

Tristan Davis

From: Office of Chairman Smith
Sent: Wednesday, July 22, 2026 3:36 PM
To: Commissioner Correspondence
Subject: Docket No. 20260000
Attachments: Formal Complaint Regarding Duke Energy's Unauthorized Occupation of Private Property and Request for Regulatory Intervention

Please place the attached in Docket No. 20260000.

Thank you!

Tristan Davis

From: David Gibbar <davegibbar@gmail.com>
Sent: Wednesday, July 22, 2026 3:28 PM
To: Office of Commissioner La Rosa; Office of Commissioner Payne; Office of Commissioner Clark; Office of Commissioner Ortega; Office of Chairman Smith
Subject: Formal Complaint Regarding Duke Energy's Unauthorized Occupation of Private Property and Request for Regulatory Intervention
Attachments: Exhibit C Initial Duke Contact- 5156 S. Riverview Cir, Homosassa -- FW_ Lines not on easement.pdf; Exhibit E FPSC Complaint Response #1498471E DAVE GIBBAR.docx; Exhibit D Duke Issued WO_59588077_CONSTRUCTION PRINT-V2-5156 S RIVERVIEW CR (2).pdf; Exhibit A Citrus County Florida GIS .pdf; Exhibit B Platt map Citrus County.pdf

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To:
Florida Public Service Commission

Cc:
Florida State Senator and State Representative for Citrus County

Subject: Formal Complaint Concerning Duke Energy's Unauthorized Installation and Continued Refusal to Remove Electrical Facilities from Private Property

Dear Commissioners,

I am submitting this formal complaint to request the immediate intervention of the Florida Public Service Commission regarding Duke Energy Florida's continued occupation of my private property without a recorded easement and its refusal to remove or de-energize electrical facilities that are preventing the lawful development and reasonable use of my land.

The property at issue is located at:

**5156 S. Riverview Circle
Homosassa, Florida**

More than 9 months ago, I discovered that Duke Energy had installed and continues to maintain an energized electrical distribution line across my property despite having no recorded easement or legal property rights authorizing its presence. To date, Duke Energy has refused to relocate, remove, or de-energize this facility, even after repeated requests and extensive documentation demonstrating that no easement exists.

The continued presence of this line has directly interfered with my ability to construct my primary residence on property that I legally own. Construction activities have been delayed solely because Duke Energy refuses to correct what appears to be an unauthorized occupation of private property.

This matter raises concerns extending beyond my individual circumstances. Florida's current regulatory framework allows investor-owned utilities to perform substantial portions of their construction activities through self-inspected contractors with little or no independent governmental oversight. While this system may improve operational efficiency, it also creates circumstances in which construction can occur on private property without meaningful verification that legal property rights have been obtained before facilities are installed.

In my case, this lack of oversight has resulted in:

- The placement and continued maintenance of utility facilities on private property without a recorded easement.
- The denial of my reasonable use and enjoyment of my land.
- Significant delays in the construction of my primary residence.
- Substantial financial damages associated with construction delays, project coordination, and the inability to proceed with permitted development.
- An extended administrative dispute that has remained unresolved despite repeated efforts to work directly with Duke Energy.

Private property rights are fundamental under both Florida law and the United States Constitution. Utilities provide an essential public service, but that responsibility should never permit the occupation or continued use of private property without lawful authorization or appropriate compensation.

I respectfully request that the Florida Public Service Commission:

1. Investigate Duke Energy's authority to maintain electrical facilities on my property without a recorded easement or other legally enforceable property interest.
2. Determine whether Duke Energy has complied with all applicable Florida statutes, administrative rules, and Commission regulations governing utility construction and use of private property.
3. Direct Duke Energy to promptly remove, relocate, or de-energize the unauthorized facilities so construction of my primary residence may proceed.
4. Review whether Florida's existing oversight of utility construction practices adequately protects private property owners when work is performed by self-inspected contractors.
5. Consider whether additional regulatory safeguards should be implemented to require independent verification of property rights before utilities install or maintain facilities on private land.

I also respectfully request that my elected representatives review this matter as a potential legislative issue affecting property owners throughout Florida. No property owner should be forced to spend more than a year attempting to convince a regulated public utility to remove facilities that were placed where no legal easement exists. If current law permits this situation to occur without timely oversight or meaningful accountability, legislative reform should be considered to better balance the operational needs of utilities with the constitutional rights of Florida's citizens.

