

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Amended Petition for formal hearing by
Juan Merchan & Gonzalo Lever

FPSC Docket No.: 20260014-EI

Prior Complaint No.: 1444515E

AMENDED PETITION FOR FORMAL ADMINISTRATIVE HEARING

Juan Merchan & Gonzalo Lever ("Petitioners"), hereby file this Petition for a Formal Administrative Hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, and Rule 28-106.201, Florida Administrative Code, and Rule 25-22.036, Florida Administrative Code, and states:

I. AGENCY AFFECTED

Florida Public Service Commission,
2540 Shumard Oak Boulevard,
Tallahassee, Florida 32399-0850.

II. PETITIONERS' INFORMATION

Name: Juan Merchan & Gonzalo Lever
Address: 5503 E. Columbus Drive, Tampa, Florida 33619
Email: Juan.mobile1@gmail.com

1 **III. NOTICE OF ACTION**

2 The Petitioners received notice of the agency decision by certified letter dated November 5,
3 2025, from the Commission's Process Review Team (PRT), which concluded that the matter was
4 beyond the PSC's jurisdiction and closed Informal Complaint No. 1444515E. The PRT letter was
5 received by Petitioners via U.S. Mail on or about November 8, 2025. The PRT's closure letter
6 expressly invited Petitioners to file formal proceedings for relief against TECO pursuant to Rule
7 25-22.036, F.A.C., if dissatisfied with the informal resolution. A copy of the PRT decision letter
8 is attached as Exhibit A.
9

10 Petitioners filed a formal complaint on January 28, 2026 receipt of which was confirmed by
11 the commission on February 3, 2026. The complaint was assigned Docket No. 20260014-EI.
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13 The complaint challenged TECO's unreasonable and discriminatory exercise of utility
14 discretion in relocating guy wires from the adjacent property at 5509 E. Columbus Drive and
15 installing new supporting infrastructure, including guy wires, directly in front of Petitioners'
16 property at 5503 E. Columbus Drive, solely to accommodate a private third-party property owner's
17 self-created driveway access issues, without prior notice to Petitioners, without presenting any
18 options before installation, and without any safety, reliability, or system necessity justification.
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20 This amended petition is filed to clarify the disputed issues of material fact and legal basis for
21 Petitioners' claims. No prejudice results to any party from this amendment. Petitioners do not seek
22 monetary damages in this proceeding. Petitioners seeks regulatory orders directing TECO to
23 restore a non-obstructive infrastructure configuration at TECO's expense, without imposing any
24 new easement or cost obligation upon Petitioners.
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1 **IV. MATERIAL FACTS**

2 TECO maintained a transmission pole and guy wire configuration at or near the property at
3 5509 E. Columbus Drive, Tampa, Florida 33619, adjacent to Petitioners' property at 5503 E.
4 Columbus Drive. This original configuration predated any construction activity on the adjacent
5 property.
6

7 The owner of the adjacent property at 5509 E. Columbus Drive constructed a private garage
8 and driveway. The driveway was constructed along the westerly boundary of 5509 E. Columbus
9 Drive, beneath or behind the pre-existing guy wires. The resulting access constraint was entirely
10 self-created by the adjacent property owner and did not arise from any change in TECO's
11 infrastructure or any operational necessity on TECO's part. Exhibit B, FPSC Supplemental
12 Responses, Question 2: TECO confirmed "The original pole located at 5509 E. Columbus Drive
13 was not relocated. The guy wires preventing reasonable entry into the customer's driveway were
14 removed."
15

16 TECO removed the guy wires from the adjacent property at 5509 E. Columbus Drive and
17 installed new supporting infrastructure, including guy wires, directly in front of Petitioners'
18 property at 5503 E. Columbus Drive, materially affecting Petitioners' frontage, ingress, egress,
19 and use of his property. Exhibit B, Question 2: TECO confirmed that "New supporting
20 infrastructure, including guy wires, was then placed at 5503 E. Columbus Drive".
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22 TECO's installation of the new infrastructure at 5503 E. Columbus Drive was not required by:
23 (a) safety concerns; (b) clearance violations; (c) service reliability requirements; or (d) any system
24 necessity. The installation was undertaken exclusively to accommodate the adjacent property
25 owner's private development and driveway access requirements at 5509 E. Columbus Drive.
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1 TECO admitted to the Commission that it did not notify Petitioners prior to installing the
2 infrastructure.

