

Dorothy Menasco

From: rpjrb@yahoo.com
Sent: Monday, September 19, 2011 10:17 AM
To: Filings@psc.state.fl.us; Records Clerk; Samantha Cibula; Curt Kiser; John Slemkewicz; Office Of Commissioner Edgar; Office Of Commissioner Graham; Office of Commissioner Brisé; Office Of Commissioner Graham; Office of Commissioner Balbis; Office of Commissioner Brown
Subject: Motion Dated May 6th, 2011/Emailed Tuesday August 2nd, 2011 Dockets 110009-EI, 100009-EI, 100410-EI and 080677-EI

Attachments: MotionSafetyemailFPSC09192011.pdf

Dear Ann Cole, Office of Commission Clerk and Apryl Lynn, Division of Administrative Services and Commissioners,

Attached is the PDF filing for the Motion email that I have sent on Tuesday August 2nd 2011. The motion was completed on May 6th, 2011 and I have been waiting for a response to my concerns with not making my safety information part of the record. I want to make sure that this motion serves that I have made a "good faith" effort to make sure that my safety suggestions are being made part of the web public docket in order to protect my legal interests in these proceedings. Since my recommendations are being shared with the relevant experts at the Nuclear Regulatory Commission (NRC) I want to make sure that this motion serves as a "good faith" effort to make sure that these safety suggestions are made part of the web public docket. I want to make sure that if these suggestions are potentially utilized that this motion serves as my "good faith" effort to make this information part of the web public docket since it may have an impact on current/future proceedings.

This is to protect my full legal interests with these proceedings.

The attached PDF file is to serve as the electronically filed document based upon the E-Filing requirements as per Florida Public Service Commission Electronic Filing Requirements.

I am sending this to the above email addresses only to meet the E-Filing requirements as per Florida Public Service Commission Electronic Filing Requirements

Thanks,

Robert H. Smith

Confidentiality Statement

The documents accompanying this telecopy transmission contain information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned. In this regard, if you received this telecopy in error, please contact the sender by reply E-mail and destroy all copies of the original.

9/19/2011

DOCUMENT NUMBER-DATE

06746 SEP 19 =

FPSC-COMMISSION CLERK

Robert H. Smith
Ratepayer/Shareholder
11340 Heron Bay Blvd. #2523
Coral Springs, Florida 33076-1629

Monday, September 19, 2011

Ann Cole and Apryl Lynn
Office of Commission Clerk and
Division of Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Robert H. Smith motion to the Florida Public Service Commission to make all of my current/future email correspondence part of the web public docket(s)/disclosure of the details of the current/future email correspondence in order for all parties with a legal interest to inspect and examine the current/future email correspondence / Dockets 110009-EI, 100009-EI, 100410-EI and 080677-EI

Dear Ms. Lynn:

Enclosed is Robert H. Smith's motion to the Florida Public Service Commission to make all of my current/future email correspondence part of the web public docket(s)/disclosure of the details of the current/future email correspondence in order for all parties with a legal interest to inspect and examine the email correspondence / Dockets 110009-EI, 100009-EI, 100410-EI and 080677-EI. I have repeatedly in "good faith" sent numerous emails to support my position(s) why the Florida Public Service Commission's position(s) are not valid. Since I have not received a direct question and answer response to my email(s) correspondence, this motion is to support my "good faith" appeal attempt(s) to make all of my email(s)/details of the email(s) correspondence part of web public dockets.

Copies of the response will be served to all parties that have a legal interest in the proceeding as outlined below.

Sincerely,

/S Robert H. Smith

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Before the Florida Public Service Commission

In re:) Docket No. 110009-EI
) Docket No. 100009-EI
) Docket No. 100410-EI
) Docket No. 080677-EI
Motion to Florida Public Service Commission dated) Emailed Filed August 2nd, 2011
August 2nd, 2011 by Robert H. Smith ratepayer/) Electronically Filed September 19th, 2011
Shareholder with a full legal interest to make all of)
my current/future email correspondence part of the)
Web public docket(s)/disclosure of the details of the)
current/future email correspondence in order for all)
parties with a legal interest to inspect and examine the)
the current/future email correspondence as per email(s))
for the period March 2011 through September 2011.)

**ROBERT H. SMITH'S MOTION TO FLORIDA PUBLIC SERVICE COMMISSION
TO MAKE ALL OF MY CURRENT/FUTURE EMAIL CORRESPONDENCE PART OF
THE WEB PUBLIC DOCKET(S)/DISCLOSURE OF THE DETAILS OF THE
CURRENT/FUTURE EMAIL CORRESPONDENCE IN ORDER FOR ALL PARTIES
WITH A LEGAL INTEREST TO INSPECT AND EXAMINE THE CURRENT/FUTURE
EMAIL CORRESPONDENCE**

Pursuant to Rule 28-106.204, Florida Administrative Code, Robert H. Smith hereby files this motion to the Florida Public Service Commission to make all of my current/future email correspondence part of the web public docket(s)/disclosure of the details of the current/future email correspondence in order for all parties with a legal interest to inspect and examine the current/future email correspondence.

After repeated attempts in "good faith" to support my position(s) why the Florida Public Service Commission should make all of my current/future email(s) part of the web public dockets, this motion is to serve the Florida Public Service Commission to make my motion part of the web public docket to support my position(s) why their position(s) are not valid. This is to make sure that my position(s) is fully documented on the record. Currently only the Florida Public Service Commission's position(s) is reflected on the record.

