

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Norman
Anderson and/or Anthony Parks on
behalf of NW Landing Realty
against Florida Power & Light
Company.

DOCKET NO. 020639-EI
ORDER NO. PSC-02-1226-FOF-EI
ISSUED: September 9, 2002

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

FINAL ORDER DISMISSING COMPLAINT,
GRANTING LIMITATIONS ON FUTURE COMPLAINTS,
AND CLOSING OUTSTANDING COMPLAINTS

BY THE COMMISSION:

I. BACKGROUND

On May 14, 2001, Norman Anderson, purportedly an attorney representing N.W. Landing Realty, contacted the Division of Consumer Affairs (CAF) to register a complaint against Florida Power & Light Company (FPL). Mr. Anderson claimed that N.W. Landing Realty is a real estate holding company with several rental properties including property at 4750 S. Ocean Blvd., #210, Boca Raton, Florida. Mr. Anthony Parks owns the condo at 4750 S. Ocean Blvd., #210, Boca Raton, Florida. Mr. Anderson asserted that he requested that FPL disconnect the real estate company (N.W. Landing Realty) and place the service in the name of NDS Development, the new tenant, at 4750 S. Ocean Blvd., #210, Boca Raton, Florida. Mr. Anderson complained that FPL would not establish service in NDS Development's name.

DOCUMENT NUMBER-DATE

09468 SEP-98

FPSC-COMMISSION CLERK

FPL responded to our inquiry on June 4, 2001. FPL indicated in its report that N.W. Landing Realty had three past accounts with outstanding balances at three different addresses with the company. Further, N.W. Landing Realty had numerous incidences of past due notices and disconnections for nonpayment. FPL indicated that Mr. Anthony Parks wrote checks to cover payments due on N.W. Landing Realty accounts. FPL indicated that on February 12, 2001, it issued a payment extension to provide time to resolve the customer's concerns after he had contacted the utility regarding a balance transfer. However, the payment was not received and a final disconnection notice was issued by FPL.

Further, FPL stated that on April 27, 2001, Mr. Anderson had contacted FPL to inquire why FPL would not accept NDS Development's application for service. FPL reportedly indicated that since N.W. Landing Realty had an outstanding balance with FPL, the landlord would be required to contact FPL to confirm the new tenant. Further, FPL also indicated that a notarized lease was required from the owner of 4750 S. Ocean Blvd., #210, to confirm the change in tenant. Moreover, FPL stated that if the account was to be established in a corporate name, the corporation needed to be registered with the Florida Secretary of State. FPL reported that NDS Development had not been registered with the Florida Secretary of State. Also, FPL reported that NDS Development needed a valid tax identification number, since the one it used belonged to the Green Family LLC in Bradenton, Florida, according to the Division of Corporations.

FPL reported that Norman Anderson indicated that a copy of the lease would be faxed by May 16, 2001, and that NDS Development was in the process of registering in Florida. By June 11, 2001, FPL had not received the required paperwork from NDS Development. In addition, according to FPL, electricity was being used at 4750 S. Ocean Blvd, #210, without a customer of record.

On June 20, 2001, the closure letter sent by CAF which indicated that the inquiry had been closed without infraction was returned. On September 28, 2001, Mr. Anderson contacted CAF and

stated he had not received a closure letter. A copy of the letter was faxed to him. Mr. Anderson sent two letters including a request for an informal conference.

On October 2, 2001, CAF attempted to contact Mr. Anderson and was advised that he was out of town. On October 9, 2001, Mr. Anthony Parks contacted CAF. In his conversation with CAF, Mr. Parks indicated that Mr. Norman Anderson was a corporate lawyer who did not know administrative law, so Mr. Parks would be assigning the case to a different lawyer. We strongly suspect that Mr. Norman Anderson does not actually exist since no lawyer by his name is licensed in the State of Florida. During this conversation, Mr. Parks indicated that he owned that condo at 4750 S. Ocean Blvd., #210, Boca Raton, Florida. He was provided a copy of Form X to complete and return to request an informal conference.

