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State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION CLERK

DATE: JULY 25, 2002

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK
ADMINISTRATIVE SERVICES (BAYÓ)

FROM: OFFICE OF THE GENERAL COUNSEL (CHRISTENSEN, ECHTERNACHT)
DIVISION OF CONSUMER AFFAIRS (PLESCOW)
ARC *WAB*

RE: DOCKET NO. 020639-EI - COMPLAINT OF NORMAN ANDERSON AND/OR
ANTHONY PARKS ON BEHALF OF NW LANDING REALTY AGAINST
FLORIDA POWER & LIGHT COMPANY.
JR

AGENDA: 08/06/02 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\GCL\WP\020639.RCM

CASE BACKGROUND

On May 14, 2001, Norman Anderson, purportedly an attorney representing N.W. Landing Realty, contacted the Division of Consumer Affairs to register a complaint against Florida Power & Light Company (FPL). Mr. Anderson claimed that N.W. Landing Realty is a real estate holding company with several rental properties including property at 4750 S. Ocean Blvd., #210, Boca Raton, Florida. Mr. Anthony Parks owns the condo at 4750 S. Ocean Blvd., #210, Boca Raton, Florida. Mr. Anderson asserted that he requested that FPL disconnect the real estate company (N.W. Landing Realty) and place the service in the name of NDS Development, the new tenant, at 4750 S. Ocean Blvd., #210, Boca Raton, Florida. Mr. Anderson complained that FPL would not establish service in NDS Development's name.

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DATE: July 25, 2002

FPL responded to staff's inquiry on June 4, 2001. FPL indicated in its report that N.W. Landing Realty had three past accounts with outstanding balances at three different addresses with the company. Further, N.W. Landing Realty had numerous incidences of past due notices and disconnections for non payment. FPL indicated that Mr. Anthony Parks wrote checks to cover payments due on N.W. Landing Realty accounts. FPL indicated that on February 12, 2001, it issued a payment extension to provide time to resolve the customer's concerns after he had contacted the utility regarding a balance transfer. However, the payment was not received and a final disconnection notice was issued by FPL.

Further, FPL stated that on April 27, 2001, Mr. Anderson had contacted FPL to inquire why FPL would not accept NDS Development's application for service. FPL reportedly indicated that since N.W. Landing Realty had an outstanding balance with FPL, the landlord would be required to contact FPL to confirm the new tenant. Further, FPL also indicated that a notarized lease was required from the owner of 4750 S. Ocean Blvd., #210, to confirm the change in tenant. Moreover, FPL stated that if the account was to be established in a corporate name, the corporation needs to be registered with the Florida Secretary of State. FPL reported that NDS Development had not been registered with the Florida Secretary of State. Also, FPL reported that NDS Development needed a valid tax identification number, since the one it used belonged to the Green Family LLC in Bradenton, Florida according to the Division of Corporations.

FPL reported that Norman Anderson indicated that a copy of the lease would be faxed by May 16, 2001, and that NDS Development was in the process of registering in Florida. By June 11, 2001, FPL had not received the required paperwork from NDS Development. In addition, according to FPL electricity was being used at 4750 S. Ocean Blvd, #210, without a customer of record.

On June 20, 2001, the closure letter sent by CAF staff which indicated that the inquiry had been closed without infraction was returned. On September 28, 2001, Mr. Anderson contacted CAF and stated he had not received a closure letter. A copy of the letter was faxed to him. Mr. Anderson sent two letters including a request for informal conference.

DATE: July 25, 2002

On October 2, 2001, CAF staff attempted to contact Mr. Anderson and was advised that he was out of town. On October 9, 2001, Mr. Anthony Parks contacted CAF staff. In his conversation with CAF staff, Mr. Parks indicated that Mr. Norman Anderson was a corporate lawyer who did not know administrative law, so Mr. Parks would be assigning the case to a different lawyer. Staff strongly suspects that Mr. Norman Anderson does not actually exist since no lawyer by his name is licensed in the State of Florida. During this conversation, Mr. Parks indicated that he owned that condo at 4750 S. Ocean Blvd., #210, Boca Raton, Florida. He was provided a copy of Form X to complete and return to request an informal conference.

Staff notes that several letters were sent to Mr. Parks and Mr. Anderson which were returned due to being unclaimed or undeliverable. On October 29, 2001, Mr. Parks completed Form X and requested an informal conference.

