

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

IN RE:)
 COMPLAINT OF MOTHER'S KITCHEN)
 LTD.,)
 AGAINST,)
 FLORIDA PUBLIC UTILITIES COMPANY)
 REGARDING REFUSAL OR)
 DISCONTINUANCE OF SERVICE.)

DOCKET NO. 970365-GU
 ORDER NO. PSC-98-1254-FOF-GU
 ISSUED: SEPTEMBER 22, 1998.

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MOTION FOR RECONSIDERATION OF PSC ORDER
 ISSUED SEPTEMBER 22 1998 DENYING THE
 COMPLAINT UNDER DOCKET NO. 970365GU

COMES NOW, THE COMPLAINANT, MOTHER'S KITCHEN LTD., WHO WOULD MOVE THE FLORIDA PUBLIC SERVICE COMMISSION TO RECONSIDER IT'S ORDER ISSUED ON SEPTEMBER 22, 1998, DENYING COMPLAINANT'S COMPLAINT, AND AS GROUNDS FOR SUCH WOULD SUBMIT THE FOLLOWING:

CASE BACKGROUND

ON SEPTEMBER 16TH 1996, MOTHER'S KITCHEN LTD. FILED A COMPLAINT WITH THE FLORIDA PUBLIC SERVICE COMMISSION, DIVISION OF CONSUMER AFFAIRS AGAINST THE FLORIDA PUBLIC UTILITIES COMPANY ALLEGING DESPITE MAKING DEPOSIT PAYMENTS AND PAYMENTS FOR SERVICE AS HAD BEEN REQUESTED BY FLORIDA PUBLIC UTILITIES COMPANY (FPUC) EMPLOYEE DIANE KEITT, THE FPUC'S SANFORD OFFICE MANAGER; FPUC HAD ENGAGED IN A PRACTICE OF SYSTEMATIC TURN OFFS OF SERVICE AND UNWARRANTED REFUSAL OF SERVICE TO THE COMPLAINANT'S BUSINESS.

ON SEPTEMBER 17, 1998 IN RESPONSE TO SPECIFIC QUESTIONS BY CONSUMER AFFAIRS REPRESENTATIVE MOTHER'S KITCHEN LTD. PROVIDED FOLLOW UP INFORMATION REGARDING THE COMPLAINT.

IN LATE 1996 AND EARLY 1997, FPUC PROVIDED THE PUBLIC SERVICE COMMISSION WITH SEVERAL DOCUMENTS ENTITLED CRONOLOGY OF SERVICE FOR MOTHER'S KITCHEN; ALONG WITH OTHER DOCUMENTS REPORTED TO BE TRUTHFUL AND EXACT ACCOUNT RECORDS AND FACTUAL EVENTS CONCERNING THEIR HANDLING OF THE ACCOUNT OF MOTHER'S KITCHEN.

ON SEPTEMBER 29, 1997, DESPITE COMPLAINANT DISPLAYING BOTH DOCUMENTATION AND LIVE ACCOUNT CLEARLY SHOWING THE DOCUMENTS AND

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DOCUMENT NUMBER - DATE
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 FPSC-RECORDS/REPORTING

VERBAL ASSERTIONS OF FPUC AND IT'S REPRESENTATIVES TO BE IN ERROR, FLAWED AND FALSE. PSC'S STAFF TOOK A BIAS AND SLANTED POSTURE AGAINST THE COMPLAINANT AND ARBITRARILY ISSUED A RECOMMENDED ORDER UPON WHICH THE PSC ISSUED PROPOSED AGENCY ACTION ORDER No. 97-1133-FOF-GU.

MOTHER'S KITCHEN PROTESTED THE PSC'S PROPOSED ACTION AND THE MATTER WAS REFERRED TO THE DIVISION OF ADMINISTRATIVE HEARINGS FOR ASSIGNMENT OF AN ADMINISTRATIVE LAW JUDGE.

COMPLAINANT IN WHAT WAS TERMED TO BE A DI NOVO PROCEEDING BY THE ADMINISTRATIVE LAW JUDGE; WENT ABOUT DISPLAYING FURTHER FLAWS IN FPUC'S POSITION. UNTIL WELL INTO THE PROCESS; PSC STAFF CHOSE TO INTERJECT THEIR BIAS AND SLANTED POSITIONS INTO THE PROCESS AS AN INTERVENOR.

EVIDENCE OF THE BIAS AND SLANTED POSITION OF PSC'S STAFF CAN BE DEMONSTRATED BY REVIEW OF THE RECORD, WHEREIN THROUGHOUT THE WHOLE PROCESS, IT'S REPRESENTATIVE ASKED ONLY ONE QUESTION IN HEARINGS, WHILE ESPOUSING IT'S PREVIOUS BIAS CONCLUSIONS ON THE RECORD. DESPITE NUMEROUS SHOWINGS THAT DOCUMENTS AND STATEMENTS PREVIOUSLY MADE TO STAFF BY FPUC WERE FLAWED, FALSE AND MISREPRESENTED. YET STAFF'S COUNSEL DID NOT PUT FORTH ONE QUESTION OR COMMENT ABOUT THAT FACT.

THE ADMINISTRATIVE LAW JUDGE, AT THE URGING OF PSC COUNSEL AND FPUC'S COUNSEL WRONGFULLY AND ARBITRARILY DENIED COMPLAINANT THE RIGHT TO ENTER INTO EVIDENCE THE DOCUMENTS CONCOCTED BY FPUC IN 1996 AND 1997 WHICH WERE DIRECTLY OPPOSED TO THE DOCUMENTS CREATED BY THEM IN LATE 1997 AND 1998 AND WHICH WERE NOW BEING OFFERED AS OFFICIAL RECORD OF AN ACCOUNT ESTABLISHED IN 1996. A CLEAR VIOLATION OF ESTABLISHED LAW; WHICH REQUIRES THE USE OF ACTUAL DOCUMENTS CREATED AT THE TIME OF EVENT RATHER THAN SOME SELF SERVING DOCUMENT CREATED TWO YEARS LATER.

THE ADMINISTRATIVE LAW JUDGE, AT THE URGING OF PSC COUNSEL AND FPUC'S COUNSEL, WRONGFULLY AND ARBITRARILY DENIED THE COMPLAINANT'S INTRODUCTION OF EVIDENCE AND EXHIBITS WHICH SHOWED THE FALSITY OF SWORN TESTIMONY BY FPUC'S WITNESSES. WHILE TOTALLY IGNORING ADMISSIONS ON THE PART OF FPUC WITNESS; THAT WHILE HOLDING CONVERSATIONS WITH HIS ATTORNEY THEY FORMULATED RESPONSES WHICH WERE CONTRARY TO THE RECORD.

THIS CONCLUDED WITH A RECOMMENDED ORDER BEING ISSUED BY THE ADMINISTRATIVE LAW JUDGE ON JUNE 11, 1998 AFTER HEARINGS BEING HAD ON APRIL 1, 1998 BY VIDEO TELECONFERENCE BETWEEN ORLANDO, FLORIDA AND TALLAHASSEE, FLORIDA AND IN SANFORD, FLORIDA ON MARCH 4, 1998. THE RECOMMENDED ORDER, RECOMMENDING FPUC ACTED IN COMPLIANCE WITH PUBLIC SERVICE COMMISSION RULES AND SHOULD NOT BE REQUIRED TO PROVIDE A REFUND OF ANY PART OF THE DEPOSIT OR PAYMENTS MADE FOR SERVICE OR FEES ON THIS ACCOUNT

SINCE THE ENTRY OF THE RECOMMENDED ORDER THE PARTIES DID THE FOLLOWING:

A) ON JUNE 26TH 1998, MOTHER'S KITCHEN FILED IT'S EXCEPTIONS TO THE ALJ'S RECOMMENDED ORDER BY FOLLOWING THE EXACT INSTRUCTIONS FROM THE ALJ AT THE CONCLUSION OF HIS RECOMMENDED ORDER.

