

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

EDWARD MCDONALD,)
)
 Petitioner,)
)
 v.)
)
 TAMPA ELECTRIC COMPANY,)
)
 Respondent.)

DOCKET NO. 110305-EI

RECEIVED-FPSC
12 JAN 24 AM 10:41
COMMISSION
CLERK

PETITIONER'S RESPONSE TO PSC STAFF RECOMMENDATIONS

Petitioner, Edward McDonald, exercises his right as a person whose substantial interests are affected, to appear before the commission by submitting the following proffer, To Wit; the following:

In its discussion of issues, FPSC staff "did not consider the arguments raised in his (Petitioner McDonald's) reply" citing PSC Order No.03-0525-FOF-TP. The aforesaid case should not be invoked to defeat a consumer's right to a fair Hearing. The application of this case, as interpreted by PSC staff denies the petitioner the benefit of Federal Law; namely, THE FAIR CREDIT REPORTING ACT, FAIR DEBT COLLECTION PRACTICES ACT, CREDIT CARD BILLING ACT ET.AL. AND OTHER FEDERAL STATUTES RELATING TO DEBT COLLECTION.

COM THERE IS NO CASE LAW TO SUPPORT A FLORIDA ADMINISTRATIVE RULE THAT
APA TRUMPS THE CLEAR INTENT OF A FEDERAL STATUTE. (Emphasis)
ECR
GCL 3 The staff's conclusions are not supported by the record. The facts
RAD reveal:
SRC
ADM (1) Teco cannot collect the \$915.94 from a bill dated July 2004 because
OPC it violates Florida's Statute of Limitations. To assert that a publicly
CLK regulated utility is not subject to the provisions of Chapter 95.11 F.S.
is utterly without merit. Note staff response below.

Mr. Edward McDonald
1006767E
October 3, 2011
Page 3 of 10

STATUTE OF LIMITATIONS

In item 3 of your correspondence dated August 5, 2011, you stated that: "TECO is barred from pursuing collection of a bill dated June/July 2004 by Florida's Statute of Limitations." Your concerns regarding this issue fall under the authority of The Florida Consumer Collection Practices Act (FCCPA), Title XXXIII, Chapter 559, Part VI, Florida Statutes (F.S.). Please understand that the FPSC has no authority to investigate FCCPA matters. Furthermore, there is no FPSC rule or guideline that restricts or limits the length of time a utility can pursue debt collection for prior indebtedness. Complaints regarding FCCPA violations should be directed to the Florida Office of Financial Regulation, 200 E. Gaines Street, Tallahassee, FL 32399-0376, telephone number (850) 410-9805, fax number (850) 410-9300. You may also file a complaint on that agency's website (www.flofr.com). The FPSC will be unable to further assist you in this

DOCUMENT NUMBER

00468

FPSC-COMMISSIONER CLERK

(2) The record shows the \$915.94 was transferred to petitioner's home address and PAID. TECO refuses to provide copies of the billings actually mailed to both addresses (that will clearly show the transfer). The summary relied on by PSC staff is insufficient to support TECO'S claim of two separate accounts AT THE SAME ADDRESS BY THE SAME CONSUMER!


(3) The record shows TECO received \$3,500.00 from the petitioner. It was posted and credited to his account. THERE IS ABSOLUTELY NO RECORD OF THE BANK "RECALLING" PAYMENTS. INDEED, THERE IS NO COMMUNICATION FROM BANK OF AMERICA AT ALL! THE RECORD SHOWS IT WAS TECO'S DECISION TO RETURN THE MONEY BASED ON A VERBAL COMMUNICATION VIA TELEPHONE FROM AN ALLEGED GUARDIAN. THE CLAIM OF GUARDIANSHIP WAS A FRAUD AND TAMPA ELECTRIC DID NOT EXERCISE DUE DILIGENCE BY ASKING THE "GUARDIAN" TO PROVIDE LEGAL DOCUMENTS CONFIRMING HER AUTHORITY. PETITIONER HAS REPEATEDLY FURNISHED TECO WITH CERTIFIED DOCUMENTS VERIFYING HIS AUTHORITY TO ACCESS FUNDS USED FOR PAYMENT.

SUMMARY

PSC STAFF AND TAMPA ELECTRIC COMPANY PARROT THE SAME ARGUMENT. SINCE PETITIONER'S REPLY STANDS UNREBUTTED, HIS PRAYER FOR RELIEF SHOULD BE GRANTED AS A MATTER OF LAW.

CERTIFICATE OF SERVICE

A copy hereof was furnished this 20th day of January 2012 via U.S. Mail to James D. Beasely, P.O. Box 391, Tallahassee, FL 32301 and General Counsel and Office of Public Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.


 Edward McDonald
 7203 N. 41st St.
 Tampa, FL 33604-2425
 (813) 374-3837

DOCUMENT NUMBER-DATE

00468 JAN 24 2012

FPSC-COMMISSION CLERK

EDWARD MCDONALD,)
)
Petitioner,)
)
v.)
)
TAMPA ELECTRIC COMPANY,)
)
Respondent.)

DOCKET NO. 110305-EI

FILED:

PETITIONER'S REPLY TO RESPONDENT'S ANSWER

1. Tampa Electric Company IMPROPERLY BILLED THE PETITIONER by charging him for Electric Service for which he had paid for in full. (Exhibit 1)

2. TAMPA Electric owes petitioner \$3500.00 because it returned the \$3500.00 to Bank of America based on a fraudulent claim of "guardianship" and a "guardianship account". THERE IS NO RECORD, ELECTRONIC OR PRINT, OF BANK OF AMERICA "REVERSING PAYMENT"! Public records show petitioner was the only person with the authority to exercise custody and control of the funds utilized for payment. TECO was duly informed by credible documentation of petitioner's authority. TECO chose to believe the fraudulent "guardian". TAMPA ELECTRIC COMPANY'S LACK OF DUE DILIGENCE MAKES THEM WHOLLY LIABLE!