We note that several letters were sent to Mr. Parks and Mr. Anderson which were returned due to being unclaimed or undeliverable. On October 29, 2001, Mr. Parks completed Form X and requested an informal conference.

On January 24, 2002, the informal conference was held. At the informal conference, Mr. Parks stated that NDS Development was being denied service improperly because it was his property. Mr. Parks further contended that NDS Development was the tenant not him. FPL reiterated that neither NDS Development nor N.W. Landing Realty are registered corporations and, therefore, cannot sign an application for service. FPL offered to settle the matter; however, the informal conference ended without a settlement.

Mr. Parks requested additional time to negotiate further with FPL. On March 4, 2002, a closing letter was sent to Mr. Parks. On April 15, 2002, FPL contacted CAF and advised that no name had been placed on the account for service at 4750 S. Ocean Blvd., #210, Boca Raton, Florida, and they were waiting for a copy of the settlement agreement. Further, FPL indicated that it appeared someone was still residing at the condo. On April 29, 2002, FPL reiterated the same concerns stated above and indicated that it

wished to discontinue service to the condo. On May 3, 2002, our staff contacted FPL and indicated that the customer could be disconnected. On May 9, 2002, FPL sent a letter to the occupant of 4750 S. Ocean Blvd., #210, advising that the service would be disconnected and requested that the occupant contact FPL. On May 16, 2002, since no further contact was made to FPL, service was disconnected at 4750 S. Ocean Blvd, #210.

On May 16, 2002, a phone call from a person who indicated he was Norman Anderson called the Commission. However, when the call was transferred to the informal conference, the caller then identified himself as Mr. Anthony Parks. Mr. Parks was advised that CAF was no longer able to assist him in this matter. Mr. Parks then contacted the Office of General Counsel (OGC) and indicated that his tenant was being disconnected. He was advised by the OGC to discuss the matter with FPL.

Mr. Parks faxed a copy of the settlement agreement to FPL. FPL indicated that the faxed agreement was unacceptable because of a conflict with the dates for the Notary Public, and the body of the Settlement Agreement had been altered. Therefore, Mr. Parks requested to establish service in his own name for 4750 S. Ocean Blvd, #210. Mr. Parks had to pay an outstanding balance from a previous account established in his name. Upon verification of sufficient funds in Mr. Parks account, FPL established service in his name for that address. According to FPL, Mr. Parks is responsible for service billed in his name from May 17, 2002 forward; however, activity on the meter prior to that date was not billed to him.

We note that FPL indicated via e-mail dated July 15, 2002, that Mr. Parks was being disconnected due to non-payment. In the e-mail, FPL indicated that a final notice was mailed to Mr. Parks on July 2, 2002, for a non-payment of \$155.98, and that payment was due July 11, 2002, to avoid disconnection of service. As of July 15, 2002, FPL indicated that no payment, other than the initial deposit, had been received. Via e-mail dated July 16, 2002, FPL indicated that Mr. Parks wrote a check to stop disconnection; however, he has a current balance which will become past due on July 31, 2002.

Mr. Parks has been associated with at least eighteen separate complaints filed with CAF. For all of these complaints, no apparent violations of Commission rules by the companies were found. We believe that Mr. Parks has used our rules regarding service in the various industries to game the system. Attachment A lists the consumer complaints which we have determined to be directly related to Mr. Parks.

This order addresses the consumer complaint filed on behalf of N.W. Landing Realty by Norman Anderson and later assumed by Mr. Anthony Parks. The order also addresses whether Mr. Parks should be permitted to continue to file complaints with this Commission, on his own behalf or on behalf of others. We have jurisdiction pursuant to Section 366.04, Florida Statutes.

II. DISMISSAL OF COMPLAINT

As noted in the Case Background, on May 14, 2001, Norman Anderson, purportedly an attorney representing N.W. Landing Realty, contacted CAF to register a complaint that FPL would not change service from N.W. Landing Realty to establish service in NDS Development's name. Mr. Anderson never followed up on his request for an informal conference when he disagreed with the proposed resolution of the case in which the inquiry was closed without infraction. As noted previously, we strongly suspect that Mr. Anthony Parks was using the name Norman Anderson in filing this complaint because Mr. Parks followed up with an informal conference request and appeared at the informal conference by phone. At the informal conference, Mr. Parks appeared to be acting on behalf of NDS Development and N.W. Landing Realty, although he indicated that he was only the landlord.

