

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of formal proceedings on
Complaint No. 1109752E of Brenda Rodriguez
against Duke Energy Florida, Inc. for alleged
improper billing.

DOCKET NO. 140024-EI
ORDER NO. PSC-14-0705-PCO-EI
ISSUED: December 23, 2014

ORDER SETTING MEDIATION

On May 7, 2013, Brenda Rodriguez (Rodriguez) filed Complaint No. 1109752E (Complaint) against Duke Energy Florida, Inc. (Duke or Company), contesting Duke's assertion that she had tampered with her meter, thereby causing it to register zero kilowatt hours (kWh), and contesting the amount of investigation and back-billing charges Duke imposed upon her. By Order PSC-14-0303-PAA-EI, issued on June 12, 2014, the Commission found that meter tampering had occurred at Rodriguez's residence, resulting in a cumulative back-billed amount of \$7,974.44 owed to Duke as a result thereof. Subsequently, on July 1, 2014, Rodriguez filed a timely protest of Order PSC-14-0303-PAA-EI, requesting a formal hearing. By its Order Establishing Procedure, Order No. PSC-14-0674-PCO-EI (OEP), issued on December 5, 2014, the Florida Public Service Commission (Commission) established the pre- and post-hearing procedures to be followed in this docket.

On December 16, 2014, Duke filed a Motion to Initiate Mediation (Motion) pursuant to Rules 28-106.402 and 28-106.211, Florida Administrative Code (F.A.C.). In its Motion, Duke asserts that the OEP allows mediation, that all parties to the case have agreed to conduct mediation, and that mediation can assist the parties in reaching a mutually agreeable settlement that will eliminate the need for a formal evidentiary hearing. The parties further agree that the mediation will be conducted in Kissimmee where Rodriguez resides, and Duke has agreed to pay all mediation costs, i.e., costs of a mediation location, translator, etc. According to the Motion, Duke proposes to use a member of the Commission staff familiar with the case as mediator but is also amenable to using a licensed civil court mediator.

Upon review of the pleadings, and without any objection from the parties, Duke's Motion to Initiate Mediation is hereby granted. The parties shall schedule and conduct the mediation at a mutually agreeable time on or before the scheduled Prehearing Conference on January 22, 2015. Should mediation be successful, this will promote administrative efficiency by allowing both the Prehearing Conference and the final hearing currently scheduled for February 3, 2015, to be cancelled. In order to have a starting point for the mediation, Duke shall respond to Commission staff's outstanding discovery on or before December 29, 2014, and the parties shall file their prehearing statements on January 8, 2015, as required by the OEP.

Based on the foregoing, it is hereby

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Duke Energy Florida, Inc.'s Motion to Initiate Mediation is hereby granted. It is further

ORDERED that mediation shall be conducted in this docket in Kissimmee, Florida with a translator present at a mutually agreeable time on or before the scheduled Prehearing Conference on January 22, 2015, and that all reasonable costs of mediation shall be borne by Duke Energy Florida, Inc. It is further

ORDERED that Duke Energy Florida, Inc. shall respond to Commission staff's outstanding discovery on or before December 29, 2014, and that all parties and Commission staff shall file prehearing statements on January 8, 2015, as currently required by Order No. PSC-14-0674-PCO-EI.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 23rd day of December, 2014.



JULIE I. BROWN
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

SBr

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.