

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Juan Merchan and
Gonzalo Lever against Tampa Electric
Company.

DOCKET NO. 20260014-EI
ORDER NO. PSC-2026-0220-PAA-EI
ISSUED: June 19, 2026

The following Commissioners participated in the disposition of this matter:

GABRIELLA PASSIDOMO SMITH, Chairman
GARY F. CLARK
MIKE LA ROSA
BOBBY PAYNE
ANA ORTEGA

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING PETITIONERS' FORMAL COMPLAINT

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code (F.A.C.).

BACKGROUND

On May 13, 2024, Mr. Juan Merchan (Mr. Merchan) filed Informal Complaint No. 14445 15E, challenging Tampa Electric Company's (TECO) relocation of a pole and guy wires in front of his property. The pole and guy wires complained of were formerly in front of an adjacent property. TECO reconfigured and moved the pole, and relocated the guy wires to accommodate access to a new driveway at the adjacent property. Mr. Merchan alleged that TECO's relocation of the pole and guy wires was an unreasonable and discriminatory exercise of utility discretion. Mr. Merchan further alleged that the relocation inhibited his ingress and egress from his own property, and gave undue preference to the adjacent property from which the guy wires were relocated.

After a thorough review, including a site visit by Commission engineering staff, the Office of Consumer Assistance (OCA) staff informed Mr. Merchan that the relocated pole and guy wires were properly in TECO's public right of way (ROW). Mr. Merchan expressed disagreement with this conclusion and the matter was referred to the Commission's Process Review Team (PRT) for review, in accordance with Rule 25-22.032, F.A.C. On November 5,

2025, Commission staff advised Mr. Merchan that his informal complaint had been reviewed by the PRT, and it appeared that TECO did not violate Commission statutes, rules, or orders in its handling of this matter. Staff advised Mr. Merchan that if he disagreed with the complaint conclusion, he could file a petition for initiation of formal proceedings for relief against TECO.

On January 28, 2026, Mr. Merchan and Mr. Gonzalo Lever¹ (Petitioners) filed a formal complaint against TECO alleging the same material facts as contained in Mr. Merchan's informal complaint. The Petitioners' formal complaint again alleges that TECO's relocation of guy wires from an adjacent property to the front of Petitioners' property was an unreasonable and discriminatory exercise of utility discretion. Petitioners maintained that the relocation of the pole and guy wires presents undue preference to the neighboring property. On March 11, 2026, Petitioners filed an amended formal complaint (Amended Complaint) restating and clarifying the issues of material fact and legal basis for their claims.

On April 2, 2026, TECO filed a response to the Petitioners' formal complaint (Response). TECO states that the Amended Complaint does not allege any facts that would support finding that TECO violated its tariff or any applicable statutes, rules, or orders of the Commission. TECO further denied any such violations of applicable statutes, rules, or orders of the Commission.

This Order addresses the appropriate disposition of the Petitioners' complaint against TECO. We have jurisdiction over this matter pursuant to Section 366.04, Florida Statutes (F.S.).

DECISION

Based on the information provided, we find that TECO did not violate a statute, rule, order, or applicable provision of TECO's Commission-approved tariff. TECO properly reconfigured and relocated its transmission pole and guy wires within its ROW. A Commission staff site inspection confirmed that the reconfigured and relocated pole and guy wires do not inhibit ingress or egress from the Petitioners' property and appear to meet all applicable safety standards.

Section 366.03, F.S., states that "[n]o public utility shall make or give any undue or unreasonable preference or advantage to any person or locality, or subject the same to any undue or unreasonable prejudice or disadvantage in any respect." Upon review, we find that TECO did not act with undue or unreasonable preference in this case, and that TECO did not act with undue or unreasonable prejudice towards the Petitioners. TECO relocated its pole and guy wires in order to accommodate construction of a driveway on the adjacent property, which is not unreasonable. The Petitioners claim that TECO's proposal of relocating the pole and guy wires at the Petitioners' expense, or requiring the Petitioners to grant an easement for a new pole, was unreasonable. However, we find that it is reasonable for TECO to have a policy of requiring

¹ Mr. Gonzalo Lever is the TECO customer of record at the Petitioners' property. While the informal complaint was pursued by Mr. Merchan, Mr. Lever was included in correspondence throughout the informal complaint process and has co-signed onto the formal complaint that initiated this docket.

customers to pay for equipment relocation for aesthetic purposes. Furthermore, we find that the relocation of the pole and guy wires in front of the Petitioners' property did not constitute undue preference for the adjacent property or undue prejudice against the Petitioners.

Tariff Sheet No. 5.090, Section 2.3, addresses the placement of utility equipment on private property outside of a public ROW. This is inapplicable to the complaint because the relocation of the pole and guy wires complained of are within TECO's public ROW. Therefore, we find that TECO did not violate its Commission-approved tariff in its handling of this matter. Upon review, we find that TECO's relocation of the pole and guy wires did not violate a statute, rule, order, or applicable provision of TECO's Commission-approved tariff; therefore, the Petitioners' complaint shall be denied.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Complaint by Juan Merchan and Gonzalo Lever against TECO is denied. It is further

ORDERED that the provisions of this Order issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 19th day of June, 2026.



ADAM TEITZMAN
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

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

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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 that is available under Section 120.57, 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 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.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 10, 2026.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.