

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

2540 Shumard Oak Blvd.

Tallahassee, FL 32399-0850

12 OCT 30 AM 8:41

RECEIVED FPSC

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.

REPLY TO OCTOBER 22, 2012 RESPONSE BY TECO TO OCTOBER 12, 2012 COMPLAINT

1. The October 12, 2012 complaint recorded on October 16, 2012, SHOULD BE SEVERED FROM DOCKET # 110305-E1 and treated as a NEW CONSUMER COMPLAINT filed pursuant to F.A.C. Rule 25-6.105 and assigned a complaint # for investigation by the Office of Consumer Assistance and outreach. TECO HAS BEEN ASSIGNED/PROVIDED A COPY OF THE COMPLAINT.

Docket # 110305-E1 involves billing/refund disputes from 2004-2005. The October 12, 2012 complaint alleges impermissible conduct by TECO in October 2012. THE PROBATIVE FACTS IN THE DOCKET CITED AND THE COMPLAINT FILED ARE NOT MUTUALLY EXCLUSIVE!(emphasis)

2. TECO should provide a copy of "written notification at least 5 business days prior to termination". Note: the service was disconnected BEFORE I was provided a peculiar verbal explanation! I asked that the service remain on because I am a diabetic. THEY REFUSED!!

3. At the time of disconnection, complainant should have had \$111.58 credited to his account; with current charges of \$227.82-\$116.24 is due on October 25, 2012, which complainant will pay. Billings for September 6, 2012 and October 4, 2012 are appended for reference.

CERTIFICATE OF SERVICE

Copies by U.S. Mail 10/25/12 to: J.D. Beasley, P.O. Box 391, Tallahassee, FL 32302 & Pauline Robinson, Staff Counsel, 2540 Shumard Oak Blvd. Tallahassee, FL32399-0840.

DOCUMENT NUMBER: Edward McDonald
Edward McDonald
07346 OCT 30 2012
7203 N. 41st St
Tampa, FL 33604-2425
FPSC-COMMISSION CLERK (813) 374-3837

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

123 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

October 22, 2012

HAND DELIVERED

Ms. Ann Cole, Director
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Edward McDonald v. Tampa Electric Company
FPSC Docket No. 110305-EI

Dear Ms. Cole:

This is in response to Mr. Edward McDonald's document entitled "A Complaint" dated October 12, 2012 and placed of record in the above docket on October 16, 2012. Mr. McDonald's earlier complaint that gave rise to this docket was dismissed with prejudice by the Commission on September 21, 2012. Since that time Mr. McDonald has filed a variety of documents with the Commission.

The October 12 Complaint was not served on Tampa Electric but, given the allegations contained in it, Tampa Electric wanted to confirm that Mr. McDonald's electric service was terminated for non-payment in full compliance with the provisions of Rule 25-6.105, Florida Administrative Code, including written notification at least five business days prior to termination. A Tampa Electric representative spoke with Mr. McDonald at his home before the disconnection and explained that the action was being taken in connection with a new past due amount over and above the amount that Mr. McDonald had disputed in the earlier complaint that gave rise to this docket. After the disconnection Mr. McDonald, on the same day, paid the new past due amount and his electric service was thereupon reconnected.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,



James D. Beasley

JDB/pp

cc: Mr. Edward McDonald ✓
Ms. Pauline Robinson

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

October 12, 2012
Certified Mail Receipt # 7011 2970 0001 9496 0547

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

COMPLAINANT

-and-

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

COMPANY

Bill Hand delivered on letter
b Paid, Oct 10, 2012

\$583.67

0261 0231564

FINAL NOTICE

0261 0231564
MCDONALD EDWARD
7203 41 ST N
TAMPA FL 33604-2425

402492
Total Amount Due \$1,499.61

Statement Date
Sep 27, 2012

To avoid having your electric service interrupted, full payment of \$1,499.61 is due by October 08, 2012. This balance is not eligible for a payment arrangement to extend the due date. If you have already paid this balance, thank you.

If payment is not received, your service will be scheduled for interruption. A reconnect fee of \$50.00 or \$140.00 will be billed to your account depending on which method was used to interrupt your service.

You can pay your final notice bill online at tampaelectric.com. If you pay at a payment agent, please allow three business days for the payment to post.