On January 24, 2002, the informal conference was held. At the informal conference, Mr. Parks stated his position that NDS Development was being denied service improperly because it was his property. Mr. Parks further contended that NDS Development was the tenant not him. FPL reiterated its position that neither NDS Development nor N.W. Landing Realty are registered corporations and, therefore, cannot sign an application for service. FPL offered to settle the matter if NDS Development provided a tax identification number, paid a deposit, and paid for the service provided from April 2001 through January 9, 2002. Further, FPL also requested that Mr. Parks provide proof that N.W. Landing Realty represents Mr. Parks. Mr. Parks agreed with the first two requests but would not provide paperwork showing that N.W. Landing Realty is representing him. The informal conference ended without a settlement.

Mr. Parks requested additional time to negotiate further with FPL. On March 4, 2002, a closing letter was sent to Mr. Parks. On April 15, 2002, FPL contacted CAF staff and advised that no name had been placed on the account for service at 4750 S. Ocean Blvd., #210, Boca Raton, Florida, and they were waiting for a copy of the settlement agreement. Further, FPL indicated that it appeared someone was still residing at the condo. On April 29, 2002, FPL reiterated the same concerns stated above and indicated that they wished to discontinue service to the condo. On May 3, 2002, staff contacted FPL and indicated that customer could be disconnected.

DOCKET NO. 020639-EI

DATE: July 25, 2002

On May 9, 2002, FPL sent a letter to the occupant of 4750 S. Ocean Blvd., #210, advising that the service would be disconnected and requested that the occupant contact FPL. On May 16, 2002, since no further contact was made to FPL, service was disconnected at 4750 S. Ocean Blvd, #210.

On May 16, 2002, staff received a phone call from a person who indicated he was Norman Anderson. However, when the call was transferred to the informal conference staff, the caller then identified himself as Mr. Anthony Parks. Mr. Parks was advised that CAF staff was no longer able to assist him in this matter. Mr. Parks contacted the Legal Division and indicated that his tenant was being disconnected. He was advised by legal counsel to discuss the matter with FPL.

Mr. Parks faxed a copy of the settlement agreement to FPL. FPL indicated that the faxed agreement was unacceptable because a conflict with the dates for the Notary Public and the body of the Settlement Agreement had been altered. Therefore, Mr. Parks requested to establish service in his own name for 4750 S. Ocean Blvd, #210. Mr. Parks had to pay an outstanding balance from a previous account established in his name. Upon verification of sufficient funds in Mr. Parks account, FPL established service in his name for that address. According to FPL, Mr. Parks is responsible for service billed in his name from May 17, 2002 forward; however, activity on the meter prior to that date was not billed to him.

Staff notes that FPL indicated via e-mail dated July 15, 2002, that Mr. Parks was being disconnected due to non-payment. In the e-mail, FPL indicated that a final notice was mailed to Mr. Parks on July 2, 2002, for a non-payment of \$155.98, and that payment was due July 11, 2002, to avoid disconnection of service. As of July 15, 2002, FPL indicated that no payment, other than the initial deposit, had been received. Via e-mail dated July 16, 2002, FPL indicated that Mr. Parks wrote a check to stop disconnection, however, he has a current balance which will become past due on July 31, 2002.

Mr. Parks has been connected with at least eighteen separate complaints filed with the Division of Consumer Affairs. For all these complaints, no apparent violations of Commission rules by the companies were found. Staff believes that Mr. Parks has used the Commission's rules regarding service in the various industries to

DOCKET NO. 020639-EI

DATE: July 25, 2002

game the system. Attachment A is list of the consumer complaints which have been determined to be directly related to Mr. Parks.

This recommendation addresses the consumer complaint filed on behalf of N.W. Landing Reality by Norman Anderson and later assumed by Mr. Anthony Parks. The recommendation also addresses whether Mr. Parks should be permitted to continue to file complaints with the Commission, on his own behalf or on behalf of others. The Commission is vested with jurisdiction pursuant to Section 364.01 and 364.19, Florida Statutes.

DISCUSSION OF THE ISSUES

ISSUE 1: Should the Commission dismiss Complaint No. 379477E, filed on behalf of N.W. Landing Realty by Norman Anderson, later assumed by Anthony Parks?

