

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
2440 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. _____

110305-21

RECEIVED-FPSC
11 NOV -4 AM 9:02
COMMISSION
CLERK

11 NOV -4 AM 8:36
INSTITUTION CENTER

P E T I T I O N

RE: INITIATION OF FORMAL PROCEEDINGS - COMPLAINT # 1006767E

1. The petitioner has a SUBSTANTIAL INTEREST as a customer of a regulated Public Utility to have electric service BILLED ACCURATELY. Utilities should exercise DUE DILIGENCE in affording customers the benefits of State and Federal Laws. A PUBLIC UTILITY IS NOT EXEMPT FROM STATUTES IMPACTING DEBT COLLECTION!
2. Petitioner received via certified mail on 10-6-11 a letter dated 10-3-11 concluding that Tampa Electric Company had properly billed the petitioner \$915.94 in May 2011 - for a bill allegedly incurred in July 2004 - SEVEN YEARS LATER!
3. The material facts in dispute: (1) whether TECO properly billed the petitioner \$915.94 for a SEVEN YEAR OLD BILL and (2) whether TECO owes the petitioner \$3500.00 for an overpayment in 2004.
4. Petitioner asserts he does not owe \$915.94 because collection of a seven year old debt by taking the LEGAL ACTION of interrupting his service alleging a right to do so under FPSC Rules is BARRED by 95.11 F.S.

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FPSC-COMMISSION CLERK

Furthermore, the \$915.94 was transferred to petitioner's home account and fully paid in June 2005 - under threat of interruption of service by TECO. RECORDS CONFIRM THE TRANSFER AND PAYMENT!.


5. FPSC Rule 256.105(5)(g) permits discontinuance of service for "non-payment of bills". This Rule cannot apply when (1) the bill was paid and (2) when collection is barred by statute. The Statute of Limitations (95.11 F.S.) renders the seven year old bill NULL and VOID; Hence there is no non-payment because there is no bill to be paid!

6. Petitioner seeks the following relief: (1) to have the \$915.94 charge removed from his account and (2) to have the \$3500.00 overpayment from 2004 returned to him plus interest.

7. Petitioner moves for consolidation of all pending complaints involving the parties herein pursuant to 28-106.108 F.A.C.

CERTIFICATE OF SERVICE

.A copy hereof was forward via FAX TO TECO at (813) 314-4243 and by .U.S. Mail to P.O. Box 111, Tampa, FL 33601-011 on this 1st day of November, 2011.



Edward McDonald
7203 N. 41st St.
Tampa, FL 33604-2425

(813) 374-3837

Via U.S. Certified mail to FPSC #7011 0110 0002 2473 1248

TRANSMISSION VERIFICATION REPORT


TIME : 10/11/2011 16:51
NAME : FEDEX OFFICE 1510
FAX : 813--977-1936
TEL :
SER.# : 000M0N694096

DATE, TIME 10/11 16:50
FAX NO./NAME 18005110809 FPSC
DURATION 00:01:00
PAGE(S) 02
RESULT OK
MODE STANDARD
ECM

OCTOBER 31, 2011

RE: Assignment of FPSC Complaint number

Please assign a number to the attached complaint which was received by FPSC via FAX on October 11, 2011 and request a response from Tampa Electric Company (Faxed and received simultaneously with FPSC on 10/11/11)


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

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A COMPLAINT BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

JURISDICTION: The FPSC has jurisdiction of the parties and subject matter because the ISSUE IS ERRONEOUS BILLING by a regulated Public Utility

COMPLAINT:

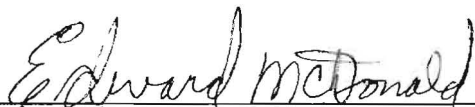
TAMPA ELECTRIC COMPANY owes Edward McDonald \$3,500.00 for an overpayment on account # 15010000315 and refuses to refund the \$3500.00 overpayment.