3 TECO further admitted that not all available options were presented to Petitioners prior to the
4 installation.
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6 TECO represented to the Commission that "Tampa Electric paid to have the lines ('guy wires')
7 relocated. Neither customer was charged to have the guy wires moved" (*Exhibit B, Qeustion 1*).
8 However, the Petitioners information and belief is that the adjacent property owner at 5509 E.
9 Columbus Drive paid TECO approximately \$60,000 in connection with the installation of the new
10 pole and guy wires.
11

12 Following Petitioners' objection to the installation, TECO's site manager visited the location
13 at 5503 E. Columbus Drive. Upon seeing the situation firsthand, TECO's site manager was
14 surprised and agreed that the installation was unacceptable. (*Exhibit B, Q5, Owner Response*).
15 This acknowledgment by a TECO agent confirms that TECO's internal approval process,
16 conducted without any site visit, was inadequate and resulted in an unreasonable infrastructure
17 placement.
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19 On June 4, 2024, TECO's Account Manager Drew Sirianni wrote to Petitioners presenting
20 three options, vwhich letter is attached hereto as Exhibit C:

21 Option 1: "The current pole/line/down guy configuration remains as is and is within the
22 standard ROW." This is not a remedy; it perpetuates the obstruction.
23

24 Option 2: "Redesign the transmission pole configuration with a dead-end pole installed in
25 the ROW at an estimated charge of \$60k - \$100K" at the customer's (Petitioner's) expense,
26 also requiring a City of Tampa permit and an easement from Petitioner.
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1 Option 3: "TECO installs a dead-end pole inside the Northeast corner property line of 5503
2 E Columbus (appx 4' west and 4' south of the NE corner)" at TECO's expense, but "in
3 consideration of an easement being granted by the property owner."
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5 **V. DISPUTED ISSUES OF MATERIAL FACT**

6 I. TECO's exercise of ROW discretion was unreasonable and discriminatory. TECO claims
7 the current infrastructure "is within the standard ROW" (Exhibit C, Option 1) and was
8 installed under its Annual General Use Permit ("AGUP") with the City of Tampa. However,
9 the Petitioners contend that TECO installed new supporting infrastructure in front of
10 Petitioners' property solely to accommodate the adjacent property owner's private
11 driveway access issues at 5509 E. Columbus Drive. The adjacent owner constructed a
12 driveway beneath pre-existing guy wires, creating a self-imposed access problem. Exhibit
13 B, Q2: TECO confirmed "The guy wires preventing reasonable entry into the customer's
14 driveway were removed. New supporting infrastructure, including guy wires, was then
15 placed at 5503 E. Columbus Drive." Accordingly, the Petitioners contend that the
16 installation of new supporting infrastructure in front of Petitioner's property at 5503 E.
17 Columbus Drive was not informed by safety, reliability, or system necessity.
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20 II. TECO claims the current infrastructure is in the ROW, yet demands a new private
21 easement from Petitioners as a condition of the only cost-free remedy (Option 3). If the
22 ROW is sufficient for the current obstructive configuration, it should be sufficient for a
23 non-obstructive reconfiguration. If not, then TECO's TECO's claimed engineering
24 objections to alternatives were based on inadequate site assessment and TECO should held
25 liable.
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1 **VI. RULES, STATUTES, AND TARIFF VIOLATIONS**

2 (Fla. Admin. Code 28-106.201(2)(f) and Rule 25-22.036(3)(b)(1))

3 **a) Unreasonable exercise of utility discretion**

4 While TECO claims that the infrastructure is within the public ROW, Section 366.03
5 governs how TECO exercises its utility discretion. A municipal permit (the AGUP) authorizes the
6 physical act of placing infrastructure in the ROW; it does not authorize TECO to exercise that
7 placement discretion in an unreasonable manner. Removing guy wires from one customer's
8 frontage and installing them in front of another customer's property, solely to accommodate the
9 first customer's private development, without consent, safety, reliability, or system necessity
10 justification is a violation of § 366.03, Fla. Stat. Maintaining the obstructive configuration for
11 more than twenty-four (24) months, materially and continuously impairing Petitioner's frontage,
12 ingress, egress, and property use, violates § 366.03; § 366.041, Fla. Stat.

