

STATE OF FLORIDA

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
LISA POLAK EDGAR
RONALD A. BRISÉ
JULIE I. BROWN
JIMMY PATRONIS



GENERAL COUNSEL
CHARLIE BECK
(850) 413-6199

Public Service Commission

May 27, 2015

RECEIVED - FPSC
15 MAY 27 PM 1:07
COMMISSION
CLERK

Mr. Ken Wegner
WISCAN, LLC
1745 Chatham St.
Racine, WI 53402

Staff Data Request

Re: Docket No. 150142-EU – Petition by WISCAN, LLC for Waiver of Rule 25-6.049(5), F.A.C.

Dear Mr. Wegner:

In order to timely process the above-referenced petition, please provide a written response to the following staff data requests.

1. In the first paragraph of Section “G” of the petition, you state that the Store “was intentionally put out of business by the discriminatory actions of a Condominium Board.” Please elaborate in greater detail and provide documentation to explain and support this statement.

2. In the first paragraph of Section “G” of the petition, you also state that the power to the Store was disconnected at the direction of the Condominium Manager, “in retaliation for the Store owner’s other business practices as Developer of the Condominium.” Please elaborate in greater detail and provide documentation to explain and support this statement.

3. Rule 28-104.002(2)(g), F.A.C., governing petitions for rule waiver, requires you to provide “[t]he specific facts that demonstrate a substantial hardship or a violation of principles of fairness” that would justify the rule waiver you have requested. Pursuant to section 120.542(2), F.S., the “substantial hardship” can be economic in nature. Please respond to the following:

- (a) In the second paragraph of Section “G” of the petition, you state that prospective electric service to the Store will require new power lines to be installed underground at considerable expense to your company. Please elaborate in greater detail and provide documentation to explain and support this statement.
- (b) Will the installation of underground infrastructure cause a substantial economic hardship to WISCAN, LLC?
- (c) Please provide an estimate of the cost to WISCAN, LLC to install the underground infrastructure, including the cost of securing any necessary easements.

4. In the third paragraph of Section “G” of the petition, you state that at least \$300,000 in infrastructure improvements would be required if all the other 750 users of electricity in the park “were forced to have individual meters.” However, in Section “H” of the petition, you state that “[a]ll units in the condominium are individually metered.” Please clarify whether all of the other 750 users of electricity in the park are individually metered or whether the park is served by a master meter.

5. In the fifth paragraph of Section “G” of the petition, you state that you need a waiver from the Commission’s rules “to allow Duke Energy to provide a separate meter at the Store connected to the existing supply line and to bill the Store separately and then deduct the amount billed to the Store from the amount billed to the Condominium Association.” Please respond to the following:

- (a) Under your anticipated metering and billing methodology, would the Store be billed for the amount of energy the Store actually consumes?
- (b) Have you inquired of Duke Energy as to whether its billing system could accommodate this type of billing arrangement?

6. Also in the fifth paragraph of Section “G” of the petition, you suggest that after having received service for 30 years, the Store had been “denied service due to discriminatory practices.” You also state that the Store was closed “when the power was illegally disconnected.” Please elaborate in greater detail and provide documentation to explain and support these statements.

7. Please refer to the “FPSC Filing History” section of the petition and specifically to the staff e-mail sent to WISCAN, LLC on Monday, February 23, 2015. Please confirm that you added the following language to this staff e-mail, which language was not included in the original staff e-mail sent to WISCAN, LLC:

- (a) “(Association’s position is that it would be illegal to provide service because they are a not-for-profit and the Store is a for-profit enterprise)” – which appears within the third paragraph under “Staff’s understanding of the relevant facts is as follows”;
- (b) “(The Store received power from day one until August of 2011 when it was disconnected due to litigation which was settled in December 2014)” – which appears in bold type as the last sentence of the paragraph that begins with “Rule 25-6.049(5), F.A.C., states”; and
- (c) “(The Store is not a “new commercial establishment”, it is an existing commercial establishment)” – which appears in bold type at the end of the sentence that reads “The Store meets the definition of ‘occupancy unit’ as defined in Rule 25-6.049(8), F.A.C.”

Mr. Ken Wegner
Page 3

Please file your completed response to this staff data request by Wednesday, June 10, 2015, either by U.S. mail to the Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, or by filing it electronically through the Commission's website at www.floridapsc.com, by selecting the Clerk's Office tab and Electronic Filing Web Form. Please remember to sign and date your response before filing it with the Clerk's Office.

If you have any questions about this staff data request, you may contact me by phone at (850) 413-6224, by e-mail to rgervasi@psc.state.fl.us, or by U.S. mail to my address below.

Sincerely,



Rosanne Gervasi, Senior Attorney
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0863

Cc: Office of Commission Clerk (for docket file)