

ORIGINAL

TOM LEE
President

ALLAN BENSE
Speaker



STATE OF FLORIDA
OFFICE OF PUBLIC COUNSEL



c/o THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
ROOM 812
TALLAHASSEE, FLORIDA 32399-1400
850-488-9330

Harold McLean
Public Counsel

EMAIL: OPC_WEBSITE@LEG.STATE.FL.US
WWW.FLORIDAOPC.GOV

November 30, 2006

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Complaint of Fredrick Smallakoff

060774 - EI

Dear Ms. Bayo,

I am forwarding a letter from Mr. Frederick Smallakoff dated October 30, 2006, and request that you open a formal complaint docket to process his complaint.

A copy of the relevant Consumer Request file is attached for inclusion in the docket file.

Sincerely,

A handwritten signature in black ink, appearing to be "H. McLean", written over a horizontal line.

Harold McLean
Public Counsel

Copy to:
Frederick Smallakoff
(w/o attachment)

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

11091 DEC-1 8

FAXED LETTER (850) 413-6106
Public Service Commission

Mr. Frederick Smallakoff
6651 Coronet Drive
New Port Richey, FL 34655
October 30, 2006

STATE OF FLORIDA
PUBLIC SERVICE COMMISSION
DIV. OF REGULATORY COMPLIANCE
AND CONSUMER ASSISTANCE

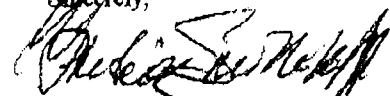
DAN HOPPE-DIRECTOR

Re: Filing of Formal Complaint- Case # 696236E

Considering the multiple, egregious, prejudicial, long standing activities and actions perpetrated against me and my property, by the Florida Power and Light Co., initially, continuously and ongoing and the parallel consistent refusal and failure by the Public Service Commission, Consumer Assistance, at all levels of employee involvement, to properly and sincerely absorb, assess and investigate all actions activities, facts and issues (that had been provided in copious amounts and in scrupulous detail by me) to the degree and extent required and necessary and not without mendacity and antagonism, so as to hold either themselves or the Florida Power and Light Co., culpable, responsible or accountable for all that has transpired and that was stated and done.

I wish this letter to be held as notification that its purpose is to file a Formal Complaint as to this Case # 696236E and as to all relevant and corollary matters, as of this date October 30, 2006.

Sincerely,



Frederick Smallakoff

c: Mr. Harold McLean-Public Counsel
STATE OF FLORIDA
OFFICE of PUBLIC COUNSEL
111 W. Madison St., Room 812
Tallahassee, FL 32399-1400

Request No. 696236E

Name FREDRICK SMALLAKOFF

Business Name

Consumer Information

Name: FREDRICK SMALLAKOFF

Business Name:

Svc Address: 512 RIVERVIEW BLVD

Phone: (727)-372-8844

Can Be Reached:

City/Zip: Daytona Beach / 32118-

Date Transferred to BCO: 05/22/2006

Date Received by BCO: 05/22/2006

Suspense Date: 06/28/2006

Sent to Agenda:

Conf. Agenda Date: / /

Form X Date Sent: / /

Form X Date Due: / /

Form X Received Late:

Review Settlement Deadline: / /

Review Analyst: JOHN PLESCOW

Pre. Conf. Sett. Amount: 0.00

Pre. Conf. Settlement:

Informal Conference Deadline: / /

Informal Conf. Sch.: Conference Analyst:

Date of Informal Conference: / /

Informal Conf. Sett. Amount: 0.00 Informal Conf. Settlement:

Informal Conf. Resolve: Conf. Closed Date: / /

Post Conf. Sett. Amount: 0.00

Post Conf. Settlement:

**Florida Public Service
Commission - Consumer Request
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
850-413-6100**

RECEIVED

JUL 1 2006

Office Of
Public Counsel

Utility Information

Company Code: EI802

Company: FLORIDA POWER & LIGHT COMPANY

Attn. Roseanne Lucas696236E

Preclose Type - Improper Bills

What is the amount of the bill in dispute?

\$300

What is the date of the bill?

7/05, 8/05, 9/05

Why do you believe you have been billed improperly?

Other Comments:

customer states he received high bills for the month of July, August, September of last year, his average billing is \$65 to \$100. He has tried to dispute the billing with FPL and has gotten no where. Customer states they have not allowed his to pay his current billing for the past two month, because it will go towards the billing he is

COPY

Request No. 696236E

Name FREDRICK SMALLAKOFF

Business Name

disputing. He was Warm Transferred to FPL, but states the person was very rude. Customer states the meter was changed mid-September and monitored for 6 days from September 29. After the meter was changed, electrical usage went back to normal and FPL will not adjust his billing (it has been refused at all levels). Customer is due to be disconnected April 30th. Customer does want FPL to allow him to pay his current billing through November to present, and be allowed to dispute the \$300 +/- . **Customer would like a copy of the meter report and the technician's original report for the September's 29th, while the home was monitored for electrical usage.

Per Consumer Complaint Rule 25-22.032, please use the following procedures when responding to PSC complaints.