RECOMMENDATION: Yes. The Commission should dismiss Complaint No. 379477E, filed on behalf of N.W. Landing Realty by Norman Anderson, later assumed by Anthony Parks. (CHRISTENSEN, ECHTERNACHT)

STAFF ANALYSIS: As noted in the Case Background, on May 14, 2001, Norman Anderson, purportedly an attorney representing N.W. Landing Realty, contacted CAF to register a complaint that FPL would not change service from N.W. Landing Realty to establish service in NDS Development's name. Mr. Anderson never followed up on his request for an informal conference when he disagreed with the proposed resolution of the case in which the inquiry was closed without infraction. As noted previously, staff strongly suspects that Mr. Anthony Parks was using the name Norman Anderson in filing this complaint. Mr. Parks did follow up with an informal conference request and appeared at the informal conference by phone. At the informal conference, Mr. Parks appeared to be acting on behalf of NDS Development and N.W. Landing Realty, although he only indicated that he was the landlord.

At the informal conference, no settlement was reached. Certain conditions were presented by FPL which included the following: 1) that NDS Development present a valid tax identification number; 2) that an agreement would be reached to pay the bill; and 3) proof that N.W. Landing Realty represents Mr. Parks. Mr. Parks agreed to items 1 and 2, but would not provide the paperwork showing that N.W. Landing Realty represented him, as the landlord. FPL and Mr. Parks indicated at the end of the informal conference that they thought a resolution could be reached.

A settlement agreement was drafted by FPL and sent to Mr. Parks. Apparently, there were two versions of the agreement, one from January 29, 2002, and the other from February, 2002. When Mr. Parks sent back the settlement agreement, it was the earlier version. Staff notes that the agreement was to be between NDS Development and FPL. The settlement agreement was purportedly signed by Christopher Nutter as President of NDS Development on February 28, 2002. FPL rejected the settlement agreement because

DATE: July 25, 2002

of alterations in the body of the settlement agreement and problems with the Notary Public. In reviewing the settlement agreement submitted by Mr. Parks, staff notes that the Notary Public section indicates both February 28, 2002, and April 28, 2002, as the date the document was signed.

Staff notes that FPL indicated that neither N.W. Landing Realty or NDS Development ever produced a tax identification number as required by FPL to establish service in either company's name. Although, Mr. Parks reached an agreement with FPL to have service established in his name, service has not been established in NDS Development's name as requested by the complainant.

Pursuant to Rule 25-6.095, Florida Administrative Code, a utility may prescribe conditions on anyone desiring electric service. In accordance with its Commission approved tariff, FPL can require a company to produce valid identification prior to establishing service in that company's name. Since NDS Development has not produced a valid tax identification number and no valid settlement agreement has been reached between FPL and NDS Development, staff believes that it is appropriate to dismiss the complaint. Therefore, staff recommends that the Commission should dismiss Complaint No. 379477E, filed on behalf of N.W. Landing Realty by Norman Anderson, later assumed by Anthony Parks.

DATE: July 25, 2002

ISSUE 2: Should the Commission continue to receive and process complaints filed by Anthony E. Parks or filed by others where staff has a reasonable belief that the complaint has been filed by Mr. Parks or on his behalf?

RECOMMENDATION: No. Staff recommends that the Commission no longer receive or process any complaints regarding any industry that the Commission regulates that involve Mr. Anthony E. Parks or others filing on his behalf unless Mr. Parks submits his complaint in writing and it is signed by a member of the Florida Bar, in good standing, indicating the attorney's Florida Bar number and who certifies that the complaint is not frivolous. Staff also recommends that all outstanding complaints involving Mr. Parks be closed. Further, staff recommends that the Commission grant staff administrative authority to close any future complaints involving Mr. Parks that fail to meet the above described criteria without further action of the Commission. (CHRISTENSEN)

STAFF ANALYSIS: Since 1993, eighteen (18) complaints have been filed with the Division of Consumer Affairs which involve Mr. Parks, companies of Mr. Parks, or others acting on Mr. Parks' behalf. (See Attachment A) Eight have involved complaints against BellSouth Telecommunications Company (BellSouth) and as noted by BellSouth's witnesses in Docket No. 000028-TP, of these eight complaints, "appeals have gone to the Commission staff, all without merit."¹ (TR 20) Five complaints have involved other telecommunications companies and five complaints have involved FPL. Mr. Parks has used companies and other names or persons in filing complaints with the Commission. Four of the complaints involve Northstar Industries of which Mr. Parks is the registered agent. Even though Mr. Parks was only the registered agent, he attempted to pay the phone bill of Northstar Industries. (TR 62) In Docket No. 000028-TP, BellSouth witness Shields testified that Mr. Parks was the registered agent of Northwest Landing Development, which is

