

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED - FPSC  
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COMMISSION  
CLERK

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

DOCKET NO. 110305-EI

PETITIONER'S REPLY TO RESPONDENT'S SETTLEMENT OFFER AND MUTUAL RELEASE

1. Paragraph 1. is REJECTED because the petitioner does not need an agreement "to credit \$915.94 to ... current electric service". The bill (attached) is from July 28, 2004. Collection is barred by Chapter 95.11 Florida Statutes.

IF TECO WILL STIPULATE THE BILL WAS TRANSFERRED TO PETITIONER'S HOME ACCOUNT AND PAID IN FULL (attached), PETITIONER WILL RELEASE TECO FROM LIABILITY FOR THE ERRONEOUS \$915.94 BILLING AND THAT ISSUE WILL BE RESOLVED!

2. Paragraph 2 is REJECTED because it is inaccurate. TECO DOES OWE EDWARD MCDONALD \$3,500.00 PLUS INTEREST AT 1.5% for each month from January 2005 to the present time (of settlement). ONLY A FULL REFUND WITH INTEREST WILL RESOLVE THIS ISSUE.

TECO was defrauded by Julie Goddard, who masqueraded as a "guardian". Had TECO exercised due diligence by demanding she present her credentials (legal authority), this situation would have been avoided.

TECO can recover the improper return of funds to Bank Of America by transferring the \$3,500.00 to Ms Goddard's Electric Service Account and by judicial review. It should also ask the City of Tampa for credit to its FRANCHISE FEE payments because of factual and legal MISSTATEMENTS BY THE TAMPA POLICE DEPARTMENT which were relied on by TECO resulting in a \$3,500.00 loss by Tampa Electric Company.

Respectfully submitted this 12th day of December, 2011 to:

Tampa Electric  
Julie Goddard  
Tampa Police Department  
Ann Cole, FPSC  
James Beasley, Esq.

08980 DEC 15 =  
FPSC-COMMISSION CLERK

  
Edward McDonald  
7203 N. 41st St.  
Tampa, FL 33604-2425  
(813) 374-3837

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

EDWARD MCDONALD, )  
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 Respondent. )  
 \_\_\_\_\_ )

DOCKET NO. 110305-EI

**SETTLEMENT AGREEMENT  
AND MUTUAL RELEASE**

This Settlement Agreement and Mutual Release ("Agreement") is entered into this 9<sup>th</sup> day of December 2011 by and between Mr. Edward McDonald ("Mr. McDonald"), 7203 North 41<sup>st</sup> Street, Tampa, Florida 33604-2425, and Tampa Electric Company ("Tampa Electric"), a Florida corporation whose principal offices are located at 702 North Franklin Street, Tampa, Florida 33601. Mr. McDonald and Tampa Electric are collectively referred to as "the Parties."

WITNESSETH:

WHEREAS, in order to resolve their differences and settle all issues raised in the petition filed in this proceeding by Mr. McDonald and matters addressed in Florida Public Service Commission ("FPSC") Complaints Nos. 648071E and 1006767E, previously filed with the FPSC, Mr. McDonald and Tampa Electric agree as follows:

1. Tampa Electric agrees to credit \$915.94 to Mr. McDonald's current account for electric service Tampa Electric provides to Mr. McDonald, which is the disputed amount referred to in Mr. McDonald's FPSC Complaint No. 1006767E and in the petition filed by Mr.

DOCUMENT NUMBER

08980 DEC 15 =

FPSC-COMMISSION CLERK

McDonald that initiated this docket. Tampa Electric agrees to make the \$915.94 credit to Mr. McDonald's current electric account immediately upon the Parties' execution of this Agreement and Mr. McDonald signing and filing with the FPSC a notice of voluntary dismissal of his petition with prejudice, including all matters addressed in FPSC Complaints Nos. 648071E and 1006767E.

