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July 1, 2026

VIA ELECTRONIC FILING

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

Re: Petitioners **Amendment for Clarification to Formal Complaint**
Docket 20260045-EI

Dear Mr. Teitzman:

Please find attached for electronic filing, **Amendment for Clarification to Formal Complaint**, together with a Certificate of Service.

This filing concerns an Amendment for clarification to the formal complaint which is a crucial in response to items that were said to be unclear.

Thank you for your attention to this filing and if you have any questions, please feel free to contact me at 407-301-6133

/S/ Justin Gage

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Formal complaint Petition

Docket No. 20260045-EI

For Initiation Of Formal Proceedings

Filed July 1, 2026

Amendment for Clarification to Formal Complaint

This filing is submitted as an **amendment for clarification** to the previously filed formal complaint. It does **not supplement the original complaint with new claims or new factual allegations**; rather, it adds clarity by specifically identifying the National Electrical Safety Code (NESC) provisions that relate to the already-pleaded noncompliance of Duke Energy's PME-4 equipment and the unsafe working-clearance condition described in the original complaint.

The need for this amendment arises from the response that the complaint stated the PME-4 was not in compliance with the NESC but did not list the specific provisions. That gap should not obscure the substance of the complaint, particularly where PSC safety personnel (safety supervisor) were present on site for the January, 6 2026 visit, the 2023 NESC was opened and discussed, and the unsafe condition was acknowledged as noncompliant during that on-site review as described by Complainant. The Commission has adopted the 2023 NESC as the applicable safety standard for transmission and distribution facilities subject to its jurisdiction, and therefore the Commission is fully capable of evaluating the noncompliance under the code it has adopted.

Clarifying NESC provisions

The original complaint alleged that Duke Energy's PME-4 was maintained in a condition where the door could not fully open because of inadequate clearance. That condition directly implicates the stated purpose and mandatory framework of the NESC.

Section 1, Rule 010A

NESC Section 1, Rule 010A states that the purpose of the NESC is the “practical safeguarding of persons during the installation, operation, or maintenance of electric supply and communication lines and associated equipment” under the specified conditions. As applied here, a PME-4 installation with improper clearance that prevents the door from fully opening defeats the practical safeguarding of persons during operation and maintenance because it impairs safe access, safe servicing, and safe emergency response to energized utility equipment.

Section 1, Rule 010B

NESC Section 1, Rule 010B states that the NESC rules “contain the basic provisions, under specified conditions, that are considered necessary for the safeguarding of the public and of utility workers (employees and contractors).” A PME-4 door that could not even fully open placed both the public and utility workers at risk because the restricted access condition interfered with the safe and efficient ability of employees and contractors to inspect, operate, and maintain the equipment. That is the opposite of the basic safeguarding required by Rule 010B.

Section 1, Rule 012A

NESC Section 1, Rule 012A requires that the “design, construction, operation, and maintenance” of electrical supply and communication lines and equipment be in accordance with the NESC. The original complaint already alleged an unsafe physical condition affecting operation and maintenance of the PME-4. If the equipment could not be safely accessed because the door could not fully open, then the operation and maintenance of that equipment were not being carried out in accordance with the NESC.

Section 1, Rule 012B

NESC Section 1, Rule 012B provides that the utility, and organizations performing work for the utility such as contractors, are the responsible parties for meeting the NESC requirements for design, construction, operation, and maintenance. Accordingly, Duke Energy cannot avoid responsibility for the improper-clearance condition at the PME-4. The duty to ensure NESC-compliant access and safe maintainability rested on Duke Energy and any contractor acting for Duke Energy.

Section 1, Rule 012C

NESC Section 1, Rule 012C recognizes that the code cannot cover every conceivable situation and states that where the code does not specify a rule to cover a particular installation, design, construction, operation, or maintenance issue, the matter should be handled in accordance with accepted “good practice” for the local conditions known at the time. Rule 012C does not authorize a utility to ignore a condition that is already covered by the code; rather, it confirms that where more specific guidance is needed, accepted good practice must still protect safety and maintainability. Here, even apart from any more specific clearance rule, accepted good practice does not permit a utility to maintain electrical supply equipment in a condition where the equipment door cannot fully open for safe operation and maintenance.