FAILURE OF REGULATORY OVERSIGHT

This matter raises broader concerns regarding Florida's regulation of investor-owned utilities.

Current utility construction practices permit substantial work to be performed through contractor self-inspection or utility-managed inspection programs with limited independent governmental oversight.

While these practices may improve efficiency, they also appear to create circumstances in which construction can occur without meaningful verification that utilities possess legal rights to occupy private property before facilities are installed or energized.

If utilities are permitted to install facilities first and resolve property rights later, Florida property owners are placed in the position of proving that utility occupation of their land is unauthorized rather than utilities being required to establish lawful authority before construction begins.

Such a system undermines confidence in both utility regulation and the constitutional protections afforded to private property owners.

CONSTITUTIONAL CONCERNS

The continued occupation of private property without an established legal property interest raises significant constitutional concerns.

These include protections provided under:

- Article I, Section 2 of the Florida Constitution guaranteeing the right to acquire, possess, and protect property.
- Article X, Section 6 of the Florida Constitution providing that private property shall not be taken except for a public purpose with full compensation.
- The Fifth Amendment to the United States Constitution.
- The Fourteenth Amendment's Due Process protections.

While I recognize that the Public Service Commission does not adjudicate constitutional claims, these principles underscore the importance of ensuring that regulated utilities respect private property rights and operate within the limits of their lawful authority.

PUBLIC POLICY CONCERNS

This complaint presents an issue affecting all Florida property owners.

If a regulated monopoly utility may continue occupying private property for extended periods without demonstrating a valid easement or other legal authority, property owners are left with limited practical remedies while construction projects, financing, and development are delayed.

No property owner should be unduly burdened by having to persuade a regulated utility to remove facilities that allegedly lack documented property rights.

I appreciate your attention to this matter and respectfully request a written response outlining the actions that will be taken to investigate this complaint.

EXHIBIT INDEX

The following exhibits are attached in support of this Petition for Regulatory Investigation and Legislative Review. These documents demonstrate the absence of a recorded utility easement, Duke Energy's acknowledgment of that fact, the location of the electrical facilities on private property, and the resulting interference with the reasonable use and development of the property.

Exhibit	Description
Exhibit A	Citrus County Florida GIS demonstrating ownership and that no recorded Duke Energy easement or utility easement exists across the affected portion of the property.
Exhibit B	Citrus County Florida Plat map demonstrating no easement exists across the affected portion of the property.
Exhibit C	Initial Duke Energy contact demonstrating Dukes acknowledgement of no electric line documented to be on the property..
Exhibit D	Duke Energy Issued Work Order of the property showing the marked location of Duke Energy's electrical line and associated facilities located on private property as / was improperly placed.
Exhibit E	FPSC in response to a complaint filed, showing the continued harassment by Duke Energy to insist a blanket easement is required to remove a line improperly placed, which would in fact give Duke Energy legal standing to leave it where it is.

Certification

I certify that the attached exhibits are true and accurate copies of records in my possession and are submitted in support of this Petition for Regulatory Investigation and Legislative Review.

Thank you for your consideration.

Respectfully,

Dave Gibbar

Owner, 5156 S. Riverview Circle
Homosassa, Florida



Home Parcel Search▼

- enter a parcel id -

Map Contents

Layers

Legend

Traffic Counts

Wetlands

Parcels

Subdivisions

Sales Data

Base Map

Neighborhoods

Easements

Suncoast Pkwy 2

Parcel Dimensions

2023 Aerials

2020 Aerials

Layer Transparency:

Selection

Parcels (1 of 3 layers)

Altkey: 2143665

Parcel ID: 16E19S250010 00K0

GIBBAR DAVID L

5156 S RIVERVIEW CIR , HOMOSASSA, 34448

Parcel

Values

Parcel	Sales
PC: 0000	
Bldgs: 0	
Nbhd: 2171	
Est.Sqft: 18,985	
Est.Acres: .44	

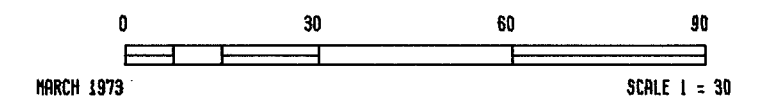
Sale Date	Sale Price	Book/Page	Instr Type
09/23/2020	\$164,000	3098/2202	00-WARRANTY DEED
04/08/2020	\$148,000	3053/0130	00-WARRANTY DEED
08/04/2016	\$100	2774/1505	01-CORRECTIVE/QC/TI

