

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER., CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

November 14, 2002

FPSC, CLK - CORRESPONDENCE
✓ Administrative Parties Consumer
DOCUMENT NO. 14397-03
DISTRIBUTION: _____

Thomas D. Hall, Clerk
Supreme Court of Florida
Supreme Court Building
Tallahassee, Florida 32301

**Re: Anthony Parks vs. Lila A. Jaber, Chairman, et al.
(Docket No. 020639-EI)**

Dear Mr. Hall:

Enclosed is a certified copy of a Notice of Appeal, the original of which was stamped received in your office on October 9, 2002 and subsequently mailed to the Florida Public Service Commission with your transmittal letter dated November 5, 2002. A copy of Order No. PSC-02-1226-FOF-EI, the order on appeal, is also enclosed.

It is our understanding the index of record is to be served on the parties to the proceeding by November 28, 2002, or 50 days after the notice of appeal was first filed with your office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief
Bureau of Records and Hearing Services

KF:mhl

Enclosure

cc: Anthony Parks
Florida Power & Light Company (Tallahassee)
Florida Power & Light Company (Miami)
Norman Anderson, NW Landing Realty
David Smith, Esquire

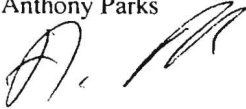
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this motion was served on October 8, 2002 to:

David Smith, Esq.
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Nancy B. White, Esq
Bell South Telecommunications, Inc.
150 South Monroe Street
Suite 400
Tall, FL 32301

Anthony Parks

A handwritten signature in black ink, appearing to read 'A. Parks', written in a cursive style.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Norman
Anderson and/or Anthony Parks on
behalf of NW Landing Realty
against Florida Power & Light
Company.

DOCKET NO. 020639-EI
ORDER NO. PSC-02-1226-FOF-EI
ISSUED: September 9, 2002

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

FINAL ORDER DISMISSING COMPLAINT,
GRANTING LIMITATIONS ON FUTURE COMPLAINTS,
AND CLOSING OUTSTANDING COMPLAINTS

BY THE COMMISSION:

I. BACKGROUND

On May 14, 2001, Norman Anderson, purportedly an attorney representing N.W. Landing Realty, contacted the Division of Consumer Affairs (CAF) 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.

DOCUMENT NUMBER-DATE

09468 SEP-98

FPS-COMMISSION CLERK

FPL responded to our 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 nonpayment. 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 needed 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 which indicated that the inquiry had been closed without infraction was returned. On September 28, 2001, Mr. Anderson contacted CAF and

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PAGE 3

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 an informal conference.

On October 2, 2001, CAF attempted to contact Mr. Anderson and was advised that he was out of town. On October 9, 2001, Mr. Anthony Parks contacted CAF. In his conversation with CAF, 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. We strongly suspect 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.

We note 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 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 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; however, 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 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 it

wished to discontinue service to the condo. On May 3, 2002, our staff contacted FPL and indicated that the customer could be disconnected. 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, a phone call from a person who indicated he was Norman Anderson called the Commission. However, when the call was transferred to the informal conference, the caller then identified himself as Mr. Anthony Parks. Mr. Parks was advised that CAF was no longer able to assist him in this matter. Mr. Parks then contacted the Office of General Counsel (OGC) and indicated that his tenant was being disconnected. He was advised by the OGC 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 of 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.

We note 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 associated with at least eighteen separate complaints filed with CAF. For all of these complaints, no apparent violations of Commission rules by the companies were found. We believe that Mr. Parks has used our rules regarding service in the various industries to game the system. Attachment A lists the consumer complaints which we have determined to be directly related to Mr. Parks.

This order addresses the consumer complaint filed on behalf of N.W. Landing Realty by Norman Anderson and later assumed by Mr. Anthony Parks. The order also addresses whether Mr. Parks should be permitted to continue to file complaints with this Commission, on his own behalf or on behalf of others. We have jurisdiction pursuant to Section 366.04, Florida Statutes.

II. DISMISSAL OF COMPLAINT

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, we strongly suspect that Mr. Anthony Parks was using the name Norman Anderson in filing this complaint because Mr. Parks followed 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 indicated that he was only 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 dated January 29, 2002, and the other dated February, 2002. When Mr. Parks sent back the settlement agreement, it was the earlier version. We note 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 of alterations in the body of the settlement agreement and problems with the Notary Public. In reviewing the settlement agreement submitted by Mr. Parks, we determined that the Notary Public section indicates both February 28, 2002, and April 28, 2002, as the date the document was signed.

