

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 120176-EI

COMPLAINT OF FREDERICK SMALLAKOFF  
AGAINST PROGRESS ENERGY FLORIDA,  
INC. CONCERNING ALLEGED IMPROPER  
BILLS, CASE NO. 1059336E

RECEIVED-FPSC  
13 MAR 11 PM 12:21  
COMMISSION  
CLERK

PROCEEDINGS: COMMISSION CONFERENCE  
ITEM NO. 2

COMMISSIONERS  
PARTICIPATING: CHAIRMAN RONALD A. BRISÉ  
COMMISSIONER LISA POLAK EDGAR  
COMMISSIONER ART GRAHAM  
COMMISSIONER EDUARDO E. BALBIS  
COMMISSIONER JULIE I. BROWN

DATE: Tuesday, March 5, 2013

PLACE: Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida

REPORTED BY: JANE FAUROT, RPR  
Official FPSC Reporter  
(850) 413-6732

FLORIDA PUBLIC SERVICE COMMISSION  
DOCUMENT NUMBER-DATE  
01263 MAR 11 2  
FPSC-COMMISSION CLERK

## P R O C E E D I N G S

1  
2           **CHAIRMAN BRISÉ:** Okay. Moving on to Item  
3 Number 2.

4           **MR. SMALLAKOFF:** Well, it's not.

5           **CHAIRMAN BRISÉ:** Item Number 2.

6           **MS. CRAWFORD:** Commissioners, I'm Jennifer  
7 Crawford for legal staff.

8           Item 2 addresses the complaint by Mr.  
9 Smallakoff against Florida -- excuse me, Progress  
10 Energy Florida concerning alleged improper bills.  
11 Staff has requested permission to make an oral  
12 modification to correct two typographical errors in  
13 the recommendation.

14           **CHAIRMAN BRISÉ:** Sure.

15           **MS. CRAWFORD:** On Page 5 in the  
16 recommendation statement, the amount of \$340 should  
17 be corrected to read \$320, and that same correction  
18 should be made on the last line of Page 9.

19           As you know, Mr. Smallakoff is on the line  
20 to address this item. Representatives of Progress  
21 Energy are present to answer any questions you may  
22 have, as is Commission staff.

23           **MR. SMALLAKOFF:** Well, I would like to go  
24 back. This is Mr. Smallakoff speaking. I would  
25 like to go back and --

1                   **CHAIRMAN BRISÉ:** Mr. Smallakoff.

2                   Mr. Smallakoff, if you could give me a  
3 second?

4                   **MR. SMALLAKOFF:** Yes.

5                   **CHAIRMAN BRISÉ:** Okay. So we can lay down  
6 the ground rules again. So you will have five  
7 minutes, and within your five minutes you can make  
8 your comments, and after that you will be placed on  
9 mute again. And unless there is a question for you,  
10 you will not be placed off of mute, okay?

11                   **MR. SMALLAKOFF:** Well, if this is Mr.  
12 Brisé --

13                   **CHAIRMAN BRISÉ:** Yes, it is.

14                   **MR. SMALLAKOFF:** -- I have to protest. I  
15 tried to answer the responses made by certain  
16 members and so on, and probably by Ms. Brown, in  
17 reference to my purported abuse of the system,  
18 knowing full well that these utilities are going to  
19 do it again and again and again. And I have  
20 received no response from anybody regarding this,  
21 and it simply slid into this other case with  
22 Progress Energy.

23                   I have more than addressed all of those  
24 terrible violations and misconduct and so on in my  
25 letter with respect to the FPL, and it was summarily

1 dismissed, as to say there were no violations, when  
2 I cited theft of mail. If that doesn't constitute a  
3 gross violation and an illegal act, I don't know  
4 what does.

5 And I have received no response to my  
6 comments, and now to say that, oh, gee, somebody is  
7 abusing the system, and now they have got to get a  
8 lawyer before they file a complaint. I know this  
9 was directed towards the full knowledge that these  
10 utilities will continue to do what they have been  
11 doing because I have been targeted, and you are  
12 giving them a green light to do it. I would like  
13 somebody to comment on that.

14 **COMMISSIONER GRAHAM:** Sir, just to let you  
15 know that your five minutes is clicking by.

16 **MR. SMALLAKOFF:** Oh, so you're not going  
17 to -- you're not going to allow me to respond to  
18 those comments that are made. And now I wrote a  
19 letter also with respect to Progress Energy; the  
20 same conditions exist. There has been external  
21 interference to generate these monstrous bills. I  
22 addressed what was done by Progress Energy and the  
23 disconnections and all of that in depth in a letter  
24 with respect to Progress Energy's behavior and so on  
25 and so forth.

1           It seems to me that the Commissioners have  
2 read nothing. Because to rubber stamp it and to say  
3 that there is no violations, that these utilities  
4 have done nothing and so on, irrespective of what I  
5 have stated in the letter, then this whole thing  
6 about the five minutes and so on is nothing short of  
7 absurd. And if you want to carry on with this and  
8 rubber stamp everything, like the politician said,  
9 you're not going to win it. Martha Brown stated in  
10 trying to get me to drop the case as far as she is  
11 concerned it's settled. The question remains why  
12 are we going through this?

13           You're not giving me an opportunity to  
14 answer and respond to some of the comments made by  
15 the members and the lawyers and so on. And now you  
16 are sliding into the Progress Energy one with the  
17 same type of dismissal. So you can do whatever you  
18 want, and you are going to, but as far as any kind  
19 of fairness and so on with respect to this, I  
20 thought the Commission would have respect for the  
21 contents of the letters that I have written  
22 addressing all of the issues, but apparently not.