Payments received may be applied to any unpaid deposit billing due on this account. Please note, the due date on any new bill you receive will not extend this final notice amount or due date.

DISCONTINUANCE AND INTERRUPTION OF SERVICE BY UTILITY (F.A.C. RULE 25-6.105)

THE FOLLOWING FLORIDA ADMINISTRATIVE CODE RULES WERE VIOLATED BY THE COMPANY'S ACTIONS THAT FOLLOW EACH CITATION. THE COMPLAINANT IS PROVIDING THE COMPANY WITH A COPY.

ON OCTOBER 10, 2012 MY SERVICE WAS INTERRUPTED FOR NON-PAYMENT. I WAS NOT GIVEN 5 WORKING DAYS WRITTEN NOTICE AS REQUIRED BY F.A.C. 25-6.105. This complaint is filed pursuant to that rule.

F.A.C. 25-6.100 The bill he was given (top of page) does not meet the standards in (2) & (9) of the cited rule

F.A.C. 25-6.094 was ignored by the company in not responding to exhibit 1/Bill of Sep 06, 2012

F.A.C. 25-6.100 was violated by the company's interruption of service without a bill that complies with (9) of the rule because the amount listed for restoration of service is INACCURATE (see b at top of page.)

Edward McDonald

Received 9-7-12
716526

September Billing Information:

Visit our
Web site at
tampaelectric.com
3171-11486

MCDONALD EDWARD
7203 41 ST N
TAMPA FL 33604-2425

Account Number
0261 0231564

Statement Date
Sep 05, 2012

tampaelectric.com

Average kWh per day

Sep 2012	57
Aug	59
Jul	46
Jun	42
May	18
Apr	21
Mar	20
Feb	33
Jan	22
Dec	18
Nov	25
Oct	48
Sep 2011	54

Meter Number	Current Reading	Previous Reading	Diff.	Multi.	30 day period
B73904	63818	62103	1715	1	

Next Read Date On Or About **Oct 1, 2012** Total kWh Purchased **1,715**

Account Activity	Explanation	Charge	Total
Previous Balance		1,282.86	
Payments Received	As of September 05, 2012	0.00	
Total Past Due Amount			\$1,282.86

New Charges Due by Sep 26, 2012 Service from Jul 31 to Aug 30

Customer Charge	Residential 110 Rate	10.50	
Energy Charge			
First 1,000 kWh	1,000 kWh @ \$.05533/kWh	55.33	
Above 1,000 kWh	715 kWh @ \$.06533/kWh	46.71	
Fuel Charge			
First 1,000 kWh	1,000 kWh @ \$.03840/kWh	38.40	
Above 1,000 kWh	715 kWh @ \$.04840/kWh	34.61	
Electric Service Cost		\$185.55	

Florida Gross Receipts Tax	Based on \$185.55	4.76	
Franchise Fee	Based on 6.550%	12.47	
City Tax		13.97	
This Month's Charges			\$216.75

Amount not paid by due date may be assessed a late charge of 1.5% or \$5.00, whichever is greater.

Late Payment Fee	@ 1.5% On \$1,282.86	19.24	
Total Miscellaneous Charges			\$19.24

REQUEST FOR TRANSFER OF REFUNDS DUE TO PAY CURRENT CHARGES

REFUNDS DUE=\$307.49 P. 3 Charges DISMISSED/Aug/Sept 2007 Pymt Acct. # 02610231564

" "\$280.00 Exhibit 1 & 2OVERBILLING:chks cleared/posted

TOTAL DUE''' \$587.49

New charges Aug. 27	\$239.92
" : Sept.26	\$235.99
TOTAL CHARGES	\$475.91

FLORIDA ADMINISTRATIVE CODE RULES APPLICABLE TO THIS REQUEST/COMPLAINT

- 25-6.021
- 25-6.100
- 25-6.105
- 25-6.106
- 25-6.109

Edward McDonald



Account No.
0261 0231564

Past due Amount
\$1,282.86
Pay now to avoid disconnection

New Charges
\$235.99
Payable by Sep 26

Total Bill Amount
\$1,518.85

All current charges paid:::Account credited \$111.58

PROVIDE A DETAILED WRITTEN RESPONSE TO CUSTOMER

Via Certified Mail # 7011 2970.0001 0554 0/28/12

TAMPA, FL 33631-3318

3171-11486 11486-1046



MCDONALD EDWARD
7203 N 41ST ST
TAMPA FL 33604-2425



Visit our Web site at tampaelectric.com
1071-11507

August Billing Information:

