

State of Florida



Public Service Commission
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: February 10, 2015
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Kyesha Mapp, Attorney, Office of the General Counsel *KRM*
Shannon J. Hudson, Economic Supervisor, Division of Economics *SH*
RE: Docket No. 150042-WS - Complaint No. 1159288W by Sandra Tiwari against Pluris, LLC, to have charges waived or reduced.

On January 30, 2015, Docket No. 150042-WS was opened to process a formal complaint filed by Sandra Tiwari against Pluris Wedgefield, Inc., disputing an unusually high monthly water bill. Ms. Tiwari withdrew her complaint on February 09, 2015 (see attached). Pursuant to Section 2.07(2)(C)(2)d.4., Administrative Procedures Manual, no agency action has been taken and there are no pending issues that need to be addressed by the Commission. Staff therefore requests that this docket be administratively closed.

*ok to close
2-10-15
n/s*

RECEIVED-FPSC
15 FEB 10 AM 9:44
COMMISSION
CLERK

cc: John Plescow (CAO)
Neal Forsman (CAO)

Jennifer Crawford

From: Jennifer Crawford
Sent: Monday, February 09, 2015 12:56 PM
To: 'Sandy Tiwari'
Cc: Kyesha Mapp; Shannon Hudson
Subject: RE: Docket No. 150042-WS

Dear Ms. Tiwari,

This email will be sufficient for us to administratively close your complaint docket. I'm glad you've been able to reach a satisfactory resolution with the utility. I'll let the appropriate staff know as well.

Sincerely,

Jennifer Crawford

From: Sandy Tiwari [mailto:sandymusicorlando@gmail.com]
Sent: Monday, February 09, 2015 11:40 AM
To: Jennifer Crawford
Subject: Re: Docket No. 150042-WS

Good Morning Jennifer,

I would like to Drop or Withdraw or whatever word is appropriate.....the Case/request for Hearing, from me against Pluris.

Please tell me what I need to do regarding this.

Thank you,

Sandy

On Fri, Feb 6, 2015 at 4:56 PM, Jennifer Crawford <jcrawfor@psc.state.fl.us> wrote:

Dear Ms. Tiwari,

I appreciate the opportunity to speak with you yesterday about the Commission procedures for handling formal complaints. Below, I summarize the information we discussed.

The first part of the process for handling formal complaints at the Commission is informal in nature – it's designed for staff to first gather information and ask any necessary questions of the utility and complainant. Once staff has performed its informal investigation, it may ask the parties to meet, over the phone if that's what's most convenient, to discuss possible resolution of the complaint. Staff may instead choose to file a written recommendation on how staff believes the complaint should be resolved.

Staff's recommendation would then be presented to the Commissioners at a public Agenda Conference held in Tallahassee, at which the utility and complainant can both be present to speak with Commissioners regarding their positions. As we discussed, your son may be present and speak for you regarding your complaint, if you wish. Once the Commission makes its decision, a proposed agency action (PAA) order is issued. Both parties have 21 days to file a written protest to the PAA order, if they disagree with the Commission's decision. If a protest is timely filed, an administrative hearing will be scheduled at that time.

The administrative hearing is a more formal and costly process, in which parties and staff file testimony, present witnesses, and ask and respond to discovery questions such as interrogatories, requests for production, and requests for admission. Parties are not required to have an attorney to represent them, but may do so if they wish. Parties not represented by a lawyer will nonetheless be required to follow the rules that apply to a formal administrative hearing, and any procedural orders that will be issued. While staff can provide some guidance as to the procedure, staff cannot act as an advocate for either the utility or the complainant. Staff's role is to act as the Commission's advisor, and to fill in the record for the Commission to make its decision.

A prehearing conference and the administrative hearing will both be held in Tallahassee; all parties must attend and participate in both the prehearing and the hearing. At the prehearing, the parties must finalize their position on the issues, and any outstanding discovery or procedural disputes will be resolved by the Prehearing Officer. At the hearing, parties and staff will present their witnesses and exhibits, and be subject to cross examination by the other parties.

After the hearing, parties will submit a post-hearing brief, summarizing the testimony and exhibits introduced at the hearing, and explaining how they think the Commissioners should decide the case. Staff will prepare a second recommendation, a post-hearing recommendation, discussing the evidence from the hearing and the parties' briefs, and recommending how staff believes the Commissioners should decide the case. There will be a second, post-hearing Agenda Conference, but this time only staff can speak before the Commissioners. The Commissioners will make their post-hearing decision, from which a final order will issue. Further action at this point would require appealing the Commission's final order to a court, either the First District Court of Appeals or the Florida Supreme Court.

Can I bring family? Yes, the agenda, prehearing conference and hearing are noticed meetings and any member of the public can attend. Your family members can come with you to any of these events. At the hearing, however, they cannot represent you unless they are attorneys or qualified representatives.

Can I bring other customers of Wedgefield? You can have any friends or neighbors come with you to any of the publicly noticed meetings – the agenda, prehearing, or hearing. However, the proceeding is designed only to address your complaint, not any complaints they might additionally have regarding the utility. Unless you're presenting them as witnesses regarding the facts of your complaint, they couldn't participate at the hearing. If you intended to present them as witnesses, you'd have to overcome any objections that may be raised as to the appropriateness of their testimony.

Am I required to have a lawyer? You are not required to have a lawyer, although you may have one represent you if you wish. Parties who are representing themselves are expected to abide by the Commission's rules, procedures, and any procedural orders that issue in the case. The failure to comply with these requirements may result in the dismissal of the complaint.

What costs are involved in this process? In Commission proceedings, all parties bear their own costs. Parties will need to provide any supporting documentation they believe support their side of the case, and will need to make travel arrangements to come to Tallahassee. If a hearing is scheduled, copies of testimony, exhibits, discovery, discovery responses, and any motions or responses must be filed with the Commission Clerk, and copies must be provided to both staff and the utility. Some items can be sent electronically; the Clerk's website discusses what can and can't be filed electronically. Parties must ensure that sufficient copies of any cross examination exhibits used at the hearing are made, usually between 15 and 20 copies for each exhibit. Each party bears the cost of their travel to the hearing (including any hotel stays), attending depositions, hiring court reporters for depositions, and providing their witnesses and exhibits at hearing.

I hope this information is helpful. As we discussed, Kyesha and the technical staff will be working on a preliminary schedule for addressing your complaint and will be in touch with both you and the utility in the coming weeks. Finally, you may wish to contact the Office of Public Counsel (OPC) at [\(850\) 488-9330](tel:8504889330) regarding your complaint. As we discussed, OPC is a separate legislative agency created to represent the public in Commission proceedings. I cannot speak for whether they would be able to represent you in your complaint, but they may be helpful in further advising you regarding the Commission process and hearing procedures.

Sincerely,

Jennifer Crawford, Attorney Supervisor

Office of the General Counsel

Florida Public Service Commission

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jennifer.crawford@psc.state.fl.us

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