

RECEIVED-FPSC

13 OCT 29 AM 9:51

COMMISSION
CLERK

MR. FREDERICK SMALLAKOFF
6651 CORONET DR.

NEW PORT RICHEY, FL.

34655

OCTOBER 28, 2013

ANN COLE
FLORIDA PUBLIC SERVICE
COMMISSION
2540 SHUMARD OAK BLVD.,
TALLAHASSEE, FLORIDA
32399.

MOTION FOR RECONSIDERATION
OF MY CASE #696236E FPL
ORDER NO. PSX-13-0467-FOF-ET
ISSUED OCT. 14, 2013.

This also includes a protest denying my second request for a Formal Hearing. Regarding the background statements: Although in both cases it was characterized as concerning improper bills, and nothing else. That was involved, however the true intent of the false billings was to conceal the fact powerful influential 3rd parties, abusing power, requested of these Utilities that I should be targeted for the most harm possible, for as long as possible, and excessive false billings was the way to start it.

This true fact has been avoided at all times, when in fact it was factual and the truth. It was just a means to get their foot in the door. It's not the first time this tactic has been used.

The Commission and its staff did not conduct an honest and thorough investigation regarding the improper and illegal behaviour, actions and activities by the FPC and chose instead to conceal, ignore and whitewash these actions and activities.

I supplied a great deal of evidence, verbal and written consistently and thoroughly in support of my complaints with truthful facts. They were ignored and not one was even acknowledged.

As to the Commission's statements that their staff found no evidence that the utilities billed the customer improperly, or improperly assessed penalties and fees, is an outrageously false statement. They "found no evidence" because they didn't look or acknowledge it. It was there.

All they had to do was to review the history of billing over a long period of time and the payments before and after the outrageous contrived billings in question to determine that this was purposefully not done and avoided.

The Commission and "staff" at all levels simply lied about their being "no evidence". They simply didn't want to see it or acknowledge it, with the intent to whitewash the true facts involved in these cases, to protect themselves, the utilities and the third parties involved.

That, plus the illegal and immoral insertion of slander, defamation libel and pure discriminatory hate mongering as "justification" to conduct these abhorrent activities of targeting.

One of the most outrageous and illegal acts perpetrated by the FPL was to enlist the help of the Post office ~~to steal~~ a valid proper report issued by a supervisory technician after having been mailed to my mailbox. This was admitted to by the post master of the facility, after having denied it. Mrs. Brown referred to it as "a bill" that was taken. This was a purposeful attempt to minimize what was done, illegally to conceal the true fact of intentional over billing and a true report beneficial to my facts. All of this was stated in my letters to the Commission ~~the staff and the Clerk in Dept.~~ This was an illegal act punishable by Federal law, but all this was ignored by the Commission at all levels.

This is another "reason" as to why I'm being denied a Formal Hearing, so that witnesses may have to testify under oath. The Commission does not want that to happen at all costs. I have stated that many times: That is the real reason my requests for a Formal Hearing are repeatedly being denied. This is a fact known by everyone, but admitted by no one.

This is a prime example, one of many, that the Commission and its "staff" claim that there "is no" evidence of any impropriety by anyone. It is pure denial of the true facts, (to cover up for all concerned) and to cover up for all concerned to whitewash the illegalities that were perpetrated.

It is to be noted again, as in my letter that interference and obstruction by the General Counsel and others, reference by trying to gain assistance in this matter, with legislators a Senator and State Agencies. This is in violation of the Rules and Laws.

when taken in context with the uttering's denials and misstatements (deliberate) made at the telephonic "hearings" and at other times, it truly is a travesty and at some point the deliberate whitewash and mishandling of my cases will be exposed.

I have dealt with the truthful facts of my cases in my letters to the Commission of June 5/12, Dec. 25/12 Oct 30/16, Mar. 4/13, Apr 21/12 and May 18/13. Not one question was ever asked regarding these facts or pursued by the Commission and its staff. Where was the "investigation"?