MCDONALD EDWARD
7203 41 ST N
TAMPA FL 33604-2425

Account Number
0261 0231564

Statement Date
Aug 03, 2012

tampaelectric.com

Average kWh per day

Aug 2012	59
Jul	46
Jun	42
May	18
Apr	21
Mar	20
Feb	33
Jan	22
Dec	18
Nov	25
Oct	48
Sep	54
Aug 2011	49

Fuel sources we use to serve you

For the 12-month period ending June 2012, the percentage of fuel type used by Tampa Electric to provide electricity to its customers was:

Oil & Gas.....	39%
Coal.....	55%
Purchased Power.....	6%

Tampa Electric provides this information to our customers on a quarterly basis.

Meter Number	Current Reading	Previous Reading	Diff.	Multi.	32 day period
B73904	62103	60213	1890	1	
Next Read Date On Or About Aug 30, 2012			Total kWh Purchased		1,890
Account Activity		Explanation	Charge	Total	
Previous Balance			1,138.43		
Payments Received - Thank You		As of August 03, 2012	-95.49		
Total Past Due Amount				\$1,042.94	
New Charges Due by Aug 27, 2012			Service from Jun 29 to Jul 31		
Customer Charge		Residential 110 Rate	10.50		
Energy Charge					
First 1,000 kWh		1,000 kWh @ \$.05533/kWh	55.33		
Above 1,000 kWh		890 kWh @ \$.06533/kWh	58.15		
Fuel Charge					
First 1,000 kWh		1,000 kWh @ \$.03840/kWh	38.40		
Above 1,000 kWh		890 kWh @ \$.04840/kWh	43.08		
Electric Service Cost			\$205.46		
Florida Gross Receipts Tax		Based on \$205.46	5.27		
Franchise Fee		Based on 6.550%	13.80		
City Tax			15.39		
This Month's Charges				\$239.92	
<i>Amount not paid by due date may be assessed a late charge of 1.5% or \$5.00, whichever is greater.</i>					
Total Due				\$1,282.86	

Via certified Mail # 7012 0470 0002 1606-2235-8/23/12

TRANSFER FUNDS TO PAY CURRENT MONTHLY CHARGES

TRANSFER \$239.92 INCORRECTLY USED TO PAY CHARGES IN A COLLECTION ACCOUNT #5919-021103-1 TO PAY CURRENT MONTHLY CHARGES OF \$239.92 on the account above.

(1) Transfer of deposit funds to pay on account #5919-021103-1 of a disputed account that was part of a complaint before FPSC at the time the transfer was made is a violation of FPSC Rules and the Florida Administrative code.

(2) It is unlawful to charge a consumer for the costs of a criminal investigation of allegations that were determined by a court of Law to be UNFOUNDED.(attached)

(3) Provide a copy of "TEC Case # 05-0176".

Edward McDonald



Account No.
0261 0231564

Past due Amount
\$1,042.94
Pay now to avoid disconnection

New Charges
\$239.92
Payable by Aug 27

Total Bill Amount
\$1,282.86

Mail Payment To:
P.O. Box 31318
Tampa, FL 33631-3318

1071-11507 11507-1C47



MCDONALD EDWARD
7203 N 41ST ST
TAMPA FL 33604-2425



On June 6, 2011 I received a 3 page summary of Acct. # 1501-0000-3 &4. Excerpted below is page 3. 7 credit amounts of \$500.00 are listed and 7 Returned Payment Fees of \$40.00 are listed. I HAVE A COPY OF BANK RECORD SHOWING THERE WERE ADEQUATE FUNDS TO COVER EACH OF THE 7 PAYMENTS! My authority to access funds of Lillie McDonald is PUBLIC RECORD. (Lillie McDonald is OWNER of 4010 Pocahontas in Joint Tenancy with Edward McDona EXPLAIN AND DOCUMENT TECO'S ACTION BELOW.

