

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** February 13, 2013  
**TO:** Ann Cole, Commission Clerk, Office of Commission Clerk  
**FROM:** Charles W. Murphy, Senior Attorney, Office of the General Counsel *cm*  
**RE:** Filing in Docket No. 120192-EI

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Please add the attached February 11, 2013 letter from Robert D. Evans to Pauline Robinson to the Docket file for Docket No. 120192-EI.

*Handwritten mark*

DOCUMENT NUMBER-DATE  
00840 FEB 13 2013  
FPSC-COMMISSION CLERK

**Robert D. Evans**  
**920 Harbour Bay Drive**  
**Tampa, Florida 33602**  
**Lochmere.inc@verizon.net**  
**813-229-7777**



February 11, 2013

**VIA FEDERAL EXPRESS**

Ms. Pauline Robinson, Esq.  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-850

**Re: Robert D. Evans vs TECO**  
**Docket No. 120192-EI**

Dear Ms. Robinson,

I am writing to you from a point of a Florida resident's frustration and total disappointment in the Public Service Commission. As you are fully aware, I'm in a dispute with TECO regarding charges I was required to pay for underground electrical service, which I believe had already been paid by a previous owner for my property at 7207 Alafia Ridge Road, Riverview, Florida 33569.

The primary argument surrounds whether or not TECO can or will produce the records that they are required to maintain for each customer and property serviced. These records would have resolved this dispute, one way or the other, two years ago, if only TECO would have produced them. TECO alleges that no such records regarding prior payment or of the installation of the existing underground electrical conduits regarding the subject property exists.

I have provided the PCS undisputable evidence that such a file does exist. In my Petition submitted May 31, 2012, you were provided, among other exhibits, Exhibit B – Underground Easement recorded in the Public Records of Hillsborough County, Florida, OR Book 5746, and Page 870. This easement specifically states the purpose of the easement is for the benefit of TECO for the installation of "underground lines and conduits". This easement was prepared by TECO, executed by Denise R. Burke on March 10, 1989, property owner at that time, and recorded by TECO.

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Ms. Pauline Robinson, Esq.  
February 11, 2013

The execution of such a utility easement only occurs after (1) proof of ownership and a survey is provided to TECO; (2) customer obtains the necessary permits from the governmental agencies for the proposed use; (3) the electrical demands for the service are determined; and (4) TECO provides the design, underground agreement and construction costs. Once these elements are complete, then the easement is executed and recorded. Only then can the underground conduits be installed. The underground conduits were in the ground when I acquired the subject property.

To this day, TECO continues to deny that there is no such file nor any such records exist.

In disregarding such undisputable evidence that such a file does exist, you have recommended to the Commissioners of the PSC that my request to make my case before the Division of Administrative Hearing be denied.

**I respectfully request that the Commissioners reconsider their Motion To Dismiss of January 24, 2013 and allow me to be heard.**

Sincerely,

A handwritten signature in blue ink that reads "Robert D. Evans". The signature is written in a cursive style.

Cc: Governor Rick Scott  
Senator Jeff Brandes  
Representative Dana D. Young  
Chairman Ronald A Brise  
Commissioner Eduardo E. Balbis  
Commissioner Lisa Polak Edgar  
Commissioner Art Graham  
Commissioner Julie Imanuel Brown