"PARTIES SHOULD FILE ANY EXCEPTIONS WITH THE AGENCY HAVING FINAL ORDER AUTHORITY."

ALTHOUGH COMPLAINANT'S REPRESENTATIVE WAS SERIOUSLY ILL, WITH A CARDIAC CONDITION; COMPLAINANT MEMBERS ON JUNE 25, 1998 OVERNIGHTED IT'S OBJECTIONS AND EXCEPTIONS TO:

ALJ'S CLERK OFFICE WITH THE U.S. POSTAL SERVICE SHOWING DELIVERY ON THE MORNING OF THE 26TH.

AND,

FLORIDA PUBLIC SERVICE COMMISSION (AGENCY HAVING FINAL ORDER AUTHORITY) THROUGH IT'S PURPORTED COUNSEL OF RECORD AS PUT FORTH IN THE ADMINISTRATIVE PROCEEDINGS, MR. KEATING, U.S. POSTAL SERVICE SHOWS DELIVERY MADE ON THE MORNING OF THE 26TH.

UNLIKE INSTRUCTIONS FROM THE ALJ'S OFFICE DESIGNATING HIS CLERK'S OFFICE SITE BY ADDRESS AND TELEPHONE NUMBER. NO MATERIAL EVER PROVIDED BY THE PSC OR IT'S REPRESENTATIVES SHOWED A "CLERK" DESIGNATION. FURTHERMORE IF KEATING IS THE LEGAL REPRESENTATIVE OF THE PSC IN THIS ACTION; THEN CANNONS OF LAW MANDATE ANY CORRESPONDENCE FOR THE PSC IN LEGAL PROCEEDINGS MUST BE DIRECTED TO COUNSEL. THEREFORE DELIVERY TO KEATING IS DELIVERY TO PSC.

COMPLAINANT'S EXCEPTIONS WERE TIMELY FILED.

B) ON JUNE 29, 1998 AFTER PSC REPRESENTATIVE HAD IN IT'S POSSESSION COMPLAINANT'S EXCEPTIONS FOR THREE DAYS, PSC

REPRESENTATIVE THEN PLACED IT IN THE RECORD AS BEING FILED ON JUNE 29, 1998. A COMPLETE AND OPENLY BIAS ASSERTION AS HE HAD IT IN HIS POSSESSION FOR THREE DAYS.

C) ON JULY 2, 1998 FPUC CERTIFIED IT MAILED TO COMPLAINANT IT'S MOTION TO STRIKE COMPLAINANT'S EXCEPTIONS CLAIMING EXCEPTIONS WERE UNTIMELY FILED. IN IT'S MOTION FPUC CITED THE DATE IT RECEIVED THE EXCEPTIONS BY REGULAR MAIL; WHICH WAS A FEW DAYS LATER THAN THE OVERNIGHT DELIVERY TO THE ALJ'S CLERK AND MR. KEATING. LATE RECEIPT WHILE IT SHOULD BE DULY NOTED, WHEN CAUSE IS THE PERFORMANCE OF THE U.S. POSTAL SERVICE CAN NOT BE AFFIXED TO COMPLAINANT.

D). ON JULY 8, 1998 FPUC FILED A RESPONSE TO MOTHER'S KITCHEN EXCEPTIONS; ASSERTING THE ALJ'S FINDINGS WERE SUPPORTED BY COMPETENT SUBSTANTIAL EVIDENCE AND THAT MOTHER'S KITCHEN FAILED IN IT'S EILING TO DEMONSTRATE OTHERWISE.

E). ON JULY 18, 1998 COMPLAINANT FILED A RESPONSE TO FPUC' MOTION TO STRIKE OF JULY 2, 1998. COMPLAINANT ASSERTS IN IT'S RESPONSE THAT FPUC WHILE CERTIFYING THAT IT'S MOTION TO STRIKE WAS SERVED BY MAIL DELIVERY ON JULY 2, 1998; THE ENVELOPE IN WHICH IT WAS CONTAINED DISPLAYED A POST MARK OF JULY 3, 1998 AND THAT JULY 3 WAS A FRIDAY PRIOR TO JULY 4 A NATIONAL HOLIDAY WITH THAT DAY OCCURRING ON A SATURDAY. IT IS COMMON KNOWLEDGE THAT THE POSTAL SERVICE HAD ADVISED THAT THEY WOULD BE SHUT DOWN ON MONDAY JULY 6TH TO OBSERVE THAT HOLIDAY. IT WAS FOR THOSE REASON THAT THE JULY 2, DATE IS NOT A FACTUAL SERVICE DATE AND THE ACTUAL RECEIPT DATE OF THAT MOTION WAS ON OR ABOUT THE 8TH OF JULY. THUS CREATING AN INSUFFICIENCY OF PROCESS. FPUC KNEW OR SHOULD HAVE KNOWN THAT THE FASHION IN WHICH THEY ATTEMPTED TO FILE THEIR MOTION WOULD CREATE AN UNFAIR AND UNJUST MANIPULATION OF THE TIME REQUIREMENTS, AND ACTUAL TIME OF RECEIPT WOULD EXCEED THE ALLOTTED FIVE DAY MAILING ENLARGEMENT.

COCKE V. MEBBILL LYNCH CO. 817 F. 2d 1559
1561; NATON V. BANK OF CALIFORNIA 649 F.
2d 691, 696; APPLICATION OF THE ZIPES
RATIONALE 18 U.C. DAVIS L. REV. 749, 779-80
1984, 502 So. 2d 446, 502 So. 2d 444 AND
411 So. 2d 184, 186-87.

WITHREGARDS TO EQUITTABLE TOLLING OF TIME, ADDRESSES

THE DOCTRINE OF EQUITABLE TOLLING SERVES TO AMELIORATE HARSH RESULTS THAT SOMETIMES FLOW FROM A STRICT, LITERALISTIC CONSTRUCTION AND APPLICATION OF ADMINISTRATIVE TIME LIMITS CONTAINED IN STATUTES AND RULES WHEREAS TOLLING MAY ARISE OUT OF A BROADER RANGE OF EVENTS.

COMPLAINANT'S RESPONSE WITHIN THE BROADER SCOPE AND MISREPRESENTATION BY FPUC OF ACTUAL SERVICE; WAS TIMELY FILED. ADDITIONALLY DESPITE STAFF TRYING TO MAKE THE BIAS AND DELIBERATELY FALSE ASSERTION THAT FILING OCCURRED ON JULY 24; THE RESPONSE WAS IN THE HANDS OF THE PSC TWO DAYS PRIOR TO THAT ASSERTION.

F). ON JULY 28, 1998, FPUC FILED A MOTION TO STRIKE PETITIONER'S RESPONSE TO FPUC'S JULY 2 MOTION TO STRIKE CLAIMING THE RESPONSE SHOULD HAVE BEEN FILED NO LATER THAN JULY 14, 1998. FPUC ALSO CLAIMED THAT THE PLEADING CONTAINS DOCUMENTS AND REFER TO DOCUMENTS NOT IN THE RECORD.

G). ON AUGUST 11, 1998 MOTHER'S KITCHEN FILED A PLEADING TITLED COMPLAINANT'S RESPONSE TO RESPONDENT'S MOTION TO STRIKE PETITIONER'S RESPONSE. MOTHER'S KITCHEN IN THIS PLEADING REASSERTED THAT THE POST HEARING FILINGS WERE TIMELY AND THAT ALL DOCUMENTS AND REFERENCES CONTAINED THEREIN WERE INDEED FROM DOCUMENTATION AND VERBAL ASSERTIONS ENTERED BY FPUC DURING THE COURSE OF THIS PROCEEDING.

