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OFFICE OF COMMISSION CLERK
ADAM J. TEITZMAN
COMMISSION CLERK
(850) 413-6770

Public Service Commission

NOTICE OF COMPLAINT

TO

Duke Energy Florida, LLC
ATTN: Robert Pickels
106 East College Avenue, Suite 800 Tallahassee, FL 32301-7740
(via Certified Mail No. 7020 2450 0001 8211 0236)

Re: Docket No. 20260045-EI- - Formal complaint of Justin Gage against Duke Energy Florida, LLC for alleged violations of Commission rules, orders, and statutes governing electric utility safety standards, compliance certifications, and truthfulness in Commission filings

Notice is hereby given, via certified U.S. mail, that the above-referenced complaint was filed with the Public Service Commission on March 27, 2026, a copy of which is attached.

You may file a response to this complaint with the Office of Commission Clerk at the address below, with a copy sent to the complainant. The Commission also accepts documents for filing by electronic transmission provided the electronic filing requirements are met. For information regarding these requirements, visit the Commission's website at www.floridapsc.com.

Noticed this 27th day of March, 2026.

Sincerely,

A handwritten signature in black ink, appearing to read "AJT", with a long horizontal flourish extending to the right.

Adam J. Teitzman
Commission Clerk

AJT/nh

Enclosure

cc: Justin Gage
Office of Public Counsel
Office of General Counsel
Office of Consumer Assistance
Docket File

FORMAL COMPLAINT PETITION FOR INITIATION OF FORMAL PROCEEDINGS

Re: FPSC Complaint Number 1488062E - Duke Energy Florida, LLC

Justin Gage
13114 Fox Glove Street
Winter Garden, Florida 34787
Jgage76@gmail.com
407-301-6133

March 26, 2026

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

PETITION FOR INITIATION OF FORMAL PROCEEDINGS PURSUANT TO RULE 25-22.036, F.A.C.

I. INTRODUCTION AND NATURE OF COMPLAINT

Pursuant to Rule 25-22.036(2), Florida Administrative Code, Justin Gage ("Complainant") hereby petitions the Florida Public Service Commission ("Commission" or "PSC") to initiate formal proceedings against Duke Energy Florida, LLC ("Duke Energy" or "DEF") for violations of Commission rules, orders, and statutes governing electric utility safety standards, compliance certifications, and truthfulness in Commission filings.

This complaint does not seek monetary damages or compensation for property damage. This complaint seeks only regulatory enforcement action within the Commission's statutory jurisdiction: formal findings regarding utility compliance with safety standards, investigation of false or misleading statements to the Commission, and imposition of appropriate penalties and sanctions for documented rule violations.

The Process Review Team's closure of informal complaint 1488062E on the grounds that the matter is "beyond the Commission's jurisdiction" represents a fundamental misapplication of Rule 25-22.036, F.A.C., and Florida Statute Chapter 366. This formal petition demonstrates that all jurisdictional requirements are met and that both Duke Energy and PSC staff violated multiple provisions of Florida Administrative Code and Florida Statutes.

II. REQUIREMENTS OF RULE 25-22.036(3)(b), F.A.C.

Pursuant to Rule 25-22.036(3)(b), F.A.C., this formal complaint contains:

1. **The rules, orders, and statutes that have been violated** (detailed in Sections III and IV below)
2. **The actions that constitute the violations** (detailed in Sections V and VI below)
3. **The name and address of the person against whom the complaint is lodged:** Duke Energy Florida, LLC, 299 First Avenue North, St. Petersburg, FL 33701
4. **The specific relief requested, including any penalties sought** (detailed in Section VII below)

III. DUKE ENERGY'S VIOLATIONS OF FLORIDA ADMINISTRATIVE CODE

Violation 1: Rule 25-6.0345, F.A.C. – Safety Standards for Construction of Transmission and Distribution Facilities

Rule violated: Rule 25-6.0345, F.A.C., adopts the 2023 National Electrical Safety Code (NESC) C2-2023 as the mandatory safety standard for all transmission and distribution facilities subject to the Commission's jurisdiction[1][2].