The commission never investigated the April 6, 2005 complaint.(648071E) The petitioner was never given an opportunity to respond to TECO because he was not given a copy of their response to the complaint - note 5/24/05 What remains as a record of the complaint is a parroting of TECO'S statements, without any assessment of their RELEVANCE or ACCURACY! (Exhibits 2 &

3. There is no legislative history or case law to support respondent's assertion that Chapter 95, Florida Statutes does not apply to collection activity by a regulated public utility; furthermore, THE FAIR CREDIT REPORTING ACT and THE FAIR DEBT COLLECTION PRACTICES ACT were also violated by TECO. (Exhibit 4)

4. For reasons stated herein, petitioner's request for relief should be granted.

CERTIFICATE OF SERVICE

A copy hereof was forwarded by U.S. Mail on this 30th day of November, 2011 to: James D. Beasley, P.O. Box 391, Tallahassee, FL 32301.

Via Certified Mail to FPSC
7011 0470 0002 1130 2986



Edward McDonald
7203 N. 41st St.
Tampa, FL 33604-2425

(813)374-3837

PROOF OF PAYMENT

Mr. Edward McDonald
006767E
October 3, 2011
page 4 of 10

If you have any unambiguous proof of payment of the two returned checks totaling \$965.10 (\$404.81 and \$560.29) such as cancelled checks or cleared bank transaction records that refute TECO's records, please provide that information to me by September 7, 2011. At that time, I will submit the documentation to TECO to reconsider its position. Please note that any proof of payment documentation submitted by you must post date July 13, 2004, the day the returned payments were debited back to account number 1501-000031-4. You may also wish to contact your financial institution to obtain the payment documentation required.

Electric Bill



December Billing Information:

101183

MCDONALD EDWARD G
4010 POCAHONTAS AVE
TAMPA FL 33610-1734

Account Number
1501 0000315

Statement Date
Dec 23, 2004

Visit our Web site at tampaelectric.com

Average kWh per day	
Dec 2004	29
Nov	29
Oct	38
Sep	38
Aug 2004	38

Meter Number	Current Reading	Previous Reading	Diff.	Multi.	33 day period
584608	05869	04813	956	1	
Next Scheduled Reading Jan 20, 2005					Total kWh Purchased
					956
Account Activity		Explanation		Charge	Total
Previous Balance				0.00	
Payments Received		As of December 23, 2004		0.00	
					\$0.00
New Charges Due by Jan 16, 2005				Service from Nov 17 to Dec 20	
Customer Charge		Residential 110 Rate		8.50	
Energy Charge		956 kWh @ \$.04864/kWh		46.50	
Fuel Charge		956 kWh @ \$.03939/kWh		37.66	
Electric Service Cost				\$92.66	
Outdoor Lighting Items		2 Lights, 0 Poles		14.64	
Florida Gross Receipts Tax		Based on \$97.98		2.52	
Franchise Fee		Based on 4.950%		5.44	
City Tax				8.05	
This Month's Charges		Amount not paid by due date may be subject to a 1.5% late fee		\$123.31	
Miscellaneous Adjustments				-3,072.65	
Payments And Adjustments				94.80	
Total Miscellaneous Charges				\$2,977.85 CR	
Total Due				\$2,854.54 CR	

Manatee Viewing Center
Now through April 15, 2005, visit our Manatee Viewing Center in Apollo Beach. The Center is free and open to the public daily from 10 a.m. to 5 p.m. For more details, call (813) 228-4289 or visit manatee-teco.com.

Mr. Edward McDonald
Complaint Number 1006767E
July 26, 2011
page 6 of 7

In multiple correspondence to the FPSC, you stated that unless TECO provides proof of funds being accessed fraudulently, you should be reimbursed the amount of \$3,500.00, which represents total of seven payments TECO indicates were returned by Bank of America in 2004. It is important to note, that it is up to you to provide TECO with proper documentation, such as cancelled checks and other banking records, showing that the payments were made and cleared by your financial institution. Without that documentation, your concerns regarding these payments cannot be further addressed.

Proof
IF payment for
Pocahontas
proof the
bill was
transferred
and paid

- On March 24, 2005, the unpaid balance of \$1,095.20 from account number 1501-000031-5 was transferred to your active account number 0261-023156-1 at 7203 40th Street North, Tampa, Florida. This account was closed on June 1, 2005, with the unpaid balance of \$1,095.20. Later, someone applied for service at this address, and TECO received two payments which cleared the balance. *paid by my wife to avoid disconnection of service*
- On March 7, 2006, your filed bankruptcy case was dismissed by the US Bankruptcy Court. Subsequently, TECO was free to pursue collection of the \$915.94 debt. You did not have electric service in your name at the time. *irrelevant - The bill was transferred & paid*

Request No. 0648071E

Name MCDONALD ,LILLIE MAE MS

Business Name

Consumer Information Name: LILLIE MAE MCDONALD Business Name: Svc Address: 4010 E. POCAHONTAS AVE County: Hillsborough Phone: (813)-985-3512 City/Zip: Tampa / 33610- Account Number: Caller's Name: EDWARD MCDONALD Mailing Address: 7203 N. 40TH STREET City/Zip: TAMPA ,FL 33604-4501 Can Be Reached: (813)-623-5332 E-Tracking Number:	Florida Public Service Commission - Consumer Request 2540 Shumard Oak Boulevard Tallahassee, Florida 32399 850-413-6480	PSC Information Assigned To: JOY ANDERSON Entered By: AC Date: 04/06/2005 Time: 11:06 Via: FAX Prelim Type: DELAY IN PO: Disputed Amt: 0.00
	Utility Information Company Code: EI806 Company: TAMPA ELECTRIC COMPANY Attn. Laurie Weir648071E Response Needed From Company? Y Date Due: 04/27/2005 Fax: (813) 228-1820 R	Supmntl Rpt Req'd: / / Certified Letter Sent: / / Certified Letter Rec'd: / /
	Interim Report Received: / / Reply Received: 04/13/2005 Reply Received Timely/Late: T Informal Conf.: N	Closed by: JLA Date: 05/24/2005 Closeout Type: GI-30 Apparent Rule Violation: N

Please review the attached correspondence in which the customer reports the following:

Mr. McDonald is the representative of Ms. Lillian McDonald through Power of Attorney. He indicates she has been denied service at two addresses.