23           **CHAIRMAN BRISÉ:** Okay. Mr. Smallakoff, is  
24 that -- you still have a minute and fifty-six  
25 seconds left. So if there are any further comments

1 that you would like to make, you may make them at  
2 this time.

3 **MR. SMALLAKOFF:** Well, certainly. As I  
4 stated in my letters, and the actual truth of it  
5 was, and if these people were under oath they would  
6 have to admit it, there was external interference  
7 with the interjection of slander, defamation, and  
8 character assassination with this targeting process  
9 that has been circulated and widespread through the  
10 PSC, the utilities, and the legal department. And  
11 as an investigator from the Office of Public Counsel  
12 stated, these people hate you and they are working  
13 against you hand in glove. The man was a long time  
14 investigator and he ought to know.

15 So if this is considered to be fair,  
16 nobody is answering my questions and so on, and  
17 these five-minute presentations -- they have been  
18 more -- these issues have been more than addressed  
19 in both letters to the FPL's violations and with  
20 Progress Energy's violations. And if you want to  
21 disregard them, you will. And as I said, the cases  
22 have been predetermined by the individuals that I  
23 stated beforehand. So if that is what you want to  
24 do, the power exists for you to do it, but this is  
25 not the be all and the end all of it. And I have to

1 protest the patent unfairness of this whole process.  
2 And my questions still weren't answered with respect  
3 to abuse of the system and so on and so forth. I  
4 don't know who made the comment, but that needs to  
5 be responded to.

6 **CHAIRMAN BRISÉ:** All right. Thank you  
7 very much, Mr. Smallakoff. At this time we are  
8 going to place you on mute.

9 Commissioners, any questions at this  
10 point? Okay. And if staff would like to make any  
11 comments.

12 **MS. CRAWFORD:** (Indicating negatively.)

13 **CHAIRMAN BRISÉ:** Okay.

14 Commissioner Edgar.

15 **COMMISSIONER EDGAR:** Thank you, Mr.  
16 Chairman.

17 Briefly, just for the record, I do believe  
18 that Mr. Smallakoff has somewhat misrepresented the  
19 comments that were made on the previous item. I  
20 regret that he is not satisfied with the process,  
21 but from my review of the items, my discussion with  
22 my staff, and I also would like to say for the  
23 record that I have reviewed the two letters that he  
24 faxed to us. They are a little difficult to read,  
25 but I have reviewed them.

1           I know that there is no predetermination  
2 or rubber stamp, and I find those comments  
3 regrettable, but I do understand and recognize and  
4 appreciate the conviction that Mr. Smallakoff has  
5 about these issues.           However, from the  
6 review of the information, I do not believe that  
7 there is further action that this Commission can or  
8 should take that would be to his satisfaction or  
9 within our authority, and so I will move that we  
10 approve the staff recommendation on Item 2.

11           **CHAIRMAN BRISÉ:** Okay. It has been moved  
12 and seconded.

13           Commissioner Balbis.

14           **COMMISSIONER BALBIS:** Thank you, Mr.  
15 Chairman.

16           And thank you, Commissioner Edgar. I  
17 fully support the motion and also the comments that  
18 you have made. And as with the previous item, you  
19 know, I'd just like to point out the work that has  
20 been done not only by Progress but also by our staff  
21 in response to Mr. Smallakoff's complaint.

22           There have been multiple tests on his  
23 meter that were performed, not once, not twice, but  
24 over three times, and the last of which was  
25 witnessed by PSC staff at Progress Energy's



1 facilities at great expense, but it's something --  
2 we do take customer complaints seriously. On top of  
3 that, there was a detailed account audit that was  
4 performed detailing all the correspondence and all  
5 the account activity for this account.

6 So I believe that we have made a thorough  
7 investigation of this complaint, and I, too, do not  
8 appreciate comments such as rubber-stamping,  
9 especially looking at the level of effort that our  
10 staff and Progress and now us, as Commissioners,  
11 have gone through. So with that I fully support the  
12 motion.

13 **CHAIRMAN BRISÉ:** Okay. Thank you very  
14 much, Commissioner Balbis.

15 Any further comments?

16 Okay. All in favor say aye.

17 (Vote taken.)

18 **CHAIRMAN BRISÉ:** All right. Thank you  
19 very much. And, Mr. Smallakoff, thank you for your  
20 participation, once again.

21 \* \* \* \* \*

22

23

24

25

1 STATE OF FLORIDA )  
2 : CERTIFICATE OF REPORTER  
3 COUNTY OF LEON )  
4

5 I, JANE FAUROT, RPR, Chief, Hearing Reporter  
6 Services Section, FPSC Division of Commission Clerk, do  
7 hereby certify that the foregoing proceeding was heard  
8 at the time and place herein stated.

9 IT IS FURTHER CERTIFIED that I  
10 stenographically reported the said proceedings; that  
11 the same has been transcribed under my direct  
12 supervision; and that this transcript constitutes a  
13 true transcription of my notes of said proceedings.

14 I FURTHER CERTIFY that I am not a relative,  
15 employee, attorney or counsel of any of the parties,  
16 nor am I a relative or employee of any of the parties'  
17 attorney or counsel connected with the action, nor am I  
18 financially interested in the action.

19 DATED THIS 11th day of March, 2013.

20

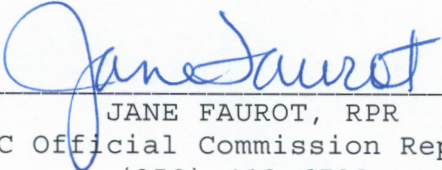
21

22

23

24

25

  
-----  
JANE FAUROT, RPR  
FPSC Official Commission Reporter  
(850) 413-6732

26

27

28

29

30

31