At the informal conference, no settlement was reached. Certain conditions were presented by FPL which included the following: 1) that NDS Development present a valid tax identification number; 2) that an agreement would be reached to pay the bill; and 3) proof that N.W. Landing Realty represents Mr. Parks. Mr. Parks agreed to items 1 and 2, but would not provide

the paperwork showing that N.W. Landing Realty represented him, as the landlord. FPL and Mr. Parks indicated, at the end of the informal conference, that they thought a resolution could be reached.

A settlement agreement was drafted by FPL and sent to Mr. Parks. Apparently, there were two versions of the agreement, one dated January 29, 2002, and the other dated February, 2002. When Mr. Parks sent back the settlement agreement, it was the earlier version. We note that the agreement was to be between NDS Development and FPL. The settlement agreement was purportedly signed by Christopher Nutter as President of NDS Development on February 28, 2002. FPL rejected the settlement agreement because of alterations in the body of the settlement agreement and problems with the Notary Public. In reviewing the settlement agreement submitted by Mr. Parks, we determined that the Notary Public section indicates both February 28, 2002, and April 28, 2002, as the date the document was signed.

FPL indicated that neither N.W. Landing Realty nor NDS Development ever produced a tax identification number, as required by FPL to establish service, in either company's name. Although, Mr. Parks reached an agreement with FPL to have service established in his name, service has not been established in NDS Development's name as requested by the complainant.

Pursuant to Rule 25-6.095, Florida Administrative Code, a utility may prescribe conditions on anyone desiring electric service. In accordance with its Commission approved tariff, FPL can require a company to produce valid identification prior to establishing service in that company's name. Since NDS Development has not produced a valid tax identification number and no valid settlement agreement has been reached between FPL and NDS Development, we believe that it is appropriate to dismiss the complaint. Accordingly, Complaint No. 379477E, filed on behalf of N.W. Landing Realty by Norman Anderson, later assumed by Anthony Parks is hereby dismissed.

III. FUTURE COMPLAINTS

Since 1993, eighteen (18) complaints have been filed with CAF which involve Mr. Parks, companies of Mr. Parks, or others acting on Mr. Parks' behalf. (See Attachment A). Eight have involved complaints against BellSouth Telecommunications Company (BellSouth) and as noted by BellSouth's witnesses in Docket No. 000028-TL, of these eight complaints, "appeals have gone to the Commission staff, all without merit."¹ Five complaints have involved other telecommunications companies and five complaints have involved FPL. Mr. Parks has used companies and other names or persons in filing complaints with the Commission. Four of the complaints involve Northstar Industries of which Mr. Parks is the registered agent. Even though Mr. Parks was only the registered agent, he attempted to pay the phone bill of Northstar Industries. In Docket No. 000028-TL, BellSouth witness Shields testified that Mr. Parks was the registered agent of Northwest Landing Development, which is not a valid Florida corporation, and that he attempted to initiate service by writing a check for the corporation. One complaint against FPL involves N.W. (Northwest) Landing Realty, which is addressed in the previous section. Further, in Docket No. 000028-TL, BellSouth witness Shields testified that Mr. Parks was a registered agent for Nova Realty Investments. There were four complaints against BellSouth and Sprint involving Nova Realty. Additionally, it appears that Mr. Parks has used the names of his alleged "tenants" to make complaints with the Commission. However, on these tenants' accounts, it was Mr. Parks who wrote checks on these accounts. We believe that there is ample evidence to suggest that Mr. Parks uses other people or their names, or companies to open accounts, and then he files complaints at the Commission to forestall closure on his accounts.