[Zoom to](#)

recorded plat map
with no marked
easements

RIVERHAVEN VILLAGE
A SUBDIVISION LYING IN
SECTIONS 25 AND 36
TOWNSHIP 19 SOUTH, RANGE 16 EAST
AND
SECTIONS 30 AND 31
TOWNSHIP 19 SOUTH, RANGE 17 EAST
CITRUS COUNTY, FLORIDA

SHEET 13 OF 22



ID	RADIUS	DELTA	ARC	CHORD	CHORD/ARC	TAN
A	750.00	12°13'57"	160.05	159.75	0.9982	0.1736
B	750.00	14°40'58"	182.18	181.65	0.9973	0.2571
C	854.66	24°51'09"	276.29	275.14	0.9963	0.4218
D	854.66	13°30'11"	149.57	149.23	0.9985	0.2371
E	600.00	21°00'50"	203.00	201.77	0.9963	0.3571
F	30.00	89°58'58"	81.87	72.82	0.8906	0.4915
G	750.00	12°13'57"	160.05	159.75	0.9982	0.1736
H	750.00	14°40'58"	182.18	181.65	0.9973	0.2571
I	854.66	24°51'09"	276.29	275.14	0.9963	0.4218
J	750.00	12°13'57"	160.05	159.75	0.9982	0.1736
K	750.00	14°40'58"	182.18	181.65	0.9973	0.2571
L	750.00	12°13'57"	160.05	159.75	0.9982	0.1736
M	750.00	14°40'58"	182.18	181.65	0.9973	0.2571
N	854.66	24°51'09"	276.29	275.14	0.9963	0.4218
O	750.00	12°13'57"	160.05	159.75	0.9982	0.1736
P	750.00	14°40'58"	182.18	181.65	0.9973	0.2571
Q	854.66	24°51'09"	276.29	275.14	0.9963	0.4218
R	750.00	12°13'57"	160.05	159.75	0.9982	0.1736
S	750.00	14°40'58"	182.18	181.65	0.9973	0.2571
T	854.66	24°51'09"	276.29	275.14	0.9963	0.4218
U	750.00	12°13'57"	160.05	159.75	0.9982	0.1736
V	750.00	14°40'58"	182.18	181.65	0.9973	0.2571
W	854.66	24°51'09"	276.29	275.14	0.9963	0.4218
X	750.00	12°13'57"	160.05	159.75	0.9982	0.1736
Y	750.00	14°40'58"	182.18	181.65	0.9973	0.2571
Z	854.66	24°51'09"	276.29	275.14	0.9963	0.4218
AA	750.00	12°13'57"	160.05	159.75	0.9982	0.1736
AB	750.00	14°40'58"	182.18	181.65	0.9973	0.2571
AC	854.66	24°51'09"	276.29	275.14	0.9963	0.4218
AD	750.00	12°13'57"	160.05	159.75	0.9982	0.1736
AE	750.00	14°40'58"	182.18	181.65	0.9973	0.2571
AF	854.66	24°51'09"	276.29	275.14	0.9963	0.4218
AG	750.00	12°13'57"	160.05	159.75	0.9982	0.1736

LOT	BLK	ID	BEARING	DIST
1	27	1	N15°12'13"E	11.44
2	27	2	N15°12'13"E	11.44
3	27	3	N15°12'13"E	11.44

TOTAL NUMBER OF LOTS THIS SHEET 24



David Gibbar <davegibbar@gmail.com>

5156 S. Riverview Cir, Homosassa -- FW: Lines not on easement

4 messages

Cuadra, Irma I. <Irma.Cuadra@duke-energy.com>
To: "davegibbar@gmail.com" <davegibbar@gmail.com>

Thu, Oct 2, 2025 at 11:09 AM

Good morning Mr. Debar,

Thank you for your email requesting information regarding your property.

Please provide a survey of the property so that we can review and respond to your request.

Thank you,

Irma Cuadra

Sr. Research Specialist

Real Estate Florida Distribution

[452 East Crown Point Road](#)

[Winter Garden, Florida 34787](#)



From: Goddard, Barbara <Barbara.Goddard@duke-energy.com>
Sent: Tuesday, September 30, 2025 1:46 PM
To: FL Support Services <FLSupportServices@duke-energy.com>
Subject: Lines not on easement

PH#5098447741 Dave Debar

Email davegibbar@gmail.com

Request: underground service lines on property and states not on easement

@ [5156 S Riverview Cir, Homosassa, FL, 34448](#)

Barbara

Customer Care Specialist

FL New Construction Team

1.800.372.4663



David Gibbar <davegibbar@gmail.com>
To: "Cuadra, Irma I." <Irma.Cuadra@duke-energy.com>

Thu, Oct 2, 2025 at 4:40 PM

Hello

I had called in locates to locate a dwelling to be built as the only deeded easement is along the frontage on S Riverview Circle but Duke locates show a underground power line running north /south from power pole on Riverhaven drive to S Riverview Circle.