Actions constituting violation: Duke Energy operated a PME electrical box that failed to meet NESC safety standards during the period of September through December 2025. The noncompliance is documented by:

- OSHA Complaint confirmation (see attached OSHA complaint resolution)
- Photographic evidence provided to PSC showing equipment out of compliance with NESC standards
- Video evidence provided to PSC documenting safety deficiencies
- Duke Energy's own technician's written acknowledgment on September 4, 2025, that the PME box was not in compliance
- Duke Energy's own technician's documentation of noncompliance in Duke Energy's internal tracking system (photographic and video evidence of technician's acknowledgment provided to PSC)

Violation 2: Rule 25-6.039, F.A.C. – Safety

Rule violated: Rule 25-6.039, F.A.C., requires each utility to "establish safe work practices" that "effect the safety of the employees, the utility, and the general public"[3].

Actions constituting violation:

- Duke Energy operated a noncompliant PME box that posed safety hazards to the public during September through December 2025 and was notified many times but continued to formally deny it in writing to the PSC and myself

- Duke Energy failed to promptly correct known safety deficiencies after their own technician documented noncompliance on September 4, 2025
- Duke Energy brought the equipment into compliance only after external OSHA complaint pressure in late 2025, rather than proactively addressing the documented safety issue upon internal discovery
- Duke Energy's failure to establish and follow safe work practices resulted in continued operation of equipment known internally to be noncompliant

Violation 3: Rule 25-6.0346, F.A.C. – Quarterly Reports of Work Orders and Safety Compliance

Rule violated: Rule 25-6.0346(2), F.A.C., requires utilities to certify to the Commission that "all work described in the completed work orders listed in the quarterly report meets or exceeds the applicable standards"[4].

Actions constituting violation:

- Duke Energy submitted written responses to the PSC during the complaint process denying that the PME box was in noncompliance
- These denials were made during the period when Duke Energy's own technician had documented and logged noncompliance in Duke's internal system (September 4, 2025, and thereafter) and I provided many photos and evidence.
- Duke Energy's written statements to the PSC directly contradicted their own internal records and technician's acknowledgment
- These false or misleading statements to the Commission constitute violation of the truthfulness and accuracy requirements implicit in Rule 25-6.0346, F.A.C.

IV. PSC VIOLATIONS OF FLORIDA ADMINISTRATIVE CODE AND FLORIDA STATUTES

Violation 4: Rule 25-22.032(1), F.A.C. – Failure to Resolve Complaints Quickly, Effectively, and Inexpensively

Rule violated: Rule 25-22.032(1), F.A.C., requires PSC staff to resolve customer complaints "as quickly, effectively, and inexpensively as possible"[5].

Actions constituting violation:

- PSC staff delayed conducting site inspection until after Duke Energy made corrections, despite Complainant's repeated requests for prompt inspection while the PME box remained in noncompliance (September–December 2025)
- This delay prevented the PSC from independently verifying the noncompliance that existed during September through Decemberr 2025
- PSC's delayed response was neither "quick" nor "effective" in resolving a safety compliance dispute

- The delay allowed Duke Energy to correct violations before PSC inspection, undermining the regulatory oversight function. During this period there was an emergency call where a underground cable was hit at put Duke employees lives at risk and they were unable to service Duke Energy's PME Box safely and efficiently. (see OSHA complaint and photos)

Violation 5: Rule 25-22.032(6), F.A.C. – Failure to Properly Investigate and Reconcile Contradictory Evidence

Rule violated: Rule 25-22.032(6), F.A.C., requires PSC staff to conduct adequate investigation of customer complaints and reconcile contradictory evidence[5][7].

Actions constituting violation:

- PSC staff refused to meaningfully review extensive photographic and video evidence documenting PME box noncompliance
- PSC staff refused to reconcile the contradiction between Duke Energy's written denials of noncompliance and Duke Energy's own technician's documented acknowledgment of noncompliance on September 4, 2025
- PSC staff conducted only a post-correction site visit showing compliance, without investigating the documented evidence of prior noncompliance (Please note the PSC tech did the onsite visit did confirm in email to me that the dated photos of Duke Energy's PME box before the site visit were indeed showing pictures of a box that was not in compliance. (I can provide email)
- PSC staff failed to investigate whether Duke Energy made false statements to the Commission by denying noncompliance when their internal records showed noncompliance

Violation 6: Rule 25-22.032(8), F.A.C. – Process Review Team Failed to Review Documentary Evidence

Rule violated: Rule 25-22.032(8), F.A.C., establishes the Process Review Team ("PRT") to review disputed informal complaint closures[5].