1. Complaint resolution should be provided to the customer via direct contact with the customer, either verbally or in writing within 15 working days after the complaint has been sent to the company.
2. A response to the PSC is due by 5:00 p.m. Eastern time, of the 15th working days after the complaint has been sent to the company.
3. The response should include the following:
 - a) the cause of the problem
 - b) actions taken to resolve the customer's complaint
 - c) the company's proposed resolution to the complaint
 - d) answers to any questions raised by staff in the complaint
 - e) confirmation the company has made direct contact with the customer
4. Send your written response to the PSC, and copies of all correspondence with the customer to the following e-mail, fax, or physical addresses:
E-Mail - pscreply@psc.state.fl.us
Fax - 850-413-7168
Mail - 2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
Case taken by PDelgado

04/25/06 Customer's call transferred SMcCray 3:52 pm. LKAlford

4/25/06 Received call from Mr. Smallakoff. Customer states he is disputing the following bills:

Jul 2005 - \$193.00

Aug 2005 - \$161.00

Sep 2005 - \$101.00

He is disputing the charges because he feels that FPL was billing him fraudulently. He states he bills are usually around \$65.00. Mr. Smallakoff stated he has not made a payment on the account because he was advised that any amount paid would go to the oldest unpaid amount. Customer states the local post office advised him that FPL requested the mail carrier to remove a letter from his box and return it to him. Asked Mr. Smallakoff to provide the amount he has been billed. He provide the following:

\$101.41 for 9/30/05 thru 10/31/05

\$61.10 for 10/31/05 thru 12/1/05

Request No. 696236E Name FREDRICK SMALLAKOFF Business Name _____

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\$60.05 for 12/1/05 thru 1/4/06
\$63.97 for 1/4/06 thru 2/3/06
\$67.09 for 2/3/06 thru 3/6/06
\$63.17 for 3/6/06 thru 4/4/06
\$416.79 total for 6 months

Mr. Smallakoff advised that his latest bill indicated \$614.03 was due. Discussed his concerns in further details and apologized for any misinformation provided to him previously.

1. Advised customer of the complaint process and stressed the importance that payment be made for the undisputed charges.
2. Advised customer I would contact FPL to advise he would be mailing payment of \$416.79 on 4/26/06 and request that his service not be disconnected for the balance.
3. Also advised that I would request 24-month billing history.
4. Advised that I would re-contact him after speaking with FPL. Shonna McCray

4/25/06 4:28 p.m. Called FPL to determine the balance owed on the account. Per Iris the amount owed on the account is \$614.03. Advised that Mr. Smallakoff would send in payment of \$416.79 to cover service from 9/30/05 thru 4/4/06. Iris stated the company would protect the account for the remaining balance until this matter is resolved. Shonna McCray

4/25/06 4:55 p.m. Called Mr. Smallakoff at 727-372-8849 to advise that FPL will accept the payment of \$416.79 and protect the account for the remaining balance until the matter is resolved. Left message advising of agreement. Shonna McCray

4/25/06 ATTN COMPANY, PLEASE PROVIDE A 24-MONTH ACCOUNT HISTORY WHEN RESPONDING TO THIS COMPLAINT. Shonna McCray

04-26-06 Customer states that FPL attempted to pay fraudulent bills from July, August, and September in 2005. Customer transfer to Pura. PW

4/26/06 customer will pay \$416, would like confirmation from FPL, that he will not be disconnected PDelgado

04/26/06 Customer called and requested to speak to a supervisor. Connected to RRoland. mwlivingston

04/26/06: I spoke with Mr. Smallakoff and advised him of the above notes regarding the agreement to pay \$416. He indicates that he is mailing the payment today and wanted to make sure that the company is aware that they will not get the payment until at least 04/28/06. I placed Mr. Smallakoff and called FPL. I spoke with Iris and confirmed the payment arrangement. The company is aware that he is mailing the payment. RRoland

04/26/06: Reassigned to E. Plendl. RRoland

04/27/2006 FAX TO CO.

COPY

Request No. 696236E Name FREDRICK SMALLAKOFF Business Name _____

- 1) Please provide meter test results and meter test sheet from 2005.
- 2) Please provide account/payment/usage/final notice history for the past 24 months.

A written report is due by May 15, 2006. eplendl

05/15/2006 Report received via e-mail. /EEstelle

05/15/2006 Reviewed report. FPL advised that in the past 24 months, the company issued regular bills based on actual meter readings with the exception of the September 2004 bill, which was estimated due to Hurricane Frances.

On August 22, 2005 Mrs. Smallakoff contacted FPL to express a high bill concern. The customer requested the meter be replaced and tested. An Energy Efficient Expert (EEE) discussed the customer's usage and offered to verify the meter reading. The EEE explained if after the verified meter reading was obtained and she was still not satisfied, the meter could be replaced and tested. The customer agreed.

The meter reading was verified on August 26, 2005 and found to be in line with the previous reading.

On August 31, an EEE made an unsuccessful attempt to contact the customer. A message was left on the customer's answering machine explaining the meter reading was verified and found to be in line with previous reading taken on August 2. The customer was asked to contact FPL for any questions.

On September 2, Mr. Smallakoff spoke with an EEE representative, who explained the verified meter reading. Mr. Smallakoff indicated since he had problems with the government, FPL was surging excess power into his home. He also indicated someone may be stealing his electric. The EEE explained FPL bills in accordance to what the electric meter registers. A High Bill Investigation (HBI) and meter test offer were accepted. An appointment was scheduled for September 9. Mr. Smallakoff stated he travels and was not sure he would be in town. The EEE suggested he contact FPL if he was unable to keep the appointment.

