

Section 1 - Bureau of Records Complete

Docket No. 041169-EI Date Docketed: 09/30/2004 Title: **Complaint Nos. 4415851E, 446514E, 446516E, and 445185E filed by Mr. Jude Alceguiere against Florida Power & Light Company for high bills and other alleged violations of Commission rules and statutes.**

Company: **Florida Power & Light Company**
Jude Alceguiere

Official Filing Date: _____

Expiration: _____

Last Day to Suspend: _____

Referred to:

CCA	CMP	ECR	FLL	(GCL)	MMS	PIF	RCA	SCR
		X		X			X	

("O" indicates OPR)

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module A9

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff

Current CASR revision level

Due Dates
 Previous Current

Staff Counsel

OCRs

Recommended assignments for hearing and/or deciding this case:

Full Commission _____ Commission Panel _____
 Hearing _____ Staff _____

Date filed with CCA: _____

Initials OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	JB	BD	DV		

Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____
 Date: _____

DOCUMENT NO.
12082-05

Section 1 - Bureau of Records Completes

Docket No. 041169-EI Date Docketed: 09/30/2004 Title: **Complaint Nos. 4415851E, 446514E, 446516E, and 445185E filed by Mr. Jude Alceguiere against Florida Power & Light Company for high bills and other alleged violations of Commission rules and statutes.**

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Expiration: _____

CCA	CMP	ECR	FLL	(GCL)	MMS	PIF	RCA	SCR
		X		X			X	

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff	<u>M Brown</u>
Staff Counsel	<u>M Brown</u>
OCRs (ECR)	<u>C Kummer</u>
(RCA)	<u>R Hicks</u>

	Due Dates	Due Dates	
		Previous	Current
<input type="checkbox"/> Current CASR revision level			
1. Staff Recommendation	NONE		10/21/2004
2. Agenda	NONE		11/02/2004
3. PAA Order	NONE		11/22/2004
4. Consummating Order if No Protest	NONE		12/16/2004
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Recommended assignments for hearing and/or deciding this case:
 Full Commission Commission Panel
 Hearing Staff
 Date filed with CCA: 10/13/2004
 Initials OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	JB	BD	DV		
X							

Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	
					X

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
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Approved: BB/RW
 Date: 10/13/2004

Section 1 - Bureau of Records Complete

Docket No. 041169-EI Date Docketed: 09/30/2004 Title: Complaint Nos. 445185E, 446514E, 446515E, and 446516E filed by Mr. Jude Alceguiere against Florida Power & Light Company for high bills and other alleged violations of Commission rules and statutes.
 Company: Florida Power & Light Company
 Jude Alceguiere

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____
 Referred to: _____
 ("O" indicates OPR)

CCA	CMP	ECR	FLL	(GCL)	MMS	PIF	RCA	SCR
		X		X			X	

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule
 Program Module A9
**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments		Due Dates			
		1			
OPR Staff	M Brown	1	Current CASR revision level		
Staff Counsel	M Brown				
OCRs (ECR)	C Kummer				
(RCA)	R Hicks				
		1.	Staff Recommendation	NONE	11/18/2004
		2.	Agenda	NONE	11/30/2004
		3.	PAA Order	11/22/2004	12/20/2004
		4.	Consummating Order if No Protest	NONE	01/11/2005
		5.	Close Docket or Revise CASR	NONE	01/12/2005
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Section 3 - Chairman Completes Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	JB	BD	DV		
X							

Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	
					X

Where panels are assigned the senior Commissioner is Panel Chairman:
 the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is
 assigned the full Commission decides the case.

Approved: BB/RW
 Date: 11/09/2004

Section 1 - Bureau of Records Complete.

Docket No. 041169-EI Date Docketed: 09/30/2004 Title: **Complaint Nos. 445185E, 446514E, 446515E, and 446516E filed by Mr. Jude Alceguiere against Florida Power & Light Company for high bills and other alleged violations of Commission rules and statutes.**

Company: **Florida Power & Light Company**
Jude Alceguiere

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____
 Referred to: _____

CCA	CMP	ECR	FLL	(GCL)	MMS	PIF	RCA	SCR
		X		X			X	

("O" indicates OPR)

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Program Module A9

Staff Assignments

OPR Staff M Brown

Staff Counsel M Brown

OCRs (ECR) C Kummer
(RCA) R Hicks

Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel _____
 Hearing _____ Staff _____

Date filed with CCA: 01/11/2005

Initials OPR _____
 Staff Counsel _____

Time Schedule

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

	Current CASR revision level	Due Dates	
		Previous	Current
1. Close Docket or Revise CASR	2	01/12/2005	01/24/2005
2. Consummating Order if No Protest - Close Docket		01/11/2005	01/24/2005
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	BD	DV	ED		
X							

Prehearing Officer

Commissioners					ADM
BZ	DS	BD	DV	ED	
	X				

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: BIB/AM
 Date: ~~Pending~~ 1/21/05

STATE OF FLORIDA

COMMISSIONERS:
BRAULIO L. BAEZ, CHAIRMAN
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



TIMOTHY DEVLIN, DIRECTOR
DIVISION OF ECONOMIC REGULATION
(850) 413-6900

Public Service Commission

October 27, 2004

Mr. Jude Alcegueire
2913 S.W. 68 Avenue
Miramar, Florida 33023

**RE: Docket No. 041169-EI - Complaint Nos. 445185E, 446514E, 446515E, and 446516E
Filed by Mr. Jude Alcegueire against Florida Power & Light Company**

Dear Mr. Alcegueire:

Per our October 27, 2004 telephonic conversation, attached is a copy of Rule 25-22.032, Florida Administrative Code entitled General Commission Staff Complaint Investigation.

As we discussed, I plan to attach to the staff recommendation correspondence from you explaining your side of the story. The Commission agenda vote has been changed to November 30, 2004. Please send me by November 12, 2004 a letter showing what is wrong with the staff recommendation. Based on what is in the file and anything you send me by November 12, staff may change its recommendation.

Also attached is a copy of the staff recommendation that was scheduled for the November 2, 2004 Agenda. As I am sure you are aware, the Commission may vote to approve, deny, or modify any staff recommendation submitted to it.

Sincerely,

Joseph D. Jenkins
Assistant Director
Division of Economic Regulation

JDJ/ms
Attachments

cc: w/o Attachment:
Docket File No. 041169-EI

Kay Flynn

041169-EI

From: Hong Wang
Sent: Wednesday, November 03, 2004 5:05 PM
To: Kay Flynn
Subject: FW: Docket file No. 041169-EI

From: Marie Sapp
Sent: Wednesday, November 03, 2004 4:15 PM
To: Hong Wang
Subject: Docket file No. 041169-EI

Please put the attached Letter to Mr. Jude Alcegueire in the docket file.
Thanks.

11/4/2004

Note to Docket No. 041169-EI File:

Connie transferred Mr. Alcequeire to me telephonically about 10:15 am. While Mr. Alcequeire said many thing about the law and the Constitution the gist of his statements were:

1. Connie and Rhonda are not investigators and no one contacted him pursuant to an investigation.
2. He asked for a policy on investigations that I should obtain from Human Resources.

I said our investigations differ based on the matter being investigated. He was unsatisfied with this answer and said he would have me investigated by the Attorney General. He became very heated and the discussion was going no where. After about 45 minutes I politely terminated the phone call.

About 11:15, after reviewing the attachments to the staff recommendation, I called Mr. Alcequeire and said the Agenda vote has been deferred to November 30 and I plan to add correspondence from him telling his side of the story. He said NO, he does not want any staff recommendation to go forward. He was much calmer and said he was going to call the Attorney General and Justice about the Commission and me. The call concluded about 11:20 am.

I subsequently mailed him a copy of Rule 25-22.032 and a copy of the current staff recommendation.

Kay Flynn

041169-EI

From: Hong Wang
Sent: Wednesday, November 03, 2004 5:06 PM
To: Kay Flynn
Subject: FW: Letter for Dk. file 041169-EI

From: Marie Sapp
Sent: Wednesday, November 03, 2004 4:30 PM
To: Hong Wang
Subject: Letter for Dk. file 041169-EI

Also put a copy of this attached letter in the docket file for 041169-EI.
Thanks.