As to your referral to my "purported letters" requesting a Formal Hearing: your denials even extend to the use of the word "purported" to describe my legitimate, complaint letters requesting a Formal Hearing. What was purported about them?

After the denial of the Second request for a Formal Hearing, I had to wait 160 days for the Commission's response and then was blamed for an untimely response. It was another purposeful tactic by the P&C.

Just because you have "jurisdiction" of these cases under Section 306.04, doesn't mean that you can make mockery of the process. As the Oct. 20/13 article in the Tampa Times States, "as a Commissioner, you each took an oath and have a moral and legal obligation to make decisions in the best interests of the public. This means not to target elderly disabled consumers because someone asked you to and to sincerely and honestly conduct proper investigations. This was clearly not done with me and my cases."

after the second denial of a Formal Hearing (the real reasons have been assessed), which was issued by the Commission on Oct 14/13 for both cases (after my having to wait for 160 days for the Commission to get to it, my request was again denied and the cases were closed.

As to your statement that "I had two opportunities to submit a petition. I refiled on May 21/13 (deadline imposed)

As to the 21 day limit, deferred to after my second submission, there was no response from and by the Commission for 160 days! Then I received their Oct. 14/13 Order and letter closing the case, blaming me for the delay. I filed in a timely manner to comply and it was ignored by the PSC, Commission for 160 days!

I have substantially complied with 128.120.06, that you have referred to.

Once again as to 128.106.201, I received the order issued by the PSC on April 30/13 by mail for both cases, Docket # 060 774 E1 and 120 176 E1.

Mrs Helton's non responsive time consuming ramble, did not even attempt to answer my question and can only be seen and treated as a bad joke.

I would still like a proper response as to why the PSC doesn't know what they send, to whom they send it and when, in order to comply with that "requirement."

as to (d), 'All disputed issues and facts are contained, in my letters to the Commission on 1st clerk, dated June 12/12, Dec 28/12 Oct 30/12 Mar 4/13 April 1/13 May 18/13. Its all there but obviously needs to be read not ignored and dismissed out of hand as it was, by the Commission and its 'staff'?

As to (c)

The Utilities received a request to target me for harm. Both employed the same tactics and activities to gain inroads so as to effectuate the worst possible harassment and harm possible and for as long as possible. A closely orchestrated and choreographed affair, between all parties involved,

These external parties are influential and well connected seeking retribution and revenge after I had reported and contested their violative actions and behaviour.

What better venue than a power utility Co., where there is a whole world of harassment techniques that can be exercised and employed. In my case, the whole game was used and still is.

The remedy is that all of these illegal violative actions and activities must stop and monies paid out for excessive false charges, billings etc. must be returned to me.

Therefore, or reversal of all demands is not only warranted, but essential to the good order of the law, the Charter of the PSC and to the conduct of the Commissioners themselves.

as to (b)

As I stated previously compliance with this number jumbo request is an impossibility. The true facts that I have provided over a long period of time, relate positively to all the specific rules and statutes that have been written, to apply towards the legality and compliance and observance of the common goal, singularly and collectively, and not a denial of true facts, the whitewashing have been and are ongoing.

Select, any and all of my many complaints facts and truths and apply them towards the specific rules and statutes that you refer to.

as to (c)

I have addressed this previously in my other letters. The harassment and targeting activities and processes need to stop, as being illegal and dangerously harmful. By dismissing and obstructing the legal process and true facts, the Commission and the PSC is simply learning the danger for more of these like activities.

This means that the utilities need to divest themselves from the third party involvement, the PSC at all levels needs to do the same and to divest themselves of any further obstruction and targeting.

Once again I have materially complied with my proper requests for a formal hearing -

In reading over the transcripts from the Sept 2013 telephonic hearing, the non responses and double talk from those speaking would be laughable if it wasn't so serious.

I was advised by M. Staden who called the day before (24th) and stated he would call me some day or the next day to set up a definite time.

