

Cover Letter to PSC Clerk Regarding Filing of Duke Energy Letter

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6-25-26

VIA ELECTRONIC FILING

Adam J. Teitzman
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

**Re: Request to File Letter Regarding material Factual Inaccuracies and Misleading Statements
Regarding PME-4 Docket No. 20260045-EI**

Dear Mr. Teitzman:

Please file the attached letter in Docket No. 20260045-EI as an official document.

Although the attached letter is directed to Duke Energy Florida, LLC, it concerns factual statements Duke Energy has made regarding the PME-4 equipment, the condition of that equipment during the relevant period, the significance of later corrective actions, and the overall history of the matter already before the Commission. Those issues bear directly on the accuracy and completeness of the factual record in this docket.

The attached letter is being submitted so that the Commission, its staff, and all interested persons may have access to my written objections to factual descriptions that I believe are inaccurate, incomplete, or materially misleading. Because these disputed factual matters relate to the same events, equipment condition, and timeline underlying the pending docket, I respectfully request that the letter be preserved as part of the official record rather than treated solely as private correspondence.

The purpose of this filing is to ensure that the docket reflects not only Duke Energy's version of events, but also my position regarding the facts, including the September 4, 2025 site visit, the restricted access and clearance issues affecting the PME-4, the significance of the November 21, 2025 event, and the importance of later corrective actions in evaluating whether earlier noncompliance existed.

For those reasons, I respectfully request that the attached letter be filed in the docket and made available for Commission review.

Respectfully submitted,

/S/ Justin Gage

Justin Gage

Letter Regarding Material Factual Inaccuracies and Misleading Statements Regarding PME-4

Re: PSC Docket 20260045-EI

VIA ELECTRONIC MAIL

Duke Energy Florida, LLC

Attn: Legal Department / Regulatory Affairs/ Stephanie A. Cuello/Matthhew R. Bernier/Dianne M Triplett
106 E College Ave Suite 800 Tallahassee, Florida 32301

Re: Request to Correct Material Factual Inaccuracies and Misleading Statements Regarding PME-4

Dear Counsel:

I am writing concerning written statements made by Duke Energy Florida regarding the PME-4 and the history of the events giving rise to my complaint. After reviewing Duke Energy's prior correspondence and factual descriptions, I remain concerned that several statements are inaccurate, incomplete, or materially misleading in ways that obscure the actual condition of the equipment, the limitations on safe access, and the significance of later corrective actions.

My purpose in sending this letter is not to escalate the tone of this matter unnecessarily, but to make clear that I dispute several of Duke Energy's factual characterizations and expect the record to reflect the events accurately and completely.

First, Duke Energy's description of the September 4, 2025 visit is misleading. The technician did not come to my property to respond to a loud boom coming from a transformer. He came to evaluate whether the Duke Energy PME-4 box was out of compliance. Duke Energy's representation that no NESC violations were discovered during that visit is incorrect. I was present with the technician and observed him acknowledge that the equipment was not in compliance because the door could not be fully opened and because there was only approximately 18 to 19 inches of clearance, which restricted the door. I also observed the technician enter those notes into the system in multiple locations, and I provided Duke Energy with photographs documenting the technician entering that information and documenting the need to return the box to compliance.

Second, Duke Energy's statements that the unit is a dead-front underground distribution switchgear and that my home is served by a nearby transformer do not address the actual safety issue. Whether the unit contains enclosed components and whether my home is served by a nearby transformer does not resolve

the fact that the PME-4 could not be safely accessed and operated because the door could not be fully opened. The relevant issue is not simply what type of equipment the unit is, but whether the equipment could be safely and properly accessed in the field under actual operating conditions.

That distinction matters because this equipment requires high-voltage safety procedures and specialized operating practices. As Duke Energy knows, technicians use protective gear and a hot stick of approximately six feet in length so the equipment can be operated from a safe distance. Where the door is restricted by surrounding vegetation and the available clearance is only approximately 18 inches, the box cannot be accessed and operated in the manner necessary for safe operation. For that reason, Duke Energy's statements on this point are misleading because they emphasize irrelevant design characteristics while avoiding the actual issue: restricted access to high-voltage equipment and the resulting employee-safety hazard.

