

Richard L. Davis
Complaint No. 135487E

Richard L. Davis
FP&L Account # 2922291287

Request For Hearing

I'm writing to request a hearing, regarding UTILITY DISPUTE for FP&L Acct#2922291287. I'm attaching the dispute.

/s/ Richard L. Davis

Richard L. Davis Jr.

UTILITY DISPUTE NOTICE

RE: Electricity acct# 2922291287

I Am called First; a non-citizen, non-resident, non-legal entity, (here in after Affirmant) and; come in peace as a private man. Affirmant has recently realized that I made an error and have been unknowingly complicit in a fraud perpetuated by the local providers of utilities. With this knowledge, it is my duty and responsibility to right myself and give the proper persons lawful notification **UNDER THE PANALTY OF PERJURY.**

Notification is the first essential element of due process of law. As silence is acquiescence under the law, silence can only be equated with fraud where there is a lawful or moral duty to speak, or where an inquiry left unanswered would be misleading, whether intentionally or not. The blame starts with me and I'm here to make things right.

What Affirmant has realized is that pursuant to **Public Utility Regulatory Policies Act of 1978/ 92 STAT. 3134 PUBLIC LAW 95-617, section 115g(2)(A)**, Affirmant is, "unable to pay for such service in accordance with the requirements of the utility's billing", because:

1. Affirmant not the class of user that is to be billed. In fact, by me making a mistake, I played a major part in putting myself in a position for **cruel and unusual punishment.**
2. Affirmant is not using the service in federally regulated activity. Not learning how to turn on power and copying others, made me appear to be engaging in interstate commerce, in the system.
3. Affirmant is not using the service within the territorial jurisdiction of the Constitution's **Commerce Clause.** The procedure I used made me **appear** to be doing interstate commerce on federal lands. I'm just living there as a private man.

Whereas the **Commerce Clause** describes an enumerated power listed in the United States Constitution (Article I, Section 8, Clause 3) and,

Whereas Congress can only regulate Interstate trade and businesses under the **Commerce Clause** and Affirmant am not engaged in any such pecuniary scheme in use of utilities at the above address; and,

Whereas a State Government is free to adopt any scheme for regulating businesses it prefers as long as that scheme:

- Does not interfere with the exercise of Congress' authority to regulate interstate commerce or **violate other provisions of the Federal Constitution**, and;

– Does not result in the taking of private property **without just compensation**; and,

Whereas Affirmant's private property (aka Social Security Account Number) is used to secure federal appropriation funding for the various utility without just compensation and under threat duress and coercion that if Affirmant did not also “pay/promise to pay”, essential utility services would be terminated; and,

Whereas Utility Providers have a lawful obligation to provide reasonably adequate service on a **non-discriminatory** basis to people located within that service territory; and,

User Class Jurisdiction

Whereas the term "**electric consumer**" means any **person...** to which electric energy is sold *other than for purposes of resale.* (16 USC 2602 (5))

Whereas “**person**” means an **individual or a corporation**; (16 USC 796 (4))

Whereas “**Person**” may include an **individual**, partnership, **corporation**, association, joint venture, private organization **or other legal entity...** (5 CFR § 582.102 (4)) and Affirmant is not such class of person.

Whereas to establish personal jurisdiction over Affirmant, it must be show that jurisdiction is proper under the laws of the forum state and has such **minimum contacts** that the exercise of jurisdiction would not offend due process.

Whereas **Specific jurisdiction**, is premised on something of a quid pro quo: in exchange for “benefiting” from some purposive conduct directed at the forum state, a party is deemed to consent to the exercise of jurisdiction for claims related to those contacts. (see Dudnikov, 514 F.3d at 1078) I didn’t know using a social security number could place me in the system as anything but a private man.

Federally Regulated Activity

Whereas “When said power or any part thereof shall enter into **interstate or foreign commerce** the rates charged and the service rendered by any such licensee.. **for sale and distribution or use in public service** shall be reasonable, nondiscriminatory, and just to the customer and all unreasonable discriminatory and unjust rates or services are prohibited and declared to be unlawful (16 U.S. Code § 813) I, experiencing **unreasonable rate and handicapped** due to it being illegal for private man to use Federal Reserve Notes and it puts me in a position to be in a **cruel and unusual punishment.** (12 US Code 411)

Whereas “[E]lectric energy shall be held to be transmitted in **interstate commerce** if transmitted from a State and consumed at any point outside thereof; but **only** insofar as such transmission takes place **within the United States**. ” (16 U.S.C. § 824(c)).

Federally Regulated Territorial Jurisdiction

Whereas according to Article 1 section 8 clause 17 of the federal constitution, “The Congress shall have power... to exercise exclusive legislation... over all places **purchased by the consent of the Legislature of the States**... for the erection of forts...and other needful buildings.”; and,

Whereas “**public lands**” means such lands and **interest in lands owned by the United States** as are subject to private appropriation and disposal under public land laws (16 USC 796 (1)) yet, the property where utilities service is enjoyed in not in such territory belonging to and owned by the United States; and,

Whereas the term "**United States**", when used in a geographic sense, means all places and waters, continental or insular, **subject to the jurisdiction of the United States**.