4010 E. PocaHontas Avenue
Tampa, FL 33610
&
1905 W. Lemon Street
Tampa, FL 33060

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

Request No. 0648071E

Name MCDONALD ,LILLIE MAE MS

Business Name

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 day 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 that 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 Angela Calhoun

04/08/05 (04/07/05 stamped date) Customer correspondence received by fax. Forward to JAnderson. DHood

04/08/05 Customer correspondence received by fax. Forward to JAnderson. DHood

04/13/05 (04/12/05 stamped date) Customer correspondence received by fax. Forward to JAnderson. DHood

04/13/05: Response received via Email. NGarcia

04/14/05 (04/13/05 stamped date) Customer correspondence received by fax. Forward to JAnderson. DHood

04/19/05 Customer correspondence received by mail. Forward to JAnderson. DHood

04/21/05 (04/20/05 stamped date) Customer correspondence received by fax. Forward to JAnderson. DHood

04/29/05 Customer correspondence received by mail. Forward to JAnderson. DHood

Request No. 0648071E Name MCDONALD ,LILLIE MAE MS Business Name _____

5/20/05 Mr. McDonald called re case status - advised that he needed to speak with analyst, who was unavailable at time of call. He declined to go to analyst's VM; asks for a return call & requested that info be sent by email re his alternate CBR # 813-985-3512 and his cellphone # 813-451-1435. EMail this info JAnderson.
LKAlford

05/23/05 - Attempted to contact customer. Left a message for the customer to return my call. janderson
05-23-05 Customer transfer to Joy's VM. PW

05/24/05 - Reviewed report. According to the company's report, on 01/11/05, Edward McDonald contacted the Customer Care Center in regards to 4010 Pocahontas Av E. The account had a credit balance of \$2,854.54 and Mr. McDonald was requesting that the overpayment be refunded to him. Ms. Drummond, Corporate Credit, was contacted by Customer Care to ask for approval of refund. Ms. Drummond requested that proof of payments, made to the company be verified through Bank of America, reflecting that the monies had cleared the bank, prior to issuing refund. The Customer Service Professional advised Mr. McDonald of the requirements before issuing refund and the call ended.

On 01/13/05, the Customer Care Center received a call from a Julie Goddard, State of Florida appointed - Guardian Ad Litem for Lillie Mae McDonald. Ms. Goddard was referred to Ms. Drummond. Ms. Goddard advised Ms. Drummond of fraud charges currently being pursued by the State against Mr. McDonald for illegally accessing Lillie Mae McDonald's Bank of America checking account in an effort to gain funds from the company, Verizon, and Brighthouse Networks in a scheme to defraud. Ms. Goddard stated that Bank of America was aware of the situation and that the overpayment that was made to the company would be returned, as they would be reversing the payments to the company. A Tampa Police Department Case #05-900246 was given for additional information.

Between 01/13/05 and 01/20/05, numerous telephone calls were received by Ms. Drummond from Mr. McDonald. These calls were in regards to the decision not refund monies. Per Mr. McDonald, the company was acting against Florida Law by not issuing a refund.

On 01/20/05, total payments of \$3,500.00 were returned as fraudulent payments from Bank of America through SpeedPay, the company's third party vendor.

On 01/21/05, service at 4010 Pocahontas Av E was disconnected for fraudulent payments.

On 02/01/05, Mr. McDonald was arrested for theft of electricity at the Pocahontas address. Ms. Drummond was contacted by Officer Micki Mashburn at Tampa Police Department, Department of Elder Affairs, and was advised that several issues regarding Mr. McDonald are currently under investigation including falsifying documents, using a fictitious Power of Attorney, and accessing funds using an altered check. Officer Mashburn further indicated that electric service should not be re-instated under Lillie Mae McDonald's name as Department of Elder Affairs had enough documentation to send through a request for prosecution. Officer Mashburn also

Request No. 0648071E	Name MCDONALD ,LILLIE MAE MS	Business Name
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advised that the case had been assigned to Detective Bush.

Since 02/07/05, Mr. McDonald has sent several pieces of correspondence to Ms. Drummond in an effort to support his case for turning the electric service on.

Since filing of this FPSC complaint, Ms. Drummond has made several attempts to contact Mr. McDonald. Voice mail messages have been left; however, the calls have not been returned. Ms. Drummond did make contact with Detective Bush to get an update on the case and was advised the State Attorney's office is awaiting fingerprint analysis results. Ms. Drummond advised Detective Bush of the request to turn electric service on and the importance of verifying validity of documents provided by Mr. McDonald. Detective Bush advised that consent for electric service in Lillie Mae McDonald's name would need to come from the Guardian Ad Litem. Detective Bush also requested that the company refer Mr. McDonald directly to him in regards to his request for electric service. Based on this information, the company has made the decision to deny electric service under the name of Lillie Mae McDonald. janderson

5/24/05 - Mr. McDonald called @ 2:35 PM and transferred to JAnderson. NForsman

05/24/05 - Customer called. Reviewed company's response with customer. Advised customer that the company indicated that there is a pending case with the State Attorney's office. Advised customer that I could not require that the company restore the service at this time. Customer advised that the State Attorney's case was dismissed on 05/12/05. Advised customer that I have not received any information to that effect. Customer advised that he would forward a copy of the judge's order. Advised customer that the additional information will be reviewed upon receipt. Customer requested that a copy of the company's response be mailed to the Pocahontas Avenue address. janderson

05/24/05 - Case closed. janderson

05/27/05 - Customer called. Customer requested that the company response be faxed to him. Customer no longer wishes that the complaint be mailed. Customer provided a fax number of (813) 977-2679. janderson

