

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of formal proceedings of
Complaint No. 1006767E of Edward
McDonald against Tampa Electric Company,
for alleged improper billing.

DOCKET NO. 110305-EI
ORDER NO. PSC-12-0309-PCO-EI
ISSUED: June 18, 2012

ORDER DENYING MOTION FOR CONTINUANCE AND DISCOVERY

BY THE COMMISSION:

On February 29, 2012, Mr. Edward McDonald's petition entitled Initiation of Formal Proceedings was received by regular U.S. mail, postmarked February 27, 2012. Mr. McDonald filed this petition in response to our Proposed Agency Action (PAA) Order No. PSC-12-0053-PAA-EI issued on February 7, 2012. The deadline for filing a protest to the PAA Order was February 28, 2012.

On March 6, 2012, Tampa Electric Company (TECO) filed its Motion to Dismiss Mr. McDonald's petition. On March 26, 2012, Mr. McDonald filed his Response to TECO's Motion to Dismiss.

On May 10, 2012, a recommendation was filed in the docket file for the May 22, 2012 agenda conference. The parties received copies of the recommendation in accordance with our policies, practices, and procedures. The recommendation is also available to all parties on our website.

The Commission voted to dismiss Mr. McDonald's petition at the agenda conference on May 22, 2012, at approximately 9:35 AM.

On May 22, 2012, at 1:45 PM, Mr. McDonald faxed a pleading entitled Motion for Continuance Request for Discovery to this Commission. The faxed pleading was not filed with the Clerk's Office, as required by Rule 25-22.028, Florida Administrative Code (F.A.C.). In the pleading, Mr. McDonald requested that TECO or Commission staff provide month-by-month billing of electric accounts, copy of statute, proof of guardianship, and copy of the bank's transmittal recalling the \$3,500 he allegedly overpaid to TECO. There was also a request for a continuance until TECO provided the requested documents.

Rule 28-106-210, F.A.C., provides that a motion for a continuance may be granted for good cause shown. In accordance with our policies, practices, and procedures, a motion to continue a scheduled agenda item must be filed with the Clerk's Office by 12:00 Noon the day before the agenda conference, unless there is an apparent emergency. Mr. McDonald's pleading was faxed to the Commission on May 22, 2012, at 1:45 PM, the day of the agenda conference. There was no emergency or good cause demonstrated in the pleading to justify its untimeliness. Additionally, the pleading was not filed with the Clerk's Office as required by the Commission

DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

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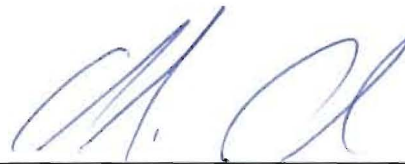
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rules. I, therefore, find it appropriate to deny Mr. McDonald's request for a continuance and discovery.

Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that Mr. Edward McDonald's request for continuance and discovery is hereby denied.

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 18th day of June, 2012.



EDUARDO E. BALBIS

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.

PER

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.