FPL indicated that neither N.W. Landing Realty nor 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, we believe that it is appropriate to dismiss the complaint. Accordingly, Complaint No. 379477E, filed on behalf of N.W. Landing Realty by Norman Anderson, later assumed by Anthony Parks is hereby dismissed.

III. FUTURE COMPLAINTS

Since 1993, eighteen (18) complaints have been filed with CAF 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-TL, of these eight complaints, "appeals have gone to the Commission staff, all without merit."¹ 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. In Docket No. 000028-TL, BellSouth witness Shields testified that Mr. Parks was the registered agent of Northwest Landing Development, which is not a valid Florida corporation, and that he attempted to initiate service by writing a check for the corporation. One complaint against FPL involves N.W. (Northwest) Landing Realty, which is addressed in the previous section. Further, in Docket No. 000028-TL, BellSouth witness Shields testified that Mr. Parks was a registered agent for Nova Realty Investments. 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 with the Commission. However, on these tenants' accounts, it was Mr. Parks who wrote checks on these accounts. We believe that there is ample evidence to suggest that Mr. Parks uses other people or their names, or companies to open accounts, and then he files complaints at the Commission to forestall closure on his accounts.

BellSouth witness Shields and Sims testified in Docket No. 000028-TL that Mr. Parks has cost BellSouth, as well as the

¹On February 4, 2002, an administrative hearing was held in Docket No. 000028-TL 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.

Commission, a great deal of time and money. Further, "Mr. Parks has misled [BellSouth] on many occasions. He has and will use our rules to dispute legitimate charges in order to delay disconnection of service." Although these comments specifically refer to BellSouth's request for waiver, we note that these comments are applicable to all the complaints filed by Mr. Parks or others, on his behalf, at the Commission.

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

On at least one prior occasion, we have restricted the right of an individual to file pleadings at the Commission without prior approval from the Chairman's office. See, Order No. PSC-92-1469-FOF-TL, issued in Dockets Nos. 920188-TL and 920939. In that Order, we 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, we 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 our informal process through the 18 complaints filed with the Division of Consumer Affairs. Further, we note that in Order No. PSC-02-0874-FOF-TL, we 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 our informal processes to game the system to avoid payment of bills and to obtain service under false pretense.

Based on the foregoing, we find that we will no longer receive or process any complaints regarding any industry regulated by this Commission 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 the attorney certifies that the complaint is not frivolous. Additionally, all outstanding complaints involving Mr. Parks shall be closed. Further, we grant our staff administrative authority to close any future complaints involving Mr. Parks that fail to meet the above criteria without further action of this Commission.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Complaint No. 379477E, filed on behalf of N.W. Landing Realty by Norman Anderson, later assumed by Anthony E. Parks is hereby dismissed. It is further

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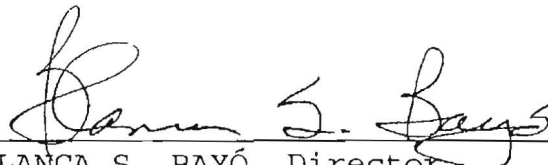
ORDERED that complaints regarding any industry regulated by the Florida Public Service Commission which involve Mr. Anthony E. Parks or others, filing on his behalf, shall not be processed unless Anthony E. Parks submits his complaint in writing and it is signed by a member of the Florida Bar, in good standing, indicating the attorney's Florida Bar number and the attorney certifies that the complaint is not frivolous. It is further

ORDERED that the Commission staff shall have administrative authority to close any future complaints involving Anthony E. Parks that fail to meet the conditions imposed without further action of this Commission. It is further

ORDERED that all outstanding complaints involving Anthony E. Parks shall be closed. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 9th day of September, 2002.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

KNE

DISSENT

Chairman Jaber and Commissioner Bradley dissent from Section III, Future Complaints.

ORDER NO. PSC-02-1226-FOF-EI
DOCKET NO. 020639-EI
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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

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

Attachment A

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

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

November 22, 2002

Mr. Anthony Parks
NW Landing Realty
Post Office Box 33481
Boca Raton, Florida 33481

Re: Anthony Parks vs. Lila A. Jaber, Chairman, et al.
(Docket No. 020639-EI; Supreme Court Case No. SC02-2448)

Dear Mr. Parks:

Enclosed is an index to the above-referenced docket on appeal. Please look the index over and let me know if you have any questions concerning the contents of the record.