BellSouth witness Shields and Sims testified in Docket No. 00028-TL that Mr. Parks has cost BellSouth, as well as the

¹On February 4, 2002, an administrative hearing was held in Docket No. 000028-TL regarding a waiver of certain rules which would require BellSouth to continue to provide service to Mr. Anthony Parks, and to properties owned, leased, or associated with Mr. Parks. By Order No. PSC-02-0874-FOF-TL, issued June 28, 2002, BellSouth's waiver request was granted with certain conditions.

Commission, a great deal of time and money. Further, "Mr. Parks has misled [BellSouth] on many occasions. He has and will use our rules to dispute legitimate charges in order to delay disconnection of service." Although these comments specifically refer to BellSouth's request for waiver, we note that these comments are applicable to all the complaints filed by Mr. Parks or others, on his behalf, at the Commission.

We have concerns regarding the amount of time and resources expended by this Commission in continuing to receive and process these complaints thereby diverting these resources from deserving customers. Additionally, we are concerned with Mr. Parks apparent misuse of our complaint handling procedures. Due to these concerns, we believe that it is appropriate to discontinue processing complaints which involve Mr. Parks. We are sensitive to the need to maintain a forum for consumers to seek assistance and resolution for problems that may arise with utility companies. However, we believe that to ensure the integrity of the forum, we should not permit an individual to flagrantly abuse our processes. As noted above, we believe that Mr. Parks has flagrantly abused our processes and is thereby damaging their integrity.

On at least one prior occasion, we have restricted the right of an individual to file pleadings at the Commission without prior approval from the Chairman's office. See, Order No. PSC-92-1469-FOF-TL, issued in Dockets Nos. 920188-TL and 920939. In that Order, we found that Mr. Roy Day's pleadings were "abusive and frivolous harangues which are intended solely to harass and which comport with virtually none of our procedural rules." Id. at 6. Further, we found that

[a]fter review of those pleadings and in light of Mr. Day's litigious history (which includes a court's finding that his activities as a vexatious litigant were a manifestation of mental illness) we find that the normal latitude which we afford to individuals filing pro se is inappropriate in the context of Mr. Day's propensity for baseless and repetitious pleadings.

Id. at 6. While the circumstances are not identical, Mr. Parks has certainly abused our informal process through the 18 complaints filed with the Division of Consumer Affairs. Further, we note that in Order No. PSC-02-0874-FOF-TL, we found that

the evidence demonstrates that Mr. Parks has systematically obtained service from BellSouth either by using other people to set up accounts on his behalf, or by using false corporate information. We are convinced by the evidence in the record that application of the subject rules to BellSouth will allow Mr. Parks to continue to game the system to obtain service under false pretense.

Id. at 15. As demonstrated above, Mr. Parks has also used our informal processes to game the system to avoid payment of bills and to obtain service under false pretense.

Based on the foregoing, we find that we will no longer receive or process any complaints regarding any industry regulated by this Commission that involve Mr. Anthony E. Parks or others, filing on his behalf, unless Mr. Parks submits his complaint in writing and it is signed by a member of the Florida Bar, in good standing, indicating the attorney's Florida Bar number and the attorney certifies that the complaint is not frivolous. Additionally, all outstanding complaints involving Mr. Parks shall be closed. Further, we grant our staff administrative authority to close any future complaints involving Mr. Parks that fail to meet the above criteria without further action of this Commission.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Complaint No. 379477E, filed on behalf of N.W. Landing Realty by Norman Anderson, later assumed by Anthony E. Parks is hereby dismissed. It is further

ORDER NO. PSC-02-1226-FOF-EI
DOCKET NO. 020639-EI
PAGE 10

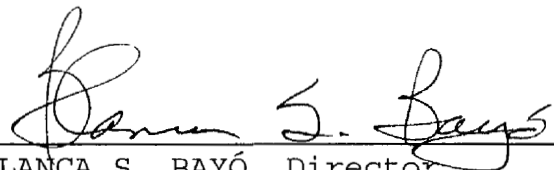
ORDERED that complaints regarding any industry regulated by the Florida Public Service Commission which involve Mr. Anthony E. Parks or others, filing on his behalf, shall not be processed unless Anthony E. Parks submits his complaint in writing and it is signed by a member of the Florida Bar, in good standing, indicating the attorney's Florida Bar number and the attorney certifies that the complaint is not frivolous. It is further

