

EDWARD MCDONALD,)
)
 Petitioner,)
)
 v.)
)
 TAMPA ELECTRIC COMPANY,)
)
 Respondent.)

RECEIVED-FPSC

11 DEC -5 PM 3:21
DOCKET NO. 110305-EI

COMMISSION
FILED:
CLERK

11 DEC -5 PM 3:45

PETITIONER'S REPLY TO RESPONDENT'S ANSWER

1. Tampa Electric Company IMPROPERLY BILLED THE PETITIONER by charging him for Electric Service for which he had paid for in full. (Exhibit 1)

2. TAMPA Electric owes petitioner \$3500.00 because it returned the \$3500.00 to Bank of America based on a fraudulent claim of "guardianship" and a "guardianship account".THERE IS NO RECORD, ELECTRONIC OR PRINT, OF BANK OF AMERICA "REVERSING PAYMENT"! Public records show petitioner was the only person with the authority to excercise custody and control of the funds utilized for payment. TECO was duly informed by credible documentation of petitioner's authority. TECO chose to believe the fraudulent "guardian". TAMPA ELECTRIC COMPANY'S LACK OF DUE DILIGENCE MAKES THEM WHOLLY LIABLE!

The commission never investigated the April 6, 2005 complaint.(648071E) The petitioner was never given an opportunity to respond to TECO because he was not given a copy of their response to the complaint - note 5/24/05 What remains as a record of the complaint is a parroting of TECO'S statements, without any assessment of their RELEVANCE or ACCURACY! (Exhibits 2 &

3. There is no legislative history or case law to support respondent's assertion that Chapter 95, Florida Statutes does not apply to collection activity by a regulated public utility; furthermore, THE FAIR CREDIT REPORTING ACT and THE FAIR DEBT COLLECTION PRACTICES ACT were also violated by TECO. (Exhibit 4)

4. For reasons stated herein, petitioner's request for relief should be granted.

CERTIFICATE OF SERVICE

A copy hereof was forwarded by U.S. Mail on this 30th day of November 2011 to:James D. Beasley, P.O. Box 391, Tallahassee, FL 32301.

Via Certified Mail to FPSC
7011 0470 0002 1130 2986

Edward McDonald
Edward McDonald
7203 N. 41st St.
Tampa, FL 33604-2425

COMPLAINT NUMBER 110305-EI
08770 DEC 05 =
FPSC-COMMISSION CLERK

PROOF OF PAYMENT

Mr. Edward McDonald
006767E
October 3, 2011
Page 4 of 10

If you have any unambiguous proof of payment of the two returned checks totaling \$965.10 (\$404.81 and \$560.29) such as cancelled checks or cleared bank transaction records that refute TECO's records, please provide that information to me by September 7, 2011. At that time, I will submit the documentation to TECO to reconsider its position. Please note that any proof of payment documentation submitted by you must post date July 13, 2004, the day the returned payments were debited back to account number 1501-000031-4. You may also wish to contact your financial institution to obtain the payment documentation required.

Electric Bill

101183

December Billing Information:

MCDONALD EDWARD G
4010 POCAHONTAS AV E
TAMPA FL 33610-1734

Account Number
1501 0000315

Statement Date
Dec 23, 2004

Visit our
Web site at
tampaelectric.com

Average kWh per day

Dec 2004	29
Nov	29
Oct	38
Sep	38
Aug 2004	38

tampaelectric.com

Manatee Viewing Center

Now through April 15, 2005,
visit our Manatee Viewing
Center in Apollo Beach. The
Center is free and open to the
public daily from 10 a.m. to 5
p.m. For more details, call
(813) 228-4289 or visit
manatee-teco.com.

