



# Public Service Commission

## -M-E-M-O-R-A-N-D-U-M-

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**DATE:** February 5, 1999  
**TO:** Blanca S. Bayó, Director, Division of Records & Reporting  
**FROM:** Grace A. Jaye, Attorney, Division of Legal Services *RU*  
**RE:** Docket No. 981923-EI - Complaint and Petition of John Charles Heekin Against Florida Power & Light Company

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Attached is a letter dated January 25, 1999, that was received by Commissioner Jacob's office from Mr. John Charles Heekin, Esquire. A copy of this letter was also provided by Mr. Heekin to Mr. Litchfield, attorney for FPL. Please insert this letter into the file for this docket. Thank you.

GAJ/js  
cc: Melinda Butler, Executive Assistant to Commissioner Jacobs  
David Ging, Division of Electric and Gas  
Attachment  
I:\981923rd.gaj

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
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- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC   1
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER - DATE

01544 FEB-58

FPSC-RECORDS/REPORTING

Jacobs

JOHN CHARLES HEEKIN  
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PORT CHARLOTTE, FLORIDA 33949-2434  
PHONE (941) 627-0333

January 25, 1999

Mr. E. Leon Jacobs, Jr., Prehearing Officer  
State of Florida Public Service Commission  
Division of Records and Reporting  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-8050

RE: John Charles Heekin v. Florida Power & Light Company  
Objection to extension of time, FAC 25-22.0376

Dear Mr. Jacobs:

I have your Order dated January 20, 1999 granting FPL's Motion for Extension of Time. The Order reflects that you have received communication from FPL which was not shared with me.

Specifically, Wade Litchfield telephoned my office and told me that the complaint was so voluminous that he needed additional time to study it. He asked for forty days so that he could explore the possibility of settlement.

I told him he did not need forty days, or even twenty days, that the issues were clear and copies were attached to the petition. Nonetheless, I granted him twenty days because he said he had conflicts with other matters coming up on his calendar.

He then apparently related to you that FPL and I are engaged in civil litigation. This is partly true, and therefore a lie. There was a civil suit in the Circuit Court in Charlotte County, Florida in which FPL committed the discovery violations and other acts of misconduct complained of in my complaint. They made an offer of settlement for \$100.00 which I accepted. They then objected that they had intended to obtain a general release with their offer of settlement, something not permitted either by the proposal for settlement statute nor by the case law. That matter is pending for hearing. The case is over. The only action permitted to the trial court is the enforcement of the offer and acceptance.

The parties are not "attempting to negotiate a settlement." This is a bald misstatement of fact. Mr. Litchfield asked for time to explore that and asked what dollar number I would agree to accept to dismiss civil litigation not involving FPL but involving one of its employees who committed a burglary and home invasion at someone else's house.

Mr. E. Leon Jacobs, Jr., Prehearing Officer  
State of Florida Public Service Commission  
January 25, 1999  
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In any event, if Mr. Litchfield had told me that the reason he wanted an extension was because of the state court suit and because of the possibility of settlement I would not have consented. FPL is not dealing in good faith, which is why the matter is before you.

Thank you. I herewith withdraw my consent to any extension of time.

Sincerely,



John Charles Heekin

/lat

cc: R. Wade Litchfield, Esq.