It is our understanding that the record is due to be filed with the Court on or before January 24, 2003.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief
Bureau of Records and Hearing Services

KF:mhl

cc: Florida Power & Light Company (Tallahassee)
Florida Power & Light Company (Miami)
Norman Anderson, NW Landing Realty
Christiana Moore, Esquire

I N D E X

Anthony Parks
vs.
Lila A. Jaber, Chairman, et al.

FPSC Docket No. 020639-EI
Supreme Court Case No. SC02-2448

VOLUME 1

Progress docket 1

Request to establish docket, by Florida Public Service Commission (“Commission”),
filed July 1, 2002 2

Memorandum from Commission’s Office of the General Counsel and Division of
Consumer Affairs to Division of the Commission Clerk and Administrative Services,
filed July 25, 2002 30

Final Order PSC-02-1226-FOF-EI dismissing complaint, granting limitations on
future complaints, and closing outstanding complaints, issued September 9, 2002 43

Letter dated November 5, 2002 from Thomas D. Hall, Supreme Court of Florida, to
Commission, with attached notice of appeal from Anthony Parks, filed October 9, 2002
with the Supreme Court of Florida, filed November 8, 2002 55

Certificate of Director, Division of the Commission Clerk and Administrative Services 58

STATE OF FLORIDA

COMMISSIONERS:
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BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

December 10, 2002

Anthony Parks
NW Landing Realty
Post Office Box 812283
Boca Raton, Florida 33481

Re: Supreme Court of Florida Case No. SC02-2448 - Anthony Parks vs. Lila A. Jaber,
Chairman, et al. (Docket No. 020639-EI)

Dear Mr. Parks:

I have enclosed an invoice reflecting charges for preparation of the above-referenced record. Please forward a check in the amount indicated, made payable to the Florida Public Service Commission, at your earliest convenience.

Do not hesitate to call if you have any questions concerning this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief
Bureau of Records and Hearing Services

KF:mhl
Enclosure

FLORIDA PUBLIC SERVICE COMMISSION

2540 Shumard Oak Blvd. ♦ Tallahassee, Florida 32399-0850

Date: 12/10/02

9009

To: Anthony Parks
 NW Landing Realty
 Post Office Box 812283
 Boca Raton, Florida 33481

Date Paid _____

Amount Paid _____

Check # _____

Check Cash

PSC Signature _____

↑ ↑
 This number must appear on
 all checks or correspondence
 regarding this invoice.

Please make checks payable to: FLORIDA PUBLIC SERVICE COMMISSION

QUANTITY	DESCRIPTION	PRICE	AMOUNT
58 pages	Copying and preparation of Docket 020639-EI on appeal to Supreme Court of Florida, Case No. SC02-2448	@.05c per page	\$2.90
1	Certificate of Director		\$4.00
TOTAL			\$6.90

PSC/CCA 008-C Rev. 10/01

@.05¢
 58 pag per pag
 Record \$2.90

1 Cert of Dir \$4.00

CCA Official Filing:

11/14/02*** 3:21 PM*****Marguerite Lockard *****1**

Marguerite Lockard

From: Kay Flynn
Sent: Thursday, November 14, 2002 2:59 PM
To: Chris Moore
Cc: Marguerite Lockard
Subject: 020639 appeal

I talked with the secretary/supervisor who wrote the letter for Tom Hall's signature. The intent when they referenced the rule was for us to begin the process we normally follow here.

We'll send a certified copy to the Court and copy the parties so FPL will be aware of the filing. We don't have an FPL attorney's name as a party, by the way, because no FPL attorney filed in the docket. We have only the company's official mailing address and another Miami address for the company on the docket mailing list.

CCA Official Filing:

11/14/02*** 4:06 PM*****Marguerite Lockard *****1**

Marguerite Lockard

From: Kay Flynn
Sent: Thursday, November 14, 2002 1:41 PM
To: Chris Moore
Cc: Marguerite Lockard; David Smith
Subject: RE: appeal in 020539-EI

It's 110(c) (Exception; Administrative Action) rather than 100(c) (see first e-mail). It says the appellant shall file the original notice with the clerk of the lower administrative tribunal within 30 days of rendition of the order to be reviewed, and file a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the court.