Edward McDonald



Edward G. McDonald

4010 Pocahontas Av E., Tampa, Fl. 33610

26-May-11

1501-000031-3 and 4

Date	Reading	kWh	Billed Amount (\$469.54)	Fees	Credit Amount	Total (\$3,089.45)	Comments
12/20/04	5869	956	\$123.31			(\$2,966.14)	correcting 11/17/04 billing
12/20/04			\$111.60			(\$2,854.54)	Adjusted bill 11/17/04
01/19/05	6847	978	\$124.31			(\$2,730.24)	
01/20/05					\$500.00	(\$2,230.23)	Returned Payment
01/20/05				\$40.00		(\$2,190.23)	Returned Payment Fee
01/20/05					\$500.00	(\$1,690.23)	Returned Payment
01/20/05				\$40.00		(\$1,650.23)	Returned Payment Fee
01/20/05					\$500.00	(\$1,150.23)	Returned Payment
01/20/05				\$40.00		(\$1,110.23)	Returned Payment Fee
01/20/05					\$500.00	(\$610.23)	Returned Payment
01/20/05				\$40.00		(\$570.23)	Returned Payment Fee
01/20/05					\$500.00	(\$70.23)	Returned Payment
01/20/05				\$40.00		(\$30.23)	Returned Payment Fee
01/20/05					\$500.00	\$469.77	Returned Payment
01/20/05				\$40.00		\$509.77	Returned Payment Fee
01/20/05					\$500.00	\$1,009.77	Returned Payment
01/20/05				\$40.00		\$1,049.77	Returned Payment Fee
01/24/05				\$8.26		\$1,058.03	Late fee
02/04/05					(\$225.00)	\$833.03	Payment
02/08/05					\$225.00	\$1,058.03	Returned Payment
02/08/05				\$30.00		\$1,088.03	Returned Payment Fee
02/01/05			\$7.17			\$1,095.20	Acct Closed disconnection of service

ACCOUNTS	CLOSING DATES	BALANCES
1501-000031-4	July 27, 2004	\$915.94
1501-000031-5	February 1, 2005	\$1,095.20

including closing date - see above -

ORDER NO. PSC-12-0053-PAA-EI
DOCKET NO. 110305-EI
PAGE 3

As seen above, the \$1,095.20 represents the balance on a separate account, and this is the amount that was paid by Mr. McDonald.



PSC #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).

May 25, 2011

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

- 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!

Dear Mr. McDonald,

- 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.

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).

no file

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

Mr. Edward McDonald
Complaint Number 1006767E
July 25, 2011
Page 5 of 7

- The charges for the current diversion found on February 1, 2005, included \$27.05 in usage charges and \$280.44 in investigation/tampering charges, for a total amount of **\$307.49**. This amount was placed in account number 5919-021103-1, created for collection, and was billed separately. The first billing statement of this account was issued on March 1, 2005.

Note: Upon research of this complaint, a deposit in the amount of \$215.00 that was paid on July 9, 2004, was discovered under your name. TECO calculated the deposit's annual interest earnings at \$12.90 (\$215.00 deposit x 6 percent annual interest = \$12.90 annual deposit interest). For the seven year period of July 2004 to July 2011, the \$215.00 deposit yielded interest earnings totaling \$90.30 (7 years x \$12.90 annual interest earnings = \$90.30). The

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

\$215.00 deposit and the \$90.30 seven-year interest earnings were applied towards the \$307.49 debt, which yielded a remaining balance of \$2.19 (\$307.49 debt - \$215.00 deposit - \$90.30 interest earnings = \$2.19 remaining balance). TECO issued a credit adjustment for the remaining \$2.19 balance on July 6, 2011, which reflected a zero balance for account number 5919-021103-1.