05/27/05 - Attempted to fax the information to the customer. The fax would not go through. Contacted customer to find out if the fax machine was functional. Customer advised that he was not certain. Customer advised that he would call me back to provide an alternative fax number. janderson

06/02/05 - Retrieved voice mail message from customer. Customer provided a different fax number of (813) 977-1936. Will fax company response to that number. janderson

Request No. 0648071E	Name MCDONALD ,LILLIE MAE MS	Business Name
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FPSC #1006767E



May 25, 2011

Mr. Edward McDonald
7203 41 St N
Tampa, FL 33604

Dear Mr. McDonald,

Re: 4010 Pocahontas Av E

1. Provide a DETAILED BILLING for \$915.94 & \$307.49.
2. Bankruptcy Court Records show TECO never filed a claim as a creditor. Service at 4010 E. Pocahontas was disconnected on January 21, 2005 (FPSC Complaint #648071E)=90 days before a bankruptcy filing and AFTER all bills from Pocahontas were transferred to 7203 N. 40th St. and PAID! TECO'S PROFFER OF DELAYED BILLING FOR 6-7 YEARS DUE TO BANKRUPTCY COURT PROCEEDINGS IS DISINGENUOUS! (Emphasis).
3. TPD Case # 05-900246 is a COMPLAINT! NONE OF THE ALLEGATIONS WERE SUBSTANTIATED and NO CHARGES WERE filed! PROVIDE PROOF FUNDS WERE ACCESSED FRAUDULENTLY OR RETURN MY \$3,500.00!
4. The "current diversion court case" ... in 2005 ... was dismissed. TECO OWES ME \$5,000.00 FOR THE COST OF DEFENDING MYSELF AGAINST TECO'S FALSE ALLEGATIONS OF CRIMINAL ACTS AGAINST THE COMPANY.

Edward McDonald May 31, 2011

We are writing you today, in an effort to provide clarification regarding the above mentioned account, as per your request. In reviewing our records, we have determined the following:

- The disputed bill of \$915.94 represents usage solely from 4010 Pocahontas Av E.
- Records indicate TEC received several bankruptcy filings for yourself:
 - Case# 05-7483 filed 4/19/2005 was dismissed 5/5/05
 - Case# 05-11534 filed 6/8/2005 was dismissed 6/27/05
 - Case# 05-15311 filed 8/3/05 was dismissed 12/7/05
- Records reflect you were charged with current diversion TEC Case# 05-0176 in 2005 - maybe, this is why you feel you were previously made payment?
- The payment amount of \$3,500 mentioned in faxed documentation, you provided, in your current complaint was returned as Bank of America reversed payment due to funds being accessed fraudulently (TPD Case#05-900246).

Tampa Electric delayed approaching you with the debt due to the bankruptcy filings. We have since verified all the above bankruptcy cases have now been dismissed. Please let us know if your records reflect otherwise. Additionally, our records reflect an outstanding balance of \$307.49 from the current diversion court case in 2005. A copy of the disputed bill is enclosed. We hope that this information, clarifies why Tampa Electric is holding you responsible for this debt. We are willing to make payment arrangements on the outstanding amounts. Please do not hesitate to contact me, should you have any additional questions regarding this debt or payment arrangements. I can be reached at 813-275-3952.

Sincerely,

Ms. Drummond

Ms. Drummond
Corporate Credit

TO: VIOLET FARIA
 Regulatory Specialist, II

FROM: Edward McDonald
 Edward McDonald

RE: REQUEST FOR PUBLIC RECORDS

PLEASE PROVIDE THE COMPLETE FILE OF:

Complaint # 648071E (2005)

Complaint # 1006767E (2011)

Thank You.

Certified Mail #7011 0110 0002 2476 2990
 June 13, 2011-

TO: TECO/Credit & Collections
 P.O. Box 111
 Tampa, FL 33601-0111

ATTN: Gerri Drummond

FROM: Edward McDonald
 Edward McDonald
 7203 N. 40th St.
 Tampa, FL 33604-2425

RE: STATUTE OF LIMITATIONS (i.e. FINAL BILL dated Jul 28, 2004/attached,

1. The attached bill dated July 28, 2004 is BARRED from collection activity by FLORIDA'S STATUTE OF LIMITATIONS.
 If TECO asserts it is not bound by the STATUTE OF LIMITATIONS, Please provide the LEGAL AUTHORITY for your company's position!
2. Provide copies of TECO'S CLAIMS AS A CREDITOR IN U.S. BANKRUPTCY COURT PROCEEDINGS. (2005 Bankruptcy filings cited by TECO are a year AFTER the "FINAL BILL"..AND AFTER MONTHS OF CONTINUED SERVICE! (FPSC). Bankruptcy was not cited by TECO in complaint # 648071E (2005)
3. Provide a record of Acct. # [REDACTED] (copies of the actual monthly billings) for: Edward McDonald, 7203 N. 40th St, Tampa FROM January 21, 2005 - TO June 21, 2010. On this date I received billing records for 07/2010 to 06/2011 for the above cited account.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

EDWARD MCDONALD,)
)
 Petitioner,)
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 v.)
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 TAMPA ELECTRIC COMPANY,)
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 Respondent.)

DOCKET NO. 110305-EI

PETITIONER'S REPLY TO RESPONDENT'S SETTLEMENT OFFER AND MUTUAL RELEASE

1. Paragraph 1. is REJECTED because the petitioner does not need an agreement "to credit \$915.94 to ... current electric service". The bill (attached) is from July 28, 2004. Collection is barred by Chapter 95.11 Florida Statutes.

IF TECO WILL STIPULATE THE BILL WAS TRANSFERRED TO PETITIONER'S HOME ACCOUNT AND PAID IN FULL (attached), PETITIONER WILL RELEASE TECO FROM LIABILITY FOR THE ERRONEOUS \$915.94 BILLING AND THAT ISSUE WILL BE RESOLVED!