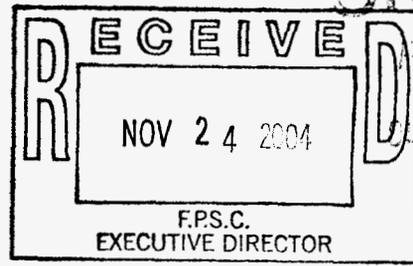
DOCUMENT NO.
12082-05

11/4/2004

- Docket # 041169-EI

ORIGINAL

November 22, 2004



RECEIVED - FPSC
DEC 22 AM 9:38
COMMISSION CLERK

From Jude Alcegueire,

To Ms. Mary Baine/ General Counsel PSC,

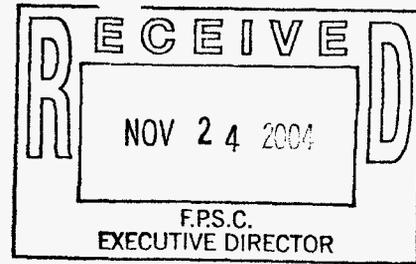
I 'm sending you this letter and the General Counsel of the PSC for the record and to preserve my right under the law. I have received a letter from your department in regard to a conference or hearing. After are conversation in regard to some gross violation of PSC rule and regulation, no investigation or investigator, gross administrative error. Have committed, Mr. Jenkins and Mr. Hill have seen and agreed (error) have been made. Therefore, the recommendation to the commission is illegal, void until the rule of law established by the PSC and administrative law of the state of Florida. That require PSC staff (must) to have an investigator to investigate the charges make recommendation and then the informal conference ect; but in this case it's a one side report without my complaint and my lost. Do to FPL (blackout). In all the violation of PSC rule and regulation, the Federal Trade commission act, Federal Energy act, therefore we should not rush to judgment by taking any bias, one sided, discriminatory, premeditate recommendation by the compliance in customer assistance division in orders on his face value when the process is in violation of state and Federal Law. The General Counsel of the PSC should be aware of administrative law procedure in PSC rule and guideline in regards to this case. I hope you Ms. Mary Baine and General Counsel of the PSC to review the law and make sure its fair and equal for both parties and not ask the customer to bring his side of the story after a premeditate recommendation has been made without proper rule of law.

Sincerely, Jude Alcegueire

CC U.S department of Energy
CC Federal Trade commission

cc: Rick Melson
Martha Brown
Cornie Kummer
Rhonda Hucker

November 22, 2004



From Jude Alcegueire,

To Ms. Mary Baine/ General Counsel PSC,

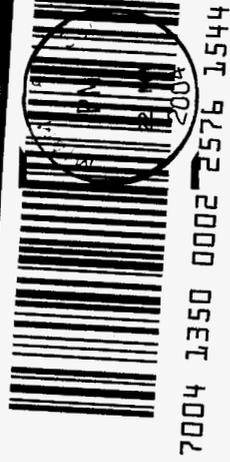
I Jude Alcegueire filing these charges against FPL Corporation for denial of service do to **(blackout)** on the month of October 2003 causing substantial **materials** and monetary loss. Me and my family have to undo those cost of personal property loss in relation to **(electrical)** connection. Therefore I am requested the rule of law of the state of Florida and PSC rule and regulation for due process of law.

A handwritten signature in black ink, appearing to read "Jude Alcegueire".

Sincerely, Jude Alcegueire

CC U.S department of Energy
CC General Counsel PSC,
CC Federal Trade commission
CC Ms. Mary Baine

Jude Maguerie
2913 Sugar 1st Av
MIAMI FL 33023



Public Service Commissioner
CAPITAL Circle Office
2540 Shumard
OAK Boulevard
TALLAHASSEE FL
32304-0850

ATTN: Ms Baine & General

CCA Official Filing

12/17/2004 1:11 PM*****

Matilda Sanders1

Matilda Sanders

1252 - PAA

From: Jackie Schindler
Sent: Friday, December 17, 2004 1:10 PM
To: CCA - Orders / Notices; Andrea Cowart
Subject: Order / Notice Submitted

62

Date and Time: 12/17/2004 1:09:00 PM
Docket Number: 041169
Filename / Path: 041169paa.mcb.doc

A PAA order in the above docket has been moved to GC Orders for issuance today. Thanks.

js

attach's not online.

2 mailed.
RAR.

Kay Flynn

From: Blanca Bayo
Sent: Thursday, December 23, 2004 4:02 PM
To: Kay Flynn
Subject: RE: DOCKET NO. 041169-EI

Thank you!

From: Kay Flynn
Sent: Thursday, December 23, 2004 4:00 PM
To: Blanca Bayo
Subject: RE: DOCKET NO. 041169-EI

Blanca, I will put a copy of this e-mail in the correspondence side of the docket file.

Kay

From: Blanca Bayo
Sent: Thursday, December 23, 2004 3:52 PM
To: Rick Melson
Cc: Kay Flynn; Rhonda Hicks; Kimberley Pena; Joe Jenkins
Subject: DOCKET NO. 041169-EI

DOCKET NO. 041169-EI
ORDER NO. PSC-04-1252-PAA-EI
ISSUED: December 17, 2004

Mr. Jude Alcegueire called very upset because he claims two letter sent to Dr. Bane have not been submitted to the Clerk's office prior to consideration in this docket. After a very lengthy discussion, I assured Mr. Alcegueire that I would convey his desire to have these two letters filed in his docket file.

FYI -- Kay has shown me two letters that were received in Clerk's office yesterday. They are now in the correspondence side of the file.

I called Mr. Alcegueire and informed him that the two letters sent to Dr. Bane were in the file. (He seemed pleased). He now has asked about a third letter which he claims was set to him by Mr. Jenkins. This letter gives him 12 days to respond (?). He wants Joe's letter also placed in the docket.



Docnet#: 041169-EI

PUBLIC SERVICE COMMISSION

2540 Shumard Oak Boulevard
CAPITAL CIRCLE OFFICE CENTER
TALLAHASSEE, FLORIDA 32399-0850

FACSIMILE TRANSMITTAL COVER SHEET

DATE: 12/28/04

TIME SUBMITTED: 2:55 p.m.

TO: Arde Alcegaire

TITLE: _____

OFFICE/BUSINESS: _____

TELEPHONE NO: (____) _____

FAX NO: (954) 963-2474

FROM: Bureau of Records, Documents Section

OFFICE/DIVISION: Division of the Commission Clerk and Administrative Services

TELEPHONE NO: (850) 413-6770

FAX NO: (850) 413-7118

COMMENTS: if you have any questions please contact
Tamela Jefferson at 413-6770.

NUMBER OF PAGES, INCLUDING THIS COVER SHEET: 5

Note to file: This is in response to caller's request for
copy of rule which requires response within 21 days
(i.e., PAA). BSB
12/28/04

**PART IV
DECISIONS DETERMINING SUBSTANTIAL INTERESTS**

A. General Provisions

	Page Number
25-22.025 Scope and Title of Rules. (Repealed)	22-11
25-22.026 Parties. (Repealed)	22-11
25-22.027 Reserved	
25-22.028 Filing, Number of Copies	22-11
25-22.029 Point of Entry Into Proposed Agency Action Proceedings	22-12
25-22.030 Injunctions	22-12
25-22.031 Reserved	
25-22.032 Customer Complaints	22-13
25-22.033 Communications Between Commission Employees and Parties	22-18
25-22.034 Discovery. (Repealed)	22-19
25-22.035 Miscellaneous Matters. (Repealed)	22-19
25-22.0355 Assignment of Formal Proceedings. (Repealed)	22-19

25-22.025 Scope and Title of Rules.

Specific Authority 120.53 FS. Law Implemented 120.53 FS. History-New 12-21-81, Formerly 25-22.25, Repealed 5-3-99.

25-22.026 Parties.

Specific Authority 120.53 FS. Law Implemented 120.53 FS. History-New 12-21-81, Formerly 25-22.26, Amended 8-25-91, Repealed 5-3-99.

25-22.027 Reserved.

25-22.028 Filing, Number of Copies.

(1) Filing. Filing shall be accomplished by submitting the original document and the appropriate number of copies, as provided by rule, to the Division of the Commission Clerk and Administrative Services. Filing may be made by U.S. Mail, hand delivery, or courier service. Filings on behalf of companies with gross annual operating revenues derived from intrastate business in excess of \$750,000, Class A water and sewer utilities, and parties to proceedings affecting these entities, shall also include a copy of the document on diskette in word processing or spreadsheet format, whichever is appropriate, when filing documents capable of being generated by word processing or spreadsheet software. Material for which a request for confidential classification is pending under Rule 25-22.006, F.A.C., should not be included in a diskette copy. The diskette filing need not recreate document attachments not originally generated for the purpose of filing with the Commission, such as exhibits attached to a petition. The copy of the document on diskette shall be filed within 1 working day of the date the original printed document is filed. Information about the word processing and spreadsheet software preferred by the Commission may be obtained from the Director of the Division. Each diskette shall be accompanied by a statement specifying the density of the diskette, the operating system and the software used to prepare the document on diskette. For purposes of the requirement that

copies of documents be filed on diskette, "document" means all prehearing statements regardless of length, and pleadings, post hearing statements of positions on issues or briefs, proposed findings of fact and conclusions of law in excess of 5 pages exclusive of the service list. In case of a discrepancy between an original printed document that is filed and the document on diskette, the filed original document shall prevail. If the filing is made with the presiding officer during the course of a hearing, as provided by subsection 28-106.104(1), F.A.C., the responsible party shall ensure that a copy of the document is submitted on diskette to the Division within 5 working days. Where a document is served upon a party pursuant to these rules, its original and the appropriate copies, or, in the case of interrogatories or production of documents, a notice of service, shall be filed with the Division no later than 5 days after service.

