

VOTE SHEET

September 18, 2012

Docket No. 110305-EI – Initiation of formal proceedings of Complaint No. 1006767E of Edward McDonald against Tampa Electric Company, for alleged improper billing.

**Issue 1:** Should the Commission grant TECO’s Motion to Dismiss with Prejudice?

**Recommendation:** Yes. The amended petition should be dismissed with prejudice because it fails to state a cause of action, does not substantially comply with Rule 28-106.201, F.A.C., and fails to cure the deficiencies identified in the initial petition.

**APPROVED**

COMMISSIONERS

All Commissioners

ASSIGNED:

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

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**REMARKS/DISSENTING COMMENTS:**

DOCUMENT NUMBER-DATE

06232 SEP 18 2012

FPSC-COMMISSION CLERK

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**Issue 2:** Should the docket be closed?

**Recommendation:** Yes. If the Commission approves staff regarding Issue 1, then the amended petition requesting the initiation of formal proceedings for Proposed Agency Action Order No. PSC-12-0053-PAA-EI should be dismissed with prejudice, the docket should be closed, and a Consummating Order should be issued reviving Order No. PSC-12-0053-PAA-EI, making it final and effective.

**APPROVED**