Actions constituting violation:

- The PRT concluded this matter is "beyond the Commission's jurisdiction" without adequately reviewing the photographic, video, and documentary evidence proving Duke Energy's violations of Commission safety rules
- The PRT failed to address the contradiction between Duke Energy's written denials and their technician's internal acknowledgment of noncompliance
- The PRT mischaracterized a regulatory compliance complaint as a property damage claim, despite Complainant's clear statement that no monetary damages are sought
- The PRT's conclusion that "DEF did not violate applicable Commission statutes, rules, or orders" is contradicted by the documentary evidence and represents failure to adequately review the complaint record

Violation 7: Florida Statute § 366.04(1) and (2) – Refusal to Exercise Statutory Jurisdiction Over Utility Safety

Statute violated: Florida Statute § 366.04(1) grants the Commission jurisdiction over "every public utility"[8][9]. Florida Statute § 366.04(2)(c) grants the Commission specific jurisdiction to regulate utility compliance with "safety to persons or property"[10].

Actions constituting violation:

- PSC refused to exercise its statutory jurisdiction by declaring this complaint "beyond the Commission's jurisdiction"
- This complaint clearly falls within § 366.04(2)(c) jurisdiction: it concerns Duke Energy's compliance with Commission-adopted safety standards (Rule 25-6.0345, F.A.C., adopting NESC standards)
- PSC's refusal to investigate documented safety standard violations represents abdication of statutory duty under § 366.04
- Duke Energy is an investor-owned electric utility subject to Commission jurisdiction under § 366.04(1)

Violation 8: Florida Statute § 366.05(1) – Failure to Require Necessary Repairs for Public Welfare

Statute violated: Florida Statute § 366.05(1) grants the Commission power to "order such reasonable improvements or repairs in or additions to the property and equipment of any utility as may be necessary or useful for the protection, safety, and welfare of the public"[11][12].

Actions constituting violation:

- PSC failed to exercise its statutory authority under § 366.05(1) to investigate and order repairs to the noncompliant PME box
- PSC delayed inspection until external OSHA pressure forced Duke Energy to make corrections, rather than proactively exercising § 366.05(1) authority
- PSC's closure of the complaint without investigating documented safety violations represents failure to protect public welfare as required by § 366.05(1)

Violation 9: Rule 25-6.021, F.A.C. – Failure to Review Utility Records of Complaints

Rule violated: Rule 25-6.021, F.A.C., requires utilities to maintain records of complaints and requires Commission review of such records[13].

Actions constituting violation:

- PSC staff failed to request and review Duke Energy's internal complaint and work order records showing the technician's September 4, 2025, acknowledgment and logging of noncompliance
- Had PSC staff properly exercised their authority under Rule 25-6.021, F.A.C., to review Duke Energy's internal records, staff would have discovered the contradiction between Duke Energy's public denials and internal documentation
- This failure allowed Duke Energy's false statements to the Commission to go undetected and unsanctioned

Violation 10: PSC Staff Contradicted Their Own Stated Policy

Policy violated: PSC staff member Carlos explicitly stated that even if the PSC did not conduct a site visit before Duke Energy made corrections, the PSC could still impose violations after the fact if evidence showed the equipment was indeed in noncompliance and Duke Energy's written responses denying noncompliance to the PSC were untruthful.

Actions constituting violation:

- PSC staff conducted inspection only after Duke Energy made corrections
- When PSC found the box in compliance (post-correction), PSC staff showed no meaningful interest in reviewing the extensive photographic and video evidence proving prior noncompliance
- PSC staff contradicted their own stated policy by failing to investigate whether Duke Energy made false statements to the Commission
- This contradiction demonstrates arbitrary and inconsistent application of PSC complaint procedures

V. SUPPORTING EVIDENCE OF VIOLATIONS

Duke Energy's Own Technician Documented Noncompliance

On September 4, 2025, a Duke Energy technician conducted an on-site visit to the PME box location and:

- Explicitly acknowledged via email to Complainant that the PME box was not in compliance during the period Duke Energy was publicly claiming compliance in written responses to the PSC
- Documented the noncompliance in Duke Energy's internal tracking system
- Created photographic and video evidence of this acknowledgment (provided to PSC during informal complaint process)

Despite this internal acknowledgment by Duke Energy's own employee, Duke Energy continued to submit written statements to the PSC denying noncompliance. This constitutes false or misleading statements to the regulatory authority in violation of Rule 25-6.0346, F.A.C.

Photographic, Video Evidence and OSHA Complaint Proves Noncompliance

The photographic and video evidence provided to the PSC during the informal complaint process unequivocally demonstrates that the PME box was out of compliance with NESC safety standards (incorporated by reference in Rule 25-6.0345, F.A.C.) during August through September 2025. Also see the attached OSHA resolution.