(2) Number of Copies. The original and seven copies of all pleadings shall be submitted to the Division of the Commission Clerk and Administrative Services. However, initial pleadings for increases in rates, except rate increases by water and wastewater utilities, shall be filed with 20 copies. The requirement for filing 20 copies shall apply to all exhibits appended to the original petition, prepared testimony and exhibits, briefs and other supplemental data requested by the Commission.

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS. History-Formerly 25-2.58, Amended 12-21-81, Formerly 25-22.28, Amended 2-11-92, 5-3-99.

25-22.029 Point of Entry Into Proposed Agency Action Proceedings.

(1) After agenda conference, the Division of the Commission Clerk and Administrative Services shall issue written notice of the proposed agency action (PAA), advising all parties of record that they have 21 days after issuance of the notice in which to file a request for a Section 120.569 or 120.57, Florida Statutes, hearing. The time for requesting a Section 120.569 or 120.57, Florida Statutes, hearing shall be 14 days from issuance of the notice for PAA orders establishing a price index pursuant to Section 367.081(4)(a), Florida Statutes. The Commission will require a utility to serve written notice of the PAA on its customers if the Commission finds that it is necessary in order to afford adequate notice.

(2) The Commission will require a utility to publish notice of the decision in newspapers of general circulation in its service area if the Commission finds that it is necessary in order to afford adequate notice. Any such publication may be used in establishing the date of receiving notice.

(3) One whose substantial interests may or will be affected by the Commission's proposed action may file a petition for a Section 120.569 or 120.57, Florida Statutes, hearing, in the form provided by Rule 28-106.201, F.A.C. Any such petition shall be filed within the time stated in the notice issued pursuant to subsection (1), of this rule.

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57, 364.05, 366.06, 367.081, 367.081(4)(a), 367.0817 FS. History-New 12-21-81, Formerly 25-22.29, Amended 7-8-92, 5-3-99.

25-22.030 Injunctions.

(1) The Commission may seek relief in circuit court in the form of temporary or permanent injunctions, restraining orders or other appropriate orders where:

(a) The Commission finds that any entity within its jurisdiction has violated or is in violation of a Commission Order or rule; and

Specific Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57, 350.123, 364.035, 364.05, 364.057, 364.058, 364.335, 364.337, 366.04, 366.06, 366.071, 366.076(1), 366.8255, 367.031, 367.045, 367.071, 367.081, 367.0814, 367.0817, 367.082, 367.0822, 367.091, 367.101, 367.171 FS. History-New 12-21-81, Formerly 25-22.36, Amended 5-3-99, 7-17-00.

25-22.0365 Expedited Dispute Resolution for Telecommunication Companies.

(1) The purpose of this rule is to establish an expedited process for resolution of disputes between telecommunications companies ("companies").

(2) To be considered for an expedited proceeding, the companies involved in the dispute must have attempted to resolve their dispute informally.

(3) To initiate the expedited dispute resolution process, the complainant company must file with the Commission a request for expedited proceeding, direct testimony, and exhibits, and must simultaneously serve the filing on the other company involved in the dispute. The request for expedited proceeding is in lieu of the petition required by Rule 28-106.201, F.A.C.

(4) The request for expedited proceeding must include:

(a) The name, address, telephone number, facsimile number and e-mail address of the complainant company and its representative to be served, if different from the company;

(b) A statement of the specific issue or issues to be litigated and the complainant company's position on the issue or issues;

(c) The relief requested;

(d) A statement attesting to the fact that the complainant company attempted to resolve the dispute informally; and,

(e) An explanation of why the use of this expedited process is appropriate. The explanation of why use of the expedited process is appropriate shall include a discussion of the following:

1. The number and complexity of the issues;
2. The policy implications that resolution of the dispute is expected to have, if any;
3. The topics on which the company plans to conduct discovery, including a description of the nature and quantity of information expected to be exchanged;
4. The specific measures taken to resolve the dispute informally; and,
5. Any other matter the company believes relevant to determining whether the dispute is one suited for an expedited proceeding.

(5) Any petition for intervention shall provide the information required by paragraphs (4)(a)-(c) and (e) as it applies to the intervenor.

(6) The request for expedited proceeding shall be dismissed if it does not substantially comply with the requirements of subsections (2), (3) and (4), above. The first dismissal shall be without prejudice.

(7) The respondent company may file a response to the request. The response must be filed within 14 days of the filing of the request for expedited proceeding.

(a) The response shall include the name, address, telephone number, facsimile number and e-mail address of the respondent and the respondent's representative to be served, if different from the respondent.

(b) The response to the request may include any information that the company believes will help the Prehearing Officer decide whether use of the expedited dispute resolution process is appropriate. Such information includes, but is not limited to:

1. The respondent's willingness to participate in this process;
2. Statement of the specific issue or issues to be litigated from the respondent's perspective, and the respondent's position on the issue or issues;
3. A discussion of the topics listed in (4)(b)-(e)1.-5. above.

(8) No sooner than 14 days after the filing of the request for expedited proceeding, but promptly thereafter, the Prehearing Officer will decide whether use of the expedited proceeding is appropriate. The decision will be based on the factors provided in Section 364.058(3), Florida Statutes, the materials initially filed by the complainant company and, if a response is filed, the materials included in the response.

(9) Unless otherwise provided by order of the Prehearing Officer, based on the unique circumstances of the case, the schedule for each expedited case will be as follows;

- (a) Day 0 - request for expedited proceeding, direct testimony and exhibits are filed;
- (b) Day 14 - deadline for filing a motion to dismiss, and a response to the request for expedited proceeding;
- (c) Day 21 - deadline for filing a response to the motion to dismiss, if one is filed; and, deadline for filing petitions to intervene, and intervenor testimony and exhibits.
- (d) Day 42 - deadline for the Commission staff to file testimony;
- (e) Day 56 - deadline for the respondent to file rebuttal testimony.

(10) The Prehearing Officer shall decide whether post-hearing briefs will be filed or if closing arguments will be made in lieu of post-hearing briefs. In making this decision the Prehearing Officer will consider such things as the number of parties, number of issues, complexity of issues, preferences of the parties and the amount of testimony stipulated into the record.

(11) The Commission shall make a decision on the dispute within 120 days of the complainant company's filing of the request for expedited proceeding, direct testimony and exhibits.

(12) Responses to discovery requests shall be made within 15 days of service of the discovery requests, unless the Prehearing Officer decides otherwise based on the unique circumstances of the case.

(13) Service of all documents on the parties shall be by e-mail, facsimile or hand delivery. An additional copy shall be furnished by hand delivery, overnight mail or U.S. mail if the initial service was by e-mail or facsimile. Filing of all documents with the Commission shall be by hand delivery, overnight mail or any method of electronic filing authorized by the Commission.

(14) The applicability of this rule to the proceeding will be reassessed as factors affecting the complexity of the case, number of issues, or number of parties change during the proceeding.

(15) Once the Prehearing Officer has determined that use of an expedited proceeding is appropriate, nothing in this rule shall prevent the Prehearing Officer from making a later determination that the case is no longer appropriate for an expedited proceeding based on the number of parties, number of issues or the complexity of the issues. Nothing in this rule shall prevent the Commission from initiating an expedited proceeding on its own motion.

Specific Authority 350.127(2), 364.058(3) FS. Law Implemented 364.058 FS. History-New 8-19-04.

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: January 3, 2005
TO: Blanca Bayo, Director, Division of Commission Clerk and Administration
FROM: Cayce Hinton, Chief Advisor to Commissioner Deason *CH*
RE: Intercepted Communications From an Interested Party Received in Docket No:
041169-TP

This office has received the attached correspondence from Mr. Jude Alcegueire. The correspondence has not been viewed by Commissioner Deason. Under the terms of the advisory opinion from the Commission on Ethics (issued July 24, 1991 as COE 91-31-JULY 19, 1991), the following letter does not constitute an ex parte communication by virtue of the fact that it was not shown to the Commissioner. Because it is not deemed to be an ex parte communication, it does not require dissemination to parties pursuant to the provisions of Section 350.042, Florida Statutes. However, in such cases Commissioner Deason has requested that a copy of the correspondence and this memo be, as a matter of routine, placed in the correspondence side of the file in this docket.

