

Petition for Initiation of Formal Proceedings for Relief Against FPL

Current Account Number: 56617-05367

Account Name: William Banks

Complaint No.: 119-417-4E

Service Address: 1255 Marshall Ct, Merritt Island, Florida 32953

Balance Due: \$26,803.01

Electronically Filed on May 12, 2016

May 12, 2016

Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Petition for Initiation of Formal Proceedings for Relief against FPL
Current Account Number: 56617-05367
Account Name: William Banks
Complaint No.: 119-417-4E
Service Address: 1255 Marshall Ct, Merritt Island, Florida 32953
Balance Due: \$26,803.01

This Complaint is appropriate, when the issue in question is an action between Mr. William Banks and the Florida Power and Light utility company (hereinafter "FP&L"). The particular issue is subjected to the Florida Public Service Commission (hereinafter "Commission") who has Jurisdiction to hear this matter that greatly affects Mr. William Banks' substantial financial interests, due to violations of particular Rules enforced by the Commission.

There have been numerous rules that have been violated by FP&L regarding this specific Complaint number. The first rule that has been violated by FP&L is **Rule 25-6.104 F.A.C. – "Unauthorized Use of Energy"**, rule effective on November 21, 1982. The rule states that "[i]n the event of unauthorized or fraudulent use, or meter tampering, the utility company may bill the customer on a 'reasonable estimate of the energy used.'" Here, FP&L did not base their bill on a reasonable estimate of the energy used when the individual being demanded to pay (Mr. William Banks) was not the individual who fraudulently used or tampered with the energy source. FP&L pressed criminal charges solely against Richard Uticone (Case No.: 05-2015-MM-044433-XXXX-XX). Within the Arrest Affidavit, FP&L has indicated that the theft occurred at Richard Uticone's residence at 1255 Marshall Ct. Merritt Island, Florida 32953 (**Exhibit "A"**). The location in question is not Mr. Banks' residence. Based on this rule and its inadequate application to Mr. Banks, FP&L has incorrectly charged Mr. Banks an unreasonable estimated bill.

The second rule that has been violated by FP&L is **Rule 25-6.022 F.A.C. – "Record of Metering Devices and Metering Device Tests"**, rule effective on July 3, 2006. According to the Rule 25-6.022 F.A.C., FP&L "...shall have a test record whenever a unit or metering equipment is tested....and the record of accuracy of testing for the disputed equipment that is on file.... must be retained until the dispute is resolved." According to the letter from Mary Wyant (an agent of FP&L) dated on November 9, 2015, the results of the second meter, numbered as 103 was supposed to be provided to the customer, but it never was. This is contrary to the requirements in Rule, the record lacked information to identify the unit and its location; lacked information to identify the equipment with which the unit is associated; whether the meter creeps; a statement as to the rate of creeping; a statement of the "as found" accuracy; indications

showing that all required checks have been made; and identification of the person making the test.

The third rule that has been violated by FP&L is **Rule 25-6.059 F.A.C. “Meter Test by Request”**, rule effective on July 3, 2006. According to the Rule 25-6.059 F.A.C., Mr. Banks at this time, formally requests that FP&L, without a charge, tests the meter associated with residence at 1255 Marshall Ct. Merritt Island, Florida 32953. According to the letter from Mary Wyant (an agent of FP&L) dated on November 9, 2015, states that both meters were sent to FP&L’s Meter Technology Center for testing. However, only the results for the meter of record, numbered ACD2708 was provided. There is no indication that the second meter was even tested, nor was it given proper identification, nor are its whereabouts currently known. Given the missing results of the second meter, Mr. Banks formally requests that FP&L, without a charge, tests the second meter and also test the original meter. Mr. Banks also desires he or his authorized representative have the opportunity to witness the test and at this time he also requests that a written copy of the results be provided to him or his authorized representative.

The fourth rule that has been violated by FP&L is **Rule 25-6.060 F.A.C. – “Refereed Dispute”**, rule effective on July 3, 2006. According to Rule 25-6.060, F.A.C. since a dispute has risen, Mr. Banks formally requests to the Commission, that both of the meters in question be tested by FP&L as soon as possible and that both tests of the meters be supervised and witnessed by a representative of the Commission. Mr. Banks also requests that both meters not be disturbed after FP&L has received notice that an application has been made for such referee test, unless a representative of the Commission is present, or unless authority to do so is first given in writing by the Commission or by the customer. And that a report of the results of the test will be made by the Commission to the customer. Lastly, Mr. Banks requests that both meters be tested under this rule, any previous accuracy test results on the record at the time the meter test is requested must be retained in accordance with Rule 25-6.022, F.A.C.