2. Paragraph 2 is REJECTED because it is inaccurate. TECO DOES OWE EDWARD MCDONALD \$3,500.00 PLUS INTEREST AT 1.5% for each month from January 2005 to the present time (of settlement). ONLY A FULL REFUND WITH INTEREST WILL RESOLVE THIS ISSUE.

TECO was defrauded by Julie Goddard, who masqueraded as a "guardian". Had TECO exercised due diligence by demanding she present her credentials (legal authority), this situation would have been avoided.

TECO can recover the improper return of funds to Bank Of America by transferring the \$3,500.00 to Ms Goddard's Electric Service Account and by judicial review. It should also ask the City of Tampa for credit to it's FRANCHISE FEE payments because of factual and legal MISSTATEMENTS BY THE TAMPA POLICE DEPARTMENT which were relied on by TECO resulting in a \$3,500.00 loss by Tampa Electric Company.

Respectfully submitted this 12th day of December, 2011 to:

Tampa Electric
Julie Goddard
Tampa Police Department
Ann Cole, FPSC
James Beasley, Esq.

Edward McDonald
7203 N. 41st St.
Tampa, FL 33604-2425
(813) 374-3837



FINAL BILL

MAIL PAYMENT TO:

PO BOX 31318
TAMPA FL 33631-3318

1
0
1
5
6
4

AMOUNT NOW DUE
\$915.94

THIS MONTH'S
CHARGES ARE PAST
DUE AFTER AUG 18

YOUR ACCOUNT NO.
1501 0000314

MCDONALD EDWARD G NCO
4010 E POCAHONTAS AVE
TAMPA FL 33610-1734

101564 CYCLE 18 RUN DATE 07/28/04

1 1960 07 1501 0000314 0000915.94

TO INQUIRE PROMPT CREDIT PLEASE RETURN THIS PORTION OF BILL WITH YOUR PAYMENT - MAKE CHECK PAYABLE TO TAMPA ELECTRIC
WHEN PAYING IN PERSON PLEASE BRING ENTIRE BILL WITH YOU FOR FASTER SERVICE



MCDONALD EDWARD G NCO
4010 POCAHONTAS AV E
TAMPA FL 33610-1734

STATEMENT DATE
JUL 28, 2004
FINAL BILL

AMOUNT NOW DUE
\$915.94

THIS MONTH'S
CHARGES ARE PAST
DUE AFTER AUG 18

YOUR ACCOUNT NO.
1501 0000314

RATE SCHEDULE
RESIDENTIAL

YOUR METER NUMBER
584608

YOUR AVERAGE KWH
PURCHASE PER DAY

MONTH	KWH/DAY
JUL 04	38
JUL 04	38
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	
N/A	

PLEASE REFER TO THE BACK OF THIS BILL FOR ADDITIONAL INFORMATION.

ON JUL 27 YOUR METER READING WAS 27901
ON JUL 22 YOUR METER READING WAS 27711
FOR THE 5 DAY PERIOD YOU PURCHASED 190 KWH (38 KWH PER DAY)
SAME PERIOD LAST YEAR YOU PURCHASED 0 KWH (0 KWH PER DAY)

THIS MONTH'S CHARGES AVERAGED \$4.72 PER DAY.

THIS MONTH'S BILLING INFORMATION

PRORATED		
CUSTOMER CHARGE	\$ 1.42	
ENERGY 190 KWH @ 4.864¢	9.24	
FUEL 190 KWH @ 3.939¢	7.48	
ELECTRIC SERVICE COST	18.14	
OUTDOOR LIGHT ITEMS (2)	2.42	
FLORIDA GROSS RECEIPTS TAX	.48	
FRANCHISE FEE	1.04	
CITY TAX	1.53	
THIS MONTH'S CHARGES	\$ 23.62	
(PREVIOUS BALANCE	1,007.32)	
UNPAID PREVIOUS BALANCE		1,007.32
DEPOSIT AND INTEREST		-115.00
AMOUNT NOW DUE		PLEASE PAY \$915.94

PLEASE SEE BACK FOR EXPLANATION OF TERMS

PROOF OF PAYMENT

If you have any unambiguous proof of payment of the two returned checks totaling \$965.10 (\$404.81 and \$560.29) such as cancelled checks or cleared bank transaction records that refute TECO's records, please provide that information to me by September 7, 2011. At that time, I will submit the documentation to TECO to reconsider its position. Please note that any proof of payment documentation submitted by you must post date July 13, 2004, the day the returned payments were debited back to account number 1501-000031-4. You may also wish to contact your financial institution to obtain the payment documentation required.

Mr. Edward McDonald
006767E
October 3, 2011
Page 4 of 10



Electric Bill

December Billing Information:

101183

MCDONALD EDWARD G
4010 POCAHONTAS AVE
TAMPA FL 33610-1734

Account Number
1501 0000315

Statement Date
Dec 23, 2004

Visit our Web site at tampaelectric.com

Average kWh per day	
Dec 2004	29
Nov	29
Oct	38
Sep	38
Aug 2004	38

Meter Number	Current Reading	Previous Reading	Diff.	Multi.	33 day period
584608	05869	04913	956	1	
Next Scheduled Reading Jan 20, 2005		Total kWh Purchased		956	
Account Activity		Explanation	Charge	Total	
Previous Balance			0.00		
Payments Received		As of December 23, 2004	0.00		
				\$0.00	

New Charges Due by Jan 16, 2005		Service from Nov 17 to Dec 20	
Customer Charge	Residential 110 Rate		8.50
Energy Charge	956 kWh @ \$.04864/kWh		46.50
Fuel Charge	956 kWh @ \$.03939/kWh		37.66
Electric Service Cost			\$92.66
Outdoor Lighting Items	2 Lights, 0 Poles		14.64
Florida Gross Receipts Tax	Based on \$97.98		2.52
Franchise Fee	Based on 4.950%		5.44
City Tax			8.05
This Month's Charges		Amount not paid by due date may be subject to a 1.5% late fee	\$123.31
Miscellaneous Adjustments			-3,072.65
Payments And Adjustments			94.80
Total Miscellaneous Charges			\$2,977.85 CR
Total Due			\$2,854.54 CR

Manatee Viewing Center
Now through April 15, 2005, visit our Manatee Viewing Center in Apollo Beach. The Center is free and open to the public daily from 10 a.m. to 5 p.m. For more details, call (813) 228-4289 or visit manatee-teco.com.