CHARGE STATUS INFORMATION

DATE: 19 SEP 2007

CLERK OF CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA

PAGE: 1 OF 1

TIME: 16:38:47

REPORT: Charges

Full Name: MCDONALD, EDWARD G

Case Id: 05-CM-002945

UCN: 292005MM002945D001TA

ID: 000122988

Case Created: 02/01/2005 Case Status: Closed - 05/12/2005

SOID No: 00327095 Party: D001

C

Party Status: Closed - 05/12/2005

Case Type Misdemeanor

Arrest Information

<u>Arrest Date</u>	<u>ReArrest Date</u>	<u>ReArrest Reason</u>	<u>Arresting Agency</u>	<u>ARN</u>	<u>Booking No</u>	<u>Jail Location</u>	<u>Release Date</u>	<u>Release Status</u>
02/01/2005			TPD - TAMPA POLICE DEPT.	05065749	05007406		02/01/2005	SURETY BOND
<u>Count</u>	<u>Charge Code</u>	<u>GOC</u>	<u>Charge Description</u>			<u>Level/Degree</u>		
1	81214 2B -THEF6000		TRESPASS AND LARCENY WITH RELATION TO UTILITY			MISDEMEANOR FIRST DEGREE		

No Active Bonds

Current Charges

<u>Offense Date</u>	<u>Count</u>	<u>Charge Code</u>	<u>GOC</u>	<u>Charge Description</u>	<u>Level/Degree</u>
01/27/2005	1	81214 2B -THEF6000		TRESPASS AND LARCENY WITH RELATION TO UTILITY	MISDEMEANOR FIRST DEGREE
<u>Plea Date</u>	<u>Plea</u>	<u>Disposition Date</u>	<u>Disposition</u>		
03/07/2005	NOT GUILTY PLEA	05/12/2005	NOLLE PROSSED		

October Billing Information:

716570

MCDONALD EDWARD
7203 41 ST N
TAMPA FL 33604-2425

Account Number
0261 0231564

Statement Date
Oct 04, 2012

Visit our
Web site at
tampaelectric.com
5271-11493

tampaelectric.com

Average kWh per day

Oct 2012	57
Sep	57
Aug	59
Jul	46
Jun	42
May	18
Apr	21
Mar	20
Feb	33
Jan	22
Dec	18
Nov	25
Oct 2011	48

Automatic Bank Draft:

Pay your bill and avoid late fees without lifting a finger! Enroll in our Automatic Bank Draft program and we'll deduct your electric bill payment from your checking or savings account each month. Simply select the date that you want your account drafted and we do the rest for you. Visit tampaelectric.com for more details.

Meter Number	Current Reading	Previous Reading	Diff.	Multi.	34 day period	
B73904	65762	63818	1944	1		
Next Read Date On Or About Oct 30, 2012					Total kWh Purchased	1,944
Account Activity		Explanation		Charge	Total	
Previous Balance				1,518.85		
Payments Received		As of October 04, 2012		0.00		
Total Past Due Amount					\$1,518.85	
New Charges Due by Oct 25, 2012					Service from Aug 30 to Oct 03	
Customer Charge		Residential 110 Rate		10.50		
Energy Charge						
First 1,000 kWh		1,000 kWh @ \$.05533/kWh		55.33		
Above 1,000 kWh		944 kWh @ \$.06533/kWh		61.67		
Fuel Charge						
First 1,000 kWh		1,000 kWh @ \$.03840/kWh		38.40		
Above 1,000 kWh		944 kWh @ \$.04840/kWh		45.69		
Electric Service Cost				\$211.59		
Florida Gross Receipts Tax		Based on \$211.59		5.43		
Franchise Fee		Based on 6.550%		14.21		
City Tax				15.83		
This Month's Charges					\$247.06	
<i>Amount not paid by due date may be assessed a late charge of 1.5% or \$5.00, whichever is greater.</i>						
Adjustments					-19.24	
Total Miscellaneous Charges					\$19.24 CR	
Total Due					\$1,746.67	

Changes to Late Payment Charges

Effective Nov, 2012, any balance not paid in full on your monthly bill may be subject to a late payment charge that will be assessed on the due date. For past due amounts of more than \$10, the late payment charge is the greater of \$5 or 1.5 percent of the past due amount. For past due amounts of \$10 or less, the late payment charge is 1.5 percent of the past due amount.

To ensure prompt credit, please return stub portion of this bill with your payment. Make check payable to Tampa Electric.

716570



Account No.
0261 0231564

Past due Amount
\$1,518.85
Pay now to avoid disconnection

New Charges
\$227.82
Payable by Oct 25

Total Bill Amount
\$1,746.67

Mail Payment To:
P.O. Box 31318
Tampa, FL 33631-3318

5271-11493 11493-1843



MCDONALD EDWARD
7203 N 41ST ST
TAMPA FL 33604-2425