13 Moreover, conditioning any remedy on the second customer's grant of property rights or
14 payment of \$60,000–\$100,000, is an unreasonable exercise of utility discretion regardless of
15 whether the infrastructure is technically within the ROW. TECO is using its control over essential
16 infrastructure to coerce property concessions. This coercive leveraging of utility authority is
17 inconsistent with TECO's obligations as a regulated utility under Chapter 366.

18 The Petitioners further contend that the TECO's decision to move the infrastructure to his
19 frontage was arbitrary since no notice was tendered to the Petitioners nor were they afforded any
20 opportunity to object prior to installation, as admitted by TECO, evidenced by Exhibit B, Question
21 7. Furthermore, TECO's inadequate site assessment coupled with neglecting to present all
22 available options to Petitioners prior to installation, as admitted by TECO in Exhibit B, Question
23 9, confirms the arbitrary conduct of TECO, to the detriment of the Petitioners' proprietary rights.
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1 **b. Undue preference and prejudice**

2 TECO removed an infrastructure burden from the adjacent property owner at 5509 E.
3 Columbus Drive and placed a new infrastructure burden on Petitioners at 5503 E. Columbus Drive.
4
5 TECO accommodated the adjacent owner's private development needs while refusing to
6 accommodate Petitioners' objections except upon onerous conditions. This constitutes an undue
7 and unreasonable preference in favor of the adjacent property owner, and an undue prejudice
8 against Petitioners. While TECO claimed that it considered alternatives but rejected them due to
9 "space limitations, large facility permit requirements, material lead time, high vertical shear
10 loading, and costs to the general body of rate payers" as evidenced by Exhibit B, Question 3,
11
12 TECO's claim is untenable for three reasons:

- 13 a) The engineers who approved the installation and rejected alternatives never visited the
14 site.
- 15 b) TECO's own site manager, who did visit after Petitioners objected, was surprised and
16 opined that the installation was unacceptable as indicated under Exhibit B, Question 5.
- 17 c) Desktop engineering analysis that is contradicted by field assessment does not justify
18 an installation that TECO's own field personnel found unacceptable. The Petitioners
19 therefore contend that had diligence been exercised, a dead-end pole or equivalent non-
20 obstructive configuration could have been/can be designed and constructed within the
21 existing ROW or infrastructure corridor, without obstructing the Petitioners' frontage
22 or requiring a new easement from Petitioner

23 **Section 2.3**, Sheet No. 5.090 of TECO's tariff, provides that when a customer's building
24 expansion or other customer-initiated reasons make relocation desirable, "the Company may
25 require that all costs associated with the requested relocation or removal be charged to the
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1 customer making the request and may require an easement for the relocated facilities." The
2 infrastructure work in this case was initiated by and for the benefit of the adjacent property owner
3 at 5509 E. Columbus Drive, who constructed a driveway beneath pre-existing guy wires. The
4 Petitioners submit that all costs of the resulting relocation, including any costs of subsequent
5 reconfiguration necessitated by the original installation, be charged to the requesting customer
6 under Sections 2.3 and 2.4, Sheet Nos. 5.090 and 5.100. Alternatively, TECO should bear the cost
7 on account of inadequate site assessment prior to relocating the infrastructure to the Petitioners'
8 frontage.
9

10 **VII. PRAYER FOR RELIEF**

11 WHEREFORE, Petitioners pray for the following reliefs:
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- 13 1. Hold a public hearing on this matter pursuant to Sections 120.569 and 120.57, Florida
14 Statutes, and Rule 25-22.036, F.A.C.
- 15 2. Enter a declaratory order finding that TECO's removal of guy wires from the adjacent
16 property and installation of new supporting infrastructure in front of Petitioners' property,
17 solely to accommodate a private third-party development, without prior notification and
18 without safety, reliability, or system necessity justification, constitutes an unreasonable
19 exercise of utility discretion and an undue preference for the adjacent property owner, in
20 violation of § 366.03, Florida Statutes.
- 21 3. Enter a declaratory order finding that TECO's conditioning of infrastructure remediation
22 on Petitioners' grant of a new private easement or payment of \$60,000–\$100,000
23 constitutes an unreasonable condition of service with no basis in TECO's tariff or
24 Commission rules, in violation of §§ 366.03 and 366.041, Florida Statutes.
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- 1 4. Enter an order finding that the costs of the original installation and any subsequent
2 reconfiguration should be allocated to the customer who requested and benefited from the
3 relocation (the adjacent property owner at 5509 E. Columbus Drive) under TECO's tariff,
4 Sections 2.3 and 2.4.
5
6 5. Direct TECO to reconfigure the supporting infrastructure to a non-obstructive position and
7 design, at TECO's sole expense, without imposing any new easement, cost, or property
8 obligation upon Petitioners.
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10 6. Grant such further relief as the Commission deems just, equitable, and consistent with its
11 regulatory authority under Chapter 366, Florida Statutes.

