

PETITION FOR INITIATION OF FORMAL PROCEEDINGS FOR RELIEF  
AGAINST FPL.

Re: Florida Public Service Commission Complaint Number 1223121E

Richard Ralph Malcolm

v.

Florida Power and Light

COMESNOW, I Richard Ralph Malcolm seeking equitable relief from this unjust Awarding to FPL 3 years of alleged stolen revenue in the amount of \$3,580.99. The Petitioner now states that he inherited the property at 97 nw 69 st Miami, Florida after his dad Nelson Valentine Malcolm died on 10/20/2016. The property is an investment property and the Petitioner seeks to open an account in his name or a business account. The Petitioner has not opened an account with FPL or conducted business with FPL on his behalf. The account was opened by some unknown person to the Petitioner on behalf of the deceased Nelson V. Malcolm. The Petitioner states that the bill is unreasonable and that FPL had a legal duty to mitigate their loss. The Petitioner is being held accountable for actions that he did not know about or could have known about even with the exercise of due diligence.

Chapter 366, Florida Statutes (2014), provides the PSC with jurisdiction to regulate and supervise each public utility with respect to its rates and service and to prescribe a rate structure for all electric utilities. § 366.04(1)-(2), Fla. Stat. (2014);

Pub. Serv. Comm'n v. Bryson, 569 So. 2d 1253, 1254 (Fla. 1990) (noting that “[i]n section 366.04(1) . . . the [L]egislature granted the PSC exclusive jurisdiction over matters respecting the rates and service of public utilities”). The regulation of public utilities is in the public interest and “an exercise of the police power of the state for the protection of the public welfare and all the provisions [of chapter 366] shall be liberally construed for the accomplishment of that purpose.” § 366.01, Fla. Stat. (2014). The PSC may set rates that are “fair, just, and reasonable.” See § 366.06(1), Fla. Stat. (2014) (“[T]he commission shall have the authority to determine and fix fair, just, and reasonable rates that may be requested, demanded, charged, or collected by any public utility for its service.”); see also § 366.03, Fla. Stat. (2014) (“All rates and charges made, demanded, or received by any public utility . . . shall be fair and reasonable.”); § 366.05(1), Fla. Stat. (2014) (“In the exercise of such jurisdiction, the commission shall have power to prescribe fair and reasonable rates and charges.”). In fixing the fair, just, and reasonable rates charged for service by the “public utilities under its jurisdiction, the commission is authorized to give consideration, among other things, to . . . the cost of providing such service and the value of such service to the public[.]” § 366.041(1), Fla. Stat. (2014).

Section 366.02(1), Florida Statutes (2014), defines a “public utility” as “every person, corporation, partnership, association, or other legal entity and their

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lessees, trustees, or receivers supplying electricity or gas (natural, manufactured, or similar gaseous substance) to or for the public within this state[.]” An “electric utility” is “any municipal electric utility, investor-owned electric utility, or rural electric cooperative which owns, maintains, or operates an electric generation,

transmission, or distribution system within the state.” § 366.02(2), Fla. Stat. (2014).

It is undisputed that FPL is an electric utility. It is also undisputed that the PSC’s ratemaking authority encompasses the authority to examine fuel cost expenditures and approve cost recovery to compensate for utilities’ fuel expenses through the fuel clause. See *Gulf Power Co. v. Fla. Publ. Serv. Comm’n*, 487 So. 2d 1036, 1037 (Fla. 1986).

However, the PSC does not have the statutory authority to approve cost recovery for FPL’s investment in the Woodford Project. As explained above, section 366.06(1) provides that the PSC has the authority to determine and fix fair, just, and reasonable rates for public utilities, and section 366.02(2) defines an electric utility as owning, maintaining, or operating an electric generation, transmission, or distribution system. Therefore, under the plain meaning of these two statutes, cost recovery is permissible only for costs arising from the “generation, transmission, or distribution” of electricity.

In conclusion, The Public Service Commission has failed in their duty to regulate FPL charges that are patently unfair and unreasonable. FPL abused its monopoly Power in demanding 3 years alleged revenue loss and demanding payment within 48 hours even after being advised that a complaint had been filed. FPL does not respect the PFC because the PFC does not make independent decisions but concedes to any and all unreasonable and unfair decisions by FPL. In addition FPL abused its monopoly power by refusing to open an account in my name after by dad had died on 10/20/2017 at 6:15 am.

Respectfully Submitted,

Richard Ralph Malcolm P.O.Box 278204 Miramar. FL 33027

[Alphaomegas600@gmail.com](mailto:Alphaomegas600@gmail.com), 7869161222

CERTIFICATE OF SERVICE



I certify under the penalties of perjury that a true and exact copy of this document has been sent to FPL on 05/01/2017 by Email to the PFC and FPL via the PFC.

Respectfully Submitted,

Richard Ralph Malcolm P.O.Box 278204 Miramar. FL 33027

[Alphaomegas600@gmail.com](mailto:Alphaomegas600@gmail.com), 7869161222



COMMISSIONERS:  
JULIE I. BROWN, CHAIRMAN  
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JIMMY PATRONIS  
DONALD J. POLMANN

STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL  
KEITH C. HETRICK  
GENERAL COUNSEL  
(850) 413-6199

# Public Service Commission

April 28, 2017

*Certified and Regular Mail*

Mr. Richard Malcolm  
P O Box 278204  
Miramar, FL 33027-8204

**RE: Florida Public Service Commission Complaint Number 1223121E**

Dear Mr. Malcolm:

This letter is in response to your complaint filed with the Florida Public Service Commission (PSC or Commission).