Additional supporting NESC rules

In addition to the Section 1 rules identified above, many other NESC rules reference and support those same core obligations of safeguarding, safe approach, safe operation, safe maintenance, and employer responsibility for employee protection. One example is Section 41, Rule 411, which concerns “Protective Methods” and supports the same safety principles already pleaded in the original complaint.

Section 41, Rule 411

Section 41, Rule 411 contains multiple protective-method requirements that reinforce the danger created by a PME-4 door that does not fully open. Under Rule 411(Protective methods and employer duties) employers must either keep workers outside the specified approach distances or provide appropriate protective methods (such as insulating equipment, live line tools or de energizing and grounding) When work requires getting closer interpretations of the NESC emphasize that Rule 411 is one of the key rules in defining these safe work practices and clarifying how employers must manage clearances.

These provisions matter here because Duke Energy maintained a PME-4 condition in which the door could not fully open and access was restricted. By having a PME-4 door that does not fully open and is restricted, Duke Energy could place employees in danger on their approach to the equipment, and as previously stated, the same condition also puts them at risk when they are trying to operate it or maintain it. A restricted door and impaired access path are inconsistent with protective methods intended to safeguard workers who must approach, identify, operate, and service electrical supply equipment.

Why this remains within the PSC's adopted standards

Florida Rule 25-6.0345 adopts the 2023 NESC as the applicable safety standard for jurisdictional transmission and distribution facilities, and Florida Rule 25-6.034 requires utilities to construct, install, maintain, and operate their facilities in accordance with generally accepted engineering practices and, at a minimum, comply with the NESC incorporated by reference in Rule 25-6.0345. The Commission therefore has a direct regulatory basis to assess whether Duke Energy's PME-4 condition complied with the adopted code and the safety principles embedded in it.

This amendment therefore clarifies that the original complaint's NESC noncompliance allegations are grounded, at minimum, in NESC Section 1, Rules 010A, 010B, 012A, 012B, and 012C, and are further supported by Section 41, Rule 411 and related employee-protection rules addressing protective methods, safe approach, safe positioning, handling of live equipment, and accident prevention. These are not new theories; they are clarifying code references supporting the same unsafe condition already alleged in the original complaint.

Working-clearance condition

The unsafe condition described in the original complaint was not abstract. The complaint alleged a physical working-clearance problem at the PME-4: the door could not fully open, which impeded access to

and maintenance of the equipment and exposed utility workers to unnecessary risk during ordinary service and emergency work. The original complaint also alleged that during the relevant period Duke Energy's own technician documented noncompliance internally and that PSC staff later confirmed the pre-correction photographs showed a box that was not in compliance. (Exhibit 100 and 101)

Although the Commission's adopted standard is the NESC, Rule 012C's accepted "good practice" language reinforces the seriousness of the condition because comparable electrical safety standards likewise treat unobstructed working space and door operation as fundamental to safe servicing. For example, NEC guidance on working space states that electrical equipment must have access and working space for ready and safe operation and maintenance, and that equipment doors must be able to open without impeding required access and egress. This is not cited to replace the NESC, but to show that the hazard identified in the complaint is a recognized and basic electrical-safety principle.

Why this matters under the PSC's adopted rules

Florida Rule 25-6.0345 adopts the 2023 NESC as the applicable safety standard for jurisdictional transmission and distribution facilities. That means the Commission's inquiry is not whether Complainant used the perfect citation format in the initial pleading, but whether Duke Energy's PME-4 condition complied with the code the Commission has adopted. A utility installation that prevents a PME-4 door from fully opening, thereby impairing safe operation and maintenance, is inconsistent with the NESC's stated safeguarding purpose, its basic safeguarding provisions, and its mandatory requirements governing operation and maintenance.