What do we make of that rule? Are we a lower administrative tribunal? Could it be argued that rule plainly spells out what Mr. Parks should have done and by when?

-----Original Message-----

From: Chris Moore
Sent: Thursday, November 14, 2002 12:57 PM
To: Kay Flynn
Cc: Marguerite Lockard; David Smith; Patty Christensen
Subject: RE: appeal in 020539-EI

I was thinking of the index preparation etc.--sorry--I overlooked the certifying part. I suggest we just call Tom Hall and ask what he means about your "preparation in accordance with" Rule 9.100(c)--since that rule doesn't require you to prepare anything. Do you want to call him or would you rather I did?

-----Original Message-----

From: Kay Flynn
Sent: Thursday, November 14, 2002 12:38 PM
To: Chris Moore
Cc: Marguerite Lockard; David Smith; Patty Christensen
Subject: RE: appeal in 020539-EI

We'll go ahead then and send the clerk's office a certified copy of the notice as we normally do--even though they're the ones who got it to start with.

Thanks.

-----Original Message-----

From: Chris Moore
Sent: Thursday, November 14, 2002 12:09 PM
To: Kay Flynn
Cc: Marguerite Lockard; David Smith; Patty Christensen
Subject: RE: appeal in 020539-EI

The answer to your question, "Should we consider this a properly/timely filed appeal and follow our normal procedure?", is yes.

Although the rule says the original notice of appeal shall be filed with the clerk of the lower tribunal (us), the caselaw says that filing the notice of appeal in either place is sufficient, as long as one was filed within the 30 day period from issuance of the final order. Also, the order was issued Sept. 9th so it looks like the notice was timely filed.

CCA Official Filing:

11/14/02*** 4:06 PM*****Marguerite Lockard *****2**

-----Original Message-----

From: Kay Flynn
Sent: Friday, November 08, 2002 9:37 AM
To: David Smith
Cc: Chris Moore; Marguerite Lockard
Subject: RE: appeal in 020539-EI

Okay.

-----Original Message-----

From: David Smith
Sent: Friday, November 08, 2002 9:37 AM
To: Kay Flynn
Cc: Chris Moore
Subject: RE: appeal in 020539-EI

I would do no. 2. I don't think the court will need it.

-----Original Message-----

From: Kay Flynn
Sent: Friday, November 08, 2002 9:35 AM
To: David Smith; Patty Christensen
Cc: Chris Moore
Subject: RE: appeal in 020539-EI

It is odd.

We can

1. go ahead and treat it as any other notice of appeal and send a certified copy to the Court (and assume we'll move to have it dismissed as untimely?) or
2. log it in in Case Management but not send a certified copy to the Court yet--wait for Chris's return and direction?

Which would be better?

Kay

-----Original Message-----

From: David Smith
Sent: Friday, November 08, 2002 9:25 AM
To: Kay Flynn; Patty Christensen
Cc: Chris Moore
Subject: RE: appeal in 020539-EI

That's odd. Chris is up on what's going on with this and won't be back til Thursday. I don't know that the court has necessarily determined that it was a timely appeal.

-----Original Message-----

From: Kay Flynn
Sent: Friday, November 08, 2002 9:00 AM
To: Patty Christensen; David Smith
Subject: appeal in 020539-EI

Patty and David, we received from Supreme Court in today's mail a letter from Tom Hall forwarding the original of a Notice of Appeal from Anthony Parks, stamped in by the Court on 10/9/02. Mr. Hall's letter indicates the notice is forwarded to us "for preparation in

CCA Official Filing:

11/14/02*** 4:06 PM*****Marguerite Lockard *****3**

accordance with Florida Rule of Appellate Procedure 9.110(c)."

Should we consider this a properly/timely filed appeal and follow our normal procedure?

Kay

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

January 21, 2003

Thomas D. Hall, Clerk
Supreme Court of Florida
Supreme Court Building
Tallahassee, Florida 32301

Re: Anthony Parks vs. Lila A. Jaber, Chairman, et al.
(Case No. SC02-2448; Docket No. 020639-EI)

Dear Mr. Hall:

The record in the above-referenced case, consisting of one binder is forwarded for filing in the Court. A copy of the index is enclosed for your use. Please initial and date the copy of this letter to indicate receipt.

