

RECEIVED FPSC

13 MAY 21 AM 9:30

COMMISSION  
CLERK

Mr. Frederick Small & Koff  
1651 Coronet Dr.  
New Port Richey, FL

34655

May 18, 2003

Office of the Commission Clerk  
2540 Sumner Oak Blvd  
Tallahassee, Florida 32399-0850

Case Against FPL  
Docket # 060774-EI  
Order # PSC-13-0123  
PCO-EI, PAA-EI

Addressing the Order denying  
Mr. Frederick Small & Koff's request  
for a formal hearing.

There is no valid excuse for denying my request  
for a formal proceeding on my complaints against  
FPL and Progress Energy.

That refusal, as with all other obstructions  
emanating from the PSC all along is a calculated  
sham, poorly disguised, as somehow my sub-  
mission did not precisely comport with your  
myriad of "rules".

From the outset, the PSC and all involved  
employees, including the legal Dept staff and  
General Counsel, as well as the Inspector  
General, have totally violated the rules, laws  
and Charter of the PSC in the complete  
mis handling of my cases.

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FPSC-COMMISSION CLERK

Under what and whose authority allows the PSC, Legal Dept. and Commissioners to mis-function in this way?

I am sure that the Florida Legislature did not intend or allow the PSC to disregard the Rules, laws and truths and total misconduct in violating the laws and processes in covering up for the utilities involved and just as importantly not involve those third party individuals, entities abusing power and influence through the deliberate introduction of false and odious slander, defamation libel and character assassination, as well as extreme prejudice to distribute it en masse throughout the "system" of the PSC and the utilities themselves who were asked to create and execute the entire process, the purpose of which was to cause as much harm as possible to me.

They couldn't do it without the assistance and cover up by those within the PSC, all departments, including those watchdogs as with the Inspector General, whose primary job is to keep it from happening, but deliberately failed to do what was required.

A good example is the fact that a file of some 20,000 plus pages on paper and disc was created by the PSC and the Utilities against one elderly consumer in poor health.

A fact that I brought up many times, and was ignored many times without explanation.

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a PSC lawyer, stated to me that this file did not exist and didn't happen, even though it was sent by the Commission Clerk's office and is my possession, what then, is sacred to the truth, Rules and Laws when this can be done?

There was a lot of damage done, some of it nearly fatal (and in one instance it was) that has been perpetrated by these Third Parties, aside from the personal attacks by the utilities in this regard. Is this what the PSC wants to associate itself with?

Is this what the PSC, in its entirety wants to cooperate with, associate with and shield as in denying a formal Hearing?

If that's the case and it appears to be, then it's a sorry state of affairs and exposure at some point is mandatory.

I have repeatedly stated the truthful facts and events, verbally and in print to all concerned. All this information has been virtually ignored and dismissed without comment much less attempting to address and investigate these truthful facts, as to why this targeting process was allowed to take place and those responsible held to account, allowed to continue by the PSC with total obstruction and total cover up by the PSC, the Commissioners and the PSC legal Dept. and their staff.

I stand by this truthful statement and an ultimately sincere investigation will prove me to be accurate and factual.

The introduction of false slander, defamation, character assassination, libel, demonization and hate mongering embraced by the PSC is not only a gross violation of the law, and certainly no justification for the PSC, its employees, Legal Department, Commissioners and all concerned within the PSC for what has been done. Reference these personal attacks and totality of actions and activities taken against me, with devastating consequences and results.

It is my contention that due to the mis-conduct of the Commissioners themselves, that they have been and are, fully aware of the truth and facts, the involvement of those external third parties (with full knowledge of who they are and what they've done).

Just prior to the March 5/13 telephonic "hearing", I attempted to obtain the records to be used for the "decision" by the lawyers for the PSC, under the guidance and instructions by the general counsel, and to seek a minor extension of time to deal with it. My reasonable requests for these items were summarily dismissed, and treated badly in my attempts.

I was subjected to the most outrageous, out of control performance by a Commission Member, Broulio Baez, who engaging in yelling and screaming at me (telling me he was very emotional?), and making statements that "he was going to let me free".

No doubt, after having absorbed the introduced slander, defamation and hate mongering of me within the system, he felt he could do or say anything to me and get away with it.

It was pure gross baiting and harassment in the extreme and it certainly shows that all the Commissioners were totally cognizant of what was going on and what was being done in its totality.

If there is a recording of this 'event' by the PSC I would request a copy of it as a sorry example of the type of mentality of prejudice and hate-mongering that exists within the PSC.