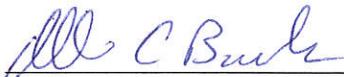
Lastly, According to FP&L’s “General Rules & Regulations for Electric Service” effective date October 30, 2007, **Rule 8.3 “Tampering with Meters”** FP&L has not followed its own guidelines. The rule states that “Title to meters and metering equipment shall be and remain in the Company. Unauthorized connections, to or immediate discontinuance of service, prosecution under the laws of Florida, adjustment of prior bills for services rendered, and reimbursement to the Company for all extra expenses incurred on this account. Mr. Banks was not involved in the unauthorized use or tampering with the meter, FP&L has breached its on guideline when it threatened to discontinue service to Mr. Banks’ residence when the account held at Richard Uticone’s residence is vastly different from the account associated with Mr. Banks’ home.

The actions that constitute the violations are bringing charges against Mr. Banks who was not involved with the tampering or accessing the unauthorized use of the meters. The account number associated with the issue is different than Mr. Banks’ residence, thus FP&L is incorrect for threatening to turn off the power at Mr. Banks’ current home. Next, FP&L stated in a letter

dated November 9th, 2015 that FP&L has record showing that on February 2009, an unauthorized tap existed on the premises, prior to Mr. Banks' creating an account. In addition, FP&L brought charges for theft and meter tampering on Richard Uticone, no charges were pressed against Mr. Banks, since FP&L was well aware that Mr. Banks was not involved in the tampering or theft. Finally, the second meter's records were not produced to Mr. Banks, FP&L only provided the results for the meter of record, numbered ACD2708. The letter from November 9th, 2015 referenced above, stated that the secondary meter, which is the remote meter numbered 103's results would be attached to the letter, which it was not.

The wrongdoer in this action is Richard Unicorn and his current address is 1255 Marshall Ct. Merritt Island, Florida 32953. However, Mr. Banks who has never had a personal interest nor a personal gain in receiving electricity at the above noted address. Mr. William Banks has been wrongfully accused and associated with Richard Unicorn's action in this matter. Mr. Banks lives at 2514 Hathway Dr. Cocoa, Florida 32926.

Mr. Banks specifically requests that the Florida Public Service Commission award that the charges held against Mr. Banks be dismissed and all balances due on his account associated with the residence at 1255 Marshall Ct. Merritt Island, Florida 32953 be waived. Mr. Banks also requests that his electricity at his home at 2514 Hathway Dr. Cocoa, Florida 32926 not be disconnected due to the charges associated in the matter discussed above. Lastly, Mr. Banks requests that Richard Unicorn be involved in this matter instead of him and that Mr. Banks be released from all liability related to Richard Unicorn's actions.



William Banks
2514 Hathway Dr.
Cocoa, Florida

JUVENILE REFERRAL

2 Notice to Appear 3 Arrest Affidavit 5 Request for Lias Juvenile 6 Juvenile Referral 8

Agency ORI Number FLO050000	Agency Name Brevard County Sheriff's Office	Agency Report Number 2015-00373676
Charge Type Check as many as apply <input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic <input checked="" type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other	Weapon Seized Type <input type="checkbox"/> 1. Yes <input checked="" type="checkbox"/> 2. No	Agency Arrest Number 327415
Location of Arrest (Include Name of Business) TBD		Location of Offense (Business Name, Address) 1255 MARSHALL CT
Date of Arrest	Time of Arrest	City Merritt Island
Date of Offense	FDLE Number	FBI Number

Name (Last, First, Middle) UTICONE, RICHARD HUGH		Alias
Race <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> American Indian <input type="checkbox"/> Asian <input type="checkbox"/> Unknown	Sex M	Date of Birth 11/7/1949
Height 5'10	Weight 165	Eye Color Brown
Hair Color Brown	Complexion	Build
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)		Indication of Alcohol Influence Y <input type="checkbox"/> N <input type="checkbox"/>
Local Address (Street, Apt. Number) 1255 MARSHALL CT Merritt Island, FL 32953		Phone (321)454-6954
Permanent Address (Street, Apt. Number, or Parent's Name if Juv.)		Residence Type 1 City 3 Florida 4 Out of State
Business Address (Name, Street) or Parent's Address if Juv.		Parent Contacted Y <input type="checkbox"/> N <input type="checkbox"/>
Driver's License State/Number FL U-325-748-49-407-0	*Social Security Number	Citizenship

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth or Age	<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large	<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile
Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth or Age	<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large	<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile

Charge Description Theft of Utility Services >\$100 <\$300	Counts 1	<input checked="" type="checkbox"/> F.S. <input type="checkbox"/> Crd.	Statute Violation Number 812.14.4	Violation of Section (ORD)
Activity	Drug Type	Amount/Unit	Bond Amount	Court Number
<input type="checkbox"/> PC <input type="checkbox"/> Capias <input type="checkbox"/> AC <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> Juv. PU <input type="checkbox"/> Citation	Date Issued	<input type="checkbox"/> Writ Att.	<input type="checkbox"/> Domestic Viol. In.	<input type="checkbox"/> Order of Arrest

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law:
 On the **04** day of **AUGUST, 2015** at **3:48** A.M. P.M.
 (Specify include facts constituting cause for arrest.)
On June 10, 2015, Florida Power and Light disconnected the transformer padmount to the home located at 1255 Marshall Ct Merritt Island, Brevard County, Florida. This act prevented power from reaching the home. On June 19, 2015, FP&L discovered the home owner Mr. Richard Uticone re-connected electric power to the home in an illegal fashion. BCSO case number 2015-00314720. FP&L again disconnected the power from the home.

In accordance with F.S.S. 938.27, I hereby request reimbursement of investigative costs consisting of _____ hrs @ \$ _____ per hr and/or _____ miles @ _____ c per mile for a total of \$ _____ Affidavit enclosed Y N

In accordance with F.S.S. 874, two (2) or more characteristics constitutes gang member; one (1) characteristic constitutes gang associate.

<input type="checkbox"/> GANG MEMBER	<input type="checkbox"/> ADMITS	<input type="checkbox"/> ID BY PARENT	<input type="checkbox"/> DOCUMENTED	<input type="checkbox"/> STYLE OF DRESS	<input type="checkbox"/> HAND SIGNS	<input type="checkbox"/> TATTOO	<input type="checkbox"/> KNOWN ASSOCIATE
<input type="checkbox"/> GANG ASSOCIATE	<input type="checkbox"/> ID BY PHYSICAL EVIDENCE	<input type="checkbox"/> IN COMPANY OF MEMBERS	<input type="checkbox"/> AUTHORIZED COMMUNICAT ON	<input type="checkbox"/> ID BY INFORMANT			

Mandatory Appearance In Court	Location (Court, Room Number, Address)	
	Time	Time
I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST OR A TAKE INTO CUSTODY ORDER SHALL BE ISSUED.		
Signature of Defendant/ Juvenile	Signature of Juv. Parent/Custodian	Release to: (Name)
		Date

<input type="checkbox"/> Miranda Warning	Hold for Other Agency Name:	Verify By:	Date	Bonding Agency
Adult's Only <input type="checkbox"/> Hold for First Appearance Do Not Bond Out. Reason:	Sworn to subscribed before me, the undersigned authority this <u>19</u> day of <u>Aug</u> 20 <u>15</u> Signature <u>Lee M. Wenden</u> Print or Type Name <u>LEE M. WENDEN</u>		Bond #	Amount
I swear/affirm the above and attached statements are true and correct. <u>Yes</u>	Notary Law Enforcement Officer in Performance of Official Duty. Personally known <input checked="" type="checkbox"/> ID Produced <input type="checkbox"/>	Return	EXHIBIT "A" Arrest Affidavit	
ID. No./Dist 0513	Name (Printed) John Ehrig	Court		

AGENCY NAME: Brevard County Sheriff's Office
BREVARD COUNTY, FLORIDA

AGENCY REPORT NO.
2015-00373676
 OBTS NO.

NARRATIVE Continuation Page 2 of 2

(Last, First, Middle)
DEFENDANT/JUVENILE: UTICONE, RICHARD, HUGH

CHARGE	Charge Description		Counts	<input type="checkbox"/> F.S. <input type="checkbox"/> Ord.	Statute Violation Number	Violation of Section (ORD)
	Activity	Drug Type	Amount/Unit	Bond Amount	Court Number	
CHARGE	Charge Description		Counts	<input type="checkbox"/> F.S. <input type="checkbox"/> Ord.	Statute Violation Number	Violation of Section (ORD)
	Activity	Drug Type	Amount/Unit	Bond Amount	Court Number	

On August 04, 2015, FP&L again discovered illegal power being connected to 1255 Marshall Ct Merritt Island, Brevard County, Florida. A hand written note was located by FP&L from a subject calling himself Darrell Coffman, a state certified electrician, that he re-connected power to the home. The note stated the main line was dug up by the owners request. FP&L advised the power supply to the home was illegal. Mr. Uticone is receiving power due to an illegal connection. The connection to power was not authorized by FP&L.

It should be noted Brevard County Code Enforcement located several code violations in reference to the power supply to the home.

Officer's Signature  513
 Officer's Name PRINTED
Ehrig, John

COURT FILE STATE ATTORNEY SHERIFF'S RECORDS JAIL LAW ENFORCEMENT DEFENDANT'S COPY