CHH:mm

Cc: Martha Brown

05 JAN -4 AM 8:35
COMMISSION CLERK
ADMINISTRATIVE SERVICES

05 JAN -5 AM 8:40
COMMISSION CLERK
ADMINISTRATIVE SERVICES

12/28/04

From: Jude Alcegueire
To: Florida Public Commissioners
To: J. Terry Deason

Dear commissioner,

My name is Jude Alcegueire, plaintiff against FPL Corporation regarding case number docket no. 041169-EI. I am requesting an extension of time for filing due to the fact after consulting with the attorney general office and the inspector general's office concerning administrative [law] and rule that govern the PSC. I was inform about a letter by the general council of the Florida Public Commission from Joseph D. Jenkins, assistant director

- 1) I never received the letter
- 2) There is no [proof] a letter was send in accord to the rule 28-106.201 provide by Florida Administrative Code
- 3) Mr. Jenkins admitted in his letter that I did not give my side of the story
- 4) State Administrative Law, and rule, regulation require twenty-one or thirty days for return of correspondence, even more during the holiday for timely respond.

Therefore, the recommendation proposed agency action by the staff of PSC is in violation of state [law], and PSC rule that require in an impartial investigation, of both side of the case with all the evident in the case. Therefore, it is of great public important to have an **extension** of notice of filing in order for the proper authority to correct a **administrative error** required by state law and state constitution for **due process of law** and for the greater good of **public interest**.

Thank you,
Jude Alcegueire

CC: Florida Attorney General Office
CC: Inspector General Office
CC: US Department of Energy
CC: Orlando Sentinel
CC: Miami Herald
CC: US Department of Civil Rights
CC: US Justice Department

RECEIVED
JAN 3 2005
Florida Public Service Comm.
Commissioner Deason

12/28/04

From: Jude Alcegueire
To: Florida Public Commissioners
To: Lila A. Jaber

Dear commissioner,

My name is Jude Alcegueire, plaintiff against FPL Corporation regarding case number docket no. 041169-EI. I am requesting an extension of time for filing due to the fact after consulting with the attorney general office and the inspector general's office concerning administrative [law] and rule that govern the PSC. I was inform about a letter by the general council of the Florida Public Commission from Joseph D. Jenkins, assistant director

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Thank you,
Jude Alcegueire

CC: Florida Attorney General Office
CC: Inspector General Office
CC: US Department of Energy
CC: Orlando Sentinel
CC: Miami Herald
CC: US Department of Civil Rights
CC: US Justice Department

Kay Flynn

041169-EI

To: Blanca Bayo
Subject: RE: DOCKET NO. 041169-EI

Will do.

From: Blanca Bayo
Sent: Tuesday, December 28, 2004 9:08 AM
To: Kay Flynn
Subject: RE: DOCKET NO. 041169-EI

Kay,

Please include this e-mail in the correspondence side of the docket. Thanks.

From: Rick Melson
Sent: Tuesday, December 28, 2004 8:58 AM
To: Blanca Bayo
Cc: Kay Flynn; Rhonda Hicks; Kimberley Pena; Joe Jenkins
Subject: RE: DOCKET NO. 041169-EI

A copy of Joe Jenkins letter is already in the docket file. It is the last page of the attachments to the staff recommendation and the last page (page 62) of the PAA order.

Rick

From: Blanca Bayo
Sent: Thursday, December 23, 2004 3:52 PM
To: Rick Melson
Cc: Kay Flynn; Rhonda Hicks; Kimberley Pena; Joe Jenkins
Subject: DOCKET NO. 041169-EI

DOCKET NO. 041169-EI
ORDER NO. PSC-04-1252-PAA-EI
ISSUED: December 17, 2004

Mr. Jude Alcegueire called very upset because he claims two letter sent to Dr. Bane have not been submitted to the Clerk's office prior to consideration in this docket. After a very lengthy discussion, I assured Mr. Alcegueire that I would convey his desire to have these two letters filed in his docket file.

FYI -- Kay has shown me two letters that were received in Clerk's office yesterday. They are now in the correspondence side of the file.

I called Mr. Alcegueire and informed him that the two letters sent to Dr. Bane were in the file. (He seemed pleased). He now has asked about a third letter which he claims was set to him by Mr. Jenkins. This letter gives him 12 days to respond (?). He wants Joe's letter also placed in the docket.

Kay Flynn

041169-EI

From: Mary Bane
Sent: Tuesday, December 28, 2004 9:30 AM
To: Blanca Bayo; Kay Flynn
Cc: Chuck Hill; Rick Melson; Betty Ashby; Rhonda Hicks
Subject: FW: DOCKET NO. 041169-EI (Jude Alcegueire)

A bit of further information: Although the two letters were not provided to the Clerk's Office for inclusion in the docket file at the time of receipt, they were provided to the commissioners prior to the agenda conference and consideration of Mr. Alcegueire's complaints by the commissioners.

From: Rick Melson
Sent: Tuesday, December 28, 2004 9:19 AM
To: Mary Bane; Chuck Hill
Subject: FW: DOCKET NO. 041169-EI (Jude Alcegueire)

FYI

From: Rick Melson
Sent: Tuesday, December 28, 2004 8:58 AM
To: Blanca Bayo
Cc: Kay Flynn; Rhonda Hicks; Kimberley Pena; Joe Jenkins
Subject: RE: DOCKET NO. 041169-EI

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Sent: Thursday, December 23, 2004 3:52 PM
To: Rick Melson
Cc: Kay Flynn; Rhonda Hicks; Kimberley Pena; Joe Jenkins
Subject: DOCKET NO. 041169-EI

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BRAULIO L. BAEZ
CHAIRMAN

STATE OF FLORIDA



CAPITAL CIRCLE OFFICE CENTER
2540 Shumard Oak
Boulevard
Tallahassee, FL 32399-0850
(850) 413-6042

Public Service Commission

MEMORANDUM

TO: Blanca Bayó, Commission Clerk

FROM: Manuel Arisso, Advisor to Chairman Baez 

RE: ~~Docket~~ No. 041169-E1

DATE: January 3, 2005

RECEIVED-FPSC
05 JAN -4 AM 9:44
COMMISSION
CLERK

Chairman Baez received the attached letter in connection with the above referenced docket. However, he has not seen the correspondence; no *ex parte* communication has taken place.

Please place this in the correspondence side of the docket file.

12/28/04

From: Jude Alcegueire
To: Florida Public Commissioners
To: Braulio L. Baez / Chairman

Dear commissioner,

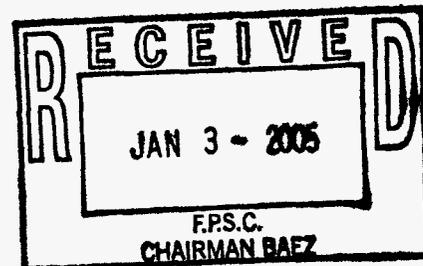
My name is Jude Alcegueire, plaintiff against FPL Corporation regarding case number docket no. 041169-EI. I am requesting an extension of time for filing due to the fact after consulting with the attorney general office and the inspector general's office concerning administrative [law] and rule that govern the PSC. I was inform about a letter by the general council of the Florida Public Commission from Joseph D. Jenkins, assistant director

- 1) I never received the letter
- 2) There is no [proof] a letter was send in accord to the rule 28-106.201 provide by Florida Administrative Code
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Thank you,
Jude Alcegueire

CC: Florida Attorney General Office
CC: Inspector General Office
CC: US Department of Energy
CC: Orlando Sentinel
CC: Miami Herald
CC: US Department of Civil Rights
CC: US Justice Department



COMMISSIONERS:
BRAULIO L. BAEZ, CHAIRMAN
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

STATE OF FLORIDA



TIMOTHY DEVLIN, DIRECTOR
DIVISION OF ECONOMIC REGULATION
(850)413-6900

Public Service Commission

October 27, 2004

Mr. Jude Alcegueire
2913 S.W. 68 Avenue
Miramar, Florida 33023

**RE: Docket No. 041169-EI - Complaint Nos. 445185E, 446514E, 446515E, and 446516E
Filed by Mr. Jude Alcegueire against Florida Power & Light Company**

Dear Mr. Alcegueire:

Per our October 27, 2004 telephonic conversation, attached is a copy of Rule 25-22.032, Florida Administrative Code entitled General Commission Staff Complaint Investigation.

As we discussed, I plan to attach to the staff recommendation correspondence from you explaining your side of the story. The Commission agenda vote has been changed to November 30, 2004. Please send me by November 12, 2004 a letter showing what is wrong with the staff recommendation. Based on what is in the file and anything you send me by November 12, staff may change its recommendation.

Also attached is a copy of the staff recommendation that was scheduled for the November 2, 2004 Agenda. As I am sure you are aware, the Commission may vote to approve, deny, or modify any staff recommendation submitted to it.