Here is a copy of survey.

Dave Gibbar
509 844 7741

[Quoted text hidden]

3 attachments



image001.png
24K



image002.png
35K



5156 S Riverview Circle Contour Model (1).pdf
1096K

Cuadra, Irma I. <Irma.Cuadra@duke-energy.com>
To: David Gibbar <davegibbar@gmail.com>

Fri, Oct 3, 2025 at 9:52 AM

Good morning,

Thank you for providing the property survey. According to the survey there are no underground facilities shown.

Our engineering team has confirmed that, based on current records and the recent survey, there are no underground facilities running north-south on your property.

If you have any additional questions, please do not hesitate to contact me.

Thank you,

Irma Cuadra

Sr. Research Specialist

Real Estate Florida Distribution

452 East Crown Point Road

Winter Garden, Florida 34787



From: David Gibbar <davegibbar@gmail.com>

Sent: Thursday, October 2, 2025 4:41 PM

To: Cuadra, Irma I. <Irma.Cuadra@duke-energy.com>

Subject: [EXTERNAL] Re: 5156 S. Riverview Cir, Homosassa -- FW: Lines not on easement

*** CAUTION! EXTERNAL SENDER *** STOP. ASSESS. VERIFY!! Were you expecting this email? Are grammar and spelling correct? Does the content make sense? Can you verify the sender? If suspicious report it, then do not click links, open attachments or enter your ID or password.

[Quoted text hidden]

David Gibbar <davegibbar@gmail.com>

Fri, Oct 3, 2025 at 1:28 PM

To: "Cuadra, Irma I." <Irma.Cuadra@duke-energy.com>

Hello

I am providing you with photos and approx line location on the provided documentation. I called IN 811 locate ticket # 271500499 which was marked by Duke Energy/USIC . If this line does not exist or is no longer in service I need Duke remark the line as the lines have been located by Duke they are inside my property void of any easement.

[Quoted text hidden]

