

ORIGINAL
THE FIRST DISTRICT COURT OF APPEAL FOR THE
STATE OF FLORIDA

RECEIVED-FPSC
 06 NOV 08 9:25
 DISTRIBUTION CENTER
 COMMISSION
 06 NOV 08
 AM 7:33

NOVEMBER 3, 2006
LETICIA & JORGE L. CALLARD vs. FLORIDA POWER & LIGHT
APPELLANT **APPELLEE**

Case No: *1D06-3453*
 L.T. NO.: *040208E1*
INITIAL BRIEF

Back in 1990 FPL (Florida Power & Light Co.) changed the power line cable that feeds our home from the east pole to the west pole that is situated in the back of our house located at 7860 SW 18terr. The reason for this change was to avoid the trimming of a tree that was in the center of the patio. Every year they would come to trim it because the foliage of the tree would touch the power cable. The new power cable that was now feeding of A.C power to our house was now touching the roof of the house, as you can see in the picture I provided to you. Not only that but the inspector that came to my house to inspect the cable verified that this situation of the cable was violating The National Electric Code. An electrical contractor that previously came to my house bought it to my attention that the 230 volt from F.P.L Co. was reaching my appliances due to the fact the ground installation was improper with the FPL meter at the entrance to my house. Only 2 appliances work with 230 volts, the air conditioner and the pool water pump survived. All of the other appliances (TV's, fridge, computer, music equipment, ETC.) burnt out because of the excess of voltage.

He advised to call FPL because he could not work in the FPL area where the problem was. I called FPL and they came. They informed me that to fix the problem a big truck had to come and disconnect the power from the pole to my house. When they came to disconnect the service, they found by testing that the connection was improperly wired without ground. By removing the meter for testing, accidentally the technician dropped the meter 7feet from the ground. I grabbed the meter from the ground and gave it back to the tech. At this point they fixed the power grounding situation, providing two 115 volts circuits to my house and 230v. A.C for the other circuits. This was a temporary fixing and FPL promised that they would be back to replace the meter and to reinstall the power cable in order to comply with the National Electric Code. I would also receive in the mail a form to list all the appliances that were damaged because of this situation.

CMP _____
 COM _____
 CTR _____
 ECR _____
 GCL _____
 OPC _____
 RCA _____
 SCR _____
 SGA _____
 SEC
 OTH Lockow

When I received that form I listed all of the appliances and sent it to FPL. To verify that they received it , I called and they informed me that it was in the process of evaluation. I didn't receive any information on the result of this evaluation. I called many times but only received the run around and would be put on hold.

Back in 1991, I constructed a pool in my patio for my family. When the pool was finished and the inspector came in wasn't approved because of the FPL service

DOCUMENT NUMBER-DATE

10288 NOV-8 8

***THE FIRST DISTRICT COURT OF APPEAL FOR THE
STATE OF FLORIDA***

cable to my house was still in violation of the code. The information that I had received from the pool inspector , was that the patio light was to close to the pool and that the electrical FPL cable presented a potential danger to the pool, because of the proximity to the roof of the house. I did remove the patio light and I was hoping to get the service that I was requesting from FPL to correct the electrical cable situation. They refused to perform the work blaming it on me and telling me that I was the one responsible to fix the FPL cable???

In the beginning when they came and fixed the grounding situation they told me that they would be coming back to fix the cable. They never came, now I am the one responsible to fix the cable according to FPL. They said that they would take some time because of the heavy work load they had due to Hurricane Andrew, and that the area that I was living in was scheduled for later on. They came and re-established power to my house and to my neighborhood. While evaluating the damage of Andrew to the roof of my house, I placed a ladder and proceeded to climb to the roof . As soon as I touched the border of the roof , a shock of electricity knocked me down. The roof was electrified by the power cable from FPL Co. I called right way, they came that night and they placed a rubber cover around the cable to isolate the power to the roof and promised again that they would come back in order to fix it properly . FPL recognized at that moment that it was dangerous to have the cable touching the house, and that they would come back to fix it. They never came, knowingly putting my family as well as my property in danger of a fire and or loss of life. From 1993 to 2003 the cable was presenting a dangerous situation to all of the members in our house, we were so intimidated to go to the patio to enjoy the pool, barbecue etc. due to the fact that this cable was never fixed and proposed a dangerous situation.