Any objective review of this evidence would make it impossible to truthfully conclude the equipment met compliance standards during that timeframe. PSC staff's refusal to meaningfully review this evidence violates Rule 25-22.032(6), F.A.C.

Timeline Demonstrates Duke Energy's Pattern of Delay and Obstruction

Date/Period	Event
September–December 2025	PME box operates in noncompliant condition
September 4, 2025	Duke Energy technician conducts site visit, acknowledges and logs noncompliance in internal system, sends email acknowledgment to Complainant
September–October 2025	Duke Energy continues to deny noncompliance in written responses to PSC despite internal documentation and my evidence
October 17, 2025	Complainant files informal complaint with PSC (Complaint No. 1488062E)
October–November 2025	Complainant makes repeated requests for prompt PSC site inspection while box remains noncompliant; PSC delays inspection
Late 2025	OSHA complaint forces Duke Energy to bring PME box into compliance (Attached OSHA resolution letter sent December, 4 2025)
Post-correction (early 2026)	PSC conducts site inspection, finds box in compliance (after repairs), closes complaint without reviewing evidence of prior noncompliance
March 24, 2026	PSC sends closure letter stating matter is "beyond jurisdiction" and tried to make it look like I was trying to get assistance with collection from Duke Energy even though I made it clear that I was not.

Table 1: Timeline of Duke Energy PME Box Noncompliance and PSC Response

This timeline demonstrates:

- Duke Energy's knowledge of noncompliance (September 4, 2025) followed by continued denials to PSC and myself
- PSC's delay in conducting inspection until after corrections were made
- PSC's failure to investigate documented evidence of prior noncompliance
- Pattern of regulatory avoidance by both Duke Energy and PSC staff

VI. THIS COMPLAINT MEETS ALL REQUIREMENTS FOR FORMAL PROCEEDINGS

This complaint satisfies all requirements of Rule 25-22.036(2), F.A.C., for initiation of formal proceedings:

Requirement 1: Complaint Against Person Subject to Commission Jurisdiction

Duke Energy Florida, LLC is an investor-owned electric utility subject to Commission jurisdiction under Florida Statute § 366.04(1)[8][9]. Duke Energy is regulated by the Commission for rates, service quality, and safety compliance.

Requirement 2: Affects Complainant's Substantial Interests

Operation of noncompliant electrical equipment on or immediately adjacent to Complainant's property directly affects Complainant's substantial interests in:

- Personal safety and safety of family members
- Safety of property from electrical hazards
- Reliable and safe electric service as guaranteed by Commission rules
- Truthful and accurate utility compliance with safety standards

Requirement 3: Violation of Statute, Commission Rule, or Order

Duke Energy violated the following Commission rules:

- Rule 25-6.0345, F.A.C. – Safety Standards (NESC compliance)
- Rule 25-6.039, F.A.C. – Safe work practices
- Rule 25-6.0346, F.A.C. – Truthful certification to Commission

PSC violated the following statutes and rules:

- Florida Statute § 366.04(1) and (2) – Exercise of jurisdiction
- Florida Statute § 366.05(1) – Powers to order repairs
- Rule 25-22.032(1), (6), and (8), F.A.C. – Complaint investigation procedures
- Rule 25-6.021, F.A.C. – Review of utility complaint records

Requirement 4: Relief Sought Is Within Commission Authority

All relief requested in this complaint falls within the Commission's statutory and regulatory authority:

- Formal findings of compliance/noncompliance with safety rules
- Investigation of utility statements to Commission for truthfulness
- Imposition of fines, penalties, and sanctions for rule violations
- Compliance orders requiring corrective action
- No monetary damages or tort relief sought

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VII. REQUESTED RELIEF AND PENALTIES SOUGHT

Complainant respectfully requests that the Florida Public Service Commission grant the following relief:

A. Investigative Relief

1. Conduct a formal evidentiary hearing with opportunity for Complainant to present photographic, video, and documentary evidence documenting the noncompliance of the Duke Energy PME box with NESC safety standards (Rule 25-6.0345, F.A.C.) during the period of August through September 2025
2. Compel Duke Energy to produce its internal complaint records, work order records, and technician documentation related to the September 4, 2025, site visit and acknowledgment of noncompliance pursuant to Rule 25-6.021, F.A.C.
3. Compel Duke Energy to produce all written communications with PSC staff during the informal complaint process, including all statements regarding the compliance status of the PME box
4. Conduct independent expert review of the photographic and video evidence to determine whether the PME box met NESC safety standards during August through September 2025