Meter Number	Current Reading	Previous Reading	Diff.	Multi.	33 day period
584608	05869	04913	956	1	956
Next Scheduled Reading Jan 20, 2005					Total kWh Purchased
Account Activity					Charge
Previous Balance					0.00
Payments Received					0.00
					\$0.00
New Charges Due by Jan 16, 2005					Service from Nov 17 to Dec 20
Customer Charge					Residential 110 Rate 8.50
Energy Charge					956 kWh @ \$.04864/kWh 46.50
Fuel Charge					956 kWh @ \$.03939/kWh 37.66
Electric Service Cost					\$92.66
Outdoor Lighting Items					2 Lights, 0 Poles 14.64
Florida Gross Receipts Tax					Based on \$97.98 2.52
Franchise Fee					Based on 4.950% 5.44
City Tax					8.05
This Month's Charges					\$123.31
Miscellaneous Adjustments					-3,072.65
Payments And Adjustments					94.80
Total Miscellaneous Charges					\$2,977.85 CR
Total Due					\$2,854.54 CR

In multiple correspondence to the FPSC, you stated that unless TECO provides proof of funds being accessed fraudulently, you should be reimbursed the amount of \$3,500.00, which represents total of seven payments TECO indicates were returned by Bank of America in 2004. It is important to note, that it is up to you to provide TECO with proper documentation, such as cancelled checks and other banking records, showing that the payments were made and cleared by your financial institution. Without that documentation, your concerns regarding these payments cannot be further addressed.

Mr. Edward McDonald
Complaint Number 1006767E
July 26, 2011
Page 6 of 7

- On March 24, 2005, the unpaid balance of \$1,095.20 from account number 1501-000031-5 was transferred to your active account number 0261-023156-1 at 7203 40th Street North, Tampa, Florida. This account was closed on June 1, 2005, with the unpaid balance of \$1,095.20. Later, someone applied for service at this address, and TECO received two payments which cleared the balance. *paid by my wife to avoid disconnection of service*
- On March 7, 2006, your filed bankruptcy case was dismissed by the US Bankruptcy Court. Subsequently, TECO was free to pursue collection of the \$915.94 debt. You did not have electric service in your name at the time. *irrelevant - The bill was transferred & paid*

*Proof
of payment
for
Pocahontas
proof the
bill was
transferred
and paid*

Request No. 0648071E

Name MCDONALD ,LILLIE MAE MS

Business Name

Consumer Information Name: LILLIE MAE MCDONALD Business Name: Svc Address: 4010 E. POCAHONTAS AVE County: Hillsborough Phone: (813)-985-3512 City/Zip: Tampa / 33610- Account Number: Caller's Name: EDWARD MCDONALD Mailing Address: 7203 N. 40TH STREET City/Zip: TAMPA ,FL 33604-4501 Can Be Reached: (813)-623-5332 E-Tracking Number:	Florida Public Service Commission - Consumer Request 2540 Shumard Oak Boulevard Tallahassee, Florida 32399 850-413-6480	PSC Information Assigned To: JOY ANDERSON Entered By: AC Date: 04/06/2005 Time: 11:06 Via: FAX Prelim Type: DELAY IN PO: Disputed Amt: 0.00
	Utility Information Company Code: EI806 Company: TAMPA ELECTRIC COMPANY Attn. Laurie Weir648071E Response Needed From Company? Y Date Due: 04/27/2005 Fax: (813) 228-1820 R	Supmntl Rpt Req'd: / / Certified Letter Sent: / / Certified Letter Rec'd: / /
	Interim Report Received: / / Reply Received: 04/13/2005 Reply Received Timely/Late: T Informal Conf.: N	Closed by: JLA Date: 05/24/2005 Closeout Type: GI-30 Apparent Rule Violation: N

Please review the attached correspondence in which the customer reports the following:

Mr. McDonald is the representative of Ms. Lillian McDonald through Power of Attorney. He indicates she has been denied service at two addresses.

4010 E. Pocahontas Avenue
Tampa, FL 33610
&
1905 W. Lemon Street
Tampa, FL 33060

Per Consumer Complaint Rule 25-22.032, please use the following procedures when responding to PSC complaints.

