

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION



In re:

Petition of Juan Merchan and Gonzalo Lever

Against Tampa Electric Company (TECO)

PSC Complaint No. 1444515E



PETITION FOR INITIATION OF FORMAL PROCEEDINGS

(Rule 25-22.036, Florida Administrative Code)

I. PARTIES

Petitioner:

Juan Merchan and Gonzalo Lever
5503 E. Columbus Drive
Tampa, Florida 33619

Respondent:

Tampa Electric Company (TECO)
702 N. Franklin Street
Tampa, Florida 33602

II. JURISDICTION

This Petition is filed pursuant to Rule 25-22.036, Florida Administrative Code, seeking Commission review of the reasonableness, fairness, and non-discriminatory exercise of utility discretion by a regulated electric utility.

Petitioner does not seek monetary damages and does not request adjudication of property ownership or easement boundaries, but seeks Commission oversight of regulated utility conduct.

III. STATEMENT OF FACTS

- 1.** TECO maintained a utility pole and guy wires located in front of an adjacent property, where the facilities physically obstructed driveway access to a garage constructed by that property owner.
- 2.** The garage was constructed without an existing driveway and behind the pre-existing guy wires, demonstrating that the access limitation was self-created by the adjacent property owner.



- 3.** TECO subsequently relocated the pole and guy wires away from the adjacent property in order to accommodate construction of a private driveway, thereby shifting the burden of the utility infrastructure to Petitioner's property.
- 4.** The relocated facilities are now positioned directly in front of Petitioner's front entrance, materially affecting frontage, ingress, and use.
- 5.** The relocation was not required by safety concerns, clearance violations, service reliability, or system necessity, but instead correlates directly with the adjacent property's private development.
- 6.** After relocating the facilities, TECO proposed replacing the guy-wire configuration with a wireless pole only if Petitioner grants a new 10-foot by 10-foot easement deeper into the property, expanding TECO's property rights beyond existing conditions.
- 7.** This dispute has persisted for more than 24 months, despite informal Commission involvement.

IV. GROUNDS FOR FORMAL REVIEW

A. Discretionary Relocation for Private Benefit

TECO shows exercised discretionary placement authority to resolve a private development conflict for one customer, rather than addressing a public utility necessity.

B. Preferential Treatment and Burden Shifting

TECO's actions appear to provide preferential accommodation to one customer while transferring the resulting burden to another customer, raising issues of non-discriminatory utility service.

C. Absence of Engineering or Safety Necessity

The record reflects no documented safety hazard or operational deficiency that required relocation of the facilities.

D. Conditioning Mitigation on New Easement Grant

TECO's conditioning of mitigation on Petitioner's grant of additional property rights constitutes ongoing utility conduct subject to Commission review.

E. Incomplete Consideration in Informal Closure

The informal closure did not fully evaluate the discretionary nature of the relocation or the subsequent demand for expanded easement rights.

V. RELIEF REQUESTED

(Prospective, Non-Monetary)



Petitioner respectfully requests that the Commission:

- 1.** Initiate formal proceedings under Rule 25-22.036, F.A.C.;
- 2.** Require TECO to explain and justify the relocation decision and easement condition;
- 3.** Determine whether TECO's actions were reasonable and non-discriminatory;
- 4.** Provide Commission-facilitated mediation or guidance toward a fair resolution; and
- 5.** Grant such other relief as is within the Commission's authority.

VI. RESERVATION OF RIGHTS

Petitioner expressly reserves all rights and remedies available under Florida law.

Respectfully submitted,

Juan Merchan

Petitioner

Date: January 26, 2026

(See Exhibts A, B, and C)

EXHIBITS

Exhibit A



Before Photograph – Original Pole and Guy Wire Placement

(Shows obstruction of garage access on adjacent property prior to driveway construction)

Exhibit B



After Photograph – Relocated Pole and Guy Wire Placement (Shows facilities relocated in front of Petitioner's front entrance)

Exhibit C



Easement Photograph – Proposed 10' x 10' Easement Area
(Shows location of additional easement requested by TECO)