H). ON AUGUST 31, 1998 MOTHER'S KITCHEN AFTER RECEIVING SHORT NOTICE ON THE PROPOSED COMMISSION HEARING AND DUE TO IT'S REPRESENTATIVE STILL BEING ILL AND UNABLE TO TRAVEL; SUBMITTED IT'S WRITTEN OBJECTIONS TO THE BIAS AND INTENTIONALLY MISLEADING RECOMMENDATIONS PLACED INTO THE RECORD BY STAFF. THIS PLEADING WAS ASKED OR REQUESTED TO BE MADE A PART OF THE RECORD SHOWING COMPLAINANT'S OPPOSITION TO THE RECOMMENDATIONS PUT FORTH BY STAFF AND WAS NOT AN ATTEMPT AT AN EXPARTE COMMUNICATIONS AS STAFF PUT FORTH.

J). ON SEPTEMBER 22, 1998 THE PSC ISSUED AN ORDER DENYING COMPLAINT. ADOPTING THE ALJ'S RECOMMENDED ORDER; GRANTING FPUC'S MOTION TO STRIKE OF JULY 2, 1998; GRANTING FPUC'S MOTION TO STRIKE PETITIONER'S RESPONSE AND OBTIATING THE NEED TO ADDRESS

MOTHER'S KITCHEN EXCEPTIONS.

REQUEST FOR RECONSIDERATION

PURSUANT TO RULING IN PUBLISHERS RESOURCE, INC. V. WALKER-DAVIS PUBLICATIONS, INC., 762 F. 2d 557, 561 (7TH CIR. 1985) IN WHICH IT IS HELD THAT MOTIONS FOR RECONSIDERATIONS GENERALLY SERVE A FUNCTION DESIGNED SOLELY TO CORRECT MANIFEST ERRORS OF LAW OR FACT OR TO PRESENT NEWLY DISCOVERED EVIDENCE.

PAINWEBBER INCOME PROPERTIES THREE LTD. PARTNERSHIP V. MOBIL OIL CORP., 902 F. SUPP. 1514, 1521 (M.D. FLA. 1995); HOLDS THAT A MOTION FOR RECONSIDERATION SHOULD RAISE NEW ISSUES.

1. FROM INCEPTION AND THROUGHOUT THE PROCEEDINGS IN THIS MATTER; COMPLAINANT HAS SET FORTH ALLEGATIONS BEFORE THE AGENCY WITH FINAL ORDER AUTHORITY(PSC) CLAIMING BIAS, DISCRIMINATION AND MISREPRESENTATION, RACIALLY MOTIVATED ON THE PART OF IT'S STAFF. THE ONLY ADDRESSING OF THIS ISSUE BY THE COMMISSION CAME IN THE WAY OF COMMENT DURING A FULL COMMISSION HEARING WHEREIN COMPLAINANTS WERE TOLD TO CO-OPERATE WITH STAFF AND THAT STAFF WAS THERE TO HELP COMPLAINANTS. IN FACT STAFF HAS WORKED AGAINST COMPLAINANTS FROM THE BEGINNING. THE ONLY SEMBLANCE OF FAIRNESS CAME WHEN STAFF EMPLOYEE RASPBERRY WAS A PART OF THE PROCESS AND HE WAS QUICKLY REMOVED FROM AN ACTIVE ROLE.

STAFF HAS CONTINUALLY IGNORED WRONGDOING ON THE PART OF FPUC AND MADE MISREPRESENTATIONS BEFORE THE COMMISSION TO AID FPUC.

EVIDENCE OF THIS BIAS AND DISCRIMINATORY ACTION IS DEMONSTRATED AS FOLLOWS:

(A). WHEN ISSUE OF ORIGINAL DEPOSIT WAS BROUGHT UP, FPUC WAS THEN AND STILL IS UNABLE TO PRODUCE DOCUMENTS TO SUBSTANCUATE THEIR CONTENTION OF BYRD OPENING THE ACCOUNT SOLELY IN HIS NAME.

"SINCE THE COMMISSION RULES CALL FOR CREATION OF A CERTIFICATE OF DEPOSIT TO COVER JUST SUCH AN EVENT, STAFF DID NOT ASK FPUC TO PRODUCE SUCH CERTIFICATE, WHICH ANY REASONABLE INVESTIGATOR OR FACT FINDER WOULD HAVE DONE. INSTEAD STAFF ASKED COMPLAINANTS, SOME ONE THEY ARE NOT CHARGED WITH REGULATING, TO PROVE IT."

WHEN PROVEN BY BOTH ABSENCE OF ANY SUCH CERTIFICATE AND SWORN TESTIMONY FROM BYRD THAT THE ACCOUNT WAS ESTABLISHED FOR THE PARTNERSHIP.

"STAFF CHOSE TO IGNORE THIS VIOLATION AND ISSUE A FORMAL RECOMMENDATION THAT FPUC COMMITTED NO VIOLATION.

SOMETHING ANY UNBIAS REASONABLE PERSON WOULD NOT DO IN THE FACE OF SUCH GLARING APPARENT FACT. (EITHER A CERTIFICATE WAS MADE AS REQUIRED BY RULE OR A RULE WAS VIOLATED BY NOT PRODUCING IT; THE ABSENCE OF SUCH A CERTIFICATE AND FPUC' FAILURE TO PRODUCE IT WHEN REQUESTED LEAVE NO ROOM FOR ANY OTHER CONCLUSION, THAN THEY VIOLATED THE RULE BY NOT ISSUING IT.

WHY WAS THIS NOT DONE; STAFF INTENTIONALLY AND MALICIOUSLY HAD AN OPEN AND CONTINUING BIAS TOWARDS THE COMPLAINANTS.

(B). WHEN STAFF WAS PRESENTED WITH A RECEIPT CLEARLY SHOWING THAT FPUC HAD DELIBERATELY PUT FORTH FALSE AND MISLEADING INFORMATION IN THEIR OFFICIAL CRONOLOGICAL HISTORY OF THE ACCOUNT REQUESTED BY STAFF.

"STAFF DID NOT QUESTION WHY THEIR RECORDS CONTAINED FALSE INFORMATION; WHEN CHARGED WITH ENSURING UTILITY RECORDS BE COMPLETE AND ACCURATE; THEY INSTEAD TRIED TO AID FPUC IN COMING UP WITH AN EXPLANATION, DESPITE THERE BEING NO DOCUMENTATION TO SUPPORT THE VERBAL EXPLANATION FPUC AND STAFF CAME UP. STAFF PUT IT FORTH AS TRUTH IN IT'S RECOMMENDATIONS; DESPITE COMPLAINANT SHOWING BY WAY OF DOCUMENTS OBTAINED FROM FPUC'S RECORDS THAT THEIR VERBAL ASSERTIONS WERE UNTRUE."

STILL STAFF DID NOT PERFORM AN INDEPTH INVESTIGATION NOR QUESTION THE OBVIOUS DISCREPANCY; STAFF DID HOWEVER IN THE FACE OF SUCH AN OBVIOUS ATTEMPT AT MISREPRESENTATION BY FPUC; STAFF ISSUED A RECOMMENDATION THAT FPUC DID NOT VIOLATE ANY RULES. SOMETHING NO PRUDENT OR REASONABLE PERSON WOULD HAVE DONE. WHY; BECAUSE STAFF INTENTIONALLY AND MALICIOUSLY HAD AN OPEN AND CONTINUING BIAS AGAINST THE COMPLAINTS.

