

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Customer Complaint by)
Mr. Daniel E. Aldridge against)
Duke Energy Florida, Inc.)
_____)

160157-EI

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COMMISSION
CLERK

CUSTOMER COMPLAINT

Mr. Daniel E. Aldridge, the customer of record ("Customer"), by and through his undersigned counsel and pursuant to Rule 25-22.032, Florida Administrative Code, hereby files this Customer Complaint against Duke Energy Florida, Inc. ("Duke Energy" or "Utility"), and in support thereof submits the following:

1. Mr. Aldridge's service address is 7050 Mandy Lane, New Port Richey, Florida 34652 (the "Service Address"), and Duke Energy Account No. 21351-11467 is associated with the Service Address.

2. Mr. Aldridge has continuously resided at the Service Address since 1985, and throughout that time, Mr. Aldridge's Meter was located outside of the Service Address, on the real property immediately south and adjacent to the Service Address. (An aerial photograph depicting the Service Address and the location of the Meter is attached hereto as Exhibit "A".)

3. Upon information and belief, prior to Mr. Aldridge acquiring the Service Address in 1985, Duke Energy's predecessor in interest elected to install the Customer's Meter outside of the Service Address, apparently within a public right-of-way.

4. Also upon information and belief, subsequent to the installation of the Meter within

COM _____
AFD 1 a public right-of-way, such property (which the Customer and his predecessor in title had no
APA _____ ownership interest in) was re-platted whereby the owner of the parcel adjacent to Mr. Aldridge's
ECO 1
ENG 1 Service Address became the owner of the real property where the Meter is located, and the right-
GCL 3
IDM _____
TEL _____
CLK _____
CAO 1

of-way was vacated. To Mr. Aldridge's understanding, the Utility has a right to access the property where the Meter is located. Mr. Aldridge, on the other hand, has never had any right to access or maintain such property. Stated otherwise, Mr. Aldridge is aware of no legal right allowing him any authority to enter his neighbor's land to maintain or move the Meter.

5. A tree is located on the property owned by Mr. Aldridge's neighbor, and as that tree has grown, it has damaged the Meter.

6. In a letter from the Utility to Mr. Aldridge, dated June 17, 2016, the Utility stated, in part: "This letter is to inform you that a recent inspection of your property revealed an unsafe situation that needs to be corrected. The hazardous condition is the customer-owned meter can enclosure has exposed wires and cannot be maintained and needs to be relocated." Ex. "B" (emphasis supplied). The Utility incorrectly states that the Meter is located on Mr. Aldridge's property, and wrongly concludes that Mr. Aldridge has any right to enter his neighbor's property to repair or relocate the Meter.

7. The demand by the Utility places the burden on the Customer to correct a situation caused by the Utility and outside the control of the Customer.

8. In its June 17, 2016 letter, the Utility further threatens that if Mr. Aldridge does not make all necessary repairs to the meter base by July 22, 2016, the Utility will interrupt Mr. Aldridge's utility service.

9. Among other things, Duke Energy's demand is unreasonable and fails to recognize the following pertinent matters: (i) the Utility (or its predecessor in interest) elected to install the Meter outside of the Service Address; (ii) the Utility has failed to maintain the Meter which it (or its predecessor in interest) elected to place in a location over which only the Utility and the neighboring property owner have rights of access; and (iii) Mr. Aldridge has no legal right to enter

his neighbor's property to maintain or relocate the Meter.

10. Mr. Aldridge has made numerous attempts to resolve this matter amicably, including offering to grant the Utility an easement or other right to allow the Utility to relocate the Meter within the Service Address. Such efforts have not resulted in a resolution of this matter.

11. Mr. Aldridge has no legal authority to access his neighbor's parcel to repair the meter base, and cannot comply with the Utility's demands. The Utility, on the other hand, has the right to enter the property, and as noted hereinabove, to the extent that the Utility elects to relocate the Meter, Mr. Aldridge is willing to grant the Utility the necessary rights of access over the Service Address and Mr. Aldridge will agree to thereafter maintain the Meter.

WHEREFORE, Mr. Aldridge respectfully requests the Public Service Commission's assistance in resolving this dispute with Duke Energy, and respectfully requests the following relief from the Utility:

A. That the Utility recognize that it has a responsibility to correct its own error in the location of the Meter and agreeing to proceed as set forth in paragraphs B and C herein below;

B. That the Utility, at its expense, will access the property adjacent to the Service Area to repair the Meter; and

C. To the extent that the Meter cannot be repaired and must be relocated, that: (i) the Utility, at its expense, shall relocate the Meter to an area within the Service Address reasonably acceptable to Mr. Aldridge and the Utility; (ii) Mr. Aldridge will grant the Utility any required rights of access to an area with the Service Address; and (iii) Mr. Aldridge will thereafter accept responsibility to maintain the Meter.

Respectfully submitted this 23rd day of June 2016.



KYLE L. KEMPER, ESQ.