12 **VIII. EXHIBITS**

- 13 1. **Exhibit A:** PSC Process Review Team Letter dated November 5, 2025.
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15 2. **Exhibit B:** FPSC Supplemental Response to Complaint No. 1444515E (Memorandum
16 from Rhonda Kelly, dated August 27, 2024) with Petitioners' Rebuttal Responses dated
17 September 30, 2024
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19 3. **Exhibit C:** TECO Letter from Drew Sirianni, Account Manager, dated June 4, 2024.
20
21 4. **Exhibit D:** Photographic documentation of current infrastructure and obstruction.

22 Respectfully Submitted.

23 DATED: 3/09/2026

24 

25 JUAN MERCHAN

26 

27 GONZALO LEVER
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COMMISSIONERS:
MIKE LA ROSA, CHAIRMAN
ART GRAHAM
GARY F. CLARK
ANDREW GILES FAY
GABRIELLA PASSIDOMO SMITH

STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
ADRIA E. HARPER
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

November 5, 2025

EXHIBIT A

Certified, Regular, and E-Mail

Mr. Juan Merchan
5503 E. Columbus Dr.
Tampa, FL 33619
Juan.mobile1@gmail.com

Re: Florida Public Service Commission Complaint Number 1444515E - Tampa Electric Company (TECO)

Dear Mr. Merchan:

This letter is in response to your complaint filed with the Florida Public Service Commission (PSC or Commission). According to the complaint, you would like to have certain wires and a pole relocated by TECO. You would further like an investigation of your concerns that a neighbor paid TECO for a prior relocation of the same wire and poles.

In accordance with Commission Rule 25-22.032, Florida Administrative Code (F.A.C.), Commission staff has been in contact with you and the utility since receipt of your complaint on May 23, 2025, in an effort to resolve your complaint informally and expeditiously. Your complaint and all documentation provided by both you and TECO was thoroughly reviewed by Commission staff. Taking into the account all relevant information, facts and applicable rules, Commission staff determined that your informal complaint file should be closed. Because you were not in agreement with Commission staff's proposed resolution to close your file, your complaint was then further reviewed by the PSC's Process Review Team (PRT).

After review, the PRT found that this matter is beyond the PSC's jurisdiction. It does not appear to the PRT that TECO violated applicable Commission statutes, rules, or orders, so no further action can be taken in this regard by the PRT. Based on the findings of the PRT's review detailed above, your informal complaint file is closed.

If you disagree with the resolution of your complaint, you may file a petition for initiation of formal proceedings for relief against TECO. The request for formal proceedings must follow the complaint requirements in Rule 25-22.036, F.A.C. - Initiation of Formal Proceedings (enclosed for your review). The rule can be found online at www.flrules.org.

Mr. Merchan
November 5, 2025
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You may file your petition by mail (address below) or electronically via the Commission's web portal. Access the Electronic Filing Requirements and e-filing instructions at <https://www.floridapsc.com/filing-documents-electronically>, and the Electronic Filing Web Portal at <https://secure.floridapsc.com/ClerkOffice/EfilingPublic>. The PSC cannot accept this request via fax.

Mailing address:
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

If you choose to file a petition and initiate formal proceedings, the complaint will be heard by the Commission in a public hearing and TECO will have the opportunity to respond. In making its ruling, the Commission will consider whether your complaint meets the appropriate legal requirements and whether the Commission is able to grant your requested relief.

If your formal complaint does not meet the requirements specified in Rule 25-22.036, F.A.C., or if the Commission is unable to grant the relief you are seeking, your formal petition may be dismissed. If you have questions about a formal petition or formal proceedings, I can be reached at (850) 413-6846 or DDose@psc.state.fl.us.

