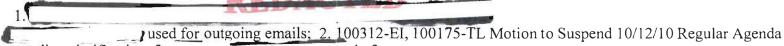
Marguerite McLean

1003	312-	EI
100	175.	-TL

From:	REPACIEB
Sent:	Wednesday, October 06, 2010 1:54 PM
То:	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.



9. 4. 3;
5. Petitioner seeks clarity about Commission and Florida Power and Light Conflict, and resolution about 9/30/10 Commission Memorandum.



--- On Wed, 10/6/10, <u>gs@psc.state.fl.us</u> <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: Date: Wednesday, October 6, 2010, 1:46 PM



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.

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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.

DOCUMENT NO. DATE O8357-10 10/4/10 FPSC - COMMISSION CLERK

10/6/2010

REDACTED

From:

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

attached is "1012FPSC" .doc file

REDACTED

REDACTED

10/6/2010

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

COVER SHEET

DATE:	October 5, 2010
TO:	Ann Cole, Clerk Office of Commission Clerk
FROM:	Petitioner
RE:	Motion - 10/12/10 Regular Agenda and Status of Docket 100312-EI

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 Dockets100175-TL and 100312-EI.

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.

08357 OCT-6 2 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/

Petitioner