On September 7 Mr. Smallakoff spoke with a EEE and stated they were not going to be home on September 9. He requested the meter be tested and the voltage checked.

Mrs. Munoz, FPL's Power Systems Coordinator, spoke with Mr. Smallakoff on September 9. An order was issued a request to have his voltage checked. The responding Restoration Specialist (RS) investigated the customer's voltage and determined the voltage reading was within standards and no problems were identified. The RS then referred the request to FPL's Power Quality Department to have a Recording Voltage Meter (RVM) set for further investigation.

On September 12 meter 5c59108 was removed for testing and sent to FPL's Meter Test Center. Meter 5c83802 was set.

COPY

Request No. 696236E Name FREDRICK SMALLAKOFF Business Name _____

On September 13 Mrs. Munoz contacted Mr. Smallakoff and explained the voltage was within standards and no problems were identified. She informed the customer a RVM would be installed to further investigate his voltage concern.

On September 14 meter 5c59108 was tested and found to be registering within the allowable tolerance set forth in the F.A.C.. The results were as follows: Full load = 100.09%; Light Load = 100.05%; Weighted Average = 100.09%. A message was left on the customer's answering machine and a letter was also sent informing him of the results.

A RVM was set at the customer's residence by FPL's Power Quality Department on September 15 and removed on September 20. Power Quality reviewed the voltage and determined it was within standard and no problems were found. On September 22, 2006, FPL's Power Quality Representative spoke with the customer and provided the results of the RVM.

On October 12, 2005 Mr. Smallakoff contacted FPL regarding the meter test and RVM. At the customer's request a two year billing audit was sent, as well as a letter which discussed voltage investigation performed at his residence, a diagram showing how to read the meter and an address of where to mail his complaint.

From October 2005 through March 2006 , Mr. Smallakoff contacted FPL regarding his high bill concerns several times. The meter test and voltage results were discussed. Payment arrangements were offered and declined. Each month the account was properly billed and final notices were issued when payment was not received by the regular past due date.

On March 6, 2006 a regular bill was issued for \$550.86, which included new charges of \$67.09 and a previous balance of \$483.77 with a due date of March 27 for the new charges.

Due to a slow payment record, on March 13 a bill was issued for an additional deposit in the amount of \$194.00 requesting payment by April 12. This amount brought the account's total deposit to \$194.00, which represented two months' average billing for this customer. Previously, there was no deposit on record.

On March 22 Mr. Smallakoff made an attempt to reach the EEE Representative regarding the billing of the additional deposit and left a voice message . The EEE re-contacted the customer and explained as a resulting of his continuing high bill dispute, the additional deposit of \$194.00 would be waived ,as a customer courtesy. The EEE also entered an extension which protected the unpaid past due balance of \$483.77 to April 26.

A regular bill was issued on April 4 in the amount of \$614.03, which included \$63.17 for electric service used from March 6 to April 4, and a past due balance of \$550.86 with a due date of April 25 for the new charges.

Mr. Smallakoff contacted the FPSC on April 24, and his call was warm transferred to FPL's Corporate Offices for resolution. Corporate Complaint Resolution Specialist, Mr. Spence attempted to address the customer's concerns, discussing the customer's usage, prior readings of the meter and the meter test and the results of the RVM. In an effort to assist the customer, Mr. Spence offered a HBI and also offered to test the new meter for accuracy.

In addition, payment arrangements were offered, but declined by the customer. Mr. Smallakoff requested FPL to adjust the

COPY

Request No. 696236E Name FREDRICK SMALLAKOFF Business Name _____

August through October 2005 service bills. The customer further stated the offer of anything else was of no use to him. That same day Mr. Smallakoff re-contacted the FPSC and logged a complaint #696236E was received. Upon receipt of the logged complaint, Mr. Spence made an unsuccessful attempt to reach Mr. Smallakoff.

On May 1 three payments totaling \$231.67 were received, which reduced the account balance to \$382.36.

Mr. Spence made another attempt to contacted the customer on May 2, and there was no answer.

A regular bill was issued on May 3 in the amount of \$469.62, which included \$81.52 for service to May 3, a past due balance of \$382.36 and a late payment charge of \$5.74 with a due date of May 24 for the new charges. (A financial audit of the customer's account is attached.) On May 3 a \$185.12 payment was received. The balance on the account is \$284.50.

To date, there has been no response from the customer. On May 11 a letter was sent to the customer via overnight delivery and regular USPS mail requesting him to contact FPL. eplendl

05/19/06 4:20 pm Customer called and asked to speak with RRoland - call transfered RRoland. LKAlford

05/19/06: Mr. Smallakof diagreees with the resolution. Advised that his case will be forwarded for further review. RRoland

05/22/06: Delivered case file to Process Review. RRoland

* * * * * PROCESS REVIEW TEAM STATUS * * * * *

May 22, 2006: We received an e-mail at approximately 8:12 a. m. indicating that this case had been assigned to the Process Review Team. The case is open. Copy of the e-mail has been placed in the case file. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

May 22, 2006: FAXED TO THE COMPANY: THE CUSTOMER'S CASE HAS BEEN REASSIGNED TO THE PROCESS REVIEW TEAM. PLEASE DO NOT TAKE COLLECTION ACTION ON THE CUSTOMER'S ACCOUNT FOR ANY DISPUTED AMOUNT, IF APPLICABLE, REGARDING THE CASE, PENDING THE OUTCOME OF THE PROCESS REVIEW. A member of the PSC's Process Review Group will be following up with the company regarding this case. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

The above message was faxed to the company at approximately 9:06 a.m. Copy of the fax log report has been placed in the case file. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

The assigned Regulatory Consultant in charge of reviewing this case is John Plescow. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

COPY

Request No. 696236E Name FREDRICK SMALLAKOFF Business Name _____

May 22, 2006: At approximately 9:24 a.m. an updated copy of the case was e-mailed from my computer to the company.
Carmen Peña - Supervisor Process Review Group (BCR/RCA)

05-31-2006 - I received the following e-mail from Rhonda Hicks:
Please call this customer and note the conversation in CATS.