An engineer from the state had to come and force FPL to fix the cable. Finally in 2003 they did.

Florida Power & Light hasn't proved any of their allegations.

***THE FIRST DISTRICT COURT OF APPEAL FOR THE
STATE OF FLORIDA***

TIME OF EVENTS

- 1. July 24, 2002- Removed meter # 5C35633 and replaced it with meter # 5C46714 which read fraudulent # of usage.**

- 2. October 17, 2002- Reunion with Linda Cochra and Jorge Zamora in which the meter # 5C35633 was displayed with no glass cover along with another meter completely new.**

- 3. January 7, 2003- Letter from Public Service Commission giving us 15 days to present our case or case would be closed.**

- 4. January 8, 2003- Sent letter to Public Service Commission directed to Ms. Beverlee De Mello- Director of Consumer Affairs referring the fraudulent meter # 5C46714 (our evidence). Prior to this we had notified Carmen R. Pena (of the fraudulent meter) at the regulating program administrator bureau of consumer outreach.**

- 5. January 13, 2003- Sent letter to Carmen Pena Florida State Public Service Comm.- discussed the reunion with Linda Cohran and Jorge Zamora.**

- 6. January 14, 2003- Sent informal conference request form to Florida Public Service Commission.**

- 7. May 17, 2003- Florida Power & Light trespasses our property, entered without permission. While climbing our fence broke a panel and muddied our deck around the pool area. Knocked down the garbage lid and proceeded to remove our evidence the fraudulent meter that Florida Power & Light Co. had purposely installed to incriminate us and over charge for large consumption of units.**

***THE FIRST DISTRICT COURT OF APPEAL FOR THE
STATE OF FLORIDA***

1. Florida Power & Light Co. made the necessary electrical repairs to move the post wires, but failed to pay our personal losses in the amount of \$13,000-which was part of our Informal Request form to PSC.

2. Our permit & Inspector for the pool on 7-19-1991 fail to pass because of FPL's electrical cables. Permit must be reopened by our engineer and reinserted. (Cost Unknown)

3. Mr. Lee called me at work to say he needed an extension on the case not telling me that we were at the day of March 29th (which was the deadline for filing.) He then faxed his request to the PSC and it was accepted but we were denied any faxes. Mr. Lee was deceiving and took advantage otherwise this case would've been closed for him in result of not complying to meet the deadline.

4. Florida Power & Light is in violation of codes:

810.115

****Breaking of injuring fences****

810.12

****Unauthorized entry on land; prima facie evidence of trespass****

5. The reason for our appeal is due to the fact that Florida Power & Light was favored and decisions were made in spite of false testimony from their witnesses. The Public Service Commission did not act fairly or just.

6. We ask the court to please grant us an attorney that can fairly represent us, for we are not able to afford one and the only way to prove our innocence will be that way.

[Handwritten Signature]

Return Called 11/3/06



FLORIDA PUBLIC SERVICE COMMISSION
INFORMAL CONFERENCE REQUEST FORM

FPSC Complaint Number: 494394E
Customer's Name: Juan Luis & Leticia Callard
Authorized Representative:
Address: 7860 Southwest 18th Terrace
Address: Miami, FL 33155
Telephone Number (voice): 1-305-264-6804 (Fax): 1-305-718-4659
E-mail address (if any):

Please address the following statements using additional pages if necessary.

Please identify the issues to be resolved. VIOLACION DE ELECTRICIDAD SOBRE EL TECHO DE MI PROPIEDAD, QUITARNO EL INJUSTO MONTO IMPUESTO DE \$9,279.18, COMPENSARNO POR LAS PERDIDA DE CASI TODOS LO EQUIPOS ELECTRICOS QUE POR ERROR TECNICO DE F.P.L NOS OCACIONO.