This amendment therefore clarifies that the original complaint's NESC noncompliance allegations are grounded, at minimum, in NESC Section 1, Rules 010A, 010B, 012A, 012B, and 012C, as those rules relate to practical safeguarding, protection of the public and utility workers, and the utility's duty to ensure compliant design, construction, operation, and maintenance.

Requested treatment of this amendment

Complainant respectfully requests that the Commission treat this filing as an amendment for clarification only, not as a supplement asserting new claims. The Commission should read this amendment together with the original complaint and should reject any attempt to avoid review of the merits based on an alleged lack of specificity where the governing safety code was discussed on site with PSC safety personnel and where the clarifying provisions now have been expressly identified.

Complainant further states that when PSC safety supervisor Tony Valazquez was on site, the 2023 NESC book was opened and discussed, and the noncompliance of the box was addressed in that setting. Under

those circumstances, it is reasonable to assume the PSC could fill in the gap between the NESC safety rules and the Commission's adoption of them; however, to remove any possible ambiguity, this amendment now expressly identifies the provisions relied upon.

For these reasons, Complainant requests that the Commission accept this amendment for clarification and proceed to evaluate the complaint on the merits of Duke Energy's noncompliance and the risk created by the improper-clearance condition at the PME-4.

Thank you for the attention in the matter,

Respectfully submitted,

/S/ Justin Gage

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4073016133

NESC

2023

Section 1. Introduction to the National Electrical Safety Code®

The National Electrical Safety Code (NESC®) is American National Standard C2. It is a consensus standard that has been prepared by the National Electrical Safety Code Committee under procedures approved by the American National Standards Institute (ANSI). The membership of the NESC Committee is composed of national and international organizations and is certified by ANSI as having an appropriate balance of the interests of members of the public, utility workers, regulatory agencies, and the various types of private and public utilities.

The NESC is used in whole or in part by statute, regulation, or consent as the standard (or basis of the standard) of safe practice for public and private utilities in the United States, as well various jurisdictions and industries in other countries.

010. Purpose

- A. The purpose of the NESC is the practical safeguarding of persons during the installation, operation, and maintenance of electric supply and communication facilities, under specified conditions.

NOTE: NESC rules are globally recognized and intended to provide a practical standard of safe practices that can be adopted by public utilities, private utilities, state or local utility commissions or public service commissions, or other boards or bodies having control over safe practices employed in the design, installation, operation, and maintenance of electric supply, communication, street and area lighting, signal, or railroad utility facilities.

- B. NESC rules contain the basic provisions, under specified conditions, that are considered necessary for the safeguarding of the public and utility workers (employees and contractors).

- C. This Code is not intended as a design specification or as an instruction manual, nor is it intended to provide design criteria for abnormal events such as, but not limited to, actions of others or weather excess of those specified herein.

011

re 011-1.
SC covers:

supply and communication facilities (including metering) and associated work practices employed by a public or private electric supply, communications, railway, trolley, street and area lighting, traffic signal (or other signal), irrigation district or other community owned utility, or a similar utility in the exercise of its function as a utility.

The generation, transmission, and distribution of electricity, lumens, communication signals, and communication data through public and private utility systems that are installed and maintained under the exclusive control of utilities or their authorized representatives.

Utility facilities and functions of utilities that either (a) generate energy by conversion from some other form of energy such as, but not limited to, fossil fuel, chemical, electrochemical, nuclear, solar, mechanical, wind or hydraulic or communication signal, or (b) provide communication signals from another entity, or (c) provide signals through a different entity to another entity.

TONY VELAZQUEZ
Safety Supervisor HAWAII
1-676 ONSITE VISIT

CERTIFICATE OF SERVICE

Docket No. 20260045-EI

I HEREBY CERTIFY that a true and correct AMENDMENT FOR CLARIFICATION TO FORMAL COMPLAINT has been furnished by electronic mail on this **25TH day of June, 2026**, to the following persons:

Florida Public Service Commission

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Respectfully submitted,

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