In support of this complaint, Edward McDonald (customer) asserts the following facts.

Edward McDonald OVERPAID TECO \$3,500.00.

1. The consumer had lawful authority to access the funds used for payment.
- 2 The \$3500.00 payments CLEARED Bank of America and were POSTED TO ACCT. # 15010000315.
3. NO LAW ENFORCEMENT AGENCY HAS DETERMINED THE FUNDS TO^{BE} ACCESSSED FRAUDULENTLY.
4. NO COURT OF LAW HAS DETERMINED THE \$3500.00 TO BE FRAUDULENTLY ACCESSED.
- 5, There is no document, transmittal or instrument whether memoranda or electronic which "reverses payment" - and if reversed, by what authority= corporate operating rule(s), state or Federal Law=statutory or adminis= tive.
6. THERE IS NO RECORD OF "INSUFFICIENT FUNDS" and charges therefor.
7. NO ONE ELSE HAD THE AUTHORITY TO ACCESS THE FUNDS USED TO PAY TECO.

All documents referenced herein have been furnished TECO and they are being forwarded a copy of this complaint. THERE HAS BEEN NO RESPONSE TO THE SEVEN FACTS LISTED HEREIN AND NO RULING ON THE ISSUES IN THIS COMPLAINT.



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

Copy
TECO
Julie Goddard

DOCUMENT NUMBER-DATE
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FPSC-COMMISSION CLERK

Electric Bill



Visit our
Web site at
tampaelectric.com

December Billing Information:

101183

MCDONALD EDWARD G
4010 POCAHONTAS AVE
TAMPA FL 33610-1734

Account Number
1501 0000315

Statement Date
Dec 23, 2004

tampaelectric.com

Average kWh per day

Dec 2004	29
Nov	29
Oct	38
Sep	38
Aug 2004	38

Meter Number	Current Reading	Previous Reading	Diff.	Multi.	33 day period
584608	05869	04913	956	1	
Next Scheduled Reading Jan 20, 2005			Total kWh Purchased		956

Account Activity	Explanation	Charge	Total
Previous Balance		0.00	
Payments Received	As of December 23, 2004	0.00	
			\$0.00

New Charges Due by Jan 16, 2005		Service from Nov 17 to Dec 20	
Customer Charge	Residential 110 Rate	8.50	
Energy Charge	956 kWh @ \$.04864/kWh	46.50	
Fuel Charge	956 kWh @ \$.03939/kWh	37.66	
Electric Service Cost		\$92.66	
Outdoor Lighting Items	2 Lights, 0 Poles	14.64	
Florida Gross Receipts Tax	Based on \$97.98	2.52	
Franchise Fee	Based on 4.950%	5.44	
City Tax		8.05	
This Month's Charges <i>Amount not paid by due date may be subject to a 1.5% late fee</i>			\$123.31
Miscellaneous Adjustments		-3,072.65	
Payments And Adjustments		94.80	
Total Miscellaneous Charges			\$2,977.85 CR
Total Due			\$2,854.54 CR

Manatee Viewing Center

Now through April 15, 2005, visit our Manatee Viewing Center in Apollo Beach. The Center is free and open to the public daily from 10 a.m. to 5 p.m. For more details, call (813) 228-4289 or visit manatee-teco.com.

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FPSC-COMMISSION CLERK

Edward McDonald
7203 N. 41st Street
Tampa, FL 33604-2425

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE
CERTIFIED MAIL™



7011 0110 0002 2473 1248



1000



32399

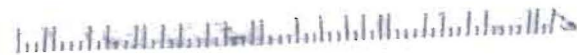
U.S. POSTAGE
PAID
TAMPA, FL
33617
NOV 01 2011
AMOUNT

\$5.79
00052503-08

**RETURN RECEIPT
REQUESTED**

ANN COLE, CLERK
FLORIDA PUBLIC SERVICE COMMISSION
2440 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

323990850 0001



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