Sincerely,

Joseph D. Jenkins
Assistant Director
Division of Economic Regulation

JDJ/ms
Attachments

cc: w/o Attachment:
Docket File No. 041169-EI

Jude Negroni
2913 SW 68th Av
Miramar FL 33067

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL™



7003 1680 0007 5035 5507

CONFIDENTIAL
AT: Brandon & Betsy Hernandez

Public Service Commission
Capital Center Office Center
2540 Summit BL
Tallahassee, FL
32309



0000



32399

U.S. POSTAGE
PAID
HOLLAND, FL
38023
DEC 30, 04
HMDUNT
\$2.67
00039427-14

Matilda Sanders

0037-PCO

From: Andrea Cowart
Sent: Tuesday, January 11, 2005 2:09 PM
To: CCA - Orders / Notices; Martha Brown
Subject: Order / Notice Submitted

3

Date and Time: 1/11/2005 2:08:00 PM
Docket Number: 041169-EI
Filename / Path: 041169extend.mcb.doc
Order Type: Signed / Hand Deliver

ORDER DENYING EXTENSION OF TIME

Please issue today. Thanks!

RECEIVED-FPSC
05 JAN 11 PM 2:17
COMMISSION
CLERK

1/0 -

1 Cen

1 - Sent over-night
delivery.

Certified by
Kason
1/12/05

Kay Flynn

041169-EI

From: Martha Brown
Sent: Thursday, January 13, 2005 8:43 AM
To: Kay Flynn
Subject: RE: order

Thanks very much, Kay. I appreciate it.

-----Original Message-----

From: Kay Flynn
Sent: Wednesday, January 12, 2005 4:47 PM
To: Martha Brown
Cc: Blanca Bayo
Subject: order

Martha, per your request, we are sending to Mr. Alceguiere by overnight courier (DHL) a certified copy of Order PSC-05-0037-PCO-EI. He will receive it on Thursday.

FYI, the copy sent yesterday by DHL was a copy of the signed version of the order.

Kay

041169

PLEASE TYPE OR PRINT

FOR SHIPMENTS WITHIN U.S. ONLY

1 Sender Account Number 776815998 FROM (Company) Blanca S. Bayo Street Address 2540 Shumard Oak Blvd. City Tallahassee Sent by (Name/Dept) Clerk's Office		Preprint Format No.	3 Payment Sender will be billed unless marked otherwise Bill to: Receiver 3rd Party <input type="checkbox"/> Receiver <input type="checkbox"/> 3rd Party <input type="checkbox"/> Paid in Advance <input type="checkbox"/> Check No. Amount Billing Reference (will appear on invoice)		Origin Waybill Number 16888071045 Account No. (Required if 3rd Party)
2 TO (Company) PLEASE PRINT NEATLY Jude Alceguirre Street Address 2913 SW 68 Avenue City Miramar Attention: (Name/Dept) Mr. Alceguirre Description PSC-05-0037-PCO-EI Sender's Signature _____ Date _____		State FL ZIP CODE (Required) 3 2 3 9 9 Phone (Required) 8 5 0 4 1 3 6 7 7 0	5 # of Pkgs 0 SUBJECT TO CORRECTION	6 Weight(LBS) REQUIRED 0	7 Packaging One box must be checked <input type="checkbox"/> Express Envelope <input type="checkbox"/> Express Pack <input type="checkbox"/> Other Packaging
Special Instructions <input type="checkbox"/> Saturday Delivery Extra charge Not available for all services and locations. <input type="checkbox"/> Lab Pack Service <input type="checkbox"/> Hold at DHL		Shipment Valuation Shipment Value Protection <input type="checkbox"/> \$.00		Payment Details (Credit Card) No. _____ Type _____ Expires _____ Auth. _____	

*Next Day 10:30
 10:30
 *Next Day 12:00
 12:00
 *Next Day 3:00
 3:00
 *2nd Day
 5:00

*Service may vary by destination, visit www.dhl-usa.com
 ABSENT A HIGHER SHIPMENT VALUATION, CARRIER'S LIABILITY IS LIMITED TO \$100 PER PACKAGE, OR ACTUAL VALUE, WHICHEVER IS LESS. SPECIAL OR CONSEQUENTIAL DAMAGES ARE NOT RECOVERABLE. SEE TERMS AND CONDITIONS ON REVERSE SIDE OF THIS NON-NEGOTIABLE WAYBILL.



SENDER'S COPY

Kimberley Pena

From: Kay Flynn
Sent: Tuesday, January 25, 2005 1:27 PM
To: Martha Brown
Cc: Kimberley Pena
Subject: RE: Order PSC-05-0097-CO-EI in 041169

**Will do.
Thanks.**

-----Original Message-----

From: Martha Brown
Sent: Tuesday, January 25, 2005 1:20 PM
To: Kay Flynn
Subject: RE: Order PSC-05-0097-CO-EI in 041169

Yes, Kay, please send this Order by DHL.

-----Original Message-----

From: Kay Flynn
Sent: Tuesday, January 25, 2005 1:08 PM
To: Martha Brown
Cc: Kimberley Pena
Subject: Order PSC-05-0097-CO-EI in 041169

Martha, please confirm our discussion concerning the sending of this consummating order to Mr. A. by DHL (overnight courier).

Thanks.

Kay

NO.	COMM.	PAGES	FILE	DURATION	X/R	IDENTIFICATION	DATE	TIME	DIAGNOSTIC
20	OK	002/002	599	00:00:37	XMT	# 4136207	JAN-18	10:09	0107A2000A070
21	OK	002/002	596	00:00:36	XMT	# 4136207	JAN-18	10:12	0107A2000A070
22	OK	002/002	600	00:00:36	XMT	# 4136099	JAN-18	10:14	0107A2000A070
23	OK	001	601	00:00:21	RCV		JAN-18	11:35	0507C0000A070
24	OK	001	602	00:00:28	RCV	8504256694	JAN-18	11:52	0507C0000A070
25	OK	011/011	603	00:03:23	XMT	# 618605618789	JAN-18	11:56	0107A20001070
26	OK	011/011	603	00:02:39	XMT	# 4256694	JAN-18	12:00	6107A2000B070
27	OK	010	604	00:01:32	XMT	# 4256669	JAN-18	12:05	0107A2000ADB0
28	OK	001	605	00:00:44	RCV		JAN-18	21:38	050FC0000A070
29	OK	001	606	00:00:42	RCV		JAN-19	01:53	0507C0000A070
30	OK	002	607	00:01:12	RCV		JAN-19	08:55	050FC0000A070
31	OK	001	608	00:00:23	RCV	8502222912	JAN-19	09:37	050FC0000ACD0
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34	OK	001	611	00:00:43	RCV		JAN-19	14:49	050FC0000A070
35	OK	001	612	00:00:18	RCV	850 521 3939	JAN-19	15:24	0507C0000BCD0
36	OK	001	613	00:00:31	RCV		JAN-19	18:03	0507C0000ADB0
37	OK	002	614	00:01:11	RCV		JAN-20	06:43	050FC0000A070
38	OK	001	615	00:00:23	RCV		JAN-20	10:40	0507C0000ADB0
39	OK	001	616	00:00:36	RCV	3525284919	JAN-20	10:59	0517C0000A070
40	420	000	617	00:00:42	RCV		JAN-20	11:19	0000C00000000
41	OK	002	618	00:01:25	RCV		JAN-20	21:44	050FC0000A070
42	STOP	000/002	619	00:00:00	XMT	# 13522650281	JAN-21	09:58	0000000000000
43	OK	002	620	00:00:20	XMT	# 613522650281	JAN-21	09:59	2107A2000BD80
44	OK	001	621	00:00:15	RCV	212 440 0750	JAN-21	10:34	0507C0000BCB0
45	OK	002	622	00:01:09	RCV		JAN-21	12:02	0407C0000A070
46	OK	001	623	00:00:19	RCV	850 521 3939	JAN-21	13:36	0507C0000BCD0
47	OK	001	624	00:00:33	RCV	8502244359	JAN-21	14:57	0507C0000A070
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50	OK	008	627	00:01:45	XMT	# 612124400750	JAN-21	16:12	2107A2000BDB0
51	420	000	628	00:00:42	RCV		JAN-22	09:39	0000C00000000
52	OK	002	629	00:00:59	RCV		JAN-22	09:40	0407C0000A070
53	STOP	000	630	00:00:00	XMT	# 8779791	JAN-24	11:51	0000000000000
54	STOP	000/003	631	00:00:00	XMT	# 8779791	JAN-24	11:54	0000000000000
55	OK	003/003	632	00:00:33	XMT	# 8779791	JAN-24	11:57	F107A2000ADA0
56	OK	001	633	00:00:14	RCV	850 656 4029	JAN-24	14:41	0507C0000BCD0
57	OK	002/002	634	00:01:57	XMT	# 4136913	JAN-24	14:51	0107A2000A070
58	OK	001	635	00:00:42	RCV		JAN-24	16:22	0507C0000A070
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63	OK	002	640	00:01:13	RCV		JAN-26	05:57	050FC0000A070
64	OK	001	641	00:01:02	RCV		JAN-26	09:45	0507C0000A070
65	OK	005	642	00:01:06	RCV	16173106220	JAN-26	11:16	C507C00008ADC0
66	OK	001	643	00:00:51	RCV		JAN-26	23:00	050FC0000A070
67	OK	001	644	00:00:25	RCV		JAN-27	00:51	0507C0000ADB0
68	OK	001	645	00:01:23	RCV		JAN-27	21:12	0507C0000A070
69	OK	001/001	646	00:00:25	XMT	# 4136503	JAN-28	08:29	0107A2000A070

