

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: September 13, 2012
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Pauline Robinson, Attorney, Office of the General Counsel *PER*
RE: Re: Docket No. 110305-EI -Initiation of formal proceedings of Complaint No. 1006767E of Edward McDonald against Tampa Electric Company, for alleged improper billing.

RECEIVED-FPSC
 12 SEP 13 AM 11:44
 COMMISSION
 CLERK

Please include the attached document in the above- mentioned docket file.

Thank you.

DOCUMENT NUMBER-DATE

06162 SEP 13 12

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

2540 Shumard Oak Blvd.

Tallahassee, FL 32399-0850

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

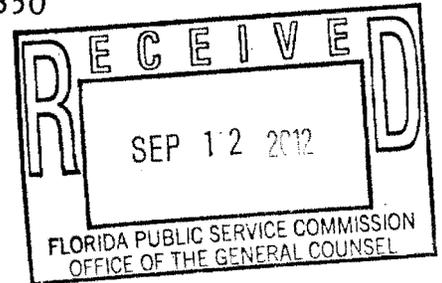
PETITIONER

-and-

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

RESPONDENT

DOCKET NO. 110305-EI



MOTION FOR CONTINUANCE

Petitioner, Edward McDonald, moves for a CONTINUANCE in this matter; citing the following reasons;

- (1) INADEQUATE NOTICE. The notice of petitioner's appearance on the consent agenda was rendered on September 7, 2012; received by petitioner on September 10, 2012 - 8 days before the scheduled CONSENT AGENDA.
- (2) The respondent Tampa Electric Company has refused to respond to discovery requests. PETITIONER IS ENTITLED TO A RESPONSE TO DULY TENDERED DISCOVERY REQUEST.
- (3) The consent agenda does not provide DUE PROCESS. Petitioner cannot subpoena witnesses and question them under oath.
- (4) Petitioner is the only party on the consent agenda without the double asterisk that entitles him to address the commission'

Wherefore,

Petitioner moves for a continuance until the respondent responds to the discovery requests (attached) and the commission allows FULL DUE PROCESS or REFERS THIS MATTER TO THE DIVISION OF ADMINISTRATIVE HEARINGS for PROCEEDINGS THAT COMPLY WITH CHAPTER 120, Florida Statutes.

DOCUMENT NUMBER-DATE

06162 SEP 13 2012
1 OF 4

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
 2540 Shumard Oak Blvd.
 Tallahassee, FL 32399-0850

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

PETITIONER

-and-

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

RESPONDENT

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 		A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressed to Addressee B. Received by (Printed Name) C. Date of Delivery	
1. Article Addressed to: Laurie Evans, supervisor Quality Assurance Tampa Electric Co P.O. Box 111 Tampa, FL 33601 → Request for production		D. Is delivery address different from back of mailpiece? If YES, enter delivery address below: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Article Number: (Transfer from service label) 7012 0470 0002 1642 8703		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, February 2004

Domestic Return Receipt

102596-02-M-154

TO: LAURIE EVANS, SUPERVISOR QUALITY ASSURANCE
 Tampa Electric Company
 P.O. Box 111
 Tampa, FL 33601

The SUPERVISOR, QUALITY ASSURANCE for TECO is commanded to produce to the Petitioner via certified mail the DOCUMENTS, RECORDS AND MEMORANDUMS requested in in 1,2,3,4,5 which follow.

Certified Mail receipt.

7012 0470 0002 1642 8703

The addressee's reply will conform to 28-106.206 F.A.C. and Rules 1.289 through 1.400 Florida Rules of Civil Procedure.

7012 0470 0002 1642 8703

CERTIFIED MAIL TM RECEIPT		
(Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at www.usps.com		
OFFICIAL USE		
Postage	\$ 10.45	0617
Certified Fee	\$2.75	
Return Receipt Fee (Endorsement Required)	\$2.35	
Restricted Delivery Fee (Endorsement Required)	\$2.00	
Total Postage & Fees	\$17.55	

Sent To: Laurie Evans, Supervisor, TECO
 Street, Apt. No., or PO Box No.: P.O. Box 111
 City, State, ZIP+4: TAMPA, FL 33601

Postmark Here: JUN 20 2012

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.

1 of 3

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.

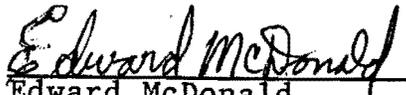
FURTHER SAYETH THE AFFIANT NAUGHT.

May 21, 2012


Edward McDonald

CERTIFICATE OF SERVICE

A copy hereof was furnished this 20th day of June 2012 via u.s. mail to James D. Beasely, P.O. Box 391, Tallahassee, FL 32301 and General Counsel and Office of Public Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.


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

-----September 10, 2012-----

This motion for continuance was forwarded to the parties above at the addresses listed and to the FLORIDA PUBLIC SERVICE COMMISSION via certified mail # 7012 1010 0001 5716 8842 on the date above.


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