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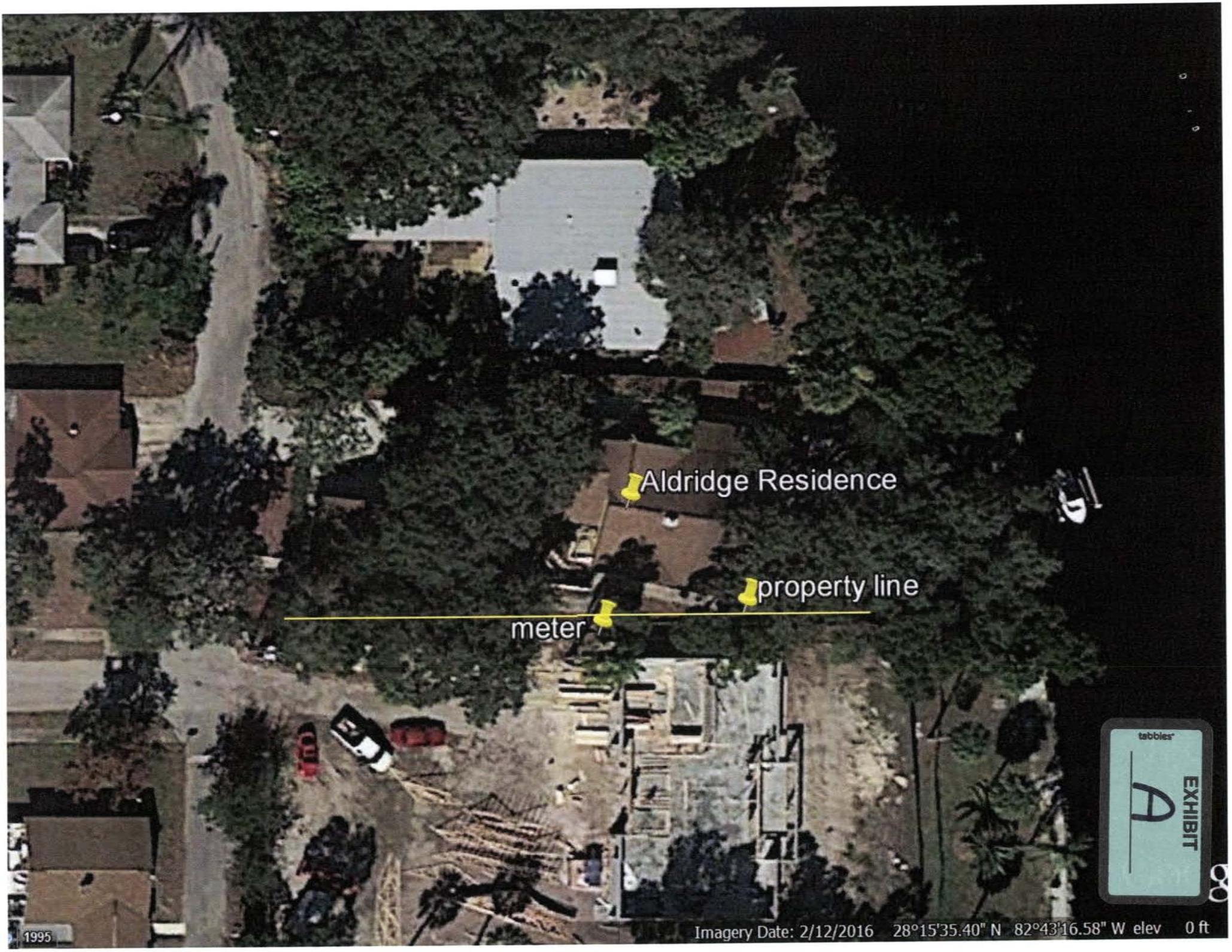
SUNDSTROM & MINDLIN, LLP

2548 Blairstone Pines Drive

Tallahassee, Florida 32301

Telephone: (850) 877-6555

Facsimile: (850) 656-4029



Aldridge Residence

property line

meter

tabbles[®]

A

EXHIBIT



June 17, 2016

Duke Energy
7S13 | 4121 Saint Lawrence Drive
New Port Richey, FL 34653



Daniel E. Aldridge
7050 Mandy Lane,
New Port Richey, FL 34652

RE: Account # 21351-11467

Dear Daniel E. Aldridge:

Duke Energy is committed to providing you with safe, reliable electricity. This letter is to inform you that a recent inspection of your property revealed an unsafe situation that needs to be corrected. The hazardous condition is the customer-owned meter can enclosure has exposed wires and cannot be maintained and needs to be relocated. If left unattended, this condition could cause a hazardous situation.

To prevent an interruption of electric service, please have a licensed electrician make the necessary repairs to the meter base within 30 business days, - no later than July 22, 2016. If you need a reputable electrician, you may check your local listings for a licensed, bonded, and insured electrical contractor or you may contact Duke Energy's Electrical Contractor Network (ECN) by calling 1.888.999.8856 and select option #2. All contractors in Duke Energy's ECN have passed professional and personal background checks, insurance and licensing requirements and are trained in safety.

Please note that failure to comply with this letter and the Duke Energy requirements for Electric Service and Meter Installation will result in an interruption of your electric service. These requirements can be viewed on Duke Energy's website via the following link, duke-energy.com/electric-requirements, specifically under Section II, General Information; I. Refusal or Discontinuance of Service by the Company.

Your business is very important to us. We hope you take the following steps to resolve this situation in a timely matter:

1. Hire a licensed, bonded, and insured electrician to make the above repairs to the customer-owned equipment at the location.
2. Contact your local municipality to pull a permit and or schedule an inspection as needed.
3. Contact Duke Energy after the repairs are completed and inspected, as needed.



Duke Energy
7S13 | 4121 Saint Lawrence Drive
New Port Richey, FL 34653

If you have any questions concerning this information, please contact us by phone between 8 a.m. and 5 p.m. Monday through Friday at 1-800-700-8744. We are committed to customer satisfaction and look forward to continuing to service your power needs.

Sincerely,

A handwritten signature in black ink that reads 'Joel E. Good'.

Joel E. Good
Senior Engineering Technologist
Duke Energy
Seven Springs Operations