Thanks,
Rhonda L. Hicks
(850) 413-6449

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

From: Randy Roland
Sent: Wednesday, May 31, 2006 1:38 PM
To: Rhonda Hicks
Subject: Smalladoff/696236

Mr. Smallakoff is requesting a call back. The case is in Process Review. Could someone in Process Review call him?
/JPlescow

05-31-2006 - I returned the customer's call, but he was not available. I left a message, on his answering machine, requesting he return my call./JPlescow

06-02-2006 - Ms. Hicks my Bureau Chief requested I call the customer. I was told that the customer had additional information or documentation that he wanted to provide.

I called the customer, and I requested to know what additional information he wanted to provide.

The customer responded by attacking Ms. Hicks and Mr. Roland. He said that they were part of a conspiracy to cover up the injustices that had been done to him by FPL. He also said that he had offered to provide additional documentation, but no one had asked him to provide it. Therefore, I requested he provide any and all documentation that he believed was relevant.

The customer remained combative. I explained that he should provide the documentation within 15 working days, for it to be included in my review. The customer again said he should have been asked for the documentation earlier, but he then said he could not be rushed.

Note, the acknowledgment letter that informs customers that their complaint has been escalated to the PRG states the

COPY

Request No. 696236E Name FREDRICK SMALLAKOFF Business Name _____

time limit for the customer to respond with requested information.

The customer also requested a copy of the report that the PSC's close out letter was based on. It is unclear if the customer meant FPL's response, or he wanted a copy of the entire case file.

The customer remained abusive, combative, and vague. He would not provide any additional information, and he kept verbally attacking staff. Therefore, I terminated the call./JPlescow

06-02-2006 - A 15 day letter will be mailed to the customer./JPlescow

TH

06-02-2006 - After, further discussion with my Ms. Hicks. The customer will be sent a copy of FPL's report, a copy of When to Call the PSC, and a copy of Inside the PSC, with the 15 day letter./JPlescow

June 5, 2006: The following 15 day letter has been forwarded to the customer:

This is in regards to the telephone conversation we had Friday, June 2, 2006. As we discussed, you will provide additional documentation to support your complaint.

As stated by Ms. Carmen Peña, Regulatory Program Administrator, on her letter of May 22, 2006, additional information or documentation must be provided within 15 calendar days from the date of request. Please, forward your documentation no later than June 23, 2006. Failure to respond to our request within this time, may result on your complaint being closed without resolution.

Sincerely,

John Plescow

A copy of Ms. Peña's letter was attached. Copy of the two letters was placed in the case file. MValdez

COPY

6/6/06 Received the following update from Dan Hoppe. Added his notes to the file. rhicks

====

06/05/06

I called Mr. Smallakoff at 4:02 this afternoon. This was the second conversation I have had with him. On Friday, June 2nd, I talked with him for approximately one hour. At that time, Mr. Smallakoff had concerns about Randy Roland/Rhonda Hicks handling of the case and the complaint process in general. I advised Mr. Smallakoff to work with John Plescow on his complaint and contact Steve Stolting with his concerns about the complaint process.

Request No. 696236E

Name FREDRICK SMALLAKOFF

Business Name _____

Mr. Smallakoff now has concerns about John Plescow/Rhonda Hicks handling his complaint. I again advised him to provide John Plescow with any documentation regarding his allegations about FPL. After 45 minutes of redundant conversation, dealing with his allegations about FPL and the Randy Roland/John Plescow/Rhonda Hicks handling of his case, I told him I could not help him any further and that he needed to talk with Steve Stolting about his concerns with the complaint process. He indicated I was a public servant and I should listen to him for four hours if I had to. I told him we were finished with the conversation. He asked for my supervisor, I advised him to talk with Steve Stolting and I terminated the call at approximately 4:50 pm.

=====

June 19, 2006: I began my review of this file. It appears to be a high bill complaint, which has been thoroughly investigated by FPL and the PSC. A recording volt meter was placed on the customer's service with no negative results found. The customer indicated that he felt FPL was forcing electric through his meter because the government was angry with him. I sent a letter to the customer explaining that I was no reviewing his file and asking for any additional documentation he may have for me to look at. Kate

June 21, 2006: I received two letters back from the post office as "unable to forward. No forwarding address." The first letter is the May 22, 2006, letter from Carmen Peña advising the customer John Plescow was assigned to review his case. The second letter is from John Plescow asking for additional information. It is dated June 5, 2006.