B. Formal Findings Requested

5. Issue a formal Commission finding regarding whether the Duke Energy PME box was in compliance with Rules 25-6.0345, F.A.C. (NESC safety standards) and 25-6.039, F.A.C. (safe work practices) during the period of August through September 2025
6. Issue a formal Commission finding regarding whether Duke Energy violated Rule 25-6.0346, F.A.C., by making false or misleading statements to the PSC in their written responses denying noncompliance when their own technician had documented and logged noncompliance in Duke Energy's internal system
7. Issue a formal Commission finding regarding whether PSC staff complied with Rules 25-22.032(1), (6), and (8), F.A.C., in their handling of informal complaint 1488062E
8. Issue a formal Commission finding regarding whether this complaint falls within the Commission's jurisdiction under Florida Statute § 366.04(2)(c) as a matter concerning utility compliance with safety standards

C. Penalties and Sanctions Requested Against Duke Energy

If the Commission finds that Duke Energy violated Commission rules, Complainant requests the following penalties and sanctions:

9. **Monetary penalties** for violation of Rule 25-6.0345, F.A.C. (NESC safety standards) during September through December 2025, calculated on a per-day basis for each day the equipment operated in noncompliance
10. **Monetary penalties** for violation of Rule 25-6.039, F.A.C. (failure to establish and follow safe work practices) for the period between Duke Energy's internal discovery of noncompliance (September 4, 2025) and correction of violations (late 2025)

11. **Enhanced monetary penalties** for violation of Rule 25-6.0346, F.A.C. (false or misleading statements to the Commission), reflecting the serious nature of providing untruthful information to the regulatory authority
12. **Compliance order** requiring Duke Energy to implement enhanced internal compliance reporting procedures to ensure that equipment acknowledged as noncompliant by field technicians is promptly reported to PSC and corrected, rather than denied in official utility responses
13. **Compliance order** requiring Duke Energy to conduct comprehensive safety audit of all PME boxes and distribution equipment in Orange County, Florida, to identify any additional NESC noncompliance issues
14. **Public reprimand** for providing false or misleading information to the Commission during the informal complaint process

D. Procedural Relief Requested

15. Reopen informal complaint file 1488062E and conduct proper investigation pursuant to Rule 25-22.032, F.A.C., including meaningful review of photographic, video, and documentary evidence
16. Schedule this matter for formal evidentiary hearing before the full Commission pursuant to Rule 25-22.036, F.A.C., with opportunity for witness testimony, cross-examination, and presentation of documentary evidence
17. Grant Complainant's petition for initiation of formal proceedings and issue notice of such proceedings to Duke Energy Florida, LLC
18. Issue order declaring that this complaint falls squarely within the Commission's jurisdiction under Florida Statute § 366.04(2)(c) and is not "beyond the Commission's jurisdiction" as stated in the March 24, 2026, closure letter

VIII. CONCLUSION

This formal complaint petition demonstrates that:

1. Duke Energy Florida, LLC violated multiple Commission rules governing electric utility safety standards, safe work practices, and truthfulness in Commission filings
2. PSC staff violated multiple procedural rules and statutory duties in their handling of informal complaint 1488062E
3. This complaint falls squarely within the Commission's statutory jurisdiction under Florida Statute § 366.04(2)(c) regarding utility safety compliance
4. All requirements of Rule 25-22.036(2), F.A.C., for initiation of formal proceedings are satisfied
5. The relief requested is entirely within the Commission's regulatory authority and seeks no monetary damages or tort relief

The Process Review Team's conclusion that this matter is "beyond the Commission's jurisdiction" represents a fundamental misapplication of Rule 25-22.036, F.A.C., and Florida Statute Chapter 366. The Commission was created precisely to regulate electric utility safety compliance, investigate utility violations of Commission rules, and impose sanctions for such violations. This is core regulatory enforcement—not peripheral claims beyond Commission authority.

Complainant respectfully requests that the Commission grant this petition, initiate formal proceedings, schedule an evidentiary hearing, and ultimately impose appropriate penalties and sanctions for the documented rule violations detailed herein.

Complainant is not seeking monetary compensation or damages for property damage. Complainant seeks only that the Florida Public Service Commission fulfill its statutory duty under Chapter 366, Florida Statutes, to regulate utility safety compliance and hold Duke Energy accountable for documented violations of Commission safety rules and alleged false statements to the regulatory authority.