Sincerely,

/s/ Daniel Dose
Daniel Dose
Senior Attorney

cc: TECO

Rule 25-22.036, F.A.C.

25-22.036 Initiation of Formal Proceedings.

(1) Application. An application is appropriate when a person seeks authority from the Commission to engage in an activity subject to Commission jurisdiction.

(2) Complaints. A complaint is appropriate when a person complains of an act or omission by a person subject to Commission jurisdiction which affects the complainant's substantial interests and which is in violation of a statute enforced by the Commission, or of any Commission rule or order.

(3) Form and Content.

(a) Application. An application shall be governed by the statute or rules applicable to applications for authority. In the absence of a specific form and content, the application shall conform to this rule.

(b) Complaint. Each complaint, in addition to the requirements of paragraph (3)(a) above, shall also contain:

1. The rule, order, or statute that has been violated,
2. The actions that constitute the violation,
3. The name and address of the person against whom the complaint is lodged,
4. The specific relief requested, including any penalty sought.

Rulemaking Authority 350.127(2) FS. Law Implemented 120.569, 120.57, 350.123, 364.335, 366.04, 366.06, 366.071, 366.076(1), 366.8255, 367.031, 367.045, 367.071, 367.081, 367.0814, 367.0817, 367.082, 367.0822, 367.091, 367.101, 367.171 FS. History—New 12-21-81, Formerly 25-22.36, Amended 5-3-99, 7-17-00.



Memorandum

To: Florida Public Service Commission
From: Rhonda Kelly, Supervisor Executive Solutions
Date: 08/27/24
Re: FPSC Supplemental Response to Complaint #1444515E Merchan, Juan

FPSC Question(s):

1. Who paid to have the line relocated? Was the neighbor charged to have the lines moved? If so, submit the receipts to the commission.

- TECO: Tampa Electric paid to have the lines (“guy wires”) relocated. Neither customer was charged to have the guy wires moved.
 - OWNER: The owner at 5509 E. Columbus Drive commented to us that he paid TECO \$60,000 to install the new pole and guy wires. Is it standard procedure for TECO to move poles and guy wires free of charge?
- TECO: The customer provided Tampa Electric a Facility (Pole Spot) easement and an Aerial easement so the company could maintain facility alignment which avoids additional material costs.
 - OWNER: The customer at 5509 E. Columbus Drive cannot provide a Facility (Pole Spot) easement in front of our property (5503 E. Columbus).

It is TECO’s responsibility to obtain the permission or acknowledgment from adjacent property owners before installing an electric pole with a guy wire directly in front of their property.

2. How did TECO get permitting to relocate the pole to in front of the customer’s property?

- TECO: Tampa Electric has an Annual General Use Permit (“AGUP”) Agreement with the City of Tampa which allowed Tampa Electric to install the necessary infrastructure in the right-of-way (“ROW”).

- OWNER: Property owners must be properly notified and given the opportunity to approve or contest any actions that could impact their property, especially in cases where such installations interfere with access and the value of the property.
- TECO: The original pole located at 5509 E. Columbus Drive was not relocated. The guy wires preventing reasonable entry into the customer's driveway were removed. New supporting infrastructure, including guy wires, was then placed at 5503 E. Columbus Drive.
 - OWNER: The customer constructed their new driveway under the guy wires that were there for decades, thereby creating their access issues. It is unreasonable and unjust to transfer their problem onto our property. The solution to a problem on one property should not be the creation of a burden on another.

We were neither notified nor allowed to contest this action, which has adversely affected the use and enjoyment of our property. TECO should have sought a resolution that was acceptable to all parties involved.

TECO's relocation of critical infrastructure onto our property without proper notification violates our rights. We demand immediate rectification of this situation and insist that TECO explore alternative solutions that do not impose restrictions on our property.

3. What other options were considered prior to relocating the pole with the down wires, to in front of the customer's property?

- TECO: Tampa Electric considered other options such as a self-supporting guy stub and a self-supporting corner pole. Due to a variety of issues such as space limitations, large facility permit requirements, material lead time, high vertical shear loading, and costs to the general body of rate payers, Tampa Electric considered these alternative options to be impractical or infeasible.
 - OWNER: If the cost to the general body of ratepayers was a significant concern, it stands to reason that TECO could have shifted the financial responsibility to the property owners who requested the change.

