

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

12 MAY 25 PM 2:59

RECEIVED-FPSC

COMMISSION
CLERK

DATE: May 25, 2012
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Pauline Robinson, Attorney, Office of the General Counsel *PER M*
RE: Docket No. 110305-EI -Initiation of formal proceedings of Complaint No. 1006767E of Edward McDonald against Tampa Electric Company, for alleged improper billing.

Please include the attached in the docket file above.

Thank you.

DOCUMENT NUMBER-DATE
03355 MAY 25 2012
FPSC-COMMISSION CLERK

Pauline Robinson

From: Rhonda Hicks
Sent: Tuesday, May 22, 2012 3:17 PM
To: Dan Hoppe
Cc: Pauline Robinson; Neal Forsman
Subject: FW: docket 110203
Attachments: FAX.TIF

FYI

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

From: Ruth McHargue
Sent: Tuesday, May 22, 2012 2:45:48 PM
To: Ann Cole
Subject: docket 110203

Petition from Edward McDonald in response to this Commission's decision on docket 110305

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

From: Consumer Contact
Sent: Tuesday, May 22, 2012 2:21:42 PM
To: Ruth McHargue
Subject: FW: , 4 page(s)

Please forward to CLK. Fax regarding docket 110305

Angie

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

From: Fax Server [<mailto:FaxAdmins@psc.state.fl.us>]
Sent: Tuesday, May 22, 2012 1:48 PM
To: Consumer Contact
Subject: , 4 page(s)

You have received a new fax. This fax was received by Fax Server. The fax is attached to the message. Open the attachment to view your fax.

Received Fax Details

Received On: 5/22/2012 1:45:48 PM
Number of Pages: 4
From (CSID):
From (ANI):

DOCUMENT NUMBER-DATE
03355 MAY 25 2012

FPSC-COMMISSION CLERK

5/25/2012

Sent to DID: 8504136362

Duration of Fax: 0:02:27

Transfer Speed: 9600

Received Status: Success

Number of Errors: 129

Port Received On: IPF_PORT_0012

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

DOCKET NO. 110305-EI

MOTION FOR CONTINUANCE
 REQUEST FOR DISCOVERY

Petitioner, Edward McDonald, moves for a continuance in these proceedings.

The motion to DISMISS Petition To Initiate Formal Proceedings was filed May 10, 2012; received by petitioner on May 14 and scheduled for hearing on May 22, 2012. The time from receipt of the motion to the date of hearing is 8 days! THIS IS INSUFFICIENT NOTICE FOR THE PETITIONER TO (1) request permission to prepare a response and if permission is granted to (2) file a proffer supporting his petition asserting his substantial interest meritan evidentiary hearing pursuant to Chapter 120 Florida Statutes.

The record in this case does not support the findings presented in the General Counsels motion.

TECO AND FPSC staff offer no rebuttal to allegations they violated Federal Law. THE TOTALITY OF PETITIONERS PLEADINGS INCLUDE CITATIONS OF F.A.C. RULES AND FEDERAL STATUES; thus stating a cause of action! Pursuant, . . . to Federal Law, THE FAIR DEBT COLLECTION PRACTICES ACT, the petitioner is entitled to verification of debt; accordingly TECO and FPSC staff are commanded to produce DOCUMENTS IN THE RECORD WHICH:

- 1.) Show month by month billing of accounts 1501-000031-4 & 1501-000031=5 from July 2004 to February 2005. COPIES OF ACTUAL MONTHLY BILLINGS
- 2.) "bank recalled \$3,500.00 that Mr. McDonald made in overpayment to TECO." COPY OF BANK TRANSMITTALS.
- 3.) copy of statute which releases TECO from liability when they return payments that have been posted.
- 4.) Document affirming Julie Goddard's authority RE: Lillie Mae McDonald
- 5.) Petition must be "FILED" by the close of business on Feb. 12, 2012.

FOR REASONS STATED HEREIN, THE COMMISSION SHOULD CONTINUE THIS PROCEEDING UNTIL TECO AND FPSC STAFF PRESENT DOCUMENTS REQUESTED ABOVE.

DISMISSING A REQUEST FOR FORMAL PROCEEDINGS BASED ON A "THOROUGH INVESTIGATION" WHOSE CONCLUSIONS ARE NOT SUPPORTED BY THE RECORD IS A DENIAL OF DUE PROCESS.

A F F I D A V I T

Under penalty of perjury, the affiant, to the best of his knowledge and belief, swears the following to be true. This affidavit is filed in response to a memorandum by FPSC counsel to the FPSC recommending affiant's PETITION FOR INITIATION OF FORMAL PROCEEDINGS BE DISMISSED.

1. I have reviewed every document submitted in this action.
2. THERE IS NO RECORD FROM BANK OF AMERICA RECALLING \$3500 paid by the affiant to TECO.
3. I have contacted Bank of America and they have no record showing Julie Goddard had Authority to exercise custody and control of funds belonging to Lillie Mae McDonald in December 2004 nad January 2005. THIS CASE CONTAINS NO VERIFICATION OF HER AUTHORITY.
4. TECO ACCEPTED GODDARD'S CLAIM OF "GUARDIANSHIP". THE RECORD CONFIRMS TECO'S ACCEPTANCE OF HER AUTHORITY WITHOUT OFFICIAL CONFIRMATION.
5. The record does not contain a month by month accounting for charges in account 1501-000031-5 fzom July 27, 2004 to February 1, 2005 nor does it show a month by month accounting for charges in account 1501-000031-4 for the same period. (allegedly two different accounts)
6. The record shows that account 1501 000031-5 had a credit balance of \$2,854.54 on December 23, 2004 - 3 times the amount needed to pay \$915.94 allegedly owed in account 1501-000031-4.

FURTHER SAYETH THE AFFIANT NAUGHT.


Edward McDonald

May 21, 2012