-PSC CCA(850-413-71186770)-

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70	OK	001	552	00:00:50	RCV		JAN-07	09:06	050FC0000A070
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72	OK	004	553	00:01:50	XMT	# 2456282	JAN-07	09:38	E107A2000A070
73	OK	001	554	00:00:32	RCV	727 893 8578	JAN-07	12:47	0507C0000A070
74	OK	001	555	00:00:17	RCV	850 222 9768	JAN-07	13:48	0507C0000ACD0
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79	420	000	560	00:00:42	RCV		JAN-09	02:12	0000C00000000
80	420	000	561	00:00:42	RCV		JAN-09	07:27	0000C00000000
81	OK	001	562	00:00:50	RCV		JAN-09	08:20	050FC0000A070
82	420	000	563	00:00:42	RCV		JAN-10	16:23	0000C00000000
83	420	000	564	00:00:42	RCV		JAN-11	13:12	0000C00000000
84	OK	001	565	00:00:21	RCV		JAN-11	13:45	0407C0000A070
85	STOP	000/002	566	00:00:00	XMT	# 15612723445	JAN-11	13:51	0000000000000
86	STOP	000	567	00:00:00	XMT	# 61561273445	JAN-11	13:51	0000000000000
87	OK	002	568	00:00:37	XMT	# 615612723445	JAN-11	13:52	0007A2000A070
88	OK	001	569	00:00:38	RCV		JAN-11	14:17	C407C00091050
89	OK	004/004	570	00:01:12	XMT	# 2225606	JAN-11	16:34	0107A2000A070
90	OK	004/004	570	00:00:37	XMT	# 615616917135	JAN-11	16:36	6107A2000BDB0
91	OK	004/004	570	00:00:35	XMT	# 5213939	JAN-11	16:37	0107A2000BDB0
92	OK	004/004	570	00:01:12	XMT	# 4218543	JAN-11	16:38	0107A2000A070
93	OK	004/004	571	00:02:00	XMT	# 4884491	JAN-11	16:40	0107A20008030
94	OK	001	572	00:00:27	RCV		JAN-12	01:28	0507C0000ADB0
95	OK	001	573	00:00:46	RCV		JAN-12	08:27	0507C0000A070
96	OK	001/001	574	00:00:15	XMT	# 618132281770	JAN-12	09:57	C107A20008BDB0
97	OK	001	575	00:00:44	RCV		JAN-12	10:48	0507C0000A070
98	OK	002	576	00:00:32	RCV	8506816516	JAN-12	10:57	0507C0000BCC0
99	OK	002	577	00:00:21	XMT	# 618132281770	JAN-12	11:13	C107A20008BDB0
00	OK	001/001	578	00:00:25	XMT	# 618132281770	JAN-12	11:32	C107A20008BDB0
01	OK	001	579	00:00:46	RCV	DATA DEVELOPMENT	JAN-12	13:27	C407C0009A030
02	OK	001	580	00:00:32	RCV	8504884491	JAN-12	14:04	0507C00008030
03	OK	003	581	00:00:26	XMT	# 618132281770	JAN-12	14:37	C107A20008BDB0
04	634	000/001	582	00:00:00	XMT	# 618132281770	JAN-12	14:45	0000000000000
05	OK	001	583	00:00:46	RCV		JAN-13	03:17	0507C0000A070
06	OK	012	584	00:14:14	XMT	# 4884491	JAN-13	09:52	0107A20008030
07	OK	001	585	00:00:27	RCV	850 922 6934	JAN-13	10:07	0507C0000A070
08	OK	001	586	00:00:27	RCV	850 922 6934	JAN-13	10:08	0507C0000A070
09	OK	004	587	00:00:41	XMT	# 2456796	JAN-13	12:53	C107A20008BDC0
10	OK	001	588	00:00:17	RCV	850 521 3939	JAN-14	08:58	0507C0000BCD0
11	416	001	589	00:00:40	RCV		JAN-14	10:23	0107C0000A070
12	420	000	590	00:00:42	RCV		JAN-14	10:50	0000C00000000
13	OK	008	591	00:01:06	XMT	# 2456796	JAN-14	14:55	C107A20008BDC0
14	OK	002	592	00:01:43	XMT	# 615042881922	JAN-14	16:41	0107A20008030
15	420	000	593	00:00:42	RCV		JAN-14	17:41	0000C00000000
16	OK	001	594	00:00:47	RCV	1 888 336 7147	JAN-17	23:07	0507C0000A070
17	OK	002	595	00:00:35	XMT	# 4136083	JAN-18	10:04	0107A2000A070
18	OK	002	597	00:00:36	XMT	# 4136099	JAN-18	10:07	0107A2000A070
19	OK	002	598	00:00:36	XMT	# 4136083	JAN-18	10:08	0107A2000A070

<< CONTINUE >>

-PSC CCA(850-413-71186770)-

Kay Flynn

041169-EI

To: Martha Brown
Cc: Kimberley Pena
Subject: RE: Order PSC-05-0097-CO-EI in 041169

Will do.
Thanks.

-----Original Message-----
From: Martha Brown
Sent: Tuesday, January 25, 2005 1:20 PM
To: Kay Flynn
Subject: RE: Order PSC-05-0097-CO-EI in 041169

Yes, Kay, please send this Order by DHL.

-----Original Message-----
From: Kay Flynn
Sent: Tuesday, January 25, 2005 1:08 PM
To: Martha Brown
Cc: Kimberley Pena
Subject: Order PSC-05-0097-CO-EI in 041169

Martha, please confirm our discussion concerning the sending of this consummating order to Mr. A. by DHL (overnight courier).

Thanks.

Kay

0 0 0 1

PLEASE TYPE OR PRINT

FOR SHIPMENTS WITHIN U.S. ONLY

1 Sender Account Number 776815998		Preprint Format No.		3 Payment Sender will be billed unless marked otherwise		Origin		Waybill Number 16888071841	
FROM (Company)				Bill to:					
Florida Public Service Commission				Receiver 3rd Party					
Street Address				<input type="checkbox"/> <input type="checkbox"/>					
2540 Shumard Oak Blvd.				<input type="checkbox"/> Paid in Advance		Check No.		Amount	
City		State		ZIP CODE (Required)		Billing Reference (will appear on invoice)			
Tallahassee		FL		32399					
Sent by (Name/Dept)		Phone (Required)							
Clerk's Office/Bayo		8504136770							
2 TO (Company) PLEASE PRINT NEATLY				5 # of Pkgs		6 Weight(LBS) REQUIRED		7 Packaging One box must be checked	
Mr. Jude Alceguirre								Express Envelope <input type="checkbox"/>	
Street Address								Express Pack <input type="checkbox"/>	
2913 SW 68 Avenue								Other Packaging <input type="checkbox"/>	
City		State		ZIP CODE (Required)		Special Instructions			
Miramar		FL		33023		Saturday Delivery <input type="checkbox"/> Hold at DHL			
Attention: (Name/Dept)		Phone (Required)				Lab Pack Service <input type="checkbox"/>			
Description						Shipment Valuation			
Certified Order PSC-05-0097-CO-EI						Shipment Value <input type="checkbox"/> \$.00			
Sender's Signature		Date		DHL Signature		Date			
<i>[Signature]</i>		1/29/05							
						Payment Details (Credit Card)			
						No. _____			
						Type _____ Expires _____			
						Auth. _____			

4 **Service Type**

One box must be checked. Assume noon unless noted.

10:30 am Extra charge.

*Next Day 10:30
10:30
*Next Day 12:00
12:00
*Next Day 3:00
3:00

*2nd Day
5:00

*Service may vary by destination, visit www.dhl-usa.com

ABSENT A HIGHER SHIPMENT VALUATION, CARRIER'S LIABILITY IS LIMITED TO \$100 PER PACKAGE, OR ACTUAL VALUE, WHICHEVER IS LESS. SPECIAL OR CONSEQUENTIAL DAMAGES ARE NOT RECOVERABLE. SEE TERMS AND CONDITIONS ON REVERSE SIDE OF THIS NON-NEGOTIABLE WAYBILL.

EXPRESS

DHL Worldwide Express, Inc.,
1200 South Pine Island Road,
Plantation, FL 33324
1 800 Call-DHL

SENDER'S COPY

Marguerite Lockard

0097-C0

From: Andrea Cowart
Sent: Monday, January 24, 2005 3:30 PM
To: CCA - Orders / Notices; Martha Brown
Subject: Order / Notice Submitted

Date and Time: 1/24/2005 3:29:00 PM
Docket Number: 041169-EI
Filename / Path: 041169consummating.mcb.doc

Consummating Order to be issued 1/25/05 by certified mail.