(C). WHEN STAFF WAS PRESENTED WITH AN ASSERTION BY FPUC IN MARCH 1997 THAT THE REASON THEY REFUSED TO LEAVE SERVICE ON WHEN PAID; WAS DUE TO COMPLAINANTS REFUSING TO PAY \$200.00 FOR A REPAIR ON DEFECTIVE EQUIPMENT; WHILE ADMITTING THERE WAS

SERVICABLE EQUIPMENT STILL PRESENT. ONLY LATER TO ASSERT THAT REASON THEY REFUSED SERVICE WAS DUE TO REFUSAL TO SIGN A GHOST LIKE WORK ORDER, WHICH NEVER EXISTED; AND WHEN ASKED TO PRODUCE IT FPUC COULD NOT; FINALLY ALTERING THEIR STANCE ON THIS ISSUE BY AFTER HOLDING A MEETING WITH COUNSEL THEY DECIDED THE REASON WAS DUE TO A MEMBER OF THE BUSINESS BEING "IRRATIONAL".

DESPITE FPUC GIVING THREE SEPERATE ACCOUNTS ON THREE DIFFERENT OCCASSIONS; STAFF CHOSE TO IGNORE THE FACT THAT IF ONE IS TRUE AS FPUC PUT FORTH THE OTHERS MUST BE LIES.

STAFF DID NOT QUESTION FPUC AS TO WHY THEY WERE CONCOCTING VARIED AND DIVERSE REASONS WHEN ONE WAS SUCCESSFULLY REBUTTED. STAFF INSTEAD CHOSE TO WILLINGLY EXCEPT AND AID FPUC IN PUTTING FORTH THE FALSE ASSERTIONS.

WHY, BECAUSE STAFF HAD AN OPEN AND CONTINUING BIAS TOWARDS COMPLAINANTS.

(D). WHEN STAFF WAS PRESENTED WITH THE FACT THAT FPUC'S REPRESENTATIVE KEITT TESTIFIED UNDER OATH; THAT SHE PLACED \$290 IN PETTY CASH AND FORGOT ABOUT IT UNTIL THE NEXT TIME SHE ENTERED PETTY CASH AT WHICH TIME SHE TOOK IT AND COMBINED IT WITH ANOTHER PAYMENT TO CREATE THE \$500 PLUS SHOWN ON THEIR RECORDS; AND FPUC'S OWN DOCUMENTS SHOWED THIS TO BE A LIE; WHEN PETTY CASH RECORDS SHOWED KEITT ENTERED THE PETTY CASH ON AT EACH TWO SEPERATE OCCASSIONS AFTER THE DATE OF THE \$290 RECEIPT AND DAYS PRIOR TO THE \$500 PLUS ENTRY AND NO RECEIPT WAS ISSUED OR RECORD MADE. STAFF STILL INTENTIONALLY AND MALICIOUSLY MAINTAINED KEITT'S ASSERTIONS WERE TRUE; EVEN WHEN FPUC'S OWN DOCUMENTATION SHOWED OTHERWISE. ANY PRUDENT AND REASONABLE PERSON WOULD HAVE AT LEAST QUESTIONED THIS. HOWEVER, STAFF NOT ONLY DID NOT QUESTION IT BUT AIDED FPUC IN THE FURTHERANCE OF THIS LIE.

WHY; BECAUSE STAFF HAD AN OPEN AND CONTINUING BIAS TOWARDS THE COMPLAINANTS.

(E). IN THE HANDLING OF COMPLAINANTS' EXCEPTIONS AND ALL OF THE MOTIONS THAT FOLLOWED; STAFF NOR ANY OTHER MEMBER OF THE PSC ADVISED COMPLAINANTS OF THE DESIGNATION OF A CLERK'S OFFICE

FOR CORRESPONDENCE TO THE PSC POST HEARING. INSTEAD THE ONLY MEANS FOR FORWARDING DOCUMENTATION FOR THE PSC EVER ESPOUSED DURING THE ADMINISTRATIVE HEARING PROCESS; WAS THROUGH OF APPEARANCE OF KEATING AS COUNSEL FOR PSC AND ALL CORRESPONDENCE WAS TO BE DIRECTED THROUGH HIM. STAFF KNEW OR SHOULD HAVE KNOWN FROM THE TEXT OF THE PLEADINGS THAT COMPLAINANTS WERE LULLED INTO THE POSITION OF BY SENDING DOCUMENTS TO THE PSC'S COUNSEL THEY WERE INDEED SENDING THEM TO THE PSC. STAFF IN IT'S RECOMMENDATIONS ASSERT UNTIMELINESS AND LIST SPECIFIC DATES OF RECEIPT OF THE PLEADINGS; HOWEVER IT AND IT'S REPRESENTATIVES HELD ONTO THE PLEADINGS FOR TWO AND THREE DAYS BEFORE ACKNOWLEDGING RECEIPT IN EFFORTS TO AID FPUC IN ATTEMPTS TO AVOID HAVING TO ADDRESS THE EXCEPTIONS BEFORE THE COMMISSION. STAFF ALSO CHOSE TO NOT ADDRESS THE ISSUE OF THE COMPLAINANTS REPRESENTATIVE'S ILLNESS AND ESPOUSING QUALIFICATIONS FOR THE QUALIFIED REPRESENTATIVE; WHILE FAILING TO MENTION THAT COMPLAINANT HAD STATED IN PRIOR PLEADING THAT THE REPRESENTATIVE'S ILLNESS HAD CAUSED THE OTHER MEMBERS WHO WERE NOT QUALIFIED REPRESENTATIVES TO TRY AND RESPOND TO THE PLEADINGS. JUST AS WE DO SO NOW.

WHY DID STAFF HOLD ONTO THE PLEADINGS FOR TWO AND THREE DAYS BEFORE FORMALLY ACKNOWLEDGING THEIR RECEIPT; BECAUSE STAFF HAD AN OPEN AND CONTINUING BIAS AGAINST THE COMPLAINANTS.

WHILE THE ISSUES PUT FORTH IN THE ABOVE DOES NOT CONSTITUTE ALL OF THE INAPPROPRIATE BIAS BASED ACTIONS ON THE PART OF STAFF; THEY DO DEMONSTRATE AN UNREASONABLENESS APPLIED TO THEIR HANDLING OF THIS MATTER AND THEIR WILLINGNESS TO INJECT THOSE BIAS ACTIONS INTO THE OFFICIAL PROCEEDINGS IN THIS MATTER.

THEREFORE: SINCE STAFF REPRESENTATIVE KEATING, WHO PARTICIPATED IN PRE HEARING CONFERENCES AND PRE ADMINISTRATIVE HEARING RECOMMENDATIONS BY STAFF; HIS PRESENT AND CONTACT WITH THE ADMINISTRATIVE LAW JUDGE; AFTER COMPLAINANTS HAD VOICED CLAIMS OF BIAS BASED ON RACE WAS NOT APPROPRIATE AND LEGALLY WRONG.

THE INPUT AND EVALUATION OF EVIDENCE AND EVENTS AND THE OFFERING OF RECOMMENDATIONS(WHICH THE COMMISSION APPARENTLY FOLLOWED) WERE LIKEWISE LEGALLY WRONG.

WHEN THE IMPARTIALITY OF A COURT, MASTER OR AGENCY WITH FINAL ORDER AUTHORITY; POSSESSING RESPONSIBILITY FOR DETERMINING THE RIGHTS OF A PARTY OR RESOLVING DISPUTED FACTS BETWEEN TWO PARTIES IS RAISED, THAT COURT, MASTER OR AGENCY MUST ADDRESS SUCH ALLEGATION PRIOR TO CONTINUING THE FACTFINDING PROCESS. STAFF AND THROUGH THEM THE PSC DEPRIVED COMPLAINANTS OF THEIR DUE PROCESS RIGHTS.