2. Mr. McDonald acknowledges that Tampa Electric does not owe Mr. McDonald the amount of \$3,500, referred to in Mr. McDonald's petition in this docket, as that amount was returned to Bank of America by Tampa Electric.

3. Mr. McDonald further agrees for himself, his agents, assigns, predecessors and successors in interest to release, acquit and forever discharge Tampa Electric and its agents, employees, officers, directors, shareholders, limited and general partners, trustees, predecessors, successors, subsidiaries, representatives, attorneys, insurers, subrogees and assigns, from any and all suits, actions, causes of action, claims, demands, rights, interests, obligations, liabilities, debts, damages, fees, attorneys' fees, interest, expenses, contracts, costs, covenants, agreements, guarantees, controversies, or promises of every kind, nature and character, now existing or hereafter arising, in law or in equity known or unknown, foreseen or unforeseen, accrued or unaccrued, arising out of or relating to the facts, allegations, claims, counts, issues, and any other matters raised in, relating to, or otherwise concerning the petition that gave rise to this proceeding, including all matters addressed in FPSC Complaints Nos. 648071E and 1006767E.

4. Tampa Electric, for itself and its agents, assigns, predecessors and successors in interest, hereby releases, acquits, and forever discharges Mr. McDonald and his agents, employees, trustees, predecessors, successors, subsidiaries, representatives, attorneys, insurers, subrogees, and assigns, from any and all suits, actions, causes of action, claims, demands, rights,



**PROOF OF PAYMENT**

Mr. Edward McDonald  
1006767E  
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**



**December Billing Information:**

101183

MCDONALD EDWARD G  
4010 POCAHONTAS AVE  
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

Meter Number	Current Reading	Previous Reading	Diff.	Multi.	33 day period
584608	05869	04913	956	1	
Next Scheduled Reading Jan 20, 2005		Total kWh Purchased		956	
Account Activity		Explanation	Charge	Total	
Previous Balance			0.00		
Payments Received		As of December 23, 2004	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
<b>Electric Service Cost</b>				<b>\$92.66</b>	
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
<b>This Month's Charges</b> Amount not paid by due date may be subject to a 1.5% late fee				<b>\$123.31</b>	
Miscellaneous Adjustments				-3,072.65	
Payments And Adjustments				94.80	
<b>Total Miscellaneous Charges</b>				<b>\$2,977.85 CR</b>	
<b>Total Due</b>				<b>\$2,854.54 CR</b>	

**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.

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

In multiple correspondence to the FPSC, you stated that unless TECO provides proof of fun being accessed fraudulently, you should be reimbursed the amount of \$3,500.00, which represents t total of seven payments TECO indicates were returned by Bank of America in 2004. It is important 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 institutio Without that documentation, your concerns regarding these payments cannot be further addressed.

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

- 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 40<sup>th</sup> 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*

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.



A COMPLAINT BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

JURISDICTION: The FPSC has jurisdiction of the parties and subject matter because the ISSUE IS ERRONEOUS BILLING by a regulated Public Utility

COMPLAINT:

TAMPA ELECTRIC COMPANY owes Edward McDonald \$3,500.00 for an overpayment on account # 15010000315 and refuses to refund the \$3500.00 overpayment.

In support of this complaint, Edward McDonald (customer) asserts the following facts.

Edward McDonald OVERPAID TECO \$3,500.00.

1. The consumer had lawful authority to access the funds used for payment.
2. The \$3500.00 payments CLEARED Bank of America and were POSTED TO ACCT. # 15010000315.
3. NO LAW ENFORCEMENT AGENCY HAS DETERMINED THE FUNDS TO <sup>BE</sup> ACCESSED FRAUDULENTLY.
4. NO COURT OF LAW HAS DETERMINED THE \$3500.00 TO BE FRAUDULENTLY ACCESSED.
5. There is no document, transmittal or instrument whether memoranda or electronic which "reverses payment" - and if reversed, by what authority= corporate operating rule(s), state or Federal Law=statutory or adminis= tive.
6. THERE IS NO RECORD OF "INSUFFICIENT FUNDS" and charges therefor.
7. NO ONE ELSE HAD THE AUTHORITY TO ACCESS THE FUNDS USED TO PAY TECO.