Request No. 0648071E

Name MCDONALD ,LILLIE MAE MS

Business Name

1. Complaint resolution should be provided to the customer via direct contact with the customer, either verbally or in writing, within 15 working days after the complaint has been sent to the company.
2. A response to the PSC is due by 5:00 p.m. Eastern time, of the 15th working day after the complaint has been sent to the company.
3. The response should include the following:
 - a) the cause of the problem
 - b) actions taken to resolve the customer's complaint
 - c) the company's proposed resolution to the complaint
 - d) answers to any questions raised by staff in the complaint
 - e) confirmation that the company has made direct contact with the customer
4. Send your written response to the PSC, and copies of all correspondence with the customer to the following e-mail, fax or physical addresses:

E-Mail - pscreply@psc.state.fl.us

Fax - 850-413-7168

Mail - 2540 Shumard Oak Blvd.

Tallahassee, Florida 32399-0850

Case taken by Angela Calhoun

04/08/05 (04/07/05 stamped date) Customer correspondence received by fax. Forward to JAnderson. DHood

04/08/05 Customer correspondence received by fax. Forward to JAnderson. DHood

04/13/05 (04/12/05 stamped date) Customer correspondence received by fax. Forward to JAnderson. DHood

04/13/05: Response received via Email. NGarcia

04/14/05 (04/13/05 stamped date) Customer correspondence received by fax. Forward to JAnderson. DHood

04/19/05 Customer correspondence received by mail. Forward to JAnderson. DHood

04/21/05 (04/20/05 stamped date) Customer correspondence received by fax. Forward to JAnderson. DHood

04/29/05 Customer correspondence received by mail. Forward to JAnderson. DHood

Request No. 0648071E Name MCDONALD ,LILLIE MAE MS Business Name _____

5/20/05 Mr. McDonald called re case status - advised that he needed to speak with analyst, who was unavailable at time of call. He declined to go to analyst's VM; asks for a return call & requested that info be sent by email re his alternate CBR # 813-985-3512 and his cellphone # 813-451-1435. EMail this info JAnderson.
LKAlford

05/23/05 - Attempted to contact customer. Left a message for the customer to return my call. janderson
05-23-05 Customer transfer to Joy's VM. PW

05/24/05 - Reviewed report. According to the company's report, on 01/11/05, Edward McDonald contacted the Customer Care Center in regards to 4010 Pocahontas Av E. The account had a credit balance of \$2,854.54 and Mr. McDonald was requesting that the overpayment be refunded to him. Ms. Drummond, Corporate Credit, was contacted by Customer Care to ask for approval of refund. Ms. Drummond requested that proof of payments, made to the company be verified through Bank of America, reflecting that the monies had cleared the bank, prior to issuing refund. The Customer Service Professional advised Mr. McDonald of the requirements before issuing refund and the call ended.

On 01/13/05, the Customer Care Center received a call from a Julie Goddard, State of Florida appointed - Guardian Ad Litem for Lillie Mae McDonald. Ms. Goddard was referred to Ms. Drummond. Ms. Goddard advised Ms. Drummond of fraud charges currently being pursued by the State against Mr. McDonald for illegally accessing Lillie Mae McDonald's Bank of America checking account in an effort to gain funds from the company, Verizon, and Brighthouse Networks in a scheme to defraud. Ms. Goddard stated that Bank of America was aware of the situation and that the overpayment that was made to the company would be returned, as they would be reversing the payments to the company. A Tampa Police Department Case #05-900246 was given for additional information.

Between 01/13/05 and 01/20/05, numerous telephone calls were received by Ms. Drummond from Mr. McDonald. These calls were in regards to the decision not refund monies. Per Mr. McDonald, the company was acting against Florida Law by not issuing a refund.

On 01/20/05, total payments of \$3,500.00 were returned as fraudulent payments from Bank of America through SpeedPay, the company's third party vendor.

On 01/21/05, service at 4010 Pocahontas Av E was disconnected for fraudulent payments.