Do not hesitate to call me at 413-6744 if you have any questions about the contents of this record.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief
Bureau of Records and Hearing Services

Enclosure

cc: Anthony Parks, NW Landing Realty
Norman Anderson, NW Landing Realty
Florida Power & Light Company (Tallahassee)
Florida Power & Light Company (Miami)
Christiana T. Moore, Esquire

I N D E X

Anthony Parks
vs.
Lila A. Jaber, Chairman, et al.

FPSC Docket No. 020639-EI
Supreme Court Case No. SC02-2448

VOLUME 1

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with the Supreme Court of Florida, filed November 8, 2002 55

Certificate of Director, Division of the Commission Clerk and Administrative Services 58

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
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Public Service Commission

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Supreme Court of Florida
Supreme Court Building
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Kay Flynn, Chief
Bureau of Records and Hearing Services

Enclosure

cc: Anthony Parks, NW Landing Realty
Norman Anderson, NW Landing Realty
Florida Power & Light Company (Tallahassee)
Florida Power & Light Company (Miami)
Christiana T. Moore, Esquire

RECEIVED BY



DATE



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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

Case Assignment and Scheduling Record

Section 1 - Bureau of Records and Hearing Offices Completes

Docket No. 020639-EI Date Docketed: 07/01/2002 Title: Complaint of Norman Anderson and/or Anthony Parks on behalf of NW Landing Realty against Florida Power & Light Company.
 Company: Florida Power & Light Company
NW Landing Realty

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____ AUS CAF CCA CMP ECR EXT (GCL) MMS PIF
 ("()") indicates OPR) _____ X _____ X _____ X _____

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program/Module A9

Staff Assignments

<u>OPR Staff</u>	_____

<u>Staff Counsel</u>	_____
<u>OCRs (CAF)</u>	_____

(ECR)	_____

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**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**
 Current CASR revision level

0

Due Dates

Previous Current

1.	_____	_____	_____
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Recommended assignments for hearing and/or deciding this case:

Full Commission _____ Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with CCA: _____

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JB	DS	BZ	PL	BD		

- Prehearing Officer

Commissioners					ADM
JB	DS	BZ	PL	BD	

DOCUMENT NO.

14397-03

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____
 Date: _____ / _____ / _____

Case Assignment and Scheduling Record

Section 1 - Bureau of Records and Hearing Services Completes

Docket No. 020639-EI Date Docketed: 07/01/2002 Title: Complaint of Norman Anderson and/or Anthony Parks on behalf of NW Landing Realty against Florida Power & Light Company.
 Company: Florida Power & Light Company
NW Landing Realty

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____
 ("(") indicates OPR) AUS CAF CCA CMP ECR EXT (GCL) MMS PIF
 _____ _____ _____ _____ _____ _____ _____ _____

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program/Module A9

Staff Assignments

OPR Staff P Christensen, K Echternacht

Staff Counsel P Christensen, K Echternacht
OCRs (CAF) J Plescow

 (ECR) _____

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**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level**

0

	Due Dates	
	Previous	Current
1. Staff Recommendation	NONE	07/25/2002
2. Agenda	NONE	08/06/2002
3. PAA Order	NONE	08/26/2002
4. Protest Period Expires	NONE	09/16/2002
5. Consummating Order	NONE	09/20/2002
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with CCA: 07/16/2002

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JB	DS	BZ	PL	BD		
X							

- Prehearing Officer

Commissioners					ADM
JB	DS	BZ	PL	BD	
					X

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]
 Date: 07/16/2002

✓

✓

CCA Official Filing:

9/9/02*****7:20 AM*****Matilda Sanders*****1

Matilda Sanders

1226-FOF

From: Janice Banka
Sent: Friday, September 06, 2002 4:24 PM
To: CCA - Orders / Notices
Subject: Order / Notice Submitted

12 pgs

Date and Time: 9/6/02 4:22:00 PM
Docket Number: 020639-EI
Filename / Path: 020639or.kne

Final Order Dismissing Complaint, Granting Limitations on Future Complaints, and Closing Outstanding Complaints.

Number of pages in order - 11

12

attach online

Thanks "J"

1/4

DOCUMENT NO.