THEREFORE ANY ORDER BASED ON THE BIAS AND DISCRIMINATORY ACTIONS MUST BE SET ASIDE.

ABSENT AN OFFICIAL INSTRUCTION TO THE CONTRARY; SERVICE OF PLEADINGS ON THE COUNSEL OF RECORD FOR THE PSC CONSTITUTES SERVICE ON THE PSC.

SINCE SERVICE WAS MADE ON THE PSC THROUGH IT'S COUNSEL PRIOR TO FILING DEADLINE COMPLAINANTS' EXCEPTIONS MUST BE ADDRESSED AND FPUC'S MOTIONS TO STRIKE DENIED AS MOOT.

COMPLAINANTS OBJECTED ON THE RECORD TO THE ALJ'S ALLOWING FPUC TO ENTER INTO EVIDENCE AS A TRUE CRONOLOGY OF ACCOUNT EVENTS, A DOCUMENT COMPLETED AND FORMULATED A YEAR TO TWO YEARS AFTER THE FACT; AND TO THE ALJ REFUSING TO ALLOW THE ENTRY INTO EVIDENCE DOCUMENTS COMPLETED AT THE TIME OF THE EVENTS PURPORTED TO BE A TRUE CRONOLOGY OF ACCOUNT EVENTS DURING CROSS EXAMINATION OF THE PARTY CLAIMING TO HAVE MADE BOTH SETS OF DOCUMENTS. IN DO THE ALJ WRONGFULLY DENYED COMPLAINANTS RIGHT TO IMPEACH THE WITNESS.

THE ALJ LIKewise REFUSED TO ALLOW CERTAIN QUESTIONS TO WITNESSES WHICH WOULD SHOW CAUSE TO DISBELEIVE THE WITNESSES DURING CROSS EXAMINATION AND IN PRE-TRIAL PROCEEDINGS; WRONGFULLY DENYING COMPLAINANTS RIGHT TO IMPEACH THE WITNESS AND DISCOVERABLE FACTS.

THE ALJ GAVE FPUC EXTENSIVE TIME AND LEEWAY IN THE PUTTING ON OF IT'S CASE, WHILE CONTINUALLY LIMITING COMPLAINANTS TIME FOR PUTTING ON IT'S CASE. THE ALJ IN CONCERT WITH FPUC AND THE PSC AS INTERVENOR PREVENTED COMPLAINANTS FROM ENTERING INTO EVIDENCE, MATERIALLY WEIGHTED AND WHICH WOULD CONTRADICT FPUC ASSERTIONS.

COMPLAINANTS' EXCEPTIONS ARE FACTUAL, WEIGHTED AND WELL FOUNDED; AND SHOULD BE ADDRESSABLE.

STAFF GIVES PLENTY OF PLAY TO THE 30 SOME ODD EXHIBITS ENTERED BY FPUC, HOWEVER STAFF AND THE ALJ CHOSE TO IGNORE THE FACT THAT THE MAJORITY OF SUCH EXHIBITS WERE COMPUTER GENERATED DOCUMENTS CREATED IN 1997 AND 1998; NOT ACTUAL DOCUMENTS CREATED IN 1996 DURING THE TIME OF SUCH EVENT.

ANY DOCUMENT ATTEMPTED TO BE ENTERED INTO EVIDENCE WHICH WAS ACTUALLY CREATED AT THE TIME OF EVENT WAS BARRED FROM ENTRY.

ALL OF THE ALJ'S ACTIONS UPON WHICH COMPLAINANTS EXCEPTIONS WERE BASED ARE ACTS OF REVERSIBLE ERROR.

FPUC MAINTAINS IN IT'S MOTION TO STRIKE PETITIONER'S RESPONSE; THAT COMPLAINANTS' PLEADING CONTAINS DOCUMENTS AND REFERS TO DOCUMENTS NOT IN THE RECORD.

BY GRANTING FPUC'S MOTION THE PSC HOLDS THAT STATEMENT TO BE TRUE.

ACCORDINGLY COMPLAINANT, PURSUANT TO THE HOLDINGS OF PUBLISHERS RESOURCE, INC AS CITED ABOVE AND PAINWEBBER INCOME PROPERTIES THREE LTD. AS CITED ABOVE; WOULD OFFER AS NEW EVIDENCE AND NEW ISSUES THE FOLLOWING:

1. NEW ISSUES:

PSC'S FAILURE TO ADDRESS THE ALLEGATIONS OF BIAS ON THE PART OF IT'S STAFF PRIOR TO COMPLETION OF THIS MATTER. SAID ALLEGATIONS BEING WEIGHTED AND TAKING AWAY ANY SEMBLANCE OF FAIRNESS AND JUSTICE IN THIS MATTER.

PSC AND THE ALJ USE OF THE INPUT FROM INDIVIDUALS WITH A PREDISPOSITION TO SEE THEIR ORIGINAL RECOMMENDATIONS CERTIFIED AND SUPPORTED; SAID INDIVIDUALS BEING STAFF MEMBERS WHO ARE THE SUBJECT OF BIAS ALLEGATIONS.

PSC AND THE ALJ USE OF WHAT AMOUNTS TO TAINTED INPUT FROM THOSE INDIVIDUALS IN THE FORMULATION OF THEIR ORDERS; THUS TAINTING THE ORDERS.

COMPLAINANTS' ALLEGATIONS OF BIAS PRECEED THE HEARINGS AS DEMONSTRATED BY EXHIBIT ONE ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

2. NEW EVIDENCE:

THE \$500 DEPOSIT WHICH IS HIGHLY CRITICAL TO THIS MATTER; CENTERS AROUND FPUC'S KEITT ASSERTION THAT SHE PLACED A \$290 PAYMENT INTO PETTY CASH ON THE 12TH OF AUGUST 1996 AND FORGOT ABOUT IT UNTIL SHE NEXT WENT INTO PETTY CASH AT WHICH TIME SHE TOOK IT AND COMBINED IT WITH ANOTHER PAYMENT TO EQUATE

TO A \$521.00 ENTRY ON THE ACCOUNT RECORD. EXHIBIT TWO DEMONSTRATES NOT ONLY THIS ASSERTION TO BE FALSE; BUT IT ALSO DEMONSTRATES NO SUCH ENTRY BY KEITT ON AUGUST 12TH AT ALL.

COMPLAINANTS HAVE MAINTAINED ALL ALONG THAT THEY MADE AN ADDITIONAL DEPOSIT IN JULY '96 AT KEITT'S INSISTENCE; FPUC CLAIMS THE \$521 ENTRY WAS DUE TO THE KEITT'S VERBAL ASSERTION AND ANTHONY BROOKS COMING INTO THE OFFICE ON AUGUST 12.

EXHIBIT THREE DEMONSTRATES THAT ANTHONY BROOKS WAS NO WHERE NEAR FPUC'S SANFORD OFFICE AND MS. KEITT ON THE 12TH OF AUGUST. CONFIRMING WITNESS TESTIMONY ON THE RECORD.

THESE TWO EXHIBITS SHOW THE FALSITY OF KEITT'S ASSERTION AND SWORN TESTIMONY AT HEARING.


EXHIBIT FOUR DEMONSTRATES FPUC'S REPRESENTATIVES PROPENSITY FOR CREATING ASSERTIONS AND RECORD TO FIT ANY GIVEN SITUATION.

