

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
2440 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED-FPSC
MAR 26 AM 8:28
COMMISSION
CLERK

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

PETITIONER

-and-

DOCKET NO. 110305-E1

Tampa Electric Company
P.O. Box 111
Tampa, FL 33601
(813) 223-0800

RESPONDENT

RESPONSE TO TAMPA ELECTRIC COMPANY'S
MOTION TO DISMISS PETITION

1. A cause of action for which relief can be granted is clearly stated. Tampa Electric Company (TECO) violated FPSC regulations by improperly billing the petitioner. The INACCURATE and UNLAWFUL billing violates Federal debt collection laws. Petitioner is entitled to the benefit of the Fair Credit Reporting Act, Fair Debt Collection Practices Act etc.etal. Florida debt statutes provide that no State Statute shall supercede or conflict with Federal Laws. The case law cited by TECO is not on point.
2. The record shows that TECO has made no effort to refute the application of Federal Debt Collection Laws in this matter.
3. The bill of \$915.94 (Acct. # 1501-000031-4) was PAID by \$1,095.20 (Acct. # 1501-000031-5). THEY ARE THE SAME ACCOUNT. The last digit reflects the order of account activity. The account, customer, service address, meter (reading & usage) are IDENTICAL! The \$915,94(4) was paid by \$1,095.20 (5).

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*

01753 MAR 26 2005

Mr. Edward McDonald
Complaint Number 1006767E
July 26, 2011

FPSC-COMMISSION CLERK P. 1 of 3

4. The record shows that TECO refused to return overpayments totaling \$3,500.00. The return of payments that had been cleared by the bank and duly posted to petitioner's account is the result of NEGLIGENCE resulting from a lack of due diligence. Teco allowed a fraudulent "guardian" to "rip off" petitioner by alleging she had authority over the account accessed to pay TECO. Had TECO demanded the "guardian" produce a copy of her legal authority, petitioner would not have suffered a loss.


5' Petition must be "RECEIVED" by the office of commission clerk...by the close of business on February 28, 2012.

Attached hereto is proof of compliance with the NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW.

Accordingly, the Petition for Initiation of Formal Proceedings was timely received and fully complys with RULE 28-106.201.

CERTIFICATE OF SERVICE

A copy hereof was furnished this 20th day of March, 2012 to J.D. Beasley, P.O. Box 391, Tallahassee, FL 32302 and Pauline Robinson, Staff Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.


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

Certified Mail Receipt # 7011 0470 0001 2532 6122

Date: 04:28 PM EST, 02/28/2012
From: "Melissa Hammerling" <store4699@theupsstore.com>
To: <FILINGS@PSC.STATE.FL.US>
Subject: PETITION

PETITION.pdf (53K)

The UPS Store - #4699
 5400 S. Busch Blvd
 Temple Terrace, FL 33617-5418
 (813) 987-2656

02/28/12 04:27 PM

We are the one stop for all your shipping, postal and business needs.

P: 813-987-2656, F: 813-987-2616
 store4699@theupsstore.com



001 033004 (023) T1 \$ 5.20
 Scanning
 SubTotal \$ 5.20
 SalesTax (T1) \$ 0.37
 Total \$ 5.57
 Cash \$ 10.00
 Change \$ 4.43-

7010 1870 0001 8832 4701

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com
OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Public Svc. Commission
 Street, Apt. No., or PO Box No. 2540 Shumard Oak Blvd
 City, State, ZIP+4 Tallahassee, FL 32399-0850

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
Petition For Formal Hearing

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
X

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below: _____

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) **7010 1870 0001 8832 4701**

Receipt ID 82015528750235888818 001 Items
 CSH: Melissa Tran: 4219 Reg: 002