I will take a polygraph as to this event as I relayed it in this letter as to its veracity. He should be required to take one also.

If indeed if the Commissioners have knowledge of those individuals, entities who have initiated and caused these targeting actions and activities internally and externally, abusing the laws as well as distorting the processes, as I believe they have, then, they are obligated to reveal it and be held accountable.

They are in no position to sincerely be the judges, to manipulate the rules and system processes, so as to prejudice a false outcome harmful to me, the truth and my cases or to any other individuals consumer, individually or collectively.

To address the stated "non compliance, referred to in the the Refusal of Formal Hearing. Firstly it took a month for the Commission and all others to decide on how to refuse my request for a Formal Proceeding. They only provided me with 3 weeks, to comply with what they came up with as an excuse, to deny. in dealing with according to their letter Rule 28.106.201, Subparts (b)(c) & (f) and (g).

Regarding the "not meeting the requirement of  
subpart (c) how the petitioner received notice of the  
agency decision. It has to be a joking matter.

The Agency sent me the notice by mail, and I  
received it by mail! They must have a record of what  
they donig. What is no a complaint about that?  
As ~~text~~, I have repeatedly over a long period of  
time stated, and restated the truthful facts in  
both cases in depth and detail. As stated previously  
all have been covered up and ignored by the  
PSC, Legal Dept. so as to be non-existent, much  
less sincerely investigated and addressed as  
truthful believable facts.

Enclosed are my letters dated April 1/13  
addressed to the Commission Clerk's office and  
officially recorded. addressing FPL and Progress  
Energy cases.

There are more than sufficient issues of  
"disputed" facts contained therein. There are  
other letters on file, officially recorded that the  
Commission has access to. To put me through  
this repeated exercise of what you already  
have is time consuming harassment and  
absurd.

Enclosed are copies of both letters dated  
April 1/13 directed towards FPL and Progress  
Energy. If you wish to ignore these again, which  
I believe you will, then let it be a matter of exposure  
and public record, as well as accountability.

As to (c) the above statement covers that as  
well - as previously stated, the billings were created  
false and contrived, so as to provide the beginning  
of the targeting process.

The meters falsely charged, the game playing  
disconnections and reconnections under duress

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must be returned, as well as any and all other charges assessed, including the deposit, late charges etc. All must be eliminated and returned to me.

The genesis, reasons, tactics and actions have been transparently used by both Utilities has been identical in all respects. That is clearly evident, damning, and dispositive

All these types of targeting actions and activities, including that of falsely contrived billings must be discontinued as well as any other forms of future harassment conceived by both utilities

Since the Commission has my statements verbal and written, as well as a room full of lawyers, along with the General Counsel (whose actions and activities have been highly questionable and will be addressed further, regardless of any further obstruction or denials by the PSC and Commission they should be able to (if they have any reverence and obedience of the Canons and Ethics of the Florida Bar), as well as the Charter of the PSC as to their duties and responsibilities, exactly as to how the facts and truths presented by me relate to the specifics, the rules and the statutes.

The same applies to the Inspector General. I am not a lawyer and do not have a staff as the AdC, FPL & Progress Energy does.

I am a 74 year old man, with multiple serious permanent health problems. This refusal is done purely for harassment purposes including the mindmate consumption of time. Even if ~~there~~ there was sufficient time allotted the complexity of which would again be determined as "non compliant" and subject to rejection.

8.

It is the obligation of those in the PSC legal Dept. to seek and promote the truth and accurate facts. Let them try it for a change, it may start a trend in the proper direction, assuage men's consciences collectively and even benefit the general public. It will certainly benefit my cases.

Regarding the reference to sections 120.57 and 120.68 as stated by you: "This notice should not mean all requests for an administrative hearing or judicial review will result in the relief sought or be granted."

What should it be construed to mean? If the truth and truthful facts are to be suppressed and ignored in a formal proceeding is that a good (we've got the final abusive card to stifle anything at any time) enough reason to cancel or consumers right to an honest presentation and exposure because now can, and will?

I will request a Judicial Review by the Florida Supreme Court

Regarding the consideration of motions for reconsideration to reverse.

Since I anticipate obstructive whitewash of my rejection of the Commission's denial for a formal proceeding, regardless of what I say or do, considering that this proceeding would involve witnesses who must testify under oath, as to the truth and facts is something that the PSC and Commission will not allow to happen.

That being the case, I will apply for a Judicial Review, and any other forum available believing that the final solution will not provide an adequate remedy.



