REDACTED]  
**REDACTED**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

COVER SHEET

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DATE: October 5, 2010

TO: Ann Cole, Clerk  
Office of Commission Clerk

FROM: [REDACTED] *Petitioner*

RE: Motion - 10/12/10 Regular Agenda and Status of Docket 100312-EI

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SPECIAL

REQUEST: May Office of Commission Clerk stamp upon receipt and prior to 10/12/10 distribute the attached Motion to all Commissioners, Staff authors of 9/30/10 Memorandum and all Parties in Dockets 100175-TL and 100312-EI.

DOCUMENT NUMBER-DATE

08357 OCT-6 2

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Complaint against  
AT&T dba BellSouth et.al

Docket No. 100175-TL

Complaint against  
Florida Power and Light Company et.al

Docket No. 100312-EI

**PETITIONER'S MOTION TO SUSPEND**  
**10/12/10 REGULAR AGENDA PENDING CLARIFICATION**

Petitioner moves to suspend October 12, 2010 Florida Public Service Commission (Commission) Regular Agenda pending clarification about status of Docket No. 100312-EI with regard to Florida Power and Light Company (FPL) September 2, 2010 Verified Motion and FPL September 22, 2010 Notice, and resolution of the issues addressed below.

On June 10, 2010 Catherine Beard and Larry Harris via phone call advised Petitioner that Commissioners view Staff recommendations to decide on issues at a hearing.

On October 1, 2010 Petitioner via phone call with Ms. Beard inquired about the status of Docket No. 100312-EI given Florida Power and Light Company (FPL) September 2, 2010 Verified Motion and FPL September 22, 2010 Notice. Commission has issued no order about the matter as it pertains to Docket 100312-EI. Ms. Beard was unable to determine the status of Docket, and no Commission staff has since called or otherwise contacted Petitioner about conclusion of conflict as it relates to this Docket.

On October 4, 2010 Petitioner received copy of Staff recommendations, dated and titled September 30, 2010 Memorandum (Memorandum). 10/12/10 scheduled date of Agenda suggests confusion and seems rushed given no resolution to conflict with regard to Docket No. 100312-EI. Also, Memorandum is factually inaccurate, contradictory in its Staff Analysis and fails to meet Standard of Review whereby Commission is required to "assume all of the allegations of the complaint to be true ... and consider the allegations in the light most favorable to the petitioner ..."

It would be impossible for Commission Members to be impartial at a hearing where the faulty Memorandum would be the basis of a decision that is least favorable to Petitioner.

DOCUMENT NUMBER-DATE  
08357 OCT-6 09  
FPSC-COMMISSION CLERK

Therefore, Petitioner moves to suspend 10/12/10 Agenda pending resolution of issues addressed in this Motion and clarification via Order about Commission conflict and confusion Memorandum presents.

Oct. 5, 2010 By:  /s/ [REDACTED]  
*Petitioner*