¹On February 4, 2002, an administrative hearing was held in Docket No. 000028-TP regarding a waiver of certain rules which would require BellSouth to continue to provide service to Mr. Anthony Parks, and to properties owned, leased, or associated with Mr. Parks. By Order No. PSC-02-0874-FOF-TL, issued June 28, 2002, BellSouth's waiver request was granted with certain conditions. The transcript citations are from the hearing record in Docket No. 000028-TP.

not a valid Florida corporation, and that he attempted to initiate service by writing a check for the corporation. (TR 62-63) One complaint against FPL involves N.W. (Northwest) Landing Realty, which is addressed in the previous issue. Further, in Docket No. 000028-TP, BellSouth witness Shields testified that Mr. Parks was a registered agent for Nova Realty Investments. (TR 63) There were four complaints against BellSouth and Sprint involving Nova Realty. Additionally, it appears that Mr. Parks has used the names of his alleged "tenants" to make complaints to the Commission. However, on these tenants' accounts, it is Mr. Parks who has written checks on these accounts as demonstrated by Hearing Exhibit 1 in Docket No. 000028-TP. Staff believes that there is ample evidence to suggest that Mr. Parks uses other people or their names, or companies to open accounts and then files complaints at the Commission to forestall closure on his accounts.

As noted in the testimony of BellSouth witness Shields and Sims, Mr. Parks has cost BellSouth, as well as the Commission staff, a great deal of time and money. Further, as noted by BellSouth's witness in Docket No. 000028-TP, "Mr. Parks has misled the Commission staff on many occasions. He has and will use the Commission's rules to dispute legitimate charges in order to delay disconnection of service." (TR 20) Although these comments specifically refer to BellSouth's request for waiver, staff notes that these comments are applicable to all the complaints filed by Mr. Parks or others, on his behalf, at the Commission.

Staff has concerns regarding the amount of time and resources expended by the Commission in continuing to receive and process these complaints thereby diverting these resources from deserving customers and Mr. Parks apparent misuse of the Commission's complaint handling procedures. Due to these concerns staff believes it is appropriate to discontinue processing complaints which involve Mr. Parks. Staff is sensitive to the need to maintain a forum for consumers to seek assistance and resolution for problems that may arise with utility companies. However, staff believes that to ensure the integrity of the forum, the Commission should not permit an individual to flagrantly abuse the Commission's processes. As noted above, staff believes that Mr. Parks has flagrantly abused the Commission's processes and is thereby hurting the integrity of the processes.

While staff is unaware that the Commission has previously placed restrictions on a person's ability to file complaints

through its informal process, staff notes that on at least one prior occasion the Commission has restricted the right of an individual to file pleadings at the Commission without prior approval of the Chairman's office. See, Order No. PSC-92-1469-FOF-TL, issued in Dockets Nos. 920188-TL and 920939. In that Order, the Commission found that Mr. Roy Day's pleadings were "abusive and frivolous harangues which are intended solely to harass and which comport with virtually none of our procedural rules." Id. at 6. Further, the Commission found that

[a]fter review of those pleadings and in light of Mr. Day's litigious history (which includes a court's finding that his activities as a vexatious litigant were a manifestation of mental illness) we find that the normal latitude which we afford to individuals filing pro se is inappropriate in the context of Mr. Day's propensity for baseless and repetitious pleadings.

Id. at 6. While the circumstances are not identical, Mr. Parks has certainly abused the Commission's informal processes through the 18 complaints filed with the Division of Consumer Affairs. Further, staff notes that in Order No. PSC-02-0874-FOF-TL, the Commission found that

the evidence demonstrates that Mr. Parks has systematically obtained service from BellSouth either by using other people to set up accounts on his behalf, or by using false corporate information. We are convinced by the evidence in the record that application of the subject rules to BellSouth will allow Mr. Parks to continue to game the system to obtain service under false pretense.