Mr. Edward McDonald
Complaint Number 1006767E
July 26, 2011
Page 6 of 7

In multiple correspondence to the FPSC, you stated that unless TECO provides proof of funds being accessed fraudulently, you should be reimbursed the amount of \$3,500.00, which represents total of seven payments TECO indicates were returned by Bank of America in 2004. It is important to note, that it is up to you to provide TECO with proper documentation, such as cancelled checks and other banking records, showing that the payments were made and cleared by your financial institution. Without that documentation, your concerns regarding these payments cannot be further addressed.

proof of payment or po cahontas
proof the bill was transferred and paid

- On March 24, 2005, the unpaid balance of \$1,095.20 from account number 1501-000031-5 was transferred to your active account number 0261-023156-1 at 7203 40th Street North, Tampa, Florida. This account was closed on June 1, 2005, with the unpaid balance of \$1,095.20. Later, someone applied for service at this address, and TECO received two payments which cleared the balance. *paid by my wife to avoid disconnection of service*
- On March 7, 2006, your filed bankruptcy case was dismissed by the US Bankruptcy Court. Subsequently, TECO was free to pursue collection of the \$915.94 debt. You did not have electric service in your name at the time. *irrelevant - The bill was transferred & paid*

TO: VIOLET FARIA
Regulatory Specialist, II

FROM: Edward McDonald
Edward McDonald

RE: REQUEST FOR PUBLIC RECORDS

PLEASE PROVIDE THE COMPLETE FILE OF:

Complaint # 648071E (2005)

Complaint # 1006767E (2011)

Thank You.

Certified Mail #7011 0110 0002 2476 2990
June 13, 2011-

TO: TECO/Credit & Collections
P.O. Box 111
Tampa, FL 33601-0111

ATTN: Gerri Drummond

FROM: Edward McDonald
Edward McDonald
7203 N. 40th St.
Tampa, FL 33604-2425

RE: STATUTE OF LIMITATIONS (i.e.FINAL BILL dated Jul 28, 2004/attached,

1. The attached bill dated July 28, 2004 is BARRED from collection activity by FLORIDA'S STATUTE OF LIMITATIONS.
If TECO asserts it is not bound by the STATUTE OF LIMITATIONS, Please provide the LEGAL AUTHORITY for your company's position!
2. Provide copies of TECO'S CLAIMS AS A CREDITOR IN U.S. BANKRUPTCY COURT PROCEEDINGS. (2005 Bankruptcy filings cited by TECO are a year AFTER the "FINAL BILL"..AND AFTER MONTHS OF CONTINUED SERVICE! (FPSC). Bankruptcy was not cited by TECO in complaint # 648071E (2005)
3. Provide a record of Acct. # [REDACTED] (copies of the actual monthly billings) for: Edward McDonald, 7203 N. 40th St, Tampa FROM January 21, 2005 - TO June 21, 2010. On this date I received billing records for 07/2010 to 06/2011 for the above cited account.

PSC #1006767E



1. Provide a DETAILED BILLING for \$915.94 & \$307.49.
2. Bankruptcy Court Records show TECO never filed a claim as a creditor. Service at 4010 E. Pocahontas was disconnected on January 21, 2005 (FPSC Complaint #648071E)=90 days before a bankruptcy filing and AFTER all bills from Pocahontas were transferred to 7203 N. 40th St. and PAID! TECO'S PROFFER OF DELAYED BILLING FOR 6-7 YEARS DUE TO BANKRUPTCY COURT PROCEEDINGS IS DISINGENUOUS!(Emphasis).
3. TPD Case # 05-900246 is a COMPLAINT! NONE OF THE ALLEGATIONS WERE SUBSTANTIATED and NO CHARGES WERE filed! PROVIDE PROOF FUNDS WERE ACCESSED FRAUDULENTLY OR RETURN MY \$3,500.00!
4. The "current diversion court case" ... in 2005 was dismissed. TECO OWES ME \$5,000.00 FOR THE COST OF DEFENDING MYSELF AGAINST TECO'S FALSE ALLEGATIONS OF CRIMINAL ACTS AGAINST THE COMPANY.

May 25, 2011

Mr. Edward McDonald
7203 41 St N
Tampa, FL 33604

Dear Mr. McDonald,

Edward McDonald May 31, 2011

Re: 4010 Pocahontas Av E

We are writing you today, in an effort to provide clarification regarding the above mentioned account, as per your request. In reviewing our records, we have determined the following:

- The disputed bill of \$915.94 represents usage solely from 4010 Pocahontas Av E.
- Records indicate TEC received several bankruptcy filings for yourself:
Case# 05-7483 filed 4/19/2005 was dismissed 5/5/05
Case# 05-11534 filed 6/8/2005 was dismissed 6/27/05
Case# 05-15311 filed 8/3/05 was dismissed 12/7/05
- Records reflect you were charged with current diversion TEC Case# 05-0176 in 2005 – maybe, this is why you feel you were previously made payment?
- The payment amount of \$3,500 mentioned in faxed documentation, you provided, in your current complaint was returned as Bank of America reversed payment due to funds being accessed fraudulently (TPD Case#05-900246).

Tampa Electric delayed approaching you with the debt due to the bankruptcy filings. We have since verified all the above bankruptcy cases have now been dismissed. Please let us know if your records reflect otherwise. Additionally, our records reflect an outstanding balance of \$307.49 from the current diversion court case in 2005. A copy of the disputed bill is enclosed. We hope that this information, clarifies why Tampa Electric is holding you responsible for this debt. We are willing to make payment arrangements on the outstanding amounts. Please do not hesitate to contact me, should you have any additional questions regarding this debt or payment arrangements. I can be reached at 813-275-3952.