We obtained the mailing address from FPL. The above letter were sent to the address provided by the customer, which is the service address. I will resend my letter to the mailing address. Kate

June 23, 2006: Mr. Sid Matlock, who reviewed the RVM graphs provided by FPL, advised me that they appear to show the voltage being received at the customer's residence is within acceptable tolerances. Kate

July 5, 2006: The green card belonging to the certified correspondence mailed to the consumer was received at the PSC on June 30, 2006. Mr. Smallakoff signed the receipt of the letter on June 27, 2006. The green card has been placed in the case file. MValdez

July 12, 2006: I spoke with Mr. Smallakoff about his case. He still has major concerns about the manner in which PSC staff handled his case and the manner in which they spoke with him. He wants to continue with this concern with Steve Stolting.

Mr. Smallakoff again expressed concern that he was being rushed and compelled to send in his documentation without being allowed enough time to prepare it properly in a concise and professional manner. I asked him how much did he think he would need. He was unable to provide a specific time frame, explaining that he was a senior citizen in very poor health.

Mr. Smallakoff described the essence of his complaint to me. It appears that for some time, he was not receiving

Request No. 696236E Name FREDRICK SMALLAKOFF Business Name _____

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regular monthly bills, but he was receiving his final notices. FPL told him it was a problem with the post office. He indicated that he believes it is a trick to harass him and to abuse him by FPL. He reviewed his case file that I sent to him and took exception with many of the statements in FPL's reports, especially that he thought the government was after him and FPL was forcing power through his meter because the government was after him. He is going to address his thoughts about FPL's reports in the documentation. Since this is new information for him, he will need more time to prepare his rebuttal. I again asked him for a specific time frame. He could not be sure.

The customer asked me about where my position is in the hierarchy of the PSC. When I explained I was a co-worker of John Plescow and that Rhonda Hicks is my bureau chief, he became somewhat upset. He explained that he asked Steve Stolting not to hand off his complaint to anyone in Ms. Hicks' bureau. I explained that Mr. Stolting may have wanted a fresh set of eyes to look over the complaint and to arrange an informal conference for him. I explained the informal conference process. Mr. Smallakoff was not in favor of a phone conference because he indicated he would not be able to express his concerns properly. He wants to submit his rebuttal in writing. I told him it might be possible to have an in-person conference depending on our budget constraints. I told him I could check on this, but I could not promise. He was also uncomfortable about being a room with antagonistic, combative people. He said he wants his case removed from the Process Review Group. He wants a full hearing. He made a point of telling me it was not any disrespect to me, but he wanted someone other than in Ms. Hicks' group to work on it and to review it properly. He does not seem to believe that staff properly considered his side and only took FPL's word for everything.

I told him those were the only 2 ways to have an informal conference. However, if he wants to submit his case in writing, it may be possible for him to have a formal complaint. He would have to withdraw his informal complaint and then submit his request for a formal complaint through our Clerk's office. He said he would get his paperwork ready and recontact me once he is prepared. I emphasized quiet strongly that we could protect his account for the \$300 in dispute, but he must be sure to pay all other fees and charges or his service could be interrupted. He said he understood and would comply.

Mr. Smallakoff was very complimentary about his conversation with Steve Stolting. He is awaiting a return call from Mr. Stolting and asked that I send a email to remind Mr. Stolting to call him. I did so. We went on to discuss his options. He wanted to know who was his advocate at the PSC. Was it me? I told him that I was neutral and could not be on his or FPL's side. I then told him about the Office of the Public Counsel and provided him the number and Mr. McLean's. He said no one told him about this and thanked me for the information. He was very kind in his appreciation of my efforts.

I explained that I just sent him a letter asking him to provide his documentation by July 20, 2006. However, since we had this conversation and he expressed a need for more time to answer all the new allegations presented in his case file, we agreed that he could have more time. I will not hold him to the July 20 deadline. He will work actively on his documentation and recontact me when it is completed. I will check back with him in the first part of August to check on his progress. I offered him August 23 as a date for the informal conference, if he decided he wants to proceed that way, but he did not think he'd have enough time to prepare. He asked that I send him another letter stating that his case is on hold until such time as the documentation is ready. I will discuss this with my bureau

Request No. 696236E Name FREDRICK SMALLAKOFF Business Name _____

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chief. Kate

July 18, 2006; Mr. Smallakoff called to see if I had sent him a letter about the deadline for his documentation. I told him I discussed the matter with my supervisor. The letter was mailed yesterday, 7/17/06. He thanked me. He indicated that he is now receiving his bills and there appears to be no further problems with FPL or the post office.
Kate

July 20, 2006: Mr. Smallakoff called. He received my letter extending his deadline to August 20, 2006. He did not approve or agree with this deadline. It is still not enough time for him to get his documentation together. He asked why I had discussed the extension with my supervisor. I explained that she would have to approve the letter. He said Ms. Hicks did not allow me to give him an indefinite extension because she is antagonistic to him and he made many disparaging remarks about her and her ability as a supervisor. He said she should not be handling his case because he intends to file a complaint against. In fact, he has already contacted Steve Stolting about her.

Mr. Smallakoff intends to pursue his complaints against Mr. Roland, Mr. Plescow, Ms. Hicks and Mr. Hoppe. He asked that I "memorialize" his intentions on the records.

I explained that I do not investigate personnel issues and they cannot be addressed in the informal conference process. He insisted they are an integral part of the complaint he intends to file. He believes that staff is purposely punishing and harassing him by denying his requests for more time. I explained that we have a time constraint in handling complaints. I used the example of a court filing and the deadlines in the court system. He understood, but felt he was being handicapped and punished because we asked for the documentation pertaining to his case by August 20, 2006. I told him we did not need anything related to FPL employee issues or PSC personnel. I cannot address them, but he continued to insist that they were very important to his complaint.