As per Title 28 Federal rules of Civil Procedure (FRCP) (December 1st, 2006), (Rule 26 (a)(1), Rule 26 (b)(1), Rule 26 (b) (5), Rule 34 (b)(2)(e)(i)(ii), Rule 37 (a)(1)(2)), As per Title 5 of §557(d) (1), §557(a), §556, §553(c), §554(a), §706 (2)(a)(b)(c)(d)(e)(f) of the Administrative Procedure Act, Chapter 350 (350.042) and Chapter 119 (119.01 (2)(a), 119.01 (2)(e) of the Florida Statutes the Florida Public Service Commission should make all of my current/future email correspondence part of the public web

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FPSC-COMMISSION CLERK

docket(s)/disclosure of the details of the current/future email correspondence in order for all parties with a legal interest to inspect and examine the current/future email correspondence. This is to make sure that my full legal interests in these proceedings are fully protected, there is an impartial proceeding, and that I am fully afforded based upon Federal and State law to the "full right to be heard according to law". Since the details of my current/future email correspondence has not been made part of the web public docket and/or the specific details of my email correspondence has not been made part of the web public docket, the ability for any party with a legal interest to be able to Sunshine request/Freedom of information request my information when they do not know it exists has created a "Ex Parte" or "One Sided" communication issue at the Florida Public Service Commission. All parties with a legal interest do not know the details of these communications, since the details of the email correspondence has not been made part of the web public docket. The Florida Public Service Commission's technical reasoning why this information can be made part of the web public docket is not valid (see email correspondence with the technical solution below). This is supported by Chapter 119 of the Florida Statutes (see email(s) below). Since this email correspondence deals with Safety issues at Nuclear Power Plants, it is very important that all parties with a legal interest be made aware of these potential safety solutions since it might have an impact in these proceedings. As evident by the email correspondence below a letter from the public has been made part of the web public docket for a consumer, I would reserve the "full right to be heard according to law" therefore as a shareholder and a ratepayer all my current/future email correspondence should be made part of the web public docket just like other parties in these proceedings. The Florida Public Service Commission's response is not valid since I have provided the proper technological solution to minimize the time and resources needed to make this information part of the web public docket. The letter from the General Counsel that was sent to me in June 2009 just addresses the intervenor process.

Since I am a party with a full legal interest in these proceedings, I reserve the "full right to be heard according to law" based upon Federal and State regulations. There is no reason why the Florida Public Service Commission has not published my emails on the web public docket just like they have in the past since the June 2009 letter from the former General Counsel. The Florida Public Service Commission has fully published my email correspondence to the web public docket until the Safety email that was sent regarding Safety at Nuclear Power Plants.

An intervenor is a party who does not have a substantial and direct interest but has clearly ascertainable interests and perspectives essential to a judicial determination and whose standing has been granted by the court for all or a portion of the proceedings. A Shareholder is the owner of a corporation and a ratepayer is a customer who pays for the Utility's cost of service, therefore I have a substantial and direct interest in these proceedings. Based upon my rights as a shareholder and a ratepayer, I would reserve the same/more rights than an intervenor in these proceedings therefore the Florida Public Service Commission's position(s) is not a valid position(s).

The email(s) below discusses the specific Federal and State regulations that would fully support my position(s) to make sure that all of my current/future email correspondence is made part of the web public docket(s) in these proceedings.

WHEREFORE, Robert H. Smith respectfully requests that the Florida Public Service Commission honor and answer the Motion request in its entirety (answering all specific questions in the motion) and to make all of my current/future email correspondence part of the web public docket(s)/disclosure of the details of the current/future email correspondence in order for all parties with a legal interest to inspect and examine the current/future email correspondence. As explained above, the full answer to the motion would be required in order serve as normal due diligence in order to substantiate any ruling with these types of proceedings. This will provide any person with a legal interest the "full right to be heard according to law" before any ruling is made on the pending proceeding(s).

Respectively submitted electronically (email), Tuesday August 2nd, 2011 to the listed parties above and electronically filed to filings@psc.state.fl.us on Monday September 19th, 2011 as outlined per Florida Public Service Commission Electronic Filing Requirements.

/S Robert H. Smith

11340 Heron Bay Blvd. #2523
Coral Springs, Florida 33076-1629

Certificate of Service
Dockets 110009-EI, 100009-EI, 100410-EI and 080677-EI

I HEREBY CERTIFY that a true and correct copy of the Robert H. Smith motion to the Florida Public Service Commission to make all of my current/future email correspondence part of the web public docket(s)/disclosure of the details of the current/future email correspondence in order for all parties with a legal interest to inspect and examine current/future email correspondence was served via electronic email on Tuesday August 2nd, 2011 and to filings@psc.state.fl.us on Monday September 19th, 2011. All issues as outlined in the motion email to the Florida Public Service Commission dated Tuesday August 2nd, 2011 below has been sent to the parties listed below.

Electronic email dated Tuesday August 2nd, 2011

Email: Curt Kiser / CKiser@PSC.STATE.FL.US

Email: Mary Anne Helton / MHelton@PSC.STATE.FL.US

Email: Anna Williams / ANWILLIA@PSC.STATE.FL.US

Email: Keino Young / KYOUNG@PSC.STATE.FL.US

Email: Lisa Bennett / LBENNETT@PSC.STATE.FL.US

Email: Martha Brown / mbrown@psc.state.fl.us

Email: Jean Hartman / JHARTMAN@PSC.STATE.FL.US

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Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, FL 32399-1400

Email: Kimberley Pena / KPen@PSC.STATE.FL.US

Chief Deputy Commission Clerk

Office of Commission Clerk

Florida Public Service Commission

2540 Shumard Oak Blvd.

Tallahassee, FL 32399-0850

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