According to the property owner of 5509 E. Columbus Drive, TECO was paid \$60,000 for this work, further undermining the argument that cost

concerns made alternative solutions infeasible. This raises the question of why other, more effective options were not explored in greater detail.

Moreover, the most glaring issue remains the lack of notification to the adjacent property owners. Regardless of TECO's internal assessments, relocating critical infrastructure that impacts surrounding properties should involve clear communication with all affected parties. The failure to notify the neighboring property owners is a clear violation of their rights and cannot be justified by the reasons TECO has provided.

TECO's decision to prioritize expediency and cost considerations over proper procedure and notification has created undue burdens for adjacent property owners.

- TECO: For clarity, the original pole was not relocated. The guy wires were removed. Then Tampa Electric installed additional supporting infrastructure which included guy wires on the adjacent property.
 - OWNER: TECO's clarification confirms that they transferred one customer's problem onto a neighboring property without transparency or consent. This action clearly violates the adjacent property owner's rights, as it imposes an unnecessary burden without proper notification or an opportunity to object. TECO's lack of transparency and failure to engage with the affected property owner makes this decision unacceptable and unjustifiable.

4. Why not place the self-supporting pole at the neighbor's place instead of offering this as an option to the customer of record at his expense and, to take away a portion of his property in the process?

- TECO: If designed around the approved (City of Tampa) and constructed driveway located along the westerly boundary of 5509 E. Columbus Drive, the design limited adequate space for a self-supporting structure. If the pole shifted to the east side of the driveway, it would have experienced high vertical shear loading due to the angle of the guy wires.
 - OWNER: The property owner's choice to install an inaccessible driveway at 5509 E. Columbus Drive is not our problem or responsibility. TECO's failure to recognize this does not justify shifting the issue onto the neighboring property owners at 5503 E. Columbus Drive.

5. How did the plans to relocate the lines get approved? Provide the plans associated with this project to the commission.

- TECO: The plans to install the new pole with guy wires followed Tampa Electric’s standard approval process; the plans were reviewed by a Tampa Electric Transmission Fellow Engineer and approved by the Manager of Transmission Engineering. Please see Tampa Electric’s Work Package attached. Note that the one-line drawing was redacted as CEII (Critical Energy Infrastructure Information).
 - OWNER: While TECO asserts that the plans to install the new pole with guy wires followed their standard approval process, it appears this process was flawed due to a lack of proper site assessment. The approving engineers and managers did not visit the site or fully understand its configuration firsthand. This oversight led to an installation that was not only inappropriate but also unfair to the neighboring property owner.

Following the filing of an objection to the installation, TECO’s site manager visited the location and, upon seeing the situation, was surprised and agreed that the installation was unacceptable. This acknowledgment highlights that the standard approval process TECO relied on was insufficient and failed to account for the real-world impact on the properties involved. A more thorough review, including a site visit before approval, would have likely prevented this issue from occurring in the first place.

6. Where is the work order on this project? Provide the bidding submitted to the work performed on the work completed with the project.

- TECO: Please see response to #5. No bidding was required. Tampa Electric’s Transmission Engineering department completed the engineering and the Transmission Operations department completed the construction.
 - OWNER: TECO’s response that “No bidding was required” raises concerns about fairness and transparency in the process. By not putting the project up for competitive bids, TECO may have missed opportunities to explore more cost-effective or equitable solutions. Additionally, the claim that the property owner who requested the installation of the pole was not charged for the work, while all the benefits of the installation went to that owner, is unjust. This came at the direct expense of the adjacent property owner. We, the adjacent property owner, were not only burdened by the new infrastructure but also had no opportunity to object or offer input during the decision-making process.

TECO's failure to properly balance the interests of all property owners involved and the absence of a competitive bidding process raises questions about the fairness and appropriateness of this entire project. A more transparent and balanced approach should have been taken to ensure equitable treatment of all parties.

7. Was the customer contacted/notified the pole would be relocated and the downwires placed in front of his property prior to the work being done?

- TECO: Tampa Electric followed standard procedure in placing its infrastructure in the ROW which is allowed under Tampa Electric's AGUP. Tampa Electric did not contact the customer prior to installing the necessary infrastructure.
 - OWNER: By failing to notify the adjacent property owners at 5503 E. Columbus Drive, TECO disregarded our rights. We had no opportunity to object, provide input, or assess the impact of the installation on our property. The standard procedure cannot be used as a shield to bypass property owners' rights to transparency and due process.