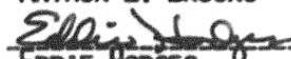
WHEN TAKEN SEPERATELY AND IN COMBINATION THE ABOVE WOULD GIVE ANY PRUDENT AND REASONABLE PERSON CAUSE TO DOUBT THE VERASITY OF FPUC'S ASSERTIONS AND FULLY SUPPORT THE COMPLAINT OF THE COMPLAINANTS.

WHEREFORE: COMPLAINANTS WOULD REQUEST THE HONORABLE COMMISSION TO RECONSIDER IT'S ORDER AND FIND THAT;

- 1). COMPLAINANTS' EXCEPTIONS WERE TIMELY FILED/ OR IN THE ALTERNATIVE EQUITABLE CIRCUMSTANCES PREVENTED TIMELY FILING.
 - 2). FPUC'S MOTIONS TO STRIKE WERE DENIED.
 - 3). COMPLAINANTS EXCEPTIONS ARE BASED UPON SOUND PRINCIPLES.
- AND,
- 4). COMPLAINANTS' COMPLAINT SHOULD BE SUSTAINED.

RESPECTFULLY SUBMITTED THIS 5th DAY OF OCTOBER 1998.

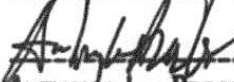


ARTHUR L. BROOKS


EDDIE HODGES



DANJELE M. DOW BROOKS



ANTHONY L. BROOKS

COMPLAINANTS
POST OFFICE BOX 1363
SANFORD, FLORIDA 32772
407)323-3657

CERTIFICATE OF SERVICE:

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING ALONG WITH ATTACHMENTS WERE MAILED OVERNIGHT DELIVERY TO: KATHRYN CONDERY ATTORNEY FOR FPUC AT 3301 THOMASVILLE ROAD SUITE 300 TALLAHASSEE FLORIDA 32312 THIS 5th DAY OF OCTOBER 1998.



ARTHUR BROOKS

EXHIBIT ONE

REAR PAGE OF ADMINISTRATIVE LAW
JUDGE'S ORDER SHOWING INSTRUCTION
FOR FILING EXCEPTIONS.

Kathryn G. W. Cowdery, Esquire
Gatlin, Schiefelbein & Cowdery, P.A.
3301 Thomasville Road, Suite 300
Tallahassee, Florida 32312

Wm. Cochran Keating, IV, Esquire
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Blanca Bayo, Director of Records
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

William D. Talbott, Executive Director
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Rob Vandiver, General Counsel
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the final order in this case.

EXHIBIT TWO

CONSISTING OF

- (1) COPY OF \$521.72 CASH PAYMENT RECEIPT SHOWING RECEIPT OF \$521.72 CASH AT ONE PAYMENT. NO COMBINATION OF PAYMENTS WAS HAD OR SHOWN. A COPY OF ~~\$290.00~~ CASH PAYMENT RECEIPT SHOWING ONE PAYMENT RECEIVED.
- (2) LETTER FROM FPUC'S TROY TO PSC DURBIN ALLEGING COMBINATION OF PAYMENTS
- (3) PETTY CASH RECORD OF FPUC FOR PERIOD SHOWING NO ENTRY OF ~~\$290.00~~ AND NO MENTION EVEN AFTER 4 TRIPS BACK TO PETTY CASH IN ADVANCE OF AUGUST 28, 1996. KATT TESTIFIED UNDER OATH, THAT SHE PLACED THE MONEY IN PETTY CASH, DID NOT GO BACK TO PETTY CASH UNTIL AUGUST 28TH AT WHICH TIME SHE DISCOVERED THE MONEY.
RECORD CLEARLY SHOWS NO ENTRY OF ~~\$290.00~~ AND SHE RE-ENTERED PETTY CASH 4 TIMES AFTER THE 12TH.
- (4) FPUC'S COLLECTOR'S DAILY LOG OBTAINED PURSUANT TO NOTICE TO PRODUCE AND CERTIFIED BY COUNSEL TO BE TOTAL SUCH RECORDS FOR PERIOD.
NOTE: ABSENCE OF ANY ENTRIES FOR JULY 11, AUG 12. HOWEVER THERE ARE ENTRIES FOR 7/24 - WHEN BYRD WENT IN FOR THE SECOND TIME

REQUESTING TURN-OFF AND FOR 9/12
SHOWING "LOCKED".

THIS DOCUMENT TOTALLY IS CONTRARY TO THE
VERBAL ASSERTIONS PUT FORTH ON THE RECORD.

FLORIDA PUBLIC UTILITIES COMPANY

ACCOUNT NUMBER 01131.0171252

CASH M/O CHECK

REFERENCE #

NAME Mothers Station

ADDRESS

CITY ZIP

PREPARED BY AP DATE 8/28

OFFICIAL VALIDATION REQUIRED

OTHER PAID MERCHANDISE/JOBGING

FLORIDA PUBLIC UTILITIES COMPANY

UTILITY 5211.72

TOTAL 5211.72

FLORIDA PUBLIC UTILITIES COMPANY

ACCOUNT NUMBER
01113110172521

CASH M/O CHECK

REFERENCE # _____

NAME *SP and*

ADDRESS *19 Mother's Kitchen*

CITY _____ ZIP _____

PREPARED BY *AK* DATE *5/12*

OFFICIAL VALIDATION REQUIRED

OTHER

MERCHANDISE/JOBBER

DEPOSIT

UTILITY

TOTAL

PAY TO
AUG 13 1996
FLORIDA PUBLIC UTILITIES CO.

290.00
290.00

FLORIDA
PUBLIC UTILITIES COMPANY

P O Box 3395
West Palm Beach
FL 33402-3395

ADDRESS ONLY TO COMPANY

July 9, 1997

J Richard Durbin
Consumer Services Consultant
Division of Consumer Affairs
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee FL 32399-0867

Re: Mothers Kitchen
Docket No. 970365-GU

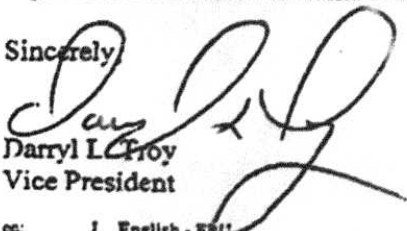
Dear Mr. Durbin:

The cash receipt for \$290.00 received on August 12, 1996, on behalf of Mothers Kitchen is explained as follows:

A cash payment in the amount of \$290.00 was received by our Sanford office manager on August 12, 1996. The \$290.00 was placed and held in the office manager's petty cash box. Mothers Kitchen was notified that a check payment made on July 25, 1996, for \$211.72 had been returned by our bank unpaid and that we would have to be reimbursed for that unpaid check immediately. On August 28th the reimbursement for the returned check of \$211.72 plus a \$20.00 returned check service charge was credited to Mothers Kitchen account along with the \$290.00 held in the petty cash box. This credit totaled \$521.72.

If you need additional information please let me know.