ORDERED that the Commission staff shall have administrative authority to close any future complaints involving Anthony E. Parks that fail to meet the conditions imposed without further action of this Commission. It is further

ORDERED that all outstanding complaints involving Anthony E. Parks shall be closed. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 9th day of September, 2002.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

KNE

DISSENT

Chairman Jaber and Commissioner Bradley dissent from Section III, Future Complaints.

ORDER NO. PSC-02-1226-FOF-EI
DOCKET NO. 020639-EI
PAGE 11

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

CHRONOLOGY OF COMPLAINTS FROM ANTHONY PARKS
 (Listing of All Complaints Filed With CAF)

Attachment A

ITEM	DATE	CASE #	STATUS	CO.	CUSTOMER	ADDRESS	PHONE NO.	PHONE NO.
1	1993	030233P	Open, Inf. Conf. Held-No Agenda	BST *	Northstar Industries	8133 Mizner Lane - Boca Raton	407-483-8757	
2	02-05-1996	109697I	Closed	BST	Northstar Industries	6050 Verde Trail, #405-Boca Raton	407-483-9539	407-483-2753
3	02-13-1996	111057I	Closed	FPL	Northstar Industries	6050 Verde Trail, Boca Raton	407-483-2753	
4	07-15-1996	132655I	Closed	FPL	Northstar Industries	6050 Verde Trail, Boca Raton	407-483-2753	
5	05-07-1996	124647I	Closed	BST	Anthony Parks	6050 Verde Trail, #405-Boca Raton	407-447-7569	407-483-2753
6	06-04-1997	174737I	Pending Informal Conference	BST *	Nortech Realty	6050 Verde Trail, Boca Raton	561-883-0177	561-362-6070
7	07-14-1998	220213R	Pending Informal Conference	FPL *	Christopher Nutter	6755 Montego Bay, Boca Raton	561-447-6635	
8	08-24-1998	224402I	Closed	BST	Christopher Nutter	6755 Montego Bay, Boca Raton	561-447-6635	561-703-3992
9	08-24-1998	224406I	Closed	MCI	Christopher Nutter	6755 Montego Bay, Boca Raton	561-447-6635	561-703-3992
10	02-19-1999	245090I	Closed	FPL	Anthony Parks	6755 Montego Bay, Boca Raton	561-417-5900	
11	02-25-1999	245981R	Closed	BST	Nova Realty	P. O. Box 812283, Boca Raton	561-417-2561	561-417-5900
12	02-19-1999	266209T	Closed	BST	Nicholas Aversa	6755 Montego Bay, Boca Raton	561-361-0023	954-866-0998
13	03-04-1999	248002R	Closed Cross-reference 248771R	Sprint-FL	Nova Realty	P. O. Box 812283, Boca Raton	561-417-2561	561-417-5900
14	03-11-1999	248005R	Closed	Sprint-LD	Nova Realty	P. O. Box 812283, Boca Raton	561-417-2561	561-417-5900
15	03-16-1999	248771R	Closed	Sprint-LD	Nova Realty	P. O. Box 812283, Boca Raton	561-417-2561	561-417-5900
16	08-12-1999	273390C	Closed	BST	Nicholas Aversa	6757 Montego Bay, Boca Raton	561-361-0023	
17	05-14-2001	379477E	Pending Agenda	FPL #	NW Landing Realty Norman Anderson NDS Development	4750 South Ocean Blvd., #210 Boca Raton	561-338-5937	
18	12-05-2001	422279T	Pending Informal Conference	Phones For All #	Charles Taylor	4750 South Ocean Blvd., #210 Boca Raton	561-338-5937	

* Informal Conference Held before C. Peña = 1
 Informal Conferences Pending Before C. Peña = 2

Informal Conference Held = 1
 Informal Conference Pending = 1