Mr. Smallakoff then reminded me about his complaint against FPL. He now receiving his bills regularly, but still believes that the company purposely did not send his bills. He did receive final notices. He believes that the suggestion to contact his post office was rude and inconsiderate. He alleged the company agents yelled and screamed at him.

I asked Mr. Smallakoff how much time he needed. He said two months. I checked the calendar. He wants until October 23, 2006, 5:00 p.m. to have his documentation ready. I told him I would have to discuss this with Ms. Hicks. He again stated that he wanted his case taken out of her control. I explained that the only way for this to happen is for him to file a formal complaint. He asked me to call him on Monday or Tuesday, July 24, or July 25, with the instructions on filing a formal complaint and with the answer to whether or not Ms. Hicks will approve another extension. He asked the I send him another letter. I told him I would speak with Ms. Hicks. The customer asked me to memorialize that if Ms. Hicks denies the extension, he will file a complaint against her. He has more than enough documentation to prove his case. He thanked me and ended the call.

I discussed this with Ms. Hicks. She advised me that the deadline stands at August 20, 2006. Kate

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Request No. 696236E

Name FREDRICK SMALLAKOFF

Business Name

July 26, 2006: I called Mr. Smallakoff and explained that his request to extend his time for preparing his documentation to October 23, 2006, has been denied by Bureau Chief, Rhonda Hicks. He became upset and went over his case again. He alleged discrimination, prejudice, and impuned Ms. Hick's ability to do her job properly. He demanded that I immediately take his case out of her control. I tried to explain again that the only way to remove his complaint from the complaint process is to request a formal complaint or contact the Office of Public Counsel. He stated these were not options, rather they were just games I was playing with him. He quoted me from a former conversation, but it seems that he did not provide a direct quote and added his own interpretation. He went on for 30 minutes telling me how unfair the commission is to him and that we are punishing him. I tried to remind him that I cannot handle personnel issues. He would not accept that. He said the personnel issues are an integrel part of his complaint. He alleged fraud by FPL was being upheld and assisted by the commission action. Mr. Smallakoff told me he wanted me immediately to talk to Chuck Hill about his case and removing Rhonda Hicks from control over him. I listened but did not comment. I explained the organizational structure of our bureau. He became even more irate and disparaging about the PSC. He wants me to send him a written document stating what Rhonda Hicks responsibilty is as far as investigating complaint. I told him the PSC's authority comes from Florida Statute 364. He wants Ms. Hicks' responsibility. I discussed this phone call with my supervisor and sent her an email asking for direction. Kate

July 26, 2006: The e-mail forwarded by Kate Smith containing the consumer's request has been forwarded to Bureau Chief Rhonda Hicks at approximately 10:02 a.m. Copy of the e-mail has been placed in the case file. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

August 1, 2006: I received a call from Mr. Jenkins, Office of the Public Counsel. He asked for a copy of Mr. Smallakoff's file. We discussed the case briefly. I told Mr. Jenkins I would have the copy ready asap. He will pick it up on August 2nd. I notified my supervisor of the request. Kate

August 1, 2006: A case update letter was mailed to the customer. We are sustaining the August 21, 2006, deadline for him to file additional documentation. Kate

August 7, 2006: Mr. Mike Jenkins, Office of Public Counsel, left me a voice message. He requested that the PSC grant Mr. Smallakoff until October 31, 2006, to get his documentation together. Mr. Jenkins did not provide a justification for the extension. I referred the request to my supervisor. Kate

August 8, 2006: After discussing the request with my supervisor and Ms. Hicks, I called Mike Jenkins at the Office of Public Counsel back. We are denying Mr. Smallakoff's request for an extension to October 31, 2006. I advised Mr. Jenkins that we do not need the documentation in any specific format. The customer may just make copies and put it in an envelop and mail it to us. We will review it. If we do not receive it by August 21, 2006, we will proceed with the information we have and the case will be closed. Kate

August 8, 2006: continuing...Mr. Jenkins said he understood, thanked me for the information, and said he would notify Mr. Smallakoff. Kate

COPY

Request No. 696236E Name FREDRICK SMALLAKOFF Business Name _____

August 17, 2006: A letter was forwarded to the consumer via certified and regular mail granting him an extension to provide the documentation by October 31, 2006. Copy of the letter has been placed in the case file. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

August 21, 2006: The following certified letters forwarded to the consumer were returned to the PSC undelivered by the post office:

(1) Letter dated July 10, 2006: This letter grants the consumer until July 20, 2006 to submit to the PSC the additional documentation requested to review his case.

(2) Letter dated July 17, 2006: This letter grants the consumer until August 21, 2006 to submit to the PSC the additional documentation requested to review his case.

The returned documents have been placed in the case file. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

August 24, 2006: I received the certified copy of the June 19, 2006, letter and case file I sent to Mr. Smallakoff. The post office returned it as "unclaimed." Kate

August 30, 2006: Mr. Smallakoff left me a voice message. It appears he received a final notice for the disputed amount. He demanded that I call him back and straighten out this ploy by FPL to harass him.

I called FPL and spoke with Ms. Lucas. She advised me that the notice was a computer generated notice as the customer had a past due amount of \$197.24 and defaulted payment arrangements. Based on our conversation, it appears that Mr. Smallakoff paid the \$300 he placed in dispute. He is in no danger of disconnection.