Sincerely,


Darryl L. Froy
Vice President

cc: J. English - FPL
C. Stein - FPL
D. Kinser - FPL

STATEMENT C ETTY CASH PAYMENTS

✓ PETTY CASH # 8

EMPLOYEE NAME Diane Keitt EMPLOYEE # 3885 MONTH OF September DIVISION Sanford

DATE PAID	PAID TO	WHAT FOR	ACCOUNT NUMBER	SUBLEDGER	TOTAL
7/18	City of Lake Mary	Permits	123.1860.31	3000	\$ 35.50
7/31	City of Lake Mary	Permits	123.1860.31	3000	50.00
8/02	UPS	Mail Package	143.4160.43		26.57
8/06	City of Winter Spgs	Permits	123.1860.31	3000	25.00
8/12	City of Winter Spgs	Permits	123.1860.31	3000	75.00
8/14	R. Prevatt	Winn Dixie Coffee Filters	123.4010.905		4.03
8/21/96	T. Love	Southern Electric Electric Connectors	123.4010.8802		4.75
8/20	D. Middleton	Phone Calls	123.4010.878		11.50
8/28	R. Johnson	#2410 Cashier Shortage #1	123.2530.1	#2410	17.44
8/19	US Postal Service	Stamps	123.4010.905		64.00
8/29	J. Baldwin	Al's Army Navy Rain Boots	123.4010.905		16.04
9/25	A. Thomas	Walgreen's Film Processing	123.4010.8802		5.90
8/30	US Postal Service	Certified Letter	123.4010.905		5.04
9/10	UPS	Mail Package	143.4160.43		21.06
9/24	US Postal Service	Stamps	123.4010.905		32.00
9/23	Andy Thomas	Films	123.4010.8802		4.92

ACCTS PAYABLE
OCT 4 1996
ENTERED

HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT STATEMENT OF MY PETTY CASH ACCOUNT AS OF 9/30/96

REPARER'S SIGNATURE Diane Keitt TOTAL ITEMS LISTED 393.75

APPROVED BY [Signature] CHANGE/CASHIER 100.00

CASH ON HAND 1.25

TOTAL PETTY CASH \$ 500.00

TOTAL \$ 398.75

STATEMENT OF PETTY CASH PAYMENTS

PETTY CASH # C-72

EMPLOYEE NAME Diane Keitt EMPLOYEE # 3885 MONTH OF JULY DIVISION Sanford

DATE PAID	PAID TO	WHAT FOR	ACCOUNT NUMBER	SUBLEDGER	TOTAL
06/15	US Postal Service	Postage Stamps	123.4010.905		\$ 32.00
06/04	K. Gardner	City of Winter Spgs Permit	123.1860.31	3000	25.00
06/21	C. O'Brien	Radio Shack Test Leads	123.4010.874		9.40
06/12	Ronnie Prevatt	Winn Dixie/Cups	123.4010.905		7.32
06/18	Ronnie Prevatt	Publix/Sugar	123.4010.905		3.78
06/25	US Postal Svc	Certified Letters	123.4010.905		5.04
7/10	US Postal Svc	Stamps	123.4010.905 993.4010.905	S 57.00	61.00 6.00
7/09	Andy Thomas	7-11 Money Order	123.4010.8802		10.99
7/12	UPS	Mail Package	143.4160.43		19.98
7/10	D. Keitt	Walmart Coffee, Creamer, Ivory	123.1840.2 123.4010.905		15.15 39.59
7/12	D. Sislo	Turnpike Toll	993.1070.386.2		- 1.50
7/12	D. Middleton	Walgreen/Films	123.4010.8802		8.28
7/18	R. Prevatt	Scotty's/Garbage Bags	123.4010.905		5.02
7/27	Ms. G. Seymore	Warranty Reimbursement	143.4160.43		75.00
7/31	US Postal Svc	Postage Due	123.4010.905 993.4010.905		6.00
8/05	US Postal Svc	Stamps	123.4010.905	S 57.00	61.00 6.00
8/06	US Postal Svc	Certified Letter	123.4010.905		2.52
8/07	The Stamp Factory	Rubber Stamp	123.4010.905		5.35

END AUG 9 0 1996

HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT STATEMENT OF MY PETTY CASH ACCOUNT AS OF 08/07/96

PREPARED BY Diane Keitt TOTAL ITEMS LISTED 394.56
APPROVED BY DK/DM CHANGE/CASHIER 100.00
CASH ON HAND 5.44
TOTAL PETTY CASH 500.00

TOTAL \$ 394.56

COLLECTOR'S DAILY REPORT

A 8120 B

F. P. U.

DATE 6/27 1996 REPORT NO. _____

COMPANY LOCATION Sanford

NUMBER OF CALLS MADE _____

NUMBER OF COLLECTIONS MADE _____

FOLIO	NAME	AMOUNT COLLECTED				HOW PAID	
		UTILITY	MOSE.	COKE	TOTAL	CASH	CHECK
130-09753	B Boos Home Cook	Mailed 6/26					
15595	Lafayette Bar	Pd.				51 17	✓
131-12001	Good Samaritan Home	Pd.				162 39	✓
12251	"	Pd.				118 85	✓
34501	3 DS REST	Pd.				158 09	✓
130-18721	M. Lavier	Already off 4373					
27251	L. Terry	Pd in OFFICE					
25153	R. Blake	Pd.				81 03	✓
25351	N. Miller	Pd.				44 44	✓
25601	J. Montgomery	Locked 3778					
538-07802	D. Sessions	Locked 1780					
17201	R. Weathers	Pd.				40 47	✓
22501	M. Sheehan	Tagged, dog					
539-05151	J. Crill	Tagged					
16402	J. Budrow	Locked 0706					
838-13616	A McFarland	Tagged Bad dogs					
62353	W. Hooks	Still off 1807					
62503	W. Giddens	Locked 3056					
67002	T. M. Davis	Locked 4391					
67204	J. Harold	Pd.				100 00	✓
839-13605	C. Carswell	Locked 1293					
13651	W. LITTLE	Pd.				66 95	✓
13722	L. Knox	Locked 0643					
14751	L. Smith	Locked 4017					
15151	L. Young	Couldn't get to					
16154	J. Thomas	Locked 4075					
17551	J. Joseph	Tagged					
17654	M. Jones	Locked 3922					
030-67402	T. STAFFORD	Locked 2596					

15823 39
OK ST

Received above total cash and checks

SIGNED _____

R. P. U.

COLLECTOR

SIGNED _____

CASHIER

COLLECTOR'S DAILY REPORT

A 8120.8

DATE 7-24 '96 REPORT NO.

COMPANY LOCATION

SANDFORD

NUMBER OF CALLS MADE _____

NUMBER OF COLLECTIONS MADE _____

FOLIO	NAME	AMOUNT COLLECTED				HOW PAID	
		UTILITY	MOSE.	COKE	TOTAL	CASH	CHEC.
0230-01233	Patricia Conquest						
0230-01762	Jean Robinson						
0230-02092	Ravonda Thomas						
0230-02235	Lashanda Bullock						
0230-02873	Annie M. Parker						
0230-03633	S. Willis						
0230-04004	Catrina Alexander						
0230-04032	Dietrich Perkins						
0230-04043	Yvonne Brasley						
0230-04092	Dorothy Church						
0230-04443	Arthurs Gibbs						
1631-00222	Vernon J. Vortray						
1631-00752	Lyndee S. Keefer						
1730-00607	Angelina Cruz						
1730-02805	Margie's Phillipa Bann						
1730-66014	Tranes Bishop						
1730-66311	Douglas Nassar						
1830-02006	Anthony M. Billesimo						
1830-06007	Rhonda Richer						
1830-06108	Suzetta Smith						
1830-09806	David Tilgher, Jr						
1830-11658	Tammi Jo Miller						
1830-14602	Thomas S. Burdick						
1831-00221	Shary Weber						
1831-0065	Diana C. Reynolds						
0131-07252	Alfred Royal - mother killed						Did not get off

Received above total cash and checks

SIGNED

COLLECTOR

SIGNED

CASHIER

COLLECTOR'S DAILY REPORT
A 8120.8

DATE 8/21/9 IS 10 REPORT NO. SANTARD
COMPANY LOCATION SANTARD

F.I.R.U.