On 02/01/05, Mr. McDonald was arrested for theft of electricity at the Pocahontas address. Ms. Drummond was contacted by Officer Micki Mashburn at Tampa Police Department, Department of Elder Affairs, and was advised that several issues regarding Mr. McDonald are currently under investigation including falsifying documents, using a fictitious Power of Attorney, and accessing funds using an altered check. Officer Mashburn further indicated that electric service should not be re-instated under Lillie Mae McDonald's name as Department of Elder Affairs had enough documentation to send through a request for prosecution. Officer Mashburn also

Request No. 0648071E Name MCDONALD ,LILLIE MAE MS Business Name

advised that the case had been assigned to Detective Bush.

Since 02/07/05, Mr. McDonald has sent several pieces of correspondence to Ms. Drummond in an effort to support his case for turning the electric service on.

Since filing of this FPSC complaint, Ms. Drummond has made several attempts to contact Mr. McDonald. Voice mail messages have been left; however, the calls have not been returned. Ms. Drummond did make contact with Detective Bush to get an update on the case and was advised the State Attorney's office is awaiting fingerprint analysis results. Ms. Drummond advised Detective Bush of the request to turn electric service on and the importance of verifying validity of documents provided by Mr. McDonald. Detective Bush advised that consent for electric service in Lillie Mae McDonald's name would need to come from the Guardian Ad Litem. Detective Bush also requested that the company refer Mr. McDonald directly to him in regards to his request for electric service. Based on this information, the company has made the decision to deny electric service under the name of Lillie Mae McDonald. janderson

5/24/05 - Mr. McDonald called @ 2:35 PM and transferred to JAnderson. NForsman

05/24/05 - Customer called. Reviewed company's response with customer. Advised customer that the company indicated that there is a pending case with the State Attorney's office. Advised customer that I could not require that the company restore the service at this time. Customer advised that the State Attorney's case was dismissed on 05/12/05. Advised customer that I have not received any information to that effect. Customer advised that he would forward a copy of the judge's order. Advised customer that the additional information will be reviewed upon receipt. Customer requested that a copy of the company's response be mailed to the Pocahontas Avenue address. janderson

05/24/05 - Case closed. janderson

05/27/05 - Customer called. Customer requested that the company response be faxed to him. Customer no longer wishes that the complaint be mailed. Customer provided a fax number of (813) 977-2679. janderson

05/27/05 - Attempted to fax the information to the customer. The fax would not go through. Contacted customer to find out if the fax machine was functional. Customer advised that he was not certain. Customer advised that he would call me back to provide an alternative fax number. janderson

06/02/05 - Retrieved voice mail message from customer. Customer provided a different fax number of (813) 977-1936. Will fax company response to that number. janderson

Request No. 0648071E Name MCDONALD ,LILLIE MAE MS Business Name _____

FPSC #1006767E



- 1. Provide a DETAILED BILLING for \$915.94 & \$307.49.
- 2. Bankruptcy Court Records show TECO never filed a claim as a creditor. Service at 4010 E. Pocahontas was disconnected on January 21, 2005 (FPSC Complaint #648071E)=90 days before a bankruptcy filing and AFTER all bills from Pocahontas were transferred to 7203 N. 40th St. and PAID! TECO'S PROFFER OF DELAYED BILLING FOR 6-7 YEARS DUE TO BANKRUPTCY COURT PROCEEDINGS IS DISINGENUOUS!(Emphasis).
- 3. TPD Case # 05-900246 is a COMPLAINT! NONE OF THE ALLEGATIONS WERE SUBSTANTIATED and NO CHARGES WERE filed! PROVIDE PROOF FUNDS WERE ACCESSED FRAUDULENTLY OR RETURN MY \$3,500.00!
- 4. The "current diversion court case" ... in 2005 ... was dismissed. TECO OWES ME \$5,000.00 FOR THE COST OF DEFENDING MYSELF AGAINST TECO'S FALSE ALLEGATIONS OF CRIMINAL ACTS AGAINST THE COMPANY.

