

C. W. "Bill" Wood, J.D.

ORIGINAL

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September 30, 1999

Ms. Kay Flynn, Chief
Bureau of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Wood v GTE Case No. 99-3395

990861-TL

Dear Ms. Cole;

★ PLEASE NOTE MY CHANGED ADDRESS ABOVE

Enclosed for filing please find PETITIONERS OBJECTION TO PSC INTERVENTION AS A PARTY. Please stamp the additional copy and return it to me in the enclosed post paid envelope.

Sincerely

Calvin W. Wood

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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE READINGS

CALVIN "BILL" WOOD
Petitioner

v

DOAH Case No. 99-3595
99083595-TL

GTE FLORIDA, INC.
Respondent.

PETITIONER'S OBJECTION TO
PSC INTERVENTION AS A PARTY

Comes the petitioner this 30th day of September, 1999, and states to the court that the objections to PSC intervention include the following:

1. That for several months PSC has been holding itself out as an "independent, impartial" party "to protect petitioner's rights" against GTE;

2. Petitioner has relied upon those representations, and over the same several months, has given PSC information which will be detrimental to petitioner's case should PSC be allowed to intervene;

3. The confidential information was given only because of the confidential relationship that was set up between PSC and petitioner;

4. However, petitioner has found that PSC has been far from "independent and/or impartial", and has in fact used information given to them by petitioner, and distorting the same, has used it to help GTE explain away it's improper conduct toward petitioner;

5. Petitioner has kept notes and sent numerous documents to try to protect his position with the PSC, who has made contrary findings of fact where there have the facts that have been often admitted by GTE, obvious and in "plain view";

6. Petitioner alleges that the mis-conduct by PSC and against petitioner and in favor of GTE has been intentional in nature;

7. Petitioner alleges that the improprieties include the following:

- a. Failed to make timely and reasonable or minimal inspections to see why petitioner was without telephone service for extended periods;
- b. Failed to hold timely hearings to compel GTE to act in providing petitioner with reasonable and/or minimal telephone service;
- c. While petitioner raised the question as to whether he could with hold or escrow payment (which he showed PSC he had the money in his bank account) due to GTE providing improper service to his residence:

A. Ruled on a similar question posed by GTE, some two weeks prior to ruling on the same question by petitioner;

B. Failed to advise petitioner of it's ruling for some two weeks after it gave GTE the same ruling, resulting in petitioners telephone service being disconnected;

C. Failed to do anything to GTE for violating the PSC rules by disconnecting petitioner's telephone service while a complaint was in progress;

D. Failed to require GTE to restore petitioner's service, when petitioner complained about the early cut off;

E. Assisted in trying to destroy the credibility of William Perry, who tried for months to call petitioner from about ½ mile down the road and was unsuccessful in doing so;

F. Persisted in trying to represent Mr. Perry as a senile old man who could not see to dial phone numbers and had to be given a "big button" phone by GTE;

G. Meantime, Mr. Perry's doctor gave him a slip telling him his eyes were so good he did not have to wear glasses, and petitioner has seen said slip and found it was not restricted, ie, to require the use of glasses for neither close (reading) or far (driving) activities;

H. Numerous other improper activities, too many to mention here;

8. Petitioner alleges that due to the fact that the failure of PSC to require GTE to comply and/or perform, such acts were intentional on the part of PSC and GTE;

9. Petitioner further alleges the acts of PSC and GTE became retaliatory because of petitioner's insistence in pursuing his rights;

10. That to allow PSC to intervene would be a conflict of interest including for the following reasons:

aa. PSC established a confidential relationship with petitioner by persisting on telling petitioner they were "independent/impartial", and allowed petitioner to believe the relationship was true to his detriment, when in fact it was not and PSC knew it was not;

bb. PSC, by and thru it's attorney and other agents led petitioner to believe that the information he gave them would be held confidential and used to promote his interest;

cc. That the violation of that Confidential Relationship would violate the Florida Code of Professional Rules (or what ever called in Florida)

dd. That the disclosure of more confidential information will further hurt petitioners case;

ee. Where one attorney has a conflict of interest, the aforementioned professional rules impute a conflict to the rest of the firm;

ff. In the event PSC is allowed to intervene, it would cause petitioner to have to file a bar complaint to see if there is in fact a conflict of interest;

11. Petitioner intends to call PSC attorneys and agents as witnesses to establish the misconduct;

12. It is improper for PSC attorneys to be a witness and an attorney too, as violating the aforementioned professional rules;

13. That such dual role would force petitioner to file a bar complaint to see if such a dual role is permitted;

14. That in order to intervene, PSC would have to hire outside counsel, who would not involve PSC attorneys and agents to the extent not otherwise allowed outside counsel;

WHEREFORE, petitioner moves the court to strike the Motion to Intervene by PSC, order they not participate in the hearing as attorneys on any level, submit to discovery, by all involved agents including the attorneys, compel them to hire outside counsel should they wish to intervene; and pay petitioner reasonable attorney fees, court costs and expenses for defending this motion and any other relief to which the petitioner maybe entitled.

Petitioner

Pro Se

Calvin W. Wood

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CERTIFICATE OF SERVICE

I Bill Wood, do hereby certify I have sent true copies of PETITIONERS OBJECTION TO PSC INTERVENTION AS A PARTY, by US mail, Postage prepaid to Clerk and the following attorneys as follows:

GTE Florida, Inc.
Kimberly Caswell, Esq.
PO Box 110
Tampa City Center
MC-FLTCoo7
Tampa FL.

Donna M. Clemons, Esq.
Florida Public Service Commission
Gerald L. Hunter Building
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Ms. Kay Flynn, Chief
Bureau of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

All this on the 30th day of September, 1999.

Calvin W. Wood

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