

**Ereecy McNeal**

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**From:** Office of Commissioner Brown  
**Sent:** Monday, August 05, 2019 11:12 AM  
**To:** Commissioner Correspondence  
**Subject:** FW: Formal Request to address FPSC Board  
**Attachments:** FPSC Brown 8-4-2019.docx

Please place the attached in Docket No. 20120192-EI.

Thank you.

**From:** Robert Evans [<mailto:lochmere.inc@verizon.net>]  
**Sent:** Monday, August 05, 2019 10:38 AM  
**To:** Office of Commissioner Brown  
**Subject:** Formal Request to address FPSC Board

Dear Ms. Brown,

Please find attached my formal request to address the FPSC Board regarding my dispute with Tampa Electric Company. Thank you for your consideration.

Robert D. Evans  
7207 Alafia Ridge Road  
Riverview, Florida 33569  
(813) 760-0626

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Riverview, Florida 33569  
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August 4, 2019

Ms. Julie I. Brown  
Commissioner  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**RE: Request to Address the FPSC Board**

Dear Ms. Brown,

In October 2010, I acquired an eight acre site located at 7207 Alafia Ridge Road, in Riverview, Hillsborough County (Subject Property). I was denied electrical service by Tampa Electric Company for a year based upon the low electrical demand for an irrigation well. In October 2011, I approached TECO to complete the installation of the underground electrical distribution service to the property as there were now two buildings complete without power.

At the time I acquired the property, there was an existing TECO Underground Easement specifically for access in constructing and maintaining an underground service and recorded in the Public Records of Hillsborough County. The utility grade underground electrical conduit had also been installed commencing from a terminal pole at the right of way to a specific location approximately 750 feet to coincide with an approved site plan to build two homes by the prior owner, Mr. Dennis Burke. Due to the massive live oaks, creek, and elevation changes, it was necessary to install the underground conduit by the jack and bore method.

Based upon the recorded easement and the complexity of the existing conduit installation, it was my belief that TECO had been paid the full Contribution In Aid of Construction (CIAC) by the prior owner and had an obligation to complete the service.

Unable to resolve the dispute with TECO, and at their recommendation, I filed a complaint with the Florida Public Service Commission in June 2012. Docket No. 20120192-EI.

At the hearing, TECO stated that they kept records for over fifty years and that no such records existed concerning the Subject Property. Based upon this testimony, the FPSC staff recommended that my complaint be Denied.

Litigation that commenced in 2011 has continued for eight years. In response to our Motion for Document Production, we uncovered the following TECO documents.

Although the dates on the documents below had been altered by TECO; the customer name, address and scope of work remained correct.

(1) **TECO's Work Order Information J35047**, directs TECO personnel to haul a terminal pole to jobsite & unload at 7207 Alafia Ridge Road, Customer Name: Dennis Burke, (previous owner of Subject Property); **Work completed in 1989.**

(2) **TECO's Work Order Information J35047**, directs TECO personnel to install the terminal pole at 7207 Alafia Ridge Road, Customer Name: Dennis Burke; **Work completed in 1989.**

(3) **TECO's Work Order Information J35047**, directs TECO personnel to install conduit at 7207 Alafia Ridge Road, Customer Name: Dennis Burke; **Work completed in 1989 per Underground Utility Easement recorded March 10, 1989.** (In the alternative method of installation, Mr. Burke could hire a TECO approved subcontractor to install the TECO supplied conduit subject to TECO's design plans, specifications and inspection in order to expedite the installation. Mr. Burke would receive a credit for the conduit installation portion upon completion and activation of the service from the fully paid CIAC.

(4) **TECO's Work Order Information J35047**, directs TECO personnel to install URD primary and PMTX at 7207 Alafia Ridge Road, Customer Name: Dennis Burke;

(5) **TECO's Work Order Information J35047**, directs TECO personnel to install meter at 7207 Alafia Ridge Road, Customer Name: Dennis Burke.

For eight years, TECO has continually denied that any such records existed.

***These five separate TECO Work Orders confirmed my allegations that TECO did in fact authorize the full installation of the underground electrical distribution facility to the Subject Property during the ownership period by Mr. Dennis Burke. TECO would not have authorized this scope of work without receipt of full payment of the CIAC.***

Mr. Dennis Burke owned the Subject Property from March 17, 1986 thru September 19, 1989. The Easement was executed March 10, 1989. It is believed that due to health reasons, Mr. Burke sold the Subject Property after the initial installation of the underground utility conduits, but before he was able to commence the intended home construction, thus initiating the final stage of installing the cable and transformer.

Copies of the work orders were supplied to Mr. Steven J. Stolting, Inspector General for the FPSC on March 28, 2019. As part of the submission, I requested FPSC reopen this case based upon the fraudulent representations to the FPSC Board by Tampa Electric Company.

In speaking with Ms. Suzanne Brownless, Special Counsel for the FPSC, the staff is currently reviewing the case and may be submitting it to the Board as early as this coming week to consider reopening the case.

I respectfully request that I be given the opportunity to come before the FPSC Board to present the overwhelming evidence in support of my claim that TECO had in fact received full payment of the CIAC and are demanding that they be paid twice for the same improvements.

Unfortunately, I will be out of the State from September 7<sup>th</sup> thru September 15<sup>th</sup>. Other than that period, I am fully prepared to come to Tallahassee to address the FPSC Board at your convenience.

Should you have any questions or require additional information, do not hesitate to contact me.

With kindest regards,

***Robert D. Evans***