Where as the term "**State**" includes any **Territory or possession of the United States**, and the term "**Federal area**" means **any lands or premises held or acquired by** or for the use of **the United States** or any department, establishment, or agency of the United States; and any Federal area, or any part thereof, which is located within the exterior boundaries of any State, shall be deemed to be a Federal area located within such State. (4 USC 110(e) and (f))

Whereas "**Navigable waters**" (for which the **Commission has jurisdiction under the Commerce Clause**) are defined to include "streams or other bodies of water over which Congress has jurisdiction to regulate commerce among foreign nations and among the States" (16 U.S.C. 796(8))

Inability to “pay” According to

Whereas Article 1 section 8 Clause 1 dictates that, “**Congress shall... Pay the Debts**”; and,

Whereas Article I, Section 8, Clause 5 grants, “Congress shall have Power...to coin Money, regulate the Value thereof...” and Section 10 states, “no state...shall make any Thing but **gold and silver Coin a Tender in Payment of Debts**.”; and,

Whereas in the United States, legal tender is statutorily defined as all coins and currency issued by the United States Treasury or the Federal Reserve System, including fiat money coins and notes but this definition **exceeds Congress's power under the Constitution**; and

Whereas existing legal tender law (31 U.S.C. 5103), first passed in 1862, declares Federal Reserve Notes to be legal tender but, such notes are not legal tender in the constitutional sense, because they are **fiat money and bills of credit** (no longer backed by gold since 1933), which the Constitution forbids (Article 1 Section 10); and,

Whereas according to the statutes and rules that govern the Federal Reserve System, bills and other certificates of indebtedness are "**obligation of the United States**" (18 USC § 8) and as a non-citizen, non-resident, non-federal reserve agent, non-federal reserve bank Affirmant is not authorized to "pay" using the Federal Reserve System (12 USC § 411). **Using Federal Reserve Notes are forbidden to be used by private man and no agency will ever ask for private man to make payment in writing, for them. Dollar is a measurement of the weight of gold and not a name of currency.**

Area wide Public Utility Contract

For; Electric, Energy Management Services, and Services

Provided under the Appropriate Regulatory Authority

Contract No. GS-OOP-15-BSD-1124

between the United States of America and FLORIDA POWER & LIGHT COMPANY
Franchised Service Areas in Florida

ARTICLE 6. BILLS AND BILLING DATA.

6.1 The Electric, Energy Management Services and/or Services Provided Under The Appropriate Regulatory Authority supplied hereunder shall be billed to the **Ordering Agency** at the address specified in each Authorization. Bills shall be submitted in original only, unless otherwise specified in the Authorization. All bills shall contain such data as is required by the Commission to substantiate the billing and such other reasonable and available data as may be requested by the Ordering Agency, provided that such other data are contained in bills provided to other customers of the Contractor served under the same Service Classification as the **Ordering Agency**. I'm not an agency. I'm a private man, living.

Conclusion:

Enclosed is proof that Affirmant, as one of the "real men with arms and legs" on this land called America, is a collateral creditor (15 USC 1692a (4)) of the **full faith and credit of the United States** (12 USC § 1825(d)). As such creditor Affirmant is not liable for any "obligation of the

United States”. It is not a form of payment, but documentation ,my hands and legs have already been used for collateral. Any documentation stating I’m anything other than the people of Florida and not a debtor, all certifications are false, **under the penalty of perjury.**

Termination of service for one's inability to lawfully be charged or legally “pay”, especially where there is a duty to provide service, is **Cruel And Unusual Punishment** (See Article the Eighth, aka Eight Amendment). I admit I didn’t know what I was doing at the time of obtaining services and contributed to placing myself in a position of **cruel and unusual punishment.**

All know what lack of electricity, water, gas and communication does to people, family and communities yet most are willing to allow injury and damages if one chooses to feed, house and/or clothe themselves without use of the Federal Reserve System. Who or what gave utility corporations/States the right to pillage earth, separate the people from our ancestral knowledge of land air and water then sell it back to us, anyway?

To demand “payment” from Affirmant in the form of Federal Reserve Notes is to demand an impossibility as the notes are **debt obligations and not “money”** (12 USC § 1825(c)(6)) By me using them, I’m breaking the law and put myself at risk if I don’t have any, to experience cruel and unusual punishment and **I’m handicapped by being in the position to have to break the law as a private man, when Federal Reserve Notes are to be used by Federal agents, to advance banks and no other purpose is authorized (12 US Code 411)**

Due to these facts, and having the natural, unalienable right to land air and water, Affirmant cannot, in good faith, participate in the fraudulent of use of the Federal Reserve system for charges in Interstate Commerce when she/he is not so authorized nor engaged.

Termination of Affirmant’s service due to the exercise of rights to access basic necessities like electricity, water, gas and/or telecommunications for personal use, is considered retaliation and will result in a Remonstrance filed with the legislature to order an investigation and have the business charter/ license revoked and actors prosecuted for rights violations. I know I put myself in this position but its the commission’s job to make corrections, especially if one is **handicapped**, all venues are not exercised and its a threat for **cruel and unusual punishment** to take place.

With the law of God and under penalty of perjury [Cf. 28 USC 1746]

By:/s/ Richard L, Davis [Name]

