FILED FEB 20, 2014 **DOCUMENT NO. 00840-14** 

**FPSC - COMMISSION CLERK** 

COMMISSIONERS: ART GRAHAM, CHAIRMAN LISA POLAK EDGAR RONALD A. BRISÉ EDUARDO E. BALBIS

JULIE I. BROWN



OFFICE OF COMMISSION CLERK CARLOTTA S. STAUFFER COMMISSION CLERK (850) 413-6770

# Hublic Service Commission

February 20, 2014

Mr. Frederick Smallakoff 6651 Coronet Drive New Port Richey, Florida 34655

> Re: 1st District Court of Appeal Case No. 1D14-0197 - Frederick Smallakoff vs. Florida Public Service Commission, PSC Docket No. 120176-EI

Dear Mr. Smallakoff:

Enclosed is the Index to the record on appeal regarding the above-referenced docket. Please review this index for content of the record.

Should you have any questions regarding this Index, please feel free to contact me. The record is scheduled to be filed in the First District Court of Appeals on or before May 5, 2014.

Sincerely,

Carlotta S. Stauffer Commission Clerk

arlotto 8 Stauffer

CSS: mhm Enclosure

cc: Samantha Cibula, Commission Office of the General Counsel Rosanne Gervasi, Commission Office of the General Counsel John Burnett, Duke Energy

### IN THE DISTRICT COURT OF APPEAL FOR THE FIRST DISTRICT STATE OF FLORIDA

Frederick Smallakoff,	)	
Appellant,	)	
v.	)	DCA NO. 1D14-0197 LT No: 120176-EI
FLORIDA PUBLIC SERVICE COMMISSION,	į	
Appellee.	)	

# RECORD ON APPEAL IN THE MATTER OF

Complaint of Frederick Smallakoff against Progress Energy Florida, Inc. concerning alleged improper bills, Case No. 1059336E.

Mr. Frederick Smallakoff 6651 Coronet Drive New Port Richey, Florida 34655 Telephone: (727) 372-8844 Rosanne Gervasi, Esquire Samantha Cibula, Esquire Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850 Telephone: (850) 413-6199

#### INDEX (BY DATE)

#### PSC DOCKET NO. 120176-EI

Pursuant to Rule 9.200(d)(1)(B), Florida Rule of Appellate Procedure (Fla.R.App.P.), each volume has a cover sheet containing the name of the lower tribunal and the style and number of the case.

## Volume 1 BATES-STAMP PAGE NOS. DATE 06/19/12 Letter dated June 15, 2012, from Frederick Smallakoff (Smallakoff) to the Clerk of the Public Service Commission (Commission), requesting to file a formal complaint against Progress Energy Florida, Inc. (Progress) concerning alleged improper bills, which includes a 06/20/12 Letter dated June 15, 2012, from Smallakoff to the Commission Clerk, requesting to file a formal complaint against Progress concerning alleged improper bills, which does not include a hand-written note, 06/20/12 06/22/12 Letter dated June 22, 2012, from Dianne M. Triplett, Progress, to Ann Cole, Commission, providing a response to Smallakoff's letter 07/19/12 Letter dated July 19, 2012, from Michael Lawson, Commission, to Smallakoff, forwarding a copy of Progress' response to complaint, pursuant to July 18, 2012 conversation......10 09/26/12 Letter dated September 26, 2012, from Michael Lawson, Commission, to Smallakoff, requesting by November 2, 2012, information or statements relevant to and supportive of complaint or to address Progress' response, filed June 22, 2012 ......11 11/20/12 Letter dated November 20, 2012, from Michael Lawson, Commission, to Smallakoff, requesting by December 31, 2012, information or statements relevant to and supportive of complaint or to address Progress' response, filed June 19, 2012 ......12