Florida Statutes: title xxvii ch 306,  
306.03- <sup>no</sup> The public utility shall make or give any  
undue or unreasonable prejudice or disadvantage  
or preference to any person or locality, or subject  
the same to any undue or unreasonable prejudice  
or disadvantage in any respect.

Both the FPL and Progress Energy have  
been in violation of this Statute and the DSC  
is in violation in knowingly allowing the  
utilities to effectuate this idea of unreasonable  
prejudice and disadvantage.

As to 305-6094

The utility shall make a full and  
prompt investigation of all consumer complaint  
and service reports.

Both utilities are in violation of this  
statute in their prejudicial actions and activities  
and no proper, sincere investigation.

Sincerely  
[Signature]

inventions:

Copies of my letters dated April 1/13  
officially recorded by the Commission  
clerk.

One the case against FPL.

Docket # 060774-E1

Order # PSC-13-0123

PAA-EI

The second

the case against

Progress Energy

Docket # 120176-EI

Order # PSC-13-0124

PAA-EI.

Copy of this letter addressing  
the denial of Formal Proceedings  
to J.R. Kelly

Office of Public Counsel

RECEIVED-FPSC

13 MAY 21 AM 9:31

COMMISSION  
CLERK

1  
Mr. Frederick Smallcraft  
6651 Coconut Dr.  
New Port Richey,  
FL 34655  
April 1, 2013.

Office of the Commission Clerk,  
2540 S. Howard Ave. Blvd.,  
Tallahassee, FL 32349-0850

Case against FPL  
Docket # 060774-EL  
Order # PSC-13-0123-  
FAA-EL.

This letter is to protest and disagree with the decision to dismiss issued by both the PSC legal dept., Martin Brown and staff and the order # PSC-13-0123-FAA-EL, issued by the Commission on March 5, 2013. I have addressed those specific items brought up by legal dept lawyer Mike Tomson as well as those involved by the Commission to dismiss.

This information is officially filed and part of the record of my case and need only to be read and paid attention to. Also addressing those specifics entered by Mr. Tomson (coached by his state supervisor J Crawford and General Counsel, C. Kusev) to avoid the true facts of this case. Also addressed the specific issues in letters sent to the Commission Clerk dated June 15, 2012.

There was no meaningful investigation conducted by the legal Dept PSC to verify any evidentiary statements, any statements citing respect and violative actions and activities themselves, which stand on their own, including gross misconduct by the employees and legal staff, from the top down of the PSC as to the obedience of what their jobs entail and PSC Charter and violative actions.

illegal actions and activities on the part of FPL, including the theft of my mail specifically containing a report, positive to me & my case, which once delivered the FPL, wanted it back, enlisting the aid of a Federal entity, the US Post office to violate the law (Federal), to retrieve that report, (not Mills as ludicrously stated in Martha Brown's information packet), so as to retrieve, remove the original report and destroy it. The Post office admitted doing it at the behest of FPL and this was addressed in my statements and letters of record. This was admitted, then denied by Lt. Silenburger when her superiors got wind of her exclamation that, "that's illegal."

Contained in my file, within the Clerk's Office are letters and statements addressing all these issues, as well as letters full of facts and truthful information that was sent to, and received by the Commission, prior to the 5 minute telephonic "hearing" on March 5, 2013.

Not one point of fact or issue contained therein was focused upon, no questions regarding anything, was asked, every single issue was purposefully ignored. This was obviously done to avoid exposure of the true facts. I was chastised by one member, who stated that I abused the process, by taking too long, when in plain pure fact, it was the entire fault of FPL and the PSC concerned departments and especially the legal department. In drawing about as long as they could. There was also blatant obstruction and interference by the PSC "Staff" and General Counsel, to prevent and obstruct any assistance that I sought to obtain. These actions are violative, especially by the PSC lawyer's involved and need to be not only thoroughly investigated, but taken into serious account as to the decisions ultimately rendered. This information is in my case file and part of the record.

In spite of all that, and not only limited to my true statements of fact throughout that was provided, how vehement and definite was issued. It is beyond compare to dismiss could have been issued. It is beyond compare that these decisions could have been issued.

OPC did not negotiate or discuss with me my complaint against FPL for high false billing (APR 12/07). This was done in private, by a person named Jenkins, who conducted conversations with executives at FPL without my knowledge or agreement. In discussing the high false charge with a person at the Executive level of the FPL, she recognized and admitted that there was, considering the long history of certain contained charges and consistent power usage of a minimum amount, consistent throughout the years, that something was definitely wrong with the excess charge and she had it removed. She recognized it for what