Id. at 15. As demonstrated above, Mr. Parks has also used the Commission's informal processes to game the system to avoid payment of bills and to obtain service under false pretense.

Based on the foregoing, staff recommends that the Commission no longer receive or process any complaints regarding any industry that the Commission regulates that involve Mr. Anthony E. Parks or others filing on his behalf unless Mr. Parks submits his complaint in writing and it is signed by a member of the Florida Bar, in good standing, indicating the attorney's Florida Bar number and who certifies that the complaint is not frivolous. Staff also

DOCKET NO. 020639-EI

DATE: July 25, 2002

recommends that all outstanding complaints involving Mr. Parks be closed. Further, staff recommends that the Commission grant staff administrative authority to close any future complaints involving Mr. Parks that fail to meet the above described without further action of the Commission.

DOCKET NO. 020639-EI
DATE: July 25, 2002

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes, because no further action is necessary, this docket should be closed. (CHRISTENSEN)

STAFF ANALYSIS: This docket should be closed because no further action is necessary.

CHRONOLOGY OF COMPLAINTS FROM ANTHONY PARKS
 (Listing of All Complaints Filed With CAF)

ITEM	DATE	CASE #	STATUS	CO.	CUSTOMER	ADDRESS	PHONE NO.	PHONE NO.
1	1993	030233P	Open, Inf. Conf. Held-No Agenda	BST *	Northstar Industries	8133 Mizner Lane - Boca Raton	407-483-8757	
2	02-05-1996	109697I	Closed	BST	Northstar Industries	6050 Verde Trail, #405-Boca Raton	407-483-9539	407-483-2753
3	02-13-1996	111057I	Closed	FPL	Northstar Industries	6050 Verde Trail, Boca Raton	407-483-2753	
4	07-15-1996	132655I	Closed	FPL	Northstar Industries	6050 Verde Trail, Boca Raton	407-483-2753	
5	05-07-1996	124647I	Closed	BST	Anthony Parks	6050 Verde Trail, #405-Boca Raton	407-447-7569	407-483-2753
6	06-04-1997	174737I	Pending Informal Conference	BST *	Nortech Realty	6050 Verde Trail, Boca Raton	561-883-0177	561-362-6070
7	07-14-1998	220213R	Pending Informal Conference	FPL *	Christopher Nutter	6755 Montego Bay, Boca Raton	561-447-6635	
8	08-24-1998	224402I	Closed	BST	Christopher Nutter	6755 Montego Bay, Boca Raton	561-447-6635	561-703-3992
9	08-24-1998	224406I	Closed	MCI	Christopher Nutter	6755 Montego Bay, Boca Raton	561-447-6635	561-703-3992
10	02-19-1999	245090I	Closed	FPL	Anthony Parks	6755 Montego Bay, Boca Raton	561-417-5900	
11	02-25-1999	245981R	Closed	BST	Nova Realty	P. O. Box 812283, Boca Raton	561-417-2561	561-417-5900
12	02-19-1999	266209T	Closed	BST	Nicholas Aversa	6755 Montego Bay, Boca Raton	561-361-0023	954-866-0998
13	03-04-1999	248002R	Closed Cross-reference 248771R	Sprint-FL	Nova Realty	P. O. Box 812283, Boca Raton	561-417-2561	561-417-5900
14	03-11-1999	248005R	Closed	Sprint-LD	Nova Realty	P. O. Box 812283, Boca Raton	561-417-2561	561-417-5900
15	03-16-1999	248771R	Closed	Sprint-LD	Nova Realty	P. O. Box 812283, Boca Raton	561-417-2561	561-417-5900
16	08-12-1999	273390C	Closed	BST	Nicholas Aversa	6757 Montego Bay, Boca Raton	561-361-0023	
17	05-14-2001	379477E	Pending Agenda	FPL #	NW Landing Realty Norman Anderson NDS Development	4750 South Ocean Blvd., #210 Boca Raton	561-338-5937	
18	12-05-2001	422279T	Pending Informal Conference	Phones For All #	Charles Taylor	4750 South Ocean Blvd., #210 Boca Raton	561-338-5937	

* Informal Conference Held before C. Peña = 1

Informal Conferences Pending Before C. Peña = 2

Informal Conference Held = 1

Informal Conference Pending = 1