May 25, 2011

Mr. Edward McDonald
7203 41 St N
Tampa, FL 33604

Dear Mr. McDonald,

Edward McDonald May 31, 2011

Re: 4010 Pocahontas Av E

We are writing you today, in an effort to provide clarification regarding the above mentioned account, as per your request. In reviewing our records, we have determined the following:

- The disputed bill of \$915.94 represents usage solely from 4010 Pocahontas Av E.
- Records indicate TEC received several bankruptcy filings for yourself:
 - Case# 05-7483 filed 4/19/2005 was dismissed 5/5/05
 - Case# 05-11534 filed 6/8/2005 was dismissed 6/27/05
 - Case# 05-15311 filed 8/3/05 was dismissed 12/7/05
- Records reflect you were charged with current diversion TEC Case# 05-0176 in 2005 – maybe, this is why you feel you were previously made payment?
- The payment amount of \$3,500 mentioned in faxed documentation, you provided, in your current complaint was returned as Bank of America reversed payment due to funds being accessed fraudulently (TPD Case#05-900246).

Tampa Electric delayed approaching you with the debt due to the bankruptcy filings. We have since verified all the above bankruptcy cases have now been dismissed. Please let us know if your records reflect otherwise. Additionally, our records reflect an outstanding balance of \$307.49 from the current diversion court case in 2005. A copy of the disputed bill is enclosed. We hope that this information, clarifies why Tampa Electric is holding you responsible for this debt. We are willing to make payment arrangements on the outstanding amounts. Please do not hesitate to contact me, should you have any additional questions regarding this debt or payment arrangements. I can be reached at 813-275-3952.

Sincerely,

Ms. Drummond

Ms. Drummond
Corporate Credit

TO: VIOLET FARIA
 Regulatory Specialist, II

FROM: Edward McDonald
 Edward McDonald

RE: REQUEST FOR PUBLIC RECORDS

PLEASE PROVIDE THE COMPLETE FILE OF:

Complaint # 648071E (2005)
 Complaint # 1006767E (2011)

Thank You.

Certified Mail #7011 0110 0002 2476 2990
 June 13, 2011-

TO: TECO/Credit & Collections
 P.O. Box 111
 Tampa, FL 33601-0111

ATTN: Gerri Drummond

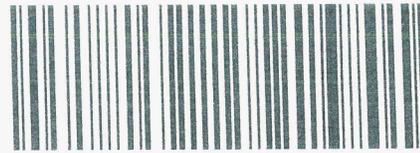
FROM: Edward McDonald
 Edward McDonald
 7203 N. 40th St.
 Tampa, FL 33604-2425

RE: STATUTE OF LIMITATIONS (i.e.FINAL BILL dated Jul 28, 2004/attached/

1. The attached bill dated July 28, 2004 is BARRED from collection activity by FLORIDA'S STATUTE OF LIMITATIONS.
 If TECO asserts it is not bound by the STATUTE OF LIMITATIONS, Please provide the LEGAL AUTHORITY for your company's position!
2. Provide copies of TECO'S CLAIMS AS A CREDITOR IN U.S. BANKRUPTCY COURT PROCEEDINGS. (2005 Bankruptcy filings cited by TECO are a year AFTER the "FINAL BILL"..AND AFTER MONTHS OF CONTINUED SERVICE! (FPSC). Bankruptcy was not cited by TECO in complaint # 648071E (2005)
3. Provide a record of Acct. # 0261-023156-4 (copies of the actual monthly billings) for: Edward McDonald, 7203 N. 40th St, Tampa FROM January 21, 2005 - TO June 21, 2010. On this date I received billing records for 07/2010 to 06/2011 for the above cited account.

MCDONALD EDWARD
7203 41 ST N
TAMPA FL 33604-2425

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



7011 0470 0002 1130 2986



1000

U.S. POSTAGE
PAID
TAMPA, FL
33630
NOV 30, 11
AMOUNT

\$5.79
00046000-43



State of Florida

Public Service Commission

2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

**RETURN RECEIPT
REQUESTED**

3239937013 0001