02/21/13	Memorandum dated February 21, 2013, from the Commission's Office of the General Counsel, Office of Consumer Assistance and Outreach, Division of Economics, and Division of Engineering to Commission Clerk, providing staff recommendation for the Commission conference, Item No. 2, to be held March 5, 2013
02/21/13	Letter dated February 21, 2013, from Michael Lawson, Commission, to Smallakoff, forwarding staff recommendation, advising the billing complaint against Progress will be considered at the March 5, 2013, Commission conference, and invitation to participate at the Commission conference
02/22/13	Letter dated February 22, 2013, from Michael Lawson, Commission, to Smallakoff, forwarding staff recommendation, advising the billing complaint against Progress will be considered at the March 5, 2013, Commission conference, and invitation to participate at the Commission conference
02/28/13	E-mail dated February 27, 2013, from Michael Lawson, Commission, to Braulio Baez, Curt Kiser, Mary Anne Helton, Jennifer Crawford, Rick Moses, Patti Daniel, Neal Forsman, Rhonda Hicks, Lisa Harvey, Jim Dean, and Chuck Hill, Commission, requesting approval to make an oral modification to Item No. 2, at the March 5, 2013, Commission conference, with February 28, 2013, approval by Braulio Baez,  Commission
03/05/13	Vote sheet from March 5, 2013, Commission conference, Item No. 2
03/11/13	Transcript of March 5, 2013, Commission conference, Item No. 2 35-44
03/13/13	PAA Order PSC-13-0124-PAA-EI denying complaint of Smallakoff
03/18/13	Letter dated March 18, 2013, from Michael Lawson, Commission, to Smallakoff, forwarding copies of PAA orders denying complaints in Docket Nos. 060774-EI and 120176-EI
03/26/13	Letter dated March 21, 2013, from Smallakoff, to Ann Cole, Commission, with attached documents, which were faxed on March 20, 2013, and placed in the correspondence folder; requesting documents be officially filed and made part of the record for Docket Nos. 060774-EI and 120176-EI

05.07	Letter dated April 1, 2013, from Smallakoff, to Commission Clerk, protesting and disagreeing with the decision to dismiss issued by the Commission's Office of the General Counsel and Order PSC-13-0124-PAA-EI; and purporting to request a formal proceeding	04/03/13
93-97	proceeding	
98	Progress' notice of name change to Duke Energy Florida, Inc., d/b/a Duke Energy (Duke Energy)	04/30/13
99-102	Order PSC-13-0184-PCO-EI denying, without prejudice, Smallakoff's request for formal proceeding	04/30/13
103-115	Letter dated May 18, 2013, from Smallakoff, to Commission Clerk, addressing order denying request for formal proceeding	05/21/13
116-120	Memorandum dated September 12, 2013, from the Commission's Office of the General Counsel, Office of Consumer Assistance and Outreach, Division of Economics, and Division of Engineering to Commission Clerk, providing staff recommendation for the Commission conference, Item No. 3, to be held September 25, 2013	09/12/13
121	Vote sheet from September 25, 2013, Commission conference, Item No. 3	09/25/13
122-140	r - , - , , - , , - , - , - , - , , - ,	09/30/13
141-144	Order PSC-13-0468-FOF-EI denying, with prejudice, Smallakoff's second request for a formal proceeding; docket closed	10/14/13
145-146	Letter dated October 28, 2013, from Smallakoff, to Ann Cole, Commission, titled motion for reconsideration for a formal hearing of Case No. 1059336E	10/29/13
147-151	Memorandum dated December 5, 2013, from the Commission's Office of the General Counsel, Office of Consumer Assistance and Outreach, Division of Economics, and Division of Engineering to Commission Clerk, providing staff recommendation for the Commission conference, Item No. 3, to be held December 17, 2013	12/05/13
152	Vote sheet from December 17, 2013, Commission conference, Item No. 3	12/17/13

12/19/13	Transcript of December 17, 2013, Commission conference, Item No. 3
	[Clerk note: Item Nos. 2 (Docket No. 060774-EI) and 3 (Docket No. 120176-EI) were taken together and one transcript was prepared.]
	O. J. DGG 12 0075 FOE FI Junior Smallekoffer motion for
12/20/13	Order PSC-13-0675-FOF-EI denying Smallakoff's motion for reconsideration of Order PSC-13-0468-FOF-EI; docket closed
01/15/14	Smallakoff's notice of appeal with attachment, Order No. PSC-13-0675-FOF-EI
01/15/14	Letter dated January 15, 2014, from Jon S. Wheeler, District Court of Appeal, First District, State of Florida (1st DCA), Clerk of the Court, to Carlotta S. Stauffer, Commission, acknowledging receipt of notice of appeal, Case No. 1D14-0197
01/15/14	1st DCA order stating that the appeal shall not proceed until the order of insolvency is filed, as required by Rule 9.430, Fla.R.App.P., or a \$300 fee is paid, as required by Section 35.22(3), F.S. (2011), Case No. 1D14-0197
01/15/14	Letter dated January 15, 2014, from Carlotta S. Stauffer, Commission, to Smallakoff, forwarding a copy of the notice of appeal, with attachment, Order No. PSC-13-0675-FOF-EI, and advising a certified copy of the notice of appeal and attachment is being electronically filed with the 1st DCA
Progress Do	<u>ocket</u>
Docket No.	Rule 9.200(d)(1)(A), Fla.R.App.P., the document filings index for 120176-EI has been incorporated into the record immediately ex
after the mu	VA