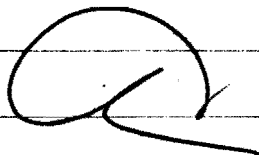


RECEIVED-FPSC
12 DEC 26 AM 9:43
COMMISSION
CLERK

RE: 120275-21

Please do not stay any actions on
my petition. The petition had nothing
to do with issues on my account. It is
a general complaint applying to all customers
it has nothing to do with personal issues



Curtis Brown

08318 DEC 26 2011

FPSC-COMMISSION CLERK

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

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November 16, 2012

HAND DELIVERED

Ms. Ann Cole, Director
Division of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: FPSC Docket No. 120275-EI; Petition of Curtis Brown

Dear Ms. Cole:

I am writing on behalf of Tampa Electric Company in response to a letter your office received from Tampa Electric customer, Mr. Curtis Brown, on October 29, 2012. Mr. Brown's letter was very brief and purported to be a formal petition to open a docket against Tampa Electric in connection with the customer's request to participate in the company's Energy Planner Program. For reasons set forth below, Tampa Electric believes a formal proceeding would be premature at this time and that the Commission would do well to hold this matter in abeyance to allow Tampa Electric an opportunity to attempt to resolve Mr. Brown's concerns.

Tampa Electric's Energy Planner Program enables participating customers to take advantage of lower rates by shifting their electrical usage for various appliances to times of the day when system demand is not at a high level. Mr. Brown originally contacted Tampa Electric about this program and arranged it to have it installed at his former single family residence in November 2010.

In May of this year Mr. Brown contacted the company and requested that his Energy Planner Program participation be transferred to his new multi-family dwelling in Riverview, Florida. The company representative with whom Mr. Brown spoke indicated that once electric service was turned on in the new residence Mr. Brown should contact the company to discuss future installation.

On June 4, 2012 Mr. Brown filed a formal complaint with the Commission (No. 1066179E) indicating that he was not able to reach the company to discuss Energy Planner Program eligibility at his new address. A company representative contacted Mr. Brown and explained that the present Energy Planner Program technology and equipment was not yet compatible for a multi-family housing application, where the meters are typically banked or grouped together. Mr. Brown was advised that new technology was being tested and, hopefully,

could be rolled out for multi-family housing applications in the fourth quarter of 2012. Mr. Brown indicated that he understood and was still interested in participating in this program.

On October 16, 2012 Mr. Brown sent correspondence to the Commission requesting that a docket be opened against Tampa Electric for alleged discrimination in the application of its Energy Planner Program. The company received notice of that filing on October 29, 2012. On that same day a senior load management analyst for Tampa Electric exchanged emails with Mr. Brown explaining, once again, that testing was still being conducted and the company was expecting to conclude that testing by year end and, hopefully, begin a 2013 launch of the application of the Energy Planner Program to multi-family dwellings. The analyst provided detailed technological explanations of why the testing was so important to the success of the program for this type of application. The analyst also suggested that, if Mr. Brown was agreeable, the company would go to Mr. Brown's home and conduct a wireless reception test to determine if any wireless range limitations exist between the applicable appliances and devices. The analyst offered to complete the test the next day, October 30, 2012.

On October 30 representatives of the company met with Mr. Brown between 9:00 a.m. and 11:00 a.m. The wireless reception test was conducted and the results were favorable. While the wireless reception test was conducted Tampa Electric representatives reviewed the location of the HVAC system and water heater in Mr. Brown's residence. The representatives determined that there was an issue with the heat not working correctly (not enough temperature difference). They informed Mr. Brown that a contractor should check the unit to insure that it is operating correctly before the Energy Planner installation could be completed. The Tampa Electric representatives also verified that Mr. Brown's meter was accessible on the outside wall of the dwelling.

On November 12, 2012 Tampa Electric's Supervisor -- Quality Assurance Department left a message at Mr. Brown's home acknowledging receipt of the complaint filed with the Commission and informing him of the testing progress. Mr. Brown has yet to return that call.

It appears Tampa Electric is very close to being able to satisfy Mr. Brown's request to participate in the Energy Planner Program. Tampa Electric is certainly willing to work with Mr. Brown to that end.

Based on the foregoing, Tampa Electric requests that any activity in this docket be held in abeyance while Tampa Electric works with the customer to resolve any remaining issues regarding the customer's participation in the Energy Planner Program at his new multi-family residence. Tampa Electric is hopeful that this program can be expanded to all multi-family residences. Mr. Brown is certainly first on the list, once all technological issues are resolved.

Should you have any questions or require further information in the interim, please feel free to contact the undersigned. In the meantime, we will report back to the Commission the company's progress in accommodating Mr. Brown's request to participate in the Energy Planner Program.