Sincerely,

Ms. Drummond

Ms. Drummond
Corporate Credit

A COMPLAINT BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

JURISDICTION: The FPSC has jurisdiction of the parties and subject matter because the ISSUE IS ERRONEOUS BILLING by a regulated Public Utility

COMPLAINT:

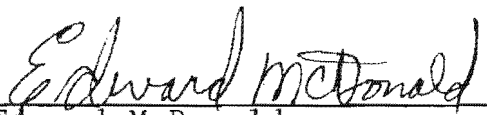
TAMPA ELECTRIC COMPANY owes Edward McDonald \$3,500.00 for an overpayment on account # [REDACTED] and refuses to refund the \$3500.00 overpayment.

In support of this complaint, Edward McDonald (customer) asserts the following facts.

Edward McDonald OVERPAID TECO \$3,500.00.

1. The consumer had lawful authority to access the funds used for payment.
2. The \$3500.00 payments CLEARED Bank of America and were POSTED TO ACCT. # [REDACTED]
3. NO LAW ENFORCEMENT AGENCY HAS DETERMINED THE FUNDS TO ^{BE} ACCESSED FRAUDULENTLY.
4. NO COURT OF LAW HAS DETERMINED THE \$3500.00 TO BE FRAUDULENTLY ACCESSED.
5. There is no document, transmittal or instrument whether memoranda or electronic which "reverses payment" - and if reversed, by what authority corporate operating rule(s), state or Federal Law=statutory or administrative.
6. THERE IS NO RECORD OF "INSUFFICIENT FUNDS" and charges therefor.
7. NO ONE ELSE HAD THE AUTHORITY TO ACCESS THE FUNDS USED TO PAY TECO.

All documents referenced herein have been furnished TECO and they are being forwarded a copy of this complaint. THERE HAS BEEN NO RESPONSE TO THE SEVEN FACTS LISTED HEREIN AND NO RULING ON THE ISSUES IN THIS COMPLAINT.


Edward McDonald
7203 N. 41st St.
Tampa, FL 33604-2425
(813) 374-3837

Copy
TECO
Julie Goddard

To: Edward McDonald Fax: (813) 977-1936

From: Joy L. Anderson Date: 6/2/2005

Re: FPSC Inquiry No. 648071E Pages: 3

CC:

Urgent For Review Please Comment Please Reply Please Recycle



Attached is a copy of Tampa Electric Company's response, per your request.

**MEMORANDUM**

TO: Rachel Roman

FROM: Gerri Drummond

DATE: April 12, 2005

SUBJECT: FPSC Complaint # 648071E

Customer: Lillie Mae McDonald

Service Address: 4010 Pocahontas Av E & 1905 Lemon St. W.

Tampa Electric Account # 1501 000031 6

Complaint: Edward McDonald (son of Lillie Mae McDonald) is requesting electric service be turned on at 4010 Pocahontas Av E and 1905 Lemon St W in the name of Lillie Mae McDonald. Per Mr. McDonald he is the representative for Lillie Mae McDonald and has a Power of Attorney. Tampa Electric has refused to turn services on.

Background

On January 11, 2005, Edward McDonald contacted the Tampa Electric Company (TEC) Customer Care Center in regards to 4010 Pocahontas Av E. The account had a credit balance of \$2,854.54 and Mr. McDonald was requesting that the overpayment be refunded to him (the electric service at Pocahontas was under Mr. McDonald's name at the time he contacted TEC.). Ms. Drummond (Corporate Credit) was contacted by Customer Care to ask for approval of refund. Ms. Drummond requested that proof of payments, made to Tampa Electric be verified thru Bank of America, reflecting the monies had cleared the bank, prior to issuing refund. TEC Customer Service Professional advised Mr. McDonald of the requirements before issuing refund and the call ended.

On January 13, 2005, TEC Customer Care Center received a call from a ⁽¹⁾ Julie Goddard, the State of Florida appointed – Guardian Ad Litem for Lillie Mae McDonald. Ms. Goddard was referred to Ms. Drummond. Ms. Goddard advised Ms Drummond of fraud charges currently being pursued by the State against Mr. McDonald for; illegally accessing Lillie Mae McDonald's Bank of America checking account in an effort to gain funds from TEC, Verizon and Brighthouse Networks in a scheme to defraud. Ms. Goddard stated that Bank of America was aware of the situation and that the overpayment that was made to TECO would be returned, as they would be reversing the payments to Tampa Electric. A Tampa Police Department Case #05-900246 was given for additional info.

During the time period of January 13, 2005 and January 20, 2005 – numerous telephone calls were received by Ms. Drummond from Mr. McDonald. These calls were in regards to the decision not refund monies. Per Mr. McDonald, TEC was acting against Florida Law by not issuing a refund.

On January 20, 2005, total payments of \$3,500 were returned as fraudulent payments from Bank of America thru SpeedPay (TEC's third party vendor).

On January 21, 2005, service at 4010 Pocahontas Av E was disconnected for fraudulent payments.

* On February 1, 2005, Edward McDonald was arrested for theft of electricity at the Pocahontas address.

On February 1, 2005, Ms. Drummond was contacted by Officer Micki Mashburn at Tampa Police Department, Department of Elder Affairs, and was advised that several issues regarding Mr. McDonald are currently under investigation including falsifying documents (ex. Power of Attorney and adding his name to deeds of properties owned by his mother), using the fictitious Power of Attorney and accessing funds using an altered check. Officer Mashburn further indicated that electric service should not be re-instated under Lillie Mae McDonald's name as Department of Elder Affairs had enough documentation to send thru a request for prosecution. Officer Mashburn also advised the case had been assigned to Detective Bush.

Between February 7, 2005, to current, Mr. McDonald has sent several pieces of correspondence to Ms. Drummond in an effort to support his case for turning electric service on.