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

November 22, 2002

Mr. Anthony Parks
NW Landing Realty
Post Office Box 33481
Boca Raton, Florida 33481

Re: Anthony Parks vs. Lila A. Jaber, Chairman, et al.
(Docket No. 020639-EI; Supreme Court Case No. SC02-2448)

Dear Mr. Parks:

Enclosed is an index to the above-referenced docket on appeal. Please look the index over and let me know if you have any questions concerning the contents of the record.

It is our understanding that the record is due to be filed with the Court on or before January 24, 2003.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief
Bureau of Records and Hearing Services

KF:mhl

cc: Florida Power & Light Company (Tallahassee)
Florida Power & Light Company (Miami)
Norman Anderson, NW Landing Realty
Christiana Moore, Esquire

I N D E X

Anthony Parks
vs.
Lila A. Jaber, Chairman, et al.

FPSC Docket No. 020639-EI
Supreme Court Case No. SC02-2448

VOLUME 1

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Certificate of Director, Division of the Commission Clerk and Administrative Services 58

STATE OF FLORIDA

COMMISSIONERS:
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RUDOLPH "RUDY" BRADLEY



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BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

December 10, 2002

Anthony Parks
NW Landing Realty
Post Office Box 812283
Boca Raton, Florida 33481

Re: Supreme Court of Florida Case No. SC02-2448 - Anthony Parks vs. Lila A. Jaber,
Chairman, et al. (Docket No. 020639-EI)

Dear Mr. Parks:

I have enclosed an invoice reflecting charges for preparation of the above-referenced record. Please forward a check in the amount indicated, made payable to the Florida Public Service Commission, at your earliest convenience.

Do not hesitate to call if you have any questions concerning this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief
Bureau of Records and Hearing Services

KF:mhl
Enclosure

FLORIDA PUBLIC SERVICE COMMISSION

2540 Shumard Oak Blvd. ♦ Tallahassee, Florida 32399-0850

Date: 12/10/02

9009

To: Anthony Parks
 NW Landing Realty
 Post Office Box 812283
 Boca Raton, Florida 33481

Date Paid _____

Amount Paid _____

Check # _____

Check Cash

PSC Signature _____

↑ ↑
 This number must appear on
 all checks or correspondence
 regarding this invoice.

Please make checks payable to: FLORIDA PUBLIC SERVICE COMMISSION

QUANTITY	DESCRIPTION	PRICE	AMOUNT
58 pages	Copying and preparation of Docket 020639-EI on appeal to Supreme Court of Florida, Case No. SC02-2448	@.05¢ per page	\$2.90
1	Certificate of Director		\$4.00
TOTAL			\$6.90

STATE OF FLORIDA

COMMISSIONERS:
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J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



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ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

FILED
THOMAS D. HALL
JAN 21 2003

January 21, 2003

CLERK, SUPREME COURT
BY _____

Thomas D. Hall, Clerk
Supreme Court of Florida
Supreme Court Building
Tallahassee, Florida 32301

Re: Anthony Parks vs. Lila A. Jaber, Chairman, et al.
(Case No. SC02-2448; Docket No. 020639-EI)

Dear Mr. Hall:

The record in the above-referenced case, consisting of one binder is forwarded for filing in the Court. A copy of the index is enclosed for your use. Please initial and date the copy of this letter to indicate receipt.

Do not hesitate to call me at 413-6744 if you have any questions about the contents of this record.

Sincerely,

Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing Services

RECEIVED-FPSC
03 APR -7 AM 9:38
COMMISSION
CLERK

Enclosure

cc: Anthony Parks, NW Landing Realty
Norman Anderson, NW Landing Realty
Florida Power & Light Company (Tallahassee)
Florida Power & Light Company (Miami)
Christiana T. Moore, Esquire

I N D E X

Anthony Parks
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Certificate of Director, Division of the Commission Clerk and Administrative Services 58

dkf pike

STATE OF FLORIDA

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Public Service Commission

January 21, 2003

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Supreme Court of Florida
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Bureau of Records and Hearing Services

Enclosure

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Norman Anderson, NW Landing Realty
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Public Service Commission

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Kay Flynn, Chief
Bureau of Records and Hearing Services

Enclosure

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Norman Anderson, NW Landing Realty
Florida Power & Light Company (Tallahassee)
Florida Power & Light Company (Miami)
Christiana T. Moore, Esquire

RECEIVED BY

A handwritten signature in blue ink, appearing to read "Thomas D. Hall".

DATE

1/21/03