Please describe the facts that are in dispute. VIOLACION ELECTRICA, MONTO INJUSTAMEN PUESTO, COMPENSACION POR DAÑOS OCACIONADO POR ERROR TECNICO DE F.P.L EL MONTO ANTES MENCIONADO ES \$9,279.18. \$13,00000 APROXIMADO DE PERDIDA DE EQUIPO.

Please identify the dollar amount in dispute. \$9,279.18 y \$13.00000 ^{DAÑOS} EN DAÑOS

Please provide a suggested resolution or the relief sought. HACIENDO JUSTICIA ABSORVIENDO DE LA ACUSACIONES QUE HACE F.P.L Y PAGANODA POR MIS DAÑOS.

NOTICE: This form must be postmarked by **January 23, 2003**. Failure to provide this information may result in denial of the informal conference request.



FLORIDA PUBLIC SERVICE COMMISSION
INFORMAL CONFERENCE REQUEST FORM

FPSC Complaint Number: 494394E
Customer's Name: Juan Luis & Leticia Callard
Authorized Representative:
Address: 7860 Southwest 18th Terrace
Address: Miami, FL 33155
Telephone Number (voice): 1-305-264-6804 (Fax): 1-305-718-4659
E-mail address (if any):

Please address the following statements using additional pages if necessary.

Please identify the issues to be resolved. VIOLACION DE ELECTRICIDAD SOBRE EL TECHO DE MI PROPIEDAD, QUITARNO EL INJUSTO MONTO IMPUESTO DE \$9,279.18, COMPENSARNO POR LAS PERDIDA DE CASI TODOS LO EQUIPOS ELECTRICOS QUE POR ERROR TECNICO DE FPL NOS OCACIONO.

Please describe the facts that are in dispute. VIOLACION ELECTRICA, MONTO INJUSTAHEN PUESTO, COMPENSACION POR DAÑOS OCACIONADO POR ERROR TECNICO DE F.P.L. EL MONTO ANTES MENCIONADO ES \$9,279.18. \$13,00000 APROXIMADO DE PERDIDA DE EQUIPO.

Please identify the dollar amount in dispute. \$9,279.18 y \$13.00000 EN ^{daños} DAÑOS

Please provide a suggested resolution or the relief sought. HACIENDO JUSTICIA ABSORBIENDO DE LA ACUSACIONES QUE HACE F.P.L Y PAGARNO DAÑOS POR MIS DAÑOS.

NOTICE: This form must be postmarked by **January 23, 2003**. Failure to provide this information may result in denial of the informal conference request.



"DOAH Clerk's Office"
<Efile@doah.state.fl.us
>

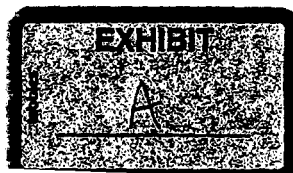
To: david_lee@fpl.com
cc:
Subject: 04-002758 Request for Extension of Time

03/29/2005 11:27 AM

Attached is a filed copy for your use in serving the other parties.

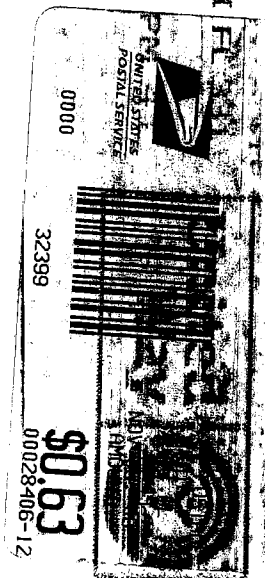


04002758_ef_032905_112756Request for Extension of Tim



06 NOV 2006

MIAMI



Public Service Commission
 Capital Circle Dr. CTL
 2540 Skhward Oak Blvd.
 Tallahassee, Fl. 32399-0888

Attn: Division of Commission Clerk & Admin Fees (Bays)

3239947013