According to your complaint, Florida Power & Light Company (FPL) wrongfully accused you of meter tampering and improperly back-billed your account for unrecorded electric usage. Therefore, you requested that all disputed charges be waived and a credit adjustment of \$3,580.99 be applied to your account.

Because you did not accept the Commission's actions to informally resolve your complaint, it was reviewed by the PSC's Process Review Team (PRT) on April 5, 2017, in accordance with Commission Rule 25-22.032, Florida Administrative Code (F.A.C.). Based on the PRT's review, it does not appear that FPL violated applicable statutes, rules, company tariffs, or Commission orders. Your complaint has been thoroughly reviewed, and the informal complaint process is concluded.

If you disagree with your complaint conclusion, you may file a petition for initiation of formal proceedings for relief against FPL. The request for formal proceedings must follow the complaint requirements in Rule 25-22.036, F.A.C. - Initiation of Formal Proceedings (enclosed for your review). The rule can be found online at [www.flrules.org](http://www.flrules.org).

You may file your petition by mail (address below) or electronically via the Commission's web portal. Access the Electronic Filing Requirements and e-filing instructions at <http://www.floridapsc.com/dockets/e-filings/instructions2.aspx>, and the Electronic Filing Web Portal at [https://secure.floridapsc.com/\(S\(fqysgv3tm4qy3545xfnr04j2\)\)/e-filings/efiling.aspx](https://secure.floridapsc.com/(S(fqysgv3tm4qy3545xfnr04j2))/e-filings/efiling.aspx). The PSC cannot accept this request via fax.

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

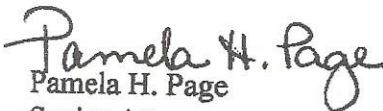
ORIGINAL

Mailing address:  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

The utility can respond to your formal complaint. After considering your complaint and the utility's response, the Commission will rule on your petition. In its consideration, the Commission will consider whether your complaint meets the rule requirements and whether the Commission is able to grant your requested relief.

If your formal complaint application does not meet the requirements specified in Rule 25-22.036, F.A.C., or if the Commission is unable to grant the relief you are seeking, your formal petition may be dismissed. If you have questions about a formal petition or formal proceedings, I can be reached at (850) 413-6214 or [PHPage@psc.state.fl.us](mailto:PHPage@psc.state.fl.us).

Sincerely,

  
Pamela H. Page  
Senior Attorney

cc: Florida Power & Light Company  
Enclosure

ORIGINAL



## Rich Malcolm

### Billing & Payment History

Account Number: 4668447586 Service Address: 97 NW 69TH ST # F

Total Balance: **\$3,935.64**, As of Apr 26, 2017

DESCRIPTION	CHARGES/CREDITS	BALANCE
Apr 11, 2017 Service Days: 32 Electric Bill	\$354.65	\$3,935.64
Apr 11, 2017 Payment Extension Installment	\$3,580.99	\$3,580.99
Mar 31, 2017 Payment	-\$293.13	\$0.00
Mar 10, 2017 Service Days: 29 Electric Bill	\$293.13	\$293.13
Mar 7, 2017 Payment	-\$271.92	\$0.00
Mar 3, 2017 Late Payment Charge	\$5.00	\$271.92
Feb 27, 2017 Payment Extension Closed	\$3,580.99	\$266.92
Feb 27, 2017 Payment	-\$339.84	-\$3,314.07
Feb 27, 2017 Set Up Payment Extension	-\$3,580.99	-\$2,974.23

Feb 27, 2017			
Close Payment Extension		-\$3,580.99	\$606.76
Feb 23, 2017			
Returned Payment Charge		\$40.00	\$4,187.75
Feb 23, 2017			
Returned Payment		\$339.84	\$4,147.75
Feb 9, 2017	Service Days: 29		
Electric Bill		\$226.92	\$3,807.91
Feb 9, 2017			
Payment Extension Installment		\$3,580.99	\$3,580.99
Feb 3, 2017			
Set Up Payment Extension		-\$3,580.99	\$0.00
Feb 3, 2017			
Payment Extension Closed		\$3,580.99	\$3,580.99
Feb 2, 2017			
Payment		-\$323.21	\$0.00
Jan 12, 2017			
Payment Extension Closed		\$3,580.99	\$323.21
Jan 12, 2017			
Set Up Payment Extension		-\$3,580.99	-\$3,257.78
Jan 12, 2017			
Close Payment Extension		-\$3,580.99	\$323.21
Jan 11, 2017	Service Days: 32		
Electric Bill		\$323.21	\$3,904.20



Jan 11, 2017			
Payment Extension Installment		\$3,580.99	\$3,580.99
Dec 28, 2016			
Payment		-\$339.84	\$0.00
Dec 10, 2016	Service Days: 30		
Electric Bill		\$339.84	\$339.84
Dec 1, 2016			
Payment		-\$425.99	\$0.00
Nov 18, 2016			
Set Up Payment Extension		-\$3,580.99	\$425.99
Nov 18, 2016			
Payment Extension Closed		\$3,580.99	\$4,006.98
Nov 18, 2016			
Close Payment Extension		-\$3,580.99	\$425.99
Nov 11, 2016			
Payment		-\$382.80	\$4,006.98
Nov 10, 2016			
Payment Extension Closed		\$4,346.59	\$4,389.78

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**Disclaimer**

Pending payments, unapplied credits, Assist Commitments, and any special billing conditions will not be deducted from any specific debit until it has been applied to the account. Please note that payments are posted to the oldest debits first and may satisfy any payment arrangements you may have before the date indicated.