Third, Duke Energy's description of the November 21, 2025 event is also misleading. Duke Energy stated that after a Spectrum bore crew struck the primary line across the street, a visual inspection of the inside of the PME-4 revealed no smoke, burns, or scorch marks. That description suggests the PME-4 was in satisfactory condition, but it does not address the real issue. During that event that knock power off our whole block, Duke Energy personnel attempted to access and operate the PME-4 using their poles and could not fully open the door or safely function the unit because of the restricted clearance. That condition, not the absence of internal burn marks, is what created the safety concern. Duke Energy personnel stated that approximately 10 feet of clearance was needed to operate the unit safely, which is consistent with warning labels used on similar PME-4 equipment directing that 10 feet of clearance be maintained.

Fourth, Duke Energy's statement that on November 25, 2025, after receiving an OSHA inquiry, a supervisor and safety professional visited the site and found the PME-4 to be in good condition with no violations noted is incomplete and misleading without the necessary context. That statement appears intended to suggest that the equipment was compliant all along. However, the critical question is whether the PME-4 was compliant before that visit and before corrective measures were taken. A later visit reporting that the unit appeared to be in good condition after Duke Energy had reason to address the issue does not establish that the unit had been compliant beforehand.

Similarly, the fact that no OSHA citation may have been issued after the condition was corrected does not mean the equipment was previously compliant. At most, it means the condition observed at the time of the later visit did not result in an OSHA enforcement action under the circumstances then presented. It does not negate the earlier access limitations, the earlier restricted clearance, or the significance of the corrective action that followed outside scrutiny.

In short, Duke Energy's correspondence repeatedly relies on later inspections, generalized equipment descriptions, and selective facts that minimize the actual issue: the PME-4 could not be fully opened and safely operated because the available clearance was materially restricted. That is the condition that should have been addressed directly and accurately from the outset.

I also note, respectfully, that counsel representing regulated entities in disputed matters are expected to ensure that factual presentations are accurate, complete, and not materially misleading. Florida-licensed attorneys are subject to the Rules Regulating The Florida Bar, including Chapter 4 standards concerning candor, truthfulness, and the avoidance of misleading factual statements or omissions. At this time, no complaint has been filed with The Florida Bar regarding this matter, and this letter is not intended as a threat or formal accusation. It is, however, intended to make clear that factual precision in this matter is important and that misleading characterizations should be corrected.

Accordingly, I request that Duke Energy review its prior factual statements in this matter and provide written clarification or correction as to the following:

1. Whether Duke Energy contends that the PME-4 was compliant on September 4, 2025 despite the restricted door movement and approximately 18 to 19 inches of clearance.
2. Whether Duke Energy disputes that the technician acknowledged the noncompliant condition and entered notes concerning that condition into Duke Energy's system during the September 4, 2025 visit.
3. Whether Duke Energy contends that the ability to safely access and operate the PME-4 under field conditions is irrelevant to NESC compliance.
4. Whether Duke Energy's November 21, 2025 and November 25, 2025 descriptions are being offered as proof of prior compliance, and if so, on what factual basis.
5. Whether Duke Energy will correct any prior written statement that omits or mischaracterizes the restricted clearance, the limited door movement, the safety implications for employees, or the significance of the later corrective actions.

I would prefer that these factual issues be addressed through clarification and correction rather than through continued reliance on incomplete or misleading descriptions of what occurred. Please preserve this letter with the file materials relating to this matter.

/S/ Justin Gage

Respectfully,

Justin Gage

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CERTIFICATE OF SERVICE

Docket No. 20260045-EI

I HEREBY CERTIFY that a true and correct of LETTER REGARDING MATERIAL FACTUAL INACCURACIES IN DUKE ENERGY FLORIDA CORERESPONDENCE has been furnished by electronic mail on this 25TH day of **June, 2026**, to the following persons:

Florida Public Service Commission

Office of General Counsel

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Respectfully submitted,

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