NUMBER OF CALLS MADE _____ NUMBER OF COLLECTIONS MADE _____

FOLIO	NAME	AMOUNT COLLECTED				TOTAL	HOW PAID	
		UTILITY	MOSE.	COKE			CASH	CHECK
0130-08502	PARK AVE	TAG						
0130-09753	RUMPH	164 39				164 39	✓	
0130-15595	LARUE'S	off						
-19001	SEPSURUN	59 39				59 39	✓	
-31501	ANGELINA'S	361 77				361 77	✓	
-04751	MARGOLAS	400 00				400 00	✓	
0131-12001	Good SAMARITAN	317 93				317 93	✓	
-12251	" "							
-18002	GRAHAM	92 19				92 19	✓	
-26341	CHACHO'S	off						
-32753	Angelo's	261 94				261 94	✓	
0430-05801	STAPLER	off						
0330-19421	MCCRAY	ALREADY PAID						
0430-09251	SMITH	TO PAY						
0430-11252	WELBORN	69 66				69 66	✓	
-19753	HUNTER	TAG						
-23351	BURKE	ALREADY PAID						
-25153	BLAKE	off						
-27003	CORBETT	off						
0330-36282	WEBER	ALREADY PAID						
0538-25601	AINSWORTH	38 46				38 46	✓	
0630-06101	LAYTON	ALREADY PAID						
-09901	KEDDEN	off						
-16004	ALBERT	off						
-19582	ELLIOTT	117 96				117 96	✓	
-22551	DEAN	TAG						
-29014	BLANN	ALREADY PAID						
0430-07401	ROSS	off						
0630-31301	WICHMAN	44 84				44 84	✓	

Received above total cash and checks

SIGNED _____ COLLECTOR _____ SIGNED _____ CARRIER _____

COLLECTOR'S DAILY REPORT
A 8120.8

DATE 9/12 19 96 REPORT NO. _____
COMPANY LOCATION SANFORD

F.P.U.

NUMBER OF CALLS MADE _____ NUMBER OF COLLECTIONS MADE _____

FOLIO	NAME	AMOUNT COLLECTED			TOTAL	HOW PAID CASH / CHEC
		UTILITY	MDBR.	COKE		
230-20164	L. WILSON	Locked				
00332	J. STERLING	Locked		4888		
00382	L. ALLOWAY	STILL OFF		3909		
00612	J. BURKE	Dr. Locked				
00904	E. MAINT	Locked		2300		
00972	J. WILLIAMS	W/P Today		+900		
01074	W. SHULER	Locked		1031		
01223	E. FERRIS					
01282	E. CHANDLER	PH.			29.20	/
01312	A. SIMS	Locked		1988		
01482	C. MORGAN	Locked		1411		
01592	C. WILLIAMS	PH. OFFICE				
01704	G. WHEELER	Tagged				
01762	J. ROBINSON	Locked		4526		
01792	G. KILLINGWORTH	Locked		3607		
01872	M. ROBINSON	Locked		1593		
01882	S. WRIGHT	Locked		5367		
01902	R. THOMAS	Locked		1930		
02002	S. LAWRENCE	PH.			22.01	/
02062	K. WILLIAMS	Locked		4142		
02112	A. THOMAS	Locked		5059		
02142	B. MULLER	Tagged				
02235	L. BUTTS	STILL OFF		3254		
02262	E. CHESTER	PH.			18.81	/
02273	E. WHITE	PH.			20.00	/
02304	S. BASTIC	Locked		5483		
02412	T. AIKENS	STILL OFF		4030		
02423	A. HOLLIS	Locked		4641		
02453	C. COMMUNITY	STILL OFF		1721		
02464	M. BROWN	Locked		3538		
02683	J. BROWN	Tagged				
02733	S. GREEN	Locked		4290		
02763	M. BROWN	Locked		3317		
02873	A. PARKER	STILL OFF		1288		
02943	R. HORN	PH. in OFFICE				
02953	S. MCGILL	Locked		5767		

Received above total cash and checks

SIGNED _____ COLLECTOR _____ SIGNED _____ CASHIER _____

COLLECTOR'S DAILY REPORT
A 3120.5

DATE 9/17 19 96 REPORT NO.

E.P.U.

COMPANY LOCATION Sanford

NUMBER OF CALLS MADE

NUMBER OF COLLECTIONS MADE

FOLIO	NAME	AMOUNT COLLECTED				HOW PAID	
		UTILITY	MUSE.	COKE	TOTAL	CASH	CHECK
230-03713	M. Amie	Locked		1677			
03723	P. Brown	Locked		0393			
03792	A. Smith	Tagged					
03963	S. Williams	STILL OFF		2209			
04063	R. Community	AT OFFICE					
04072	W. Beasley	STILL OFF		0869			
04133	D. Roker	Locked		3657			
131-07252	MOTHERS KITCHEN	locked		5365			
131-39752	CAFE JACKS	paid		9/14			
130-09753	B. BIRD'S HOME COOK	PAID			13743		✓
31-34501	3 O'S	PAID			12097		✓
30-02251	Billy Boys	PAID			8675		✓

19415.00

Received above total cash and checks

SIGNED _____ COLLECTOR

SIGNED _____ CASHIER

EXHIBIT THREE

CONSISTING OF:

- (A) DOCUMENTS FROM BLACK BUSINESS INVESTMENT FUND BARNETT BANK INVOLVING APPLICATION FOR EXPANSION LOAN: SAID APP. COMMENCED IN MAY 96 AND ON 8-12-96 IN THEIR ORLANDO OFFICE FINALIZED AND FORWARDED TO SBA & BARNETT FOR CLOSURE. VERIFYING TESTIMONY OF BROOKS, BROOKS & SINGLETARY ATTESTING TO FACT ANTHONY BROOKS WAS NOT AT FPUC SANFORD OFFICE ON 12TH AUG. & DEPOSIT WAS ACTUALLY MADE ON JULY 11 1996.
- (B) LETTERS FROM FPUC TROY TO PSC GIVING 3 DIFFERENT VERSIONS OF A CHRONOLOGY OF EVENTS AND EACH ONE IS DIFFERENT FROM ONE CREATED IN 98 AND SUBMITTED IN RECORDS. NOTE IN MARCH 13, 1997 ONE THEY SHOW THE TURN OFF WHICH OCCURRED ON 8/22/96 AFTER THEY WERE PAID THE \$290.00. NOTE AFTER FILING 31, AND CLAIMING NO ACTION DONE TO COMPLAINANTS THEY FILED ANOTHER DATED 6/13/97 WITH THE DISCONNECTION DELETED. FOLLOWED BY ANOTHER RENDITION DATED 9/19/96
- (C) COMPUTER RECORDS WITH HANDWRITTEN NOTES BY TROY. NOTE: ENTRIES MADE ON 9/13 CLEARLY CONTRADICT SWORN TESTIMONY AND LATER SUBMISSIONS MADE BY TROY.

(D) Work/Time Sheet of FPUC's Employee
TIMOTHY LOVE - COMING TO BUSINESS TO
RECONNECT SERVICE.

FURTHER EVIDENCE OF THE FALSITY OF
ASSERTIONS ON RECORD THAT NO TURN OFF
OCCURRED AND NO HARM DONE. ALSO
OMMITTED IN ALL CROWDISIES.

(E) Sworn Affidavits of DANIELE BROOKS &
TONI S. BROOKS CERTIFYING ANTHONY WAS
NOT AT FPUC'S SANFORD OFFICE

(F) Receipt from Bell South DATED 7/11/96
WHICH VERIFIES ANTHONY'S ASSERTIONS THAT
HE WENT INTO FPUC'S SANFORD OFFICE ON 7/11/96
WITH NEW DEPOSIT WHILE PAYING NEW DEPOSITS
FOR ALL UTILITIES BYRD NAME WAS PART OF
ACCOUNT.

(G) Copy of TRANSCRIPT FROM TROY'S TESTIMONY