Thank you for your consideration of this formal complaint petition.

Respectfully submitted,

Justin Gage
13114 Fox Glove Street
Winter Garden, Florida 34787
Jgage76@gmail.com
407-301-6133

March 26, 2026

References

- [1] Fla. Admin. Code Ann. R. 25-6.0345. (2017). Safety Standards for Construction of Transmission and Distribution Facilities. <https://www.law.cornell.edu/regulations/florida/Fla-Admin-Code-Ann-R-25-6-0345>
- [2] Florida Public Service Commission. (2017). Proposed amendment of Rule 25-6.0345, F.A.C., Safety Standards for Construction of Transmission and Distribution Facilities (Order No. PSC-2017-0207-NOR-EI). <https://www.psc.state.fl.us/library/Orders/2017/05725-2017.pdf>
- [3] Florida Administrative Code, Part III, Section 25-6.039 – Safety. <https://regulations.justia.com/states/florida/25/25/chapter-25-6/part-iii/section-25-6-039/>
- [4] Fla. Admin. Code Ann. R. 25-6.0346. (2017). Quarterly Reports of Work Orders and Safety Compliance. <https://www.law.cornell.edu/regulations/florida/Fla-Admin-Code-Ann-R-25-6-0346>
- [5] Fla. Admin. Code Ann. R. 25-22.032 – Customer Complaints. <https://www.law.cornell.edu/regulations/florida/Fla-Admin-Code-Ann-R-25-22-032>
- [6] Fla. Admin. Code Ann. R. 25-22.036 – Initiation of Formal Proceedings. <https://www.law.cornell.edu/regulations/florida/Fla-Admin-Code-Ann-R-25-22-036>
- [7] Florida Public Service Commission. (n.d.). Consumer Assistance Complaint Handling Process. <https://www.floridapsc.com/pscfiles/website-files/PDF/Utilities/WaterAndWastewater/Manual/6-Complaints.pdf>
- [8] Fla. Stat. § 366.04 (2025). Jurisdiction of commission. https://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399%2F0366%2FSections%2F0366.04.html

VV

[9] Florida Senate. (2021). Chapter 366 Section 04 – Jurisdiction of commission.
<https://www.flsenate.gov/Laws/Statutes/2021/0366.04>

[10] Florida Senate. (2022). Chapter 366 – Public Utilities (§ 366.04(2)(c) safety standards jurisdiction). <https://www.flsenate.gov/Laws/Statutes/2022/Chapter366/All>

[11] Fla. Stat. § 366.05 (2025). Powers.
https://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399%2F0366%2FSections%2F0366.05.html

[12] Florida Senate. (2018). Chapter 366 Section 05 – Powers.
<https://www.flsenate.gov/Laws/Statutes/2018/0366.05>

[13] Fla. Admin. Code R. 25-6.021 – Records of Complaints.
<https://flrules.org/gateway/ruleNo.asp?id=25-6.021>

Thanks,



Justin Gage

13114 Fox Glove St.

Winter Garden Fl. 34787

407-301-6133

Jgage76@gmail.com

OSHA

U.S. Department of Labor

Occupational Safety and Health Administration
Orlando Area Office
201 South Orange Ave, Suite 750
Orlando, FL 32801



December 4, 2025

Justin Gage
jgage76@gmail.com

RE: OSHA Complaint No. 2372083

Dear Justin Gage:

Duke Energy Florida, LLC has advised me that the hazards you complained about have been investigated. The employer states that the location did have some vegetation and it was removed.



Left: Before

Right: After




With this information, OSHA feels the case can be closed on the grounds that the hazardous condition(s) have been corrected.

Section 11(c) of the Occupational Safety and Health Act protects employees from being discriminated against because of their involvement in protected activities related to safety and health. If you believe you are being treated differently or action is being taken against you because of your safety or health activity, you may file a complaint with OSHA. You should file this complaint as soon as possible, because OSHA normally can accept only those complaints filed within 30 days of the alleged discriminatory action.

Please feel free to contact the office at (407) 897-4740 if you have any questions or concerns.

Your action on behalf of safety and health in the workplace is sincerely appreciated.

Sincerely,


For Erin Sanchez, MSPH, CIH
Area Director

Enclosure(s)

Exhibit 6

witness

witness

9-4-25

Duke Tech
Logging + Notification
Internally.

- NON COMPLIANCES
verified by tech
DUKE tech verified
all of the
violations of
codes + standards.