Conclusion

Since the filing of this FPSC complaint Ms. Drummond has made several attempts to contact Mr. McDonald. Voice mail messages have been left, however calls have not been returned. Ms. Drummond did make contact with Detective Bush (tel# 813-276-3487) to get an update on the case and was advised the State Attorney's office is awaiting fingerprint analysis results. Ms. Drummond advised Detective Bush of the request to turn electric service on and the importance of verifying validity of documents provided by Mr. McDonald. Detective Bush advised that consent for electric service in Lillie Mae McDonald's name would need to come from the Guardian Ad Litem. Detective Bush also requested that Tampa Electric refer Mr. McDonald directly to him in regards to his request for electric service. Based on this information, Tampa Electric has made the decision to deny electric service under the name of Lillie Mae McDonald.

- (2) There is no "Guardian ad Litem" (Public Record)
 (1) Julie Goddard's authority as "guardian" ended on Aug. 17, 2004 [Public Record]
 * - Charge dismissed pursuant to attached motion on May 12, 2005.

Claim For False arrest Filed.

Edward McDonald
 6/8/05

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

EDWARD MCDONALD,)
)
 Petitioner,)
)
 v.)
)
 TAMPA ELECTRIC COMPANY,)
)
 Respondent.)
 _____)

DOCKET NO. 110305-EI

**SETTLEMENT AGREEMENT
AND MUTUAL RELEASE**

This Settlement Agreement and Mutual Release ("Agreement") is entered into this 9th day of December 2011 by and between Mr. Edward McDonald ("Mr. McDonald"), 7203 North 41st Street, Tampa, Florida 33604-2425, and Tampa Electric Company ("Tampa Electric"), a Florida corporation whose principal offices are located at 702 North Franklin Street, Tampa, Florida 33601. Mr. McDonald and Tampa Electric are collectively referred to as "the Parties."

WITNESSETH:

WHEREAS, in order to resolve their differences and settle all issues raised in the petition filed in this proceeding by Mr. McDonald and matters addressed in Florida Public Service Commission ("FPSC") Complaints Nos. 648071E and 1006767E, previously filed with the FPSC, Mr. McDonald and Tampa Electric agree as follows:

1. Tampa Electric agrees to credit \$915.94 to Mr. McDonald's current account for electric service Tampa Electric provides to Mr. McDonald, which is the disputed amount referred to in Mr. McDonald's FPSC Complaint No. 1006767E and in the petition filed by Mr.

McDonald that initiated this docket. Tampa Electric agrees to make the \$915.94 credit to Mr. McDonald's current electric account immediately upon the Parties' execution of this Agreement and Mr. McDonald signing and filing with the FPSC a notice of voluntary dismissal of his petition with prejudice, including all matters addressed in FPSC Complaints Nos. 648071E and 1006767E.

2. Mr. McDonald acknowledges that Tampa Electric does not owe Mr. McDonald the amount of \$3,500, referred to in Mr. McDonald's petition in this docket, as that amount was returned to Bank of America by Tampa Electric.

3. Mr. McDonald further agrees for himself, his agents, assigns, predecessors and successors in interest to release, acquit and forever discharge Tampa Electric and its agents, employees, officers, directors, shareholders, limited and general partners, trustees, predecessors, successors, subsidiaries, representatives, attorneys, insurers, subrogees and assigns, from any and all suits, actions, causes of action, claims, demands, rights, interests, obligations, liabilities, debts, damages, fees, attorneys' fees, interest, expenses, contracts, costs, covenants, agreements, guarantees, controversies, or promises of every kind, nature and character, now existing or hereafter arising, in law or in equity known or unknown, foreseen or unforeseen, accrued or unaccrued, arising out of or relating to the facts, allegations, claims, counts, issues, and any other matters raised in, relating to, or otherwise concerning the petition that gave rise to this proceeding, including all matters addressed in FPSC Complaints Nos. 648071E and 1006767E.

4. Tampa Electric, for itself and its agents, assigns, predecessors and successors in interest, hereby releases, acquits, and forever discharges Mr. McDonald and his agents, employees, trustees, predecessors, successors, subsidiaries, representatives, attorneys, insurers, subrogees, and assigns, from any and all suits, actions, causes of action, claims, demands, rights,

interests, obligations, liabilities, debts, damages, fees, attorneys' fees, interest, expenses, contracts, costs, covenants, agreements, guarantees, controversies, or promise of every kind, nature and character, now existing or hereafter arising, in law or in equity, known or unknown, foreseen or unforeseen, accrued or unaccrued, arising out of or relating to the facts, allegations, claims, counts, issues, and any other matters raised in, relating to, or otherwise concerning the petition that gave rise to this proceeding, including all matters addressed in FPSC Complaints Nos. 648071E and 1006767E.

5. By signing this Agreement, the Parties agree that a satisfactory resolution of the petition in this docket has been reached and understand that the settlement is binding on both Parties and that the Parties waive any right to further review or action by the Commission regarding matters asserted in Mr. McDonald's petition or in FPSC Complaints Nos. 648071E and 1006767E.

6. The Parties each represent and declare that the terms of this Agreement have been completely read and are fully understood and are voluntarily accepted for the purpose of making a full and final compromise, adjustment and settlement of any and all claims, disputed or otherwise, known or unknown, and for the express purpose of precluding forever and further or additional claims with respect to any matter existing between or among the Parties hereto before or on the date of this Agreement and relating to any and all matters addressed in the petition filed by Mr. McDonald in this proceeding including all matters addressed in FPSC Complaints Nos. 648071E and 1006767E.

7. This Agreement represents the entire agreement between the Parties with regard to the matters set forth herein and shall be binding upon and inure to the benefit of the executors, administrators, heirs, successors and assigns of each.

8. This Agreement shall be construed and interpreted in accordance with the law of the State of Florida.

9. The Parties hereto have read this Agreement carefully before signing and apply their signatures voluntarily and with full knowledge and understanding of the contents of this Agreement.

TAMPA ELECTRIC COMPANY

By: Lauri Evans

As its: Representative

EDWARD MCDONALD