Certified copy
Order/DTH to
Mr. A. Kequire
4/25/05.

Kay Flynn

041169-ES

From: Blanca Bayo
Sent: Friday, February 25, 2005 2:05 PM
To: Kay Flynn
Cc: Rick Melson; Rhonda Hicks
Subject: FW: 9549659740, 12 page(s)

Attachments: FAX.TIF

Kay,

Please place a copy of this e-mail and attached fax in the correspondence side of the docket. No further action is needed on CCA's part. We will defer to Legal for any other action.

From: Kevin Bloom
Sent: Friday, February 25, 2005 2:00 PM
To: Rick Melson; Rhonda Hicks; Blanca Bayo
Subject: FW: 9549659740, 12 page(s)

This gentleman called me this a.m. I explained my role and that of this office however he insisted on faxing this and would like a response. I leave it in your collective hands.

From: NET SatisFAXtion
Sent: None
To: Kevin Bloom
Subject: 9549659740, 12 page(s)

This is a **FAX** message received by **NET SatisFAXtion**

Received: 2/25/2005 12:47 PM
Total pages: 12
CSID: 9549659740
Transfer time: 0:05:40
Transfer rate: 9600
Error count: 0
Port used: Rockwell 56000 External M...#11
Status: Success



FAX.TIF (230
KB)

From: Judge Maguire
to: MR. KEVIN : S.P. / S.P.C.

P.S. THE RECORD & THE RULE OF
LAW:

954-965-9740

From: Jude Alcegueire
To: The PSC Chairman/ Commissioners

Dear Chairman/Commissioners

I am sending you this letter to appeal to you the Chairman and all the Commissioners at the PSC board a so called a pre-hearing decision draft by a staff member named Ms. Brown instead of a Commissioner of the board who's suppose to be assigned by the Chairman of the Commissioners require by the assignment of proceeding by the Chairman(OPR:CCA) chapter 2-05-1 section 350.01(5) and (7) provide only the Chairman has the authority to assign a pre-hearing officer in this case. I have received an assignment log sheet that is not signed by the **Chairman** as the law requires and

1. The PSC rule and regulation **chapter 25/22/03** gives any party involved in a complaint the right to **adjudicatory proceeding notification under the law** to respond on the reasonable time between twenty-one to thirty day.
2. Only the full board of Commissioners can determine if **due process of law** is no longer valid when a complainant have not received a correspondence by the staff and not have the opportunity to respond and give his side of the story.
3. I have received a letter from four people who are not part of the case, their names are Sandy Moses, Hong Wang, Lee Fultcher, and Nonnye Grant giving order to Ms. Brown to draft herself a letter on behalf of a Commissioner instead of the Chairman as required by law.

I am going to send you some documents that will prove some gross violation of **due process of law, state administrative law and PSC rule and regulation**. Once again I am asking for the whole board of Commissioners and the Chairman to take appropriate action. To preserve the rule of law for the greater good of the publics interest.

Sincerely
Jude Alcegueire

From: Jude Alcegueire
To: Rick Melson/ General Counsel for PSC

Dear Mr. Melson,

Because the law of the state of Florida and the constitution of the state provides some provision and guidance to be applied in accordance with the law

Under the **Florida sunshine law**, documents and records must be available to the public, I am requesting some documents under the **Florida sunshine law** and the **freedom of information act** because FPL also regulates by **federal law**. Please send me any provision, practiced, procedure, and law that give **anyone** the authority outside of the **Chairman** of the board the right to assign **commissioners** for hearing, motion, and ect; (See copy attached to letter). Because I have a **Document** from the PSC that shows it's **Hong Wang, Sandy Moses, Lee Fulcher, and Nonnye Grant** that give the order of assignment to **Martha Brown** on January 5, 2005 to assign **Commissioner Deason** (See copy exhibit 6 attached) for motion for review of extension for Dockets 041169 and 040660.

2. Send me any documents or records were rule and regulation have not been applied
3. Send me any log sheet or scheduling record were the (approve line) in the log sheet were not **signed** by the **Chairman** or were the case assignment and scheduling record were the rule located on the bottom left hand corner (See copy attached exhibit 2) that **was not applied in other cases**

4. Send me any document that gives the staff under your authority to disregard, disobey, the rule of law, and make decisions **above the board of commissioner**.

Mr. Melson I hope you will **uphold the law** as an officer of the law please send me those documents as soon as possible.

Sincerely yours,
Jude Alcegueire

CC Florida attorney general
CC U.S justice department
CC U.S energy department
CC The governor's office
CC Florida state upper/lower house
CC The Orlando Sentinel Miami Herald, Washington Post

EXHIBIT NO 6

From: Hong Wang
Sent: Wednesday, January 05, 2005 12:49 PM
To: Sandy Moses
Cc: Lee Fulcher; Nonnye Grant
Subject: RE: Prehearing Officer assignment

Done.

From: Sandy Moses
Sent: Wednesday, January 05, 2005 12:46 PM
To: Hong Wang; Lee Fulcher; Nonnye Grant
Cc: Martha Brown
Subject: Prehearing Officer assignment

Please reassign the PHO from Administrative to Commissioner Deason for Dockets 041169 and 040660.

Case Assignment and Scheduling Record

EXHIBIT No II

Section 1 - Bureau of Records Completes

Docket No. 041169-EI Date Docketed: 09/30/2004 Title: Complaint Nos. 445185E, 446514E, 446515E, and 446516E filed Mr. Jude Alceguiera against Florida Power & Light Company high bills and other alleged violations of Commission rules and statutes.
 Company: Florida Power & Light Company
 Jude Alceguiera

Official Filing Date: _____ Expiration: _____

Last Day to Suspend: _____

Referred to:

CCA	OMP	ECR	FLL	(GCL)	MMS	PIF	RCA	SI
		X		X			X	

(* indicates OPR)

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module A9

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff

M Brown

Current CASR revision level

Due Dates

Previous Current

Staff Counsel

M Brown

OCRs (ECR)
(RCA)

C Kummer
R Hicks

1.	Close Docket or Revise CASR	01/12/2005	01/24/2005
2.	Consummating Order if No Protest - Close Docket	01/11/2005	01/24/2005
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Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel _____
 Hearing _____ Staff _____

Date filed with CCA: 01/11/2005

Initials OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	BD	DV	ED		
X							

Prehearing Officer

Commissioners					ADM
BZ	DS	BD	DV	ED	
	X				

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____
 Date: Pending

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint Nos. 445185E, 446514E, 446515E, and 446516E filed by Mr. Jude Alcegueire against Florida Power & Light Company for high bills and other alleged violations of Commission rules and statutes.

DOCKET NO. 041169-EI
ORDER NO. PSC-05-0037-PCO-EI
ISSUED: January 11, 2005

ORDER DENYING EXTENSION OF TIME

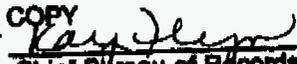
On December 17, 2004, the Commission issued Proposed Agency Action Order No. PSC-04-1252-PAA-EI (PAA Order) dismissing Mr. Alcegueire's complaints against Florida Power & Light Company (FPL). On page 6 of the PAA Order, in the Notice of Further Proceedings or Judicial Review, the Commission stated that any person whose substantial interests were affected by the proposed action could file a petition for a formal proceeding in the form provided by Rule 28-106.201, Florida Administrative Code, which must be received by the Division of the Commission Clerk and Administrative Services by the close of business on January 7, 2005.

The Commission also stated that if no petition was filed by that date the PAA Order would become final and effective and the docket would be closed. The Commission's Notice of Further Proceedings is consistent with the provisions of Rule 25-22.029, Florida Administrative Code, entitled "Point of Entry into Administrative Proceedings," which provides that a person must file a request for an administrative hearing within 21 days of the issuance of the notice of proposed action.

Uniform Procedural Rule 28-106.111, Florida Administrative Code, which also addresses the point at which a person becomes subject to the rights and obligations of Florida's Administrative Procedure Act, allows an extension of time for filing a request for hearing if requested before the time for filing expires. Subsection (3) of that rule states:

(3) An agency may, for good cause shown, grant a request for extension of time for filing an initial pleading. Requests for extension of time must be filed with the agency prior to the applicable deadline. Such requests for extensions of time shall contain a certificate that the moving party has consulted with all other parties, if any, concerning the extension and that the agency and any other parties agree to said extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

By letter dated December 28, 2004, Mr. Alcegueire requested an extension of time. Mr. Alcegueire's reason for requesting an extension of time appears to be that he did not receive a letter from Commission staff mailed to him before the Commission considered his complaint at its November-30, 2004; Agenda Conference, and he therefore did not have time to respond to the

A TRUE COPY
ATTEST 
Chief Bureau of Records

DOCUMENT NUMBER-DATE

00391 JAN 11 05

FPSC-COMMISSION CLERK

ORDER NO. PSC-05-0037-PCO-EI
DOCKET NO. 041169-EI
PAGE 2

staff recommendation on which the Commission based its decision in the PAA Order.¹ Mr. Alcegueire states that an extension of time should be granted in order to correct what Mr. Alcegueire considers an administrative failure to provide him due process of law by providing him with the time to present his side of the story.