All documents referenced herein have been furnished TECO and they are being forwarded a copy of this complaint. THERE HAS BEEN NO RESPONSE TO THE SEVEN FACTS LISTED HEREIN AND NO RULING ON THE ISSUES IN THIS COMPLAINT.



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

(813) 374-3837

Copy

TECO

Julie Goddard

facsimile transmission

To: Edward McDonald Fax: (813) 977-1936

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From: Joy L. Anderson Date: 6/2/2005

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Re: FPSC Inquiry No. 648071E Pages: 3

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CC:

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Urgent  For Review  Please Comment  Please Reply  Please Recycle

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Attached is a copy of Tampa Electric Company's response, per your request.

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**MEMORANDUM**

**TO:** Rachel Roman

**FROM:** Gerri Drummond

**DATE:** April 12, 2005

**SUBJECT:** FPSC Complaint # 648071E

Customer: Lillie Mae McDonald

Service Address: 4010 Pocahontas Av E & 1905 Lemon St. W.

Tampa Electric Account # 1501 00031 6

**Complaint:** Edward McDonald (son of Lillie Mae McDonald) is requesting electric service be turned on at 4010 Pocahontas Av E and 1905 Lemon St W in the name of Lillie Mae McDonald. Per Mr. McDonald he is the representative for Lillie Mae McDonald and has a Power of Attorney. Tampa Electric has refused to turn services on.

#### **Background**

On January 11, 2005, Edward McDonald contacted the Tampa Electric Company (TEC) 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 (the electric service at Pocahontas was under Mr. McDonald's name at the time he contacted TEC.). Ms. Drummond (Corporate Credit) was contacted by Customer Care to ask for approval of refund. Ms. Drummond requested that proof of payments, made to Tampa Electric be verified thru Bank of America, reflecting the monies had cleared the bank, prior to issuing refund. TEC Customer Service Professional advised Mr. McDonald of the requirements before issuing refund and the call ended.

On January 13, 2005, TEC Customer Care Center received a call from a <sup>(1)</sup>Julie Goddard, the 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 TEC, 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 TECO would be returned, as they would be reversing the payments to Tampa Electric. A Tampa Police Department Case #05-900246 was given for additional info.

During the time period of January 13, 2005 and January 20, 2005 – 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, TEC was acting against Florida Law by not issuing a refund.

On January 20, 2005, total payments of \$3,500 were returned as fraudulent payments from Bank of America thru SpeedPay (TEC's third party vendor).

On January 21, 2005, service at 4010 Pocahontas Av E was disconnected for fraudulent payments.

\* On February 1, 2005, Edward McDonald was arrested for theft of electricity at the Pocahontas address.

On February 1, 2005, 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 (ex. Power of Attorney and adding his name to deeds of properties owned by his mother), using the 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 thru a request for prosecution. Officer Mashburn also advised the case had been assigned to Detective Bush.

Between February 7, 2005, to current, Mr. McDonald has sent several pieces of correspondence to Ms. Drummond in an effort to support his case for turning electric service on.

#### Conclusion

Since the filing of this FPSC complaint Ms. Drummond has made several attempts to contact Mr. McDonald. Voice mail messages have been left, however calls have not been returned. Ms. Drummond did make contact with Detective Bush (tel# 813-276-3487) 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 Tampa Electric refer Mr. McDonald directly to him in regards to his request for electric service. Based on this information, Tampa Electric has made the decision to deny electric service under the name of Lillie Mae McDonald.

(2) There is no "Guardian ad Litem" (Public Record)  
 (1) Julie Goddard's authority as "guardian" ended on Aug. 17, 2004 [Public Record]  
 \* - Charge dismissed pursuant to attached motion on May 12, 2005.

Claim for False arrest Filed.

Edward McDonald

6/8/05