He did not call at any time. I finally got a call from him @ 10:00. I believe it was a setup to introduce confession into the matter and blame me when in fact it was the PSC's fault as well as Staden who lied about it.

The perjorative "discourse" that ensued regarding this gamesmanship, was shameful. They all knew what was being done and what happened.

As M. Rubin made certain statements (transcripts) that I was not allowed to hear, being noted times much less to address. Why didn't he comment and respond to the PPL have the local post office steal a proper "report" from my mail box? This and many other instances of violations have been addressed in my letters to the Commission.

One of many violations and antics perpetrated by the PPL, and ended up with Rubin and Graham stroking each other as to how wonderful they were!

It was a shameful display as they knew what the true facts were.

As to Mr. Lawson's statements, as evidenced in the transcripts, he has made a bad joke of his deliberate, directed and coached mis handling of my case and the truthful facts involved.

His ~~words~~ just false and meaningless words to cover up and totally whitewash my cases. I believe that this come from the General Counsel on down.

Since I couldn't hear what he had said as well, I couldn't question him on his inaction and vindictive activities. Mr. Lawson is the last person on earth to be commenting on "veracity" and evidence. This is the same person who after admitting to it (as stated in my letters) then was told to doubt the existence of some 120k+ pages created by the FDZ, Progress Energy and the PSC. These were sent to me, and I am in possession of some.

Mr. Lawson needs to be held to account (as do many of the others) for his deceit, actual or contrived and coached incompetence and providing false testimony before the Sept. 25/13 telephonic "hearing" and at all other times.

He is still subject to the spirit and letter of the Canons and Ethics of the Florida Bar including punishments for violations thereof. Perhaps he is under the impression that those with clout and abuse of power and influence will get him a pass, as well as the General Counsel and the other attorneys at the PSC legal dept. We'll see.

As to Mrs Edgars comments (transcript) Sept. 25/13. That discourse was also shameful. Mr. Staden's refusal to call to set up a set up a definite time when he said he would smack of calculated game playing and then lying about it. The discourse that ensued was a shame, blaming me for what they had done reference no call to me. I did not pick up the phone because the psc and Staden did not call! Mrs Crawford also did not tell the truth about setting up a time with me.

The discourse regarding the psc not calling me (deliberately) then the perjorative discourse as a matter of record, to blame me by Mrs. Edgar and Crawford was truly amazing and unconscionable.

As to Mr. Dalbr's comments. He was so purposefully off the mark (for the record) that his words and obstruction are not worth comment on. I would like to question him at some point to see what his understanding of these cases are, with respect to the truth and evidence in existence.

He is talking about meters etc, (when all of this was dealt with and responded to in my letters, which he ignored. He did not deal with the real crux of the matter, that is the external insertion by the abuse of power by third parties to effectuate the targeting, irrespective of the pointless talk about meters, etc.

I don't know what he read (if anything) when he states that this matter has been thoroughly investigated, when not one question was asked regarding the many instances of violations and the facts that I have provided were virtually

11
ignored and dismissed so as to protect all
those involved from being held accountable.

Once again Mrs Edwards' comments are
pure fabrications and she, like the others should
be ashamed of herself.

The statements in the last paragraph
of the transcripts are particularly odious and
nonsensical. I would like to question her closely
as to the facts and evidence contained in my
letters to the Commission to see what her res-
ponses would be there, instead of uttering
these meaningless platitudes.

It is an insult to the deliberate mis-
handling and whitewashing of my cases, to the
the judicial process and to the Charter of the
PSC. Once again all the Commissioners took
an oath, and have a moral and legal obligation
to tell the truth and so make proper decisions
in the best interests of the Public.

This was not well served by the comments
and statements that was evidenced at this
telephonic hearing.

In a recent (Oct. 20/13) article in the
Tampa Bay Times, The Reporter assesses and
deals with the Commissioners and the PSC.
It is not a flattering assessment and much
can be applied to my own cases.

Copy sent to
Office of Public
Counsel,
JR Kelly.

Sincerely,
J. S. Edwards