(over 3 months
NO Remedy)

Exhibit
2

Prior
TO

9-4-25

Incorrect
label

WARNING
KEEP OUT
Unauthorized persons
Can shock, burn, or cause
death
Do not touch
energized parts



← less than 18" clearance →

SAFETY
Gears

EXHIBIT
9



WITNESS

LESS THAN
18"
CLEARANCE

PME-4

DUKE
TECH
9-4-25
BESIDE
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STOOD
IN THE
BUSHES
+
FACED
THE
DOOR
+
CRACKED
OPEN
TO
INSPECT

00:00.68

00:16



3:37PM

11-21-25

EXHIBIT
13

Pre-Roll

DUKE Emergency
Response Flying
TO access Box

coiled
GlowD
cable

Hot
Stick

PMEH

LESS THAN
12" clearance

witness

12"
clearance

witness

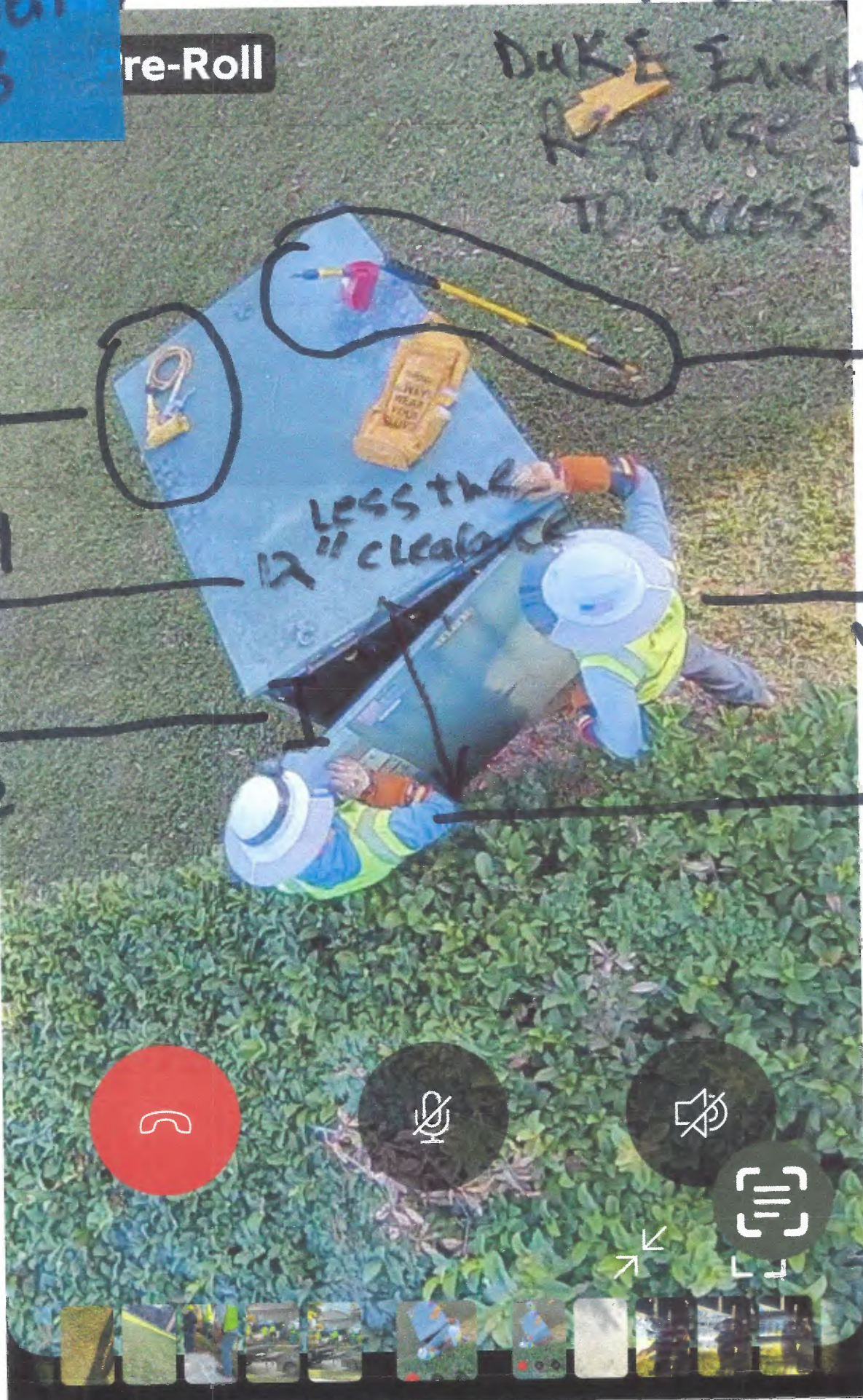


Exhibit 12

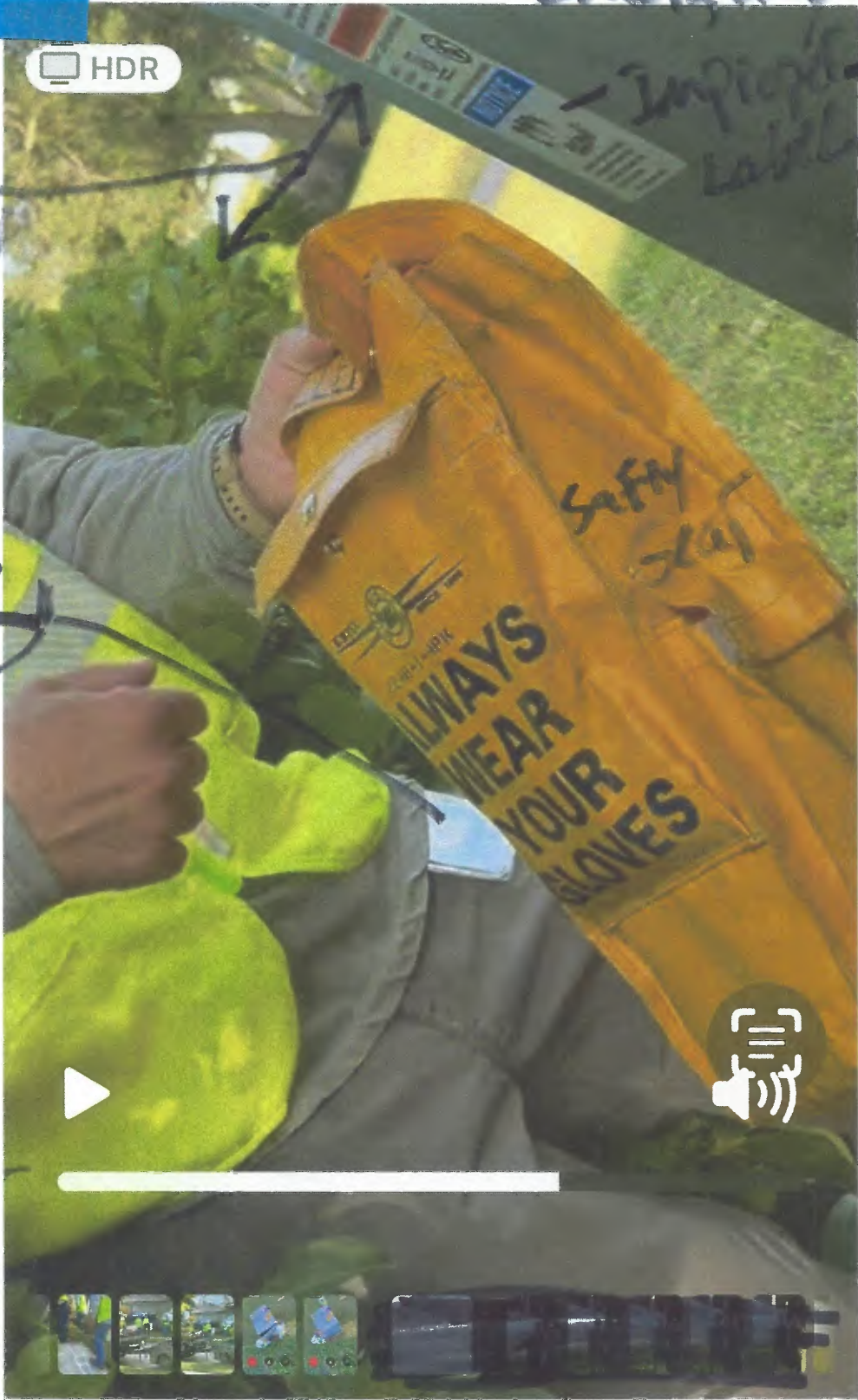
5:40

11-21-25

Friday

3:39 PM

DUKE ... -RESPONSE
EMERGENCY



LESS THAN
12"
CLEARANCE

WITNESS

Duke tells explaining why there is the
required code for clearance.
"WE need w' clearance so we have room to
operate our 6' Hotstick"