I called Mr. Smallakoff and explained the above including the fact that the notices are computer generated and cannot be intercepted or manually generated. He still said he believes it is FPL's way of harassment. He thanked me for my help and for contacting FPL. He indicated he believed the company would have cut his service if I had not called. Kate

September 12, 2006: Mr. Smallakoff left me a voice message asking for a return call. I called him back at 10:38 a.m. I left a message explaining I was working with another consumer when he called and asking for a return call. Kate

September 12, 2006: Mr. Smallakoff returned my phone call. It appears that he has received a request for an additional deposit. He would like this removed as it is based on the ongoing dispute. Also, he said he has received a bill which does not show the billing period. He indicated he believed this to be another form of harassment by the company. He asked that I immediately address this pressing concern. I asked him to fax me a copy of the bill and provided my fax number. I asked him whether it was a bill or a final notice. He indicated it was a bill and agreed to fax me a copy. Mr. Smallakoff advised me the amount of the bill is \$128.19, a little high but not out of control.

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Request No. 696236E Name FREDRICK SMALLAKOFF Business Name _____

I told the customer I would be glad to review this bill as soon as I receive a copy. I will also discuss the additional deposit issue with FPL. The customer then asked me to send him a letter concerning the status of his complaint and my investigation thus far. I told him I would do so. He thanked me for my help and we ended the call. I then called Ms. Lucas at FPL to discuss the deposit. She was not available so I left a voice message outlining my question and asking for a return call. Kate

September 13, 2006: Ms. Lucas returned my call. FPL will waive the \$187 additional deposit request. The balance on the account at this time is \$325.43. That includes the \$300 disputed amount. The customer is not in danger of disconnection. Ms. Lucas requested an update copy of the CATS form as well as copies of letters we sent to the customer. They will be mailed today. Kate

September 13, 2006: A follow-up letter has been forwarded to the consumer via certified and regular mail. It addresses the consumer's latest concern about an additional deposit placed on his account. The PRG is still awaiting the receipt of the documentation the consumer promised to send to the PSC. Copy of the letter has been mailed with the requested documentation to the company and a copy has been placed in the case file. Carmen Peña - Supervisor Process Review Group (BCR/RCA).

September 13, 2006: I spoke with Mr. Smallakoff to confirm his mailing address. We are receiving all the certified letters back from the post office as "unclaimed." Mr. Smallakoff confirmed that it is best to send all letters to the 6651 Coronet Drive address. He said he does not trust the post office so he does not pick up the certified letters. Therefore, it is a waste of money to send them.

We then discussed the letter I am sending him. I explained that I addressed the additional deposit, the status of the investigation, and the current balance on his account. Although he has not yet received it, the customer indicated his displeasure with the letter saying it wasn't worth anything. He would like me to send a letter stating all his complaints and the manner in which he believes he is being harassed by FPL. He indicated that he felt this was vital to his case. He would like an updated copy of his CATS file so he can review it and make any corrections needed to it.

We discussed his complaint again. He wanted to be sure I noted his concerns about not receiving bills and especially not receiving bills that indicated the period for which he was being billed or the amount of the bill. He pointed out that this was pure harassment. I reminded him that the bills are done automatically, but he appears to believe that FPL can go into the billing program and manually manipulate his bill. I told Mr. Smallakoff that I put notes on his case file every time he calls. Mr. Smallakoff mentioned a few times that he receives his final notices with one or two days to pay before the cut date. When he contacted FPL about not receiving bills, he was told to contact his local post office. The customer took exception to this and expressed his belief that he should not have to call every post office in his area to find out where his bills are going.

Then Mr. Smallakoff advised me of his belief that FPL has no trepidation about continuing its harassment of him even

Request No. 696236E Name FREDRICK SMALLAKOFF Business Name _____

PAGE NO: 14

COPY

after the PSC got involved. We then discussed keeping his bill current. I explained that his account was protected for the \$300 he originally disputed. I advised to pay all current charges. He said he understood and was keeping his bill up to date.

I explained that FPL removed its request for an additional deposit of \$187. He thanked me for that and for the assurance that, at this time, his account was in no danger of interruption. He asked about an assurance that it would never be interrupted. I reminded him of the above information re: keeping his bill current. He thanked me and we ended the call. Kate

September 12, 2006: We received the certified copies of my August 1 and August 17, 2006, update letters back from the post office as unclaimed. Kate

October 2, 2006; I spoke with Mr. Smallakoff. He advised me that he received a final notice on Saturday, September 30. It expired on the same day. The amount was \$69.05. He said he never received a bill for this amount. When he called FPL, he spoke with a representative named Willard Norton. Mr. Smallakoff said his experience with Mr. Norton was not pleasant as he used baiting tactics and was rude and disrespectful.

It appears that on his first review, Mr. Norton did not see a payment made by Mr. Smallakoff. Mr. Norton advised the customer that he owed \$128.19. Mr. Smallakoff pointed out that he paid that amount on September 22, 2006. When he checked a second time, Mr. Norton found the payment but alleged it had been received 10 days later than Mr. Smallakoff said he paid it. The customer indicated that he feels this is an example of how FPL is systematically increasing its harassment of him.

Mr. Smallakoff requested that I contact FPL to ask the company to send him a duplicate bill for the \$69.05. He said he never received this bill. He pointed out that the company is able to send final notices, but doesn't seem able to reach him with his bills. I told the customer I would call FPL, but the bill may not look exactly the same as an original bill. Mr. Smallakoff said that was okay as long as the bill had his account number and the dates of service from and to for which he was being billed. He will fax me a copy of the final notice he received. He emphasized that he wanted his file noted with this call and thanked me for my assistance.

I called FPL and spoke with Ceil. She took the information and will send a duplicate bill. Kate

October 2, 2006: Mr. Smallakoff called again. He said he spoke with Ralph Nesbitt who could not explain the \$69.05 bill. In addition, Mr. Nesbitt told the customer that all his payments were being applied to the \$324 which is in dispute. Mr. Smallakoff took exception to this as he does not want to pay the disputed amount. This is why he puts the service period on all his checks. He wants FPL to apply his payments to the proper period and stop paying on the disputed amount. He requested a copy of the notations that I place on his file. Kate

October 2, 2006; Received faxed copy of final notice mentioned above. It clearly notes that the \$69.05, which Mr. Smallakoff was questioning, is a payment arrangement he made previously with the company. Kate

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Request No. 696236E Name FREDRICK SMALLAKOFF Business Name _____

October 9, 2006: As of this date RCA has not received the documentation the consumer promised to send to the PSC. He has until October 31, 2006 to submit it. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

October 10, 2006: Received supplemental report #1 from FPL. It consists of a billing and payment history, a copy of a letter sent to the customer confirming his earlier conversation with Mr. Nesbitt of FPL, and a memo of explanation from FPL. Placed in the file. Kate

October 13, 2006: Mr. Smallakoff left me a voice message. I returned his call at 2:05 p.m. I ended our conversation, after he repeated himself numerous times and the conversation began to be accusational and unproductive, at 2:55.

Mr. Smallakoff expressed dissatisfaction with the letter he received from Ralph Nesbitt of FPL. Mr. Smallakoff called the letter worthless, nonsensical and an obfuscation. He seemed to feel it was an intentional continuation of the alleged harassment he is undergoing from FPL. Mr. Smallakoff stated that someone at the PSC "is cozy with FPL" so that the company feels no trepidation and is continuing to harass him by sending final notices and applying him payments to the \$300 which he placed in dispute.

Mr. Smallakoff said he did not understand what the letter from Mr. Nesbitt meant. It states, paraphrasing, that if the customer wants his bills to show a past-due balance of \$300, Mr. Smallakoff should only pay the difference between what his bill shows and the \$300. I explained that his final notice was for \$197. His current charges are \$114. He should add these to amounts together, they total \$311. By subtracting the disputed amount of \$300, Mr. Smallakoff would arrive at a difference of \$11. To have the next bill show a \$300 past-due amount, Mr. Smallakoff would pay \$11. The customer asked me if he should pay the full \$114. I said, "I always counsel all my customer to pay their bills in full and to keep their accounts current." The customer took great exception to his, saying he did not need to be counseled and I was harassing him. I explained that is the same statement I use with all my customers. I was not treating any different than I would any other customer. I was sorry he took offense.

The customer again asked me to send him a letter stating that FPL is harassing him and causing him anguish by its actions. I have been instructed by my bureau chief and my supervisor that I cannot send such a letter. I told Mr. Smallakoff that once I receive all his documentation at the end of this month, I will continue the investigation and send him a final letter. He was unhappy with that and expressed a desire that I should investigate each of his allegations as a new and separate complaint. I told him if he wants to have each of his telephone calls treated as new complaint, he would need to file them in our call center. Otherwise, I will address all his concerns in my final report to management. He was not satisfied with that.

Mr. Smallakoff would like an explanation of the \$69.05 which was identified as a payment plan on the final notice. He stated he never had a payment plan and always pays his bills in full and one time. He also would like an explanation of where his payment of \$185.12 was applied. And, he would like to know how his \$300, which is being protected, got reduced to \$197. I told the customer I would look into these 3 issues for him and call him back next week.

COPY

Request No. 696236E

Name FREDRICK SMALLAKOFF

Business Name _____

The customer began repeating all the issues and accusing me of not properly handling his case. I again explained that once I receive his documentation by the end of this month, I would review everything. He became condescending and began ordering me to do a better job and review everything he said on each call at the time he called. I told the customer we had gone over enough territory on this call, reminded him that I would look into the issues he brought up, thanked him for calling, wished him a pleasant day, and ended the call. I reported the call to my supervisor. Kate

October 13, 2006: I sent the following email to FPL. Kate

Ms. Lucas, the customer called today and had some concerns. Please look into these 3 things and send me a report by October 20, 2006. Thank you.

Mr. Smallakoff would like an explanation of the \$69.05 which was identified as a payment plan on the final notice. He stated he never had a payment plan and always pays his bills in full and one time. He also would like an explanation of where his payment of \$185.12 was applied. And, he would like to know how his \$300, which is being protected, got reduced to \$197. I, too, was wondering...if \$300 is protected, how did it drop to \$197? Did the customer overpay or were there credits applied? Thank you.

Katherine (Kate) E. Smith
Regulatory Consultant
ksmith@psc.state.fl.us
850-413-6105 voice
850-413-6106 fax

October 30, 2006: Copy of CATS file provided to OPC, Mike Jenkins. Kate

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Request No. 696236E Name FREDRICK SMALLAKOFF Business Name _____

PAGE NO: 17