

FLORIDA PUBLIC SERVICE COMMISSION

Item 3

VOTE SHEET

FILED OCT 13, 2015
DOCUMENT NO. 06479-15
FPSC - COMMISSION CLERK

October 13, 2015

Docket No. 150185-EI – Complaint by Erika Alvarez, Jerry Buechler, and Richard C. Silvestri against Florida Power & Light Company.

Issue 1: Should Florida Power & Light Company's Motion to Dismiss be granted?

Recommendation: Yes. Staff recommends that the Commission grant FPL's Motion to Dismiss and dismiss the complaint without prejudice because the complaint fails to demonstrate a cause of action upon which the requested relief may be granted.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Jimmy Ray
[Signature]
[Signature]
[Signature]
[Signature]

REMARKS/DISSENTING COMMENTS:

Oral modification, assigned DN 06423-15, is attached.

Vote Sheet

October 13, 2015

Item 3

Docket No. 150185-EI – Complaint by Erika Alvarez, Jerry Buechler, and Richard C. Silvestri against Florida Power & Light Company.

(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: No. If the Commission agrees with staff regarding Issue 1, then Petitioners' complaint should be dismissed without prejudice, and Petitioners should be permitted to file an amended complaint within 14 days of the issuance of an order dismissing the complaint. Should Petitioners fail to timely file an amended complaint, the docket should be administratively closed.

APPROVED

Angela Charles

From: Kathy Shoaf
Sent: Monday, October 12, 2015 12:11 PM
To: Braulio Baez; Lisa Harvey; Apryl Lynn; Cindy Muir; Charlie Beck; Mary Anne Helton; CLK - Agenda Staff; Commissioners & Staffs; Kelley Corbari; Keino Young; Bianca Lherisson
Cc: Kate Hamrick; Terri Fleming
Subject: FW: 150185-EI Req for Oral Modification - Item 3
Attachments: 150185-EI Req for Oral Modificaiton - Staff Rec Issue 2 (10-12-15).pdf

Please see the attached approved Request for Oral Modification.

Thank you.

Kathy Shoaf

Executive Assistant to
Braulio Baez, Executive Director
Florida Public Service Commission
Telephone: (850)413-6053
kshoaf@psc.state.fl.us

From: Braulio Baez
Sent: Monday, October 12, 2015 11:55 AM
To: Kelley Corbari; Kathy Shoaf
Cc: Lisa Harvey; Kate Hamrick
Subject: RE: 150185-EI Req for Oral Modification - Item 3

Approved

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: Kelley Corbari <KCorbari@psc.state.fl.us>
Date: 10/12/2015 11:03 AM (GMT-05:00)
To: Kathy Shoaf <kshoaf@psc.state.fl.us>
Cc: Lisa Harvey <LSHarvey@PSC.STATE.FL.US>, Kate Hamrick <KHamrick@psc.state.fl.us>, Braulio Baez <BBaez@PSC.STATE.FL.US>
Subject: 150185-EI Req for Oral Modification - Item 3

Ms. Kathy,

Attached is a copy of Staff's Request for Oral Modification of Issue 2 of Staff's Recommendation in Docket 150185-EI for Braulio's review and approval. Please let me know if you have any questions or need additional information.

Thank you,
Kelley

Kelley F. Corbari,

Senior Attorney – Regulatory Analysis Section
Office of the General Counsel

FLORIDA PUBLIC SERVICE COMMISSION

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State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

DATE: October 12, 2015
TO: Braulio Baez, Executive Director
FROM: Kelley F. Corbari, Senior Attorney, Office of the General Counsel *KFC Key*
RE: Request for Oral Modification to Item 3 scheduled for the October 13, 2015 Commission Conference Agenda
Docket No. 150185-EI – Complaint by Erika Alvarez, Jerry Buechler, and Richard C. Silvestri against Florida Power & Light Company.

Subsequent to filing its recommendation, staff determined that a revision was necessary to the standard close docket language of Issue 2, to include an amount of time in which to allow petitioners to amend their petition. Therefore, Staff would like to make an oral modification to Issue 2 to include the underlined language below:

Issue 2: Should this docket be closed?

Recommendation: No. If the Commission agrees with staff regarding Issue 1, then Petitioners' complaint should be dismissed without prejudice, and Petitioners should be permitted to file an amended complaint within 14 days of the issuance of an order dismissing the complaint. Should Petitioners fail to timely file an amended complaint, the docket should be administratively closed. (Corbari, Lherisson)

Staff Analysis: If the Commission agrees with staff regarding Issue 1, then Petitioners' complaint should be dismissed without prejudice, and Petitioners should be permitted to file an amended complaint within 14 days of the issuance of an order dismissing the complaint. Should Petitioners fail to timely file an amended complaint, the docket should be administratively closed.

KFC