5 attachments



POWER LINE FROM POLE RISER SOUTH.jpg
2358K



POLE WITH RISER.jpg
2914K



LOCATION 2 LOOKING NORTH.jpg
4470K



POLE LOOKING SOUTH.jpg
4917K



5156 S Riverview Circle Survey new oct 2025.pdf
1285K

Scope Of Work

UPGRADE CHANGE UG PATH TO ROW PULL BOX-ABANDON S3 UG LINE TO P3

Construction Notes

SUBDIVISION EASEMENT REQUIRED
RESIDENTIAL AREA NEAR BUSY INTERSECTIONS

Date

2/23/26

Page 1/1

Work Order Number

59588077

Job Plan Number

RESIDENTIALUG

Job Site Address

5156 S Riverview Cir, HOMOSASSA, FL, 34448, USA

Designer

MIKE FITZGERALD

Designer Phone

352-860-4121

Customer Name

DAVE GIBBAR

Customer Phone

509-844-7741

Circuit Id

A272

Primary Voltage

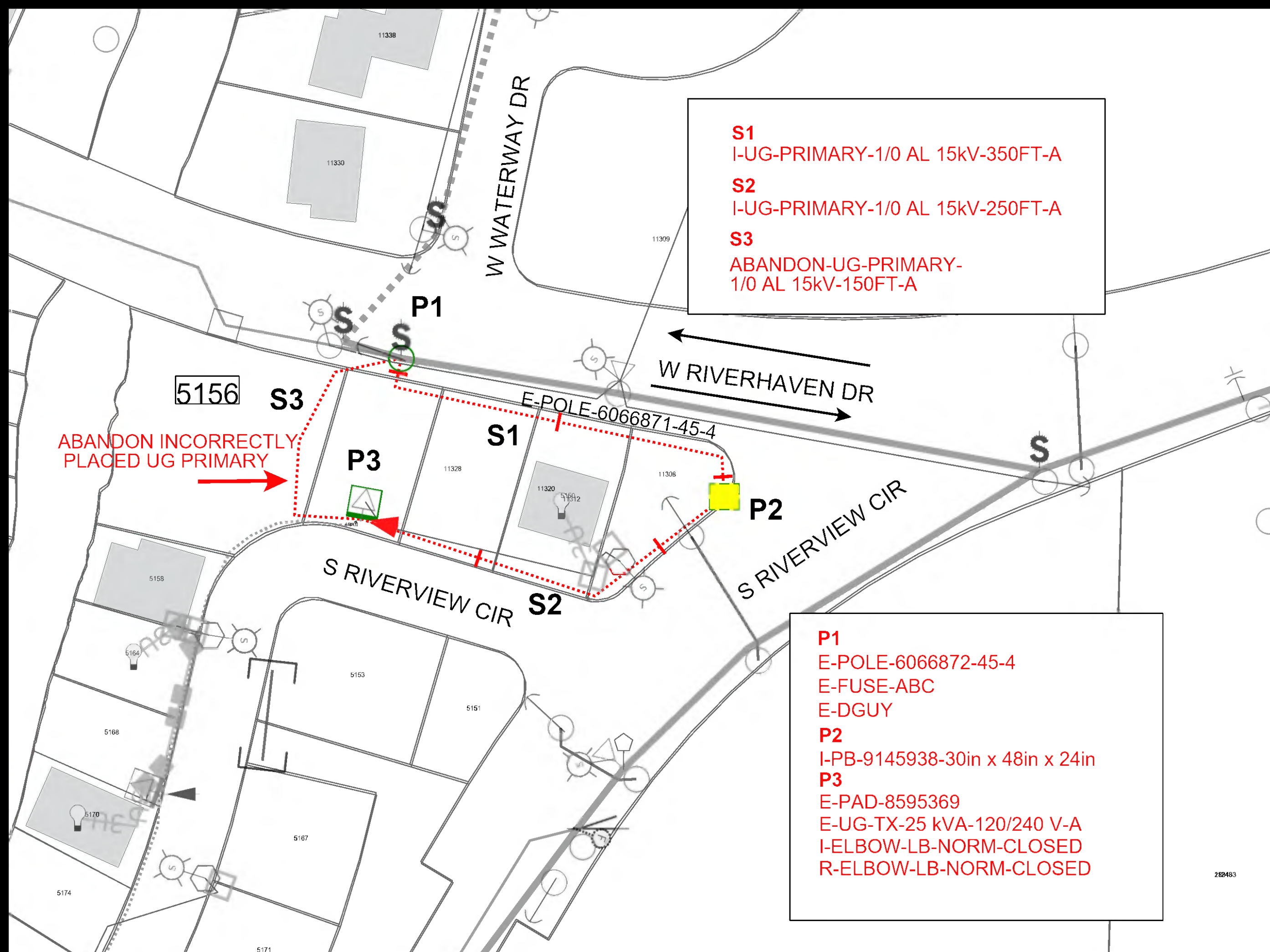
12.47/7.2

Upstream Protective Devices

RECLOSER 5493814

Permits

N/A



S1
I-UG-PRIMARY-1/0 AL 15kV-350FT-A
S2
I-UG-PRIMARY-1/0 AL 15kV-250FT-A
S3
ABANDON-UG-PRIMARY-
1/0 AL 15kV-150FT-A

P1
E-POLE-6066872-45-4
E-FUSE-ABC
E-DGUY
P2
I-PB-9145938-30in x 48in x 24in
P3
E-PAD-8595369
E-UG-TX-25 kVA-120/240 V-A
I-ELBOW-LB-NORM-CLOSED
R-ELBOW-LB-NORM-CLOSED

262483



FPSC RESPONSE FORM

FPSC Inquiry Number: 1498471E

Complainant's Name: Dave Gibbar

Service Address: 5158 S Riverview Cir. Homosassa, FL 34448

Telephone Number(s): (509) 844-7741

Date Received from the FPSC: April 29, 2026

Restate Customer's Concern: (*Verbatim from FPSC*)

In Oct. 02 2025 I notified duke in writing and with a survey and pictures that there was a buried electrical line on my property , that was without any easement.

Oct 03 2025 Duke acknowledged through an email that they had no records of a line being on my property.

Nov 25 2025 I met at property located at 5156 S Riverview Cir Homosassa FL with a Duke engineer. He again stated they had no record and he would create a service order to have it moved.

Inquired again in Feb 2026 after a work order was issued to relocate the line off my property and Duke refuses to relocate without me signing a blank easement. Even though no easement would be necessary as new location per their drawing and work order shows the new location not touching my property in any way.

To date Duke still refuses to act on removal and it is holding up the development of my home site."

Additional Information Recxeived 5/18/26 from the FPSC:

a representative from Duke called me (Mr Terrance Williams) his knowledge of the complaint was less than that of other Duke individuals I have been dealing with trying to resolve the issue. Duke is insisting that to remove a powerline that was placed on my property with out an easement can not and will not be removed unless I give them an easement for a second portion of my property that they have another line that was installed outside of any existing easement. since my first complaint was filed I have received documentation that Duke requested and applied for a Utility Access ROW . Per the approved permit and drawing Duke energy was supposed to install the lines in public ROW. They appear to have installed the lines outside of the ROW and on my property and know refuses to relocate and insist i give them a ROW that directly reduces my buildable lot footprint for a utility that should not have been there in the first place. when the Duke rep talked to me he just wanted to insist I give them the front lot line easement that services the neighborhood and restricts my access and usability on my land.

Actions Taken to Satisfy Customer:

On October 9, 2025, Duke Energy Florida (DEF) created a work order to investigate the Right-of-Way (ROW) near 5156 S Riverview Cir. Homosassa, FL.

On October 14, 2025, the ROW research found new easement was required on all parcels.

In December 2025, Mr. Mike Fitzgerald, DEF Engineering Technologist, met with Dave Gibbar onsite to review the underground inside his property with print showing crossing of primary. Mr. Fitzgerald explained DEF could relocate the line; however, Mr. Gibbar would need to sign an easement.

On January 6, 2026, DEF began the design to upgrade/change the underground path.

On January 20, 2026, the design was completed.

On February 6, 2026, DEF assigned the prerequisite to ROW for Easements.

On February 11, 2026, sent an easement to the Mr. Gibbar for signature along with the construction print.

On February 23, 2026, Mr. Gibbar expressed concern that the drawing for the work, stating it appears to show the line crossing the property as remaining; there is no note or description in the legend indicating that it is to be removed or vacated. Mr. Fitzgerald replied and provided an adjusted print to show the abandoning of the primary.

On March 23, 2026, Mr. Fitzgerald was notified that Mr. Gibbar expressed his belief that DEF does not need a survey to remove a line they have no easement for. Mr. Fitzgerald sent a follow-up email to Mr. Gibbar advising the easement needed to be signed for construction to start.

On April 9, 2026, Mr. Gibbar again stated his belief that DEF does not need an easement to continue with the construction. That day, Mr. Fitzgerald sent an email to Mr. Gibbar to notify him that DEF was served a letter by Mr. Gibbar's attorney. Mr. Fitzgerald advised it would be best for DEF's legal team speak with his attorney regarding the issue.

On April 29, 2026, DEF received Mr. Gibbar's complaint filed with the FPSC. Ms. Nancy Michaelis, Consumer Affairs Specialist, contacted Mr. Gibbar, who expressed his frustration that his concerns regarding his request for the relocation of a buried line, which has not been resolved. Ms. Michaelis advised she would engage the assistance of the Engineering team with his concerns.

That day, Mr. Terrace Williams, Power Grid Operations Support Manager, explained DEF will re-route the buried primary cable in return for a signed easement by Gibbar. Mr. Williams further explained, the easement request was submitted to Mr. Gibbar, and once it is signed and returned, the work can be scheduled to start within 3-4 weeks.

On May 4, 2026, Ms. Michaelis spoke with Mr. Gibbar to review the information provided by Mr. Williams. Mr. Gibbar questioned why he was asked to sign the easement and expressed concern where the line would be relocated. Ms. Michaelis advised she would request Mr. Williams contact him to address his questions.

On May 5, 2026, Mr. Gibbar contacted Ms. Michaelis for an update of his request. Ms. Michaelis advised she would reach out to Mr. Williams. That day, Mr. Williams attempted to contact Mr. Gibbar and left a voicemail requesting a return call.

On May 6, 2026, Mr. Williams spoke with Mr. Gibbar and explained the need for the easement to cover the existing power line along the road in front of Mr. Gibbar's property. Mr. Gibbar expressed his belief that what he was saying was different than what is worded in the easement request. Mr. Williams asked

Mr. Gibbar if he could review the verbiage with him to further address his concerns; however, Mr. Gibbar declined and stated his lawyer would address it.

DEF's legal team has been contacted by Mr. Gibbar's lawyer.

Date Submitted: May 20, 2026

Attachments: None