Mr. Alcegueire's letter does not comply with Rule 28-106.111(3), Florida Administrative Code, permitting extensions of time to file a protest. Mr. Alcegueire does not identify good cause for the extension, and he does not certify that he contacted FPL and FPL agreed to the extension. It also appears that Mr. Alcegueire may be asking the Commission to reconsider its PAA Order based on his claim that he was given insufficient time to respond in writing to the staff recommendation. Under Rule 25-22.060(1)(a), Florida Administrative Code, however, the Commission will not entertain a motion for reconsideration of a Notice of Proposed Agency Action. Mr. Alcegueire's recourse at this point in the complaint proceeding is to request a formal administrative hearing. Mr. Alcegueire's December 28, 2004, request for an extension of time is therefore denied.

Pursuant to Rule 28-106.111(3), a request for an extension of time tolls the time for filing a protest to the Commission's PAA order until the request for an extension of time is addressed. The original date to timely file a protest to the PAA Order was January 7, 2005. Therefore, if Mr. Alcegueire decides to file a protest, it must be received by the Director, Division of the Commission Clerk and Administrative Services within 10 days from the date this Order is issued. As the PAA Order states, the protest must comport with the provisions of Rule 28-106.201, Florida Administrative Code.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 11th day of January, 2005.


J. TERRY DEASON
Commissioner and Prehearing Officer

(SEAL)

MCB

¹ It should be noted here that consideration of the staff's original recommendation scheduled for the November 2, 2004, Agenda Conference was deferred at Mr. Alcegueire's request. Further, Mr. Alcegueire did receive the staff recommendation for the November 30, 2004, Agenda Conference, and was informed that he could participate in the Agenda by phone, but he declined to do so.

2.05-3

"value of service involved;

"the effect on consumer relations, regulatory policies, conservation, economy, competition, public health, and safety of the area involved."

5. The prompt, effective handling of prehearing conferences, motions and procedural matters (including changes in time schedules) will improve continuity and responsiveness in the processing of cases. Assignments of responsibilities for such functions vary slightly from one kind of hearing assignment to another. These responsibilities are to be assigned as follows:

a. Cases assigned to the Full Commission:

The Chairman may assign a single Commissioner as Prehearing Officer. The Prehearing Officer is to rule on motions and procedural matters and conduct prehearing conferences. The Chairman will approve changes in oral argument, hearing and decision dates.

b. Cases assigned to panels of Commissioners:

The Chairman will assign a single Commissioner as Prehearing Officer. The Prehearing Officer is to rule on motions and procedural matters and conduct prehearing conferences. Changes in oral argument, hearing and decision dates are to be approved by the Chairman.

c. Cases assigned to a single Commissioner for hearing:

That Commissioner is to rule on motions and procedural matters which occur prior to referral of such cases to the Commission for final decision. Changes in oral argument, hearing and decision dates are to be approved by the Chairman.

d. Cases assigned to a DOAH Administrative Law Judge for hearing:

2.05-4

The Chairman may assign a Commissioner as Prehearing Officer to rule on motions and procedural matters which occur prior to the transmittal of these cases to the administrative law judge, and those which occur after the administrative law judge's recommendation has been issued and prior to referral of such cases to the Commission for final decision. Hearing dates are to be set by the administrative law judge. Changes in decision dates are to be approved by the Chairman.

e. Cases assigned to a staff member for hearing:

The Chairman may assign a Commissioner as Prehearing Officer to rule on motions and procedural matters which occur prior to referral of such cases to the Commission for final decision. If a Commissioner is not assigned, the staff member assigned to preside at the hearing shall also serve as Prehearing Officer. Changes in hearing and decision dates are to be approved by the Chairman.

6. Except for specific approvals reserved to the Chairman in the above subparagraphs, proposed revisions in dates for events in the time schedule are to be approved by the Commissioner assigned to the case to rule on motions and procedural matters. The Director of the Division of the Commission Clerk and Administrative Services may, however, approve the following types of time schedule revisions:
 - a. Revisions resulting directly from a Commission action on either a related or unrelated matter (i.e., deferral of an item on Agenda Conference to a specific future conference, cancellation of an Agenda Conference, a Prehearing Officer's approval of a party's request for an extension of time to file, etc.).
 - b. Revisions providing for monitoring or follow-up actions by the staff after Commission decision, and for which the requirement for further Commission action is absent or unknown (i.e., monitoring of construction activities, refunds, etc.).

2.05-1

2.05 ASSIGNMENT OF PROCEEDINGS BY THE CHAIRMAN (OPR: CCA)

A. PURPOSE

To state procedures by which the Chairman's statutory authority to assign proceedings to Commissioners, hearing officers or staff is to be implemented; and to reflect the Commission's overall policy that all cases are to move from receipt to final disposition without unnecessary delay.

B. POLICIES

Those policies which bear directly upon and govern these procedures are as follows:

1. Assignments of cases are made by the Chairman; in so doing, staff recommendations may be taken into account. Sections 350.01(5) and (7) provide that the Chairman has the authority to assign the various proceedings pending before the Commission requiring hearings to one or more Commissioners or to hearing officers. Generally, all cases shall be assigned to the full Commission for initiating action (i.e., decisions initiating investigations, interim increase decisions in rate cases, and proposed agency action decisions, for example). However, when there are less than five Commissioners available for assignment or when the caseload or statutory deadlines require it, the Chairman may assign the initiating action to a panel.
2. The Chairman may reassign proceedings once (1) initiating action has been taken by the full Commission and (2) it is established that a hearing is required. Such assignments may be to one or more Commissioners, to a Division of Administrative Hearings (DOAH) administrative law judge or to a staff member. The Chairman may also reassign cases when an apparent conflict of interest arises. Commissioners who desire to be assigned to or removed from particular cases should so advise the Chairman.
 - a. Final decisions (i.e., decisions subsequent to hearing or on stipulations in lieu of hearing) in cases assigned to panels of Commissioners are to be

2.05-2

made by the panel, unless a reassignment is made by the Chairman.

THE LAW
→

- b. Final decisions in cases assigned to one Commissioner, a DOAH administrative law judge, or a staff member for hearing are to be made by the majority of the full Commission.
- ✓ 3. Assignments made or approved by the Chairman may be changed only by the Chairman except that:
 - a. A majority of the Commissioners may determine that the full Commission shall sit in a proceeding, and
 - b. Petitions that proceedings be assigned to the full Commission timely filed by persons having standing to so file are to be disposed of by the full Commission.
4. In recommending and making assignments, the following should be taken into account:
 - a. The provision in the Commission's Statement of Agency Organization and Operations that assignments are to be made randomly;
 - b. The workloads of the individual Commissioners; and
 - c. The following criteria, as set forth in Section 350.01(6), F.S.:
 - "...the overall general public interest and impact of the pending proceeding, including but not limited to...
 - "...the magnitude of a rate filing, including the number of customers affected and total revenues requested;
 - "the services rendered to the affected public;
 - "the urgency of the requested action;
 - "the needs of the consuming public and the utility;

2.05-9

appropriate discovery actions and, as required, guide the staff in the completion of preparations for the hearing.

[History: Revised 5/20/82; IA 11/15/82; 10/23/85; 6/3/86, Nomenclature Changes; 11/24/87; IA 3/6/91; 8/31/93; APM Reformatted and Reissued 7/1/94; ED 8/5/94; ED 4/9/96; ED 2/97; ED 10/01; ED 3/02; ED 9/9/03]

Kay Flynn~~041169~~

From: Blanca Bayo
Sent: Friday, March 11, 2005 2:35 PM
To: Mary Bane; Rick Melson; Kay Flynn
Subject: FW: Jude Alceguiere

041169

FYI.

From: Doug Martin
Sent: Friday, March 11, 2005 9:34 AM
To: Betty Ashby
Cc: Carmen Pena; Blanca Bayo
Subject: Jude Alceguiere

Mr. Alceguiere called CCA this morning and was transferred to the mail distribution center. Walter asked me to speak to Mr. Alceguiere. He was asking about our procedure for handling incoming mail. He believes that we are receiving correspondence from him which has a return receipt and failing to pass it on to the addressee. I told him that the mail distribution center routinely signs for such mail and delivers it to the addressee at that divisions mail station. When he identified himself, I said That most of the correspondence we had received from him was addressed to either General Counsel or RCA's bureau of consumer assistance and that it had been delivered as addressed. He seems to think that the commission is "sabotaging" the mail that he is sending to us. He also wished to speak to Steve but since he was not here he asked to speak to someone in Records. I transferred him to Hong since Kay is out today and Blanca was in a meeting.

3/14/2005