8. Why is the customer being charged to relocate the pole or having to give TECO an easement on his property?

- TECO: Relocating a pole for aesthetic purposes is considered reimbursable work. Otherwise, the general body of rate payers would be responsible for such costs. The neighborhood is a fairly dense neighborhood in which many customers have down wires in front of their premises.
 - OWNER: TECO's rationale for charging the us to relocate the pole and down wires for "aesthetic purposes" while justifying the current placement by stating that many customers in the neighborhood have similar installations fails to consider the specific impact on our property. Relocating the pole and down wires to the front of our property, free of charge to other property owners, disregarded the aesthetics, use, and value of our property. This action unfairly burdens us with the negative consequences of an infrastructure change that benefits another property owner, while diminishing the visual appeal and functionality of our property. It is unjustifiable for TECO to charge us for moving the pole and down wires when they should not have been placed on our property in the first place. The infrastructure was relocated without transparency or consent, and we are now expected to bear the costs to rectify a situation that was imposed on us, which is both unfair and unreasonable.

- TECO: Tampa Electric’s initial offer to the customer was to explore the feasibility of installing a self-supporting pole in the ROW at customer’s expense which was rejected by the customer. As a means of working with the customer, Tampa Electric then offered to evaluate the installation of a self-supporting pole on the customer’s property which would require the customer to grant Tampa Electric an easement for such installation.
 - OWNER: TECO’s response demonstrates a clear attempt to shift the burden of their poor planning and decision-making onto the customer. By initially proposing a self-supporting pole in the right-of-way (ROW) at the customer’s expense and then suggesting the installation of a self-supporting pole on the customer’s property requiring an easement, TECO is essentially forcing the customer to pay for and sacrifice their property to correct a problem that was created by TECO's failure.

This approach is unjust, as it places the financial and legal burden on the customer for resolving an issue that TECO caused through improper infrastructure placement. Rather than taking responsibility for their actions and offering a solution at their own expense, TECO’s intention appears to be coercing the customer into bearing the costs and consequences of their failure. This is unacceptable and does not reflect a fair or equitable resolution to the situation. TECO must take full responsibility for their actions and provide a solution that does not require the customer to pay for correcting their mismanagement.

9. Were all the available options for the project provided to the customer prior to the pole’s relocation?

- TECO: No
 - OWNER: TECO’s admission that not all available options were provided to the customer prior to the pole’s relocation underscores the lack of transparency and fairness in the decision-making process. This failure to fully inform the customer denied them the opportunity to explore alternative solutions, further highlighting TECO's disregard for the rights and interests of the affected property owners. TECO’s actions have resulted in an unfair imposition on the neighboring property, and they should take immediate corrective measures to rectify this unjust situation.



EXHIBIT C

June 4, 2024

Mr. Juan Merchan
5503 E. Columbus Dr.
Tampa, FL. 33619

Re: TECO Transmission Line

Dear Mr. Merchan,

I am writing in response to your complaint filed with the Florida Public Service Commission regarding the transmission pole/lines near the premises listed above. I have been unsuccessful in speaking with you via telephone and this letter is an attempt to resolve your concerns.

There are three available options listed below for your review.

1. The current pole/line/down guy configuration remains as is and is within the standard ROW.
2. Redesign the transmission pole configuration with a dead-end pole installed in the ROW at an estimated charge of \$60k - \$100K. TECO would need an approved permit from the City of Tampa and an easement granted from customer of record. This is at the customer's expense.
3. TECO installs a dead-end pole inside the Northeast corner property line of 5503 E Columbus (appx 4' west and 4' south of the NE corner). This pole would be installed at TEC's expense in consideration of an easement being granted by the property owner allowing the company to position the pole where it is unlikely to be impacted by road widening or similar activities. Attached is a diagram of the design/location of this new pole.

Please feel free to contact me at the telephone number listed below to discuss your concerns.

Sincerely,

Drew Sirianni | Account Manager |
Commercial & Industrial Account Management
813.228.1639 o | 813.382-0819 c

EXHIBITS D

Site A



Before Photograph – Original Pole and Guy Wire Placement
(Shows obstruction of garage access on adjacent property prior to driveway construction)



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



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

