

T E R E N C E K. W O L F E

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December 1, 2008

Ms. Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

RECEIVED-FPSC
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COMMISSION
CLERK

Re: Terence K. Wolfe V. Tampa Electric Company (TECO): Improper Billing and Termination of Electrical Service in Violation of Commission Rules, Docket No. 080435-EI

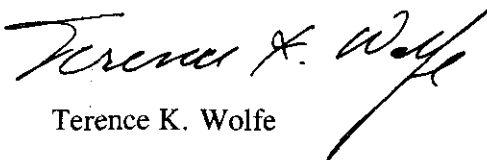
Dear Ms. Cole:

I observe that TECO has changed its position, and wishes now to rely on a different section of the Florida Statutes, to wit, § 366.03, as its response to the request of staff that TECO "cite a specific Florida Statute or Commission Rule that Tampa Electric Company believes obligates Mr. Wolfe to be responsible for payment of the electrical service he received for the months in question."

TECO is aware that the section creates no such obligation. The section refers to the "General duties of [a] public utility," and imposes no obligation upon a private citizen of any sort whatever. What the section *does* do is to render unlawful TECO's behavior to date as it has made plain on the record, both in its alleged provision of electricity without having a responsible billing party on an account, and its termination without notice of electrical service to a residential customer while a dispute of TECO's practices was pending before the Commission. In TECO's own words, the words of the statute, this latter behavior is quite clearly an act of subjecting a customer to an "undue or unreasonable prejudice or disadvantage in any respect."

I would note that Florida Statutes § 366.095 gives the Commission the authority to impose fines for each of these violations to which TECO has all but confessed, up to \$5,000. I would suggest that staff issue a recommendation to the Commission that it fine TECO a total of \$10,000 for its conduct which is the subject of this proceeding.

Sincerely,



Terence K. Wolfe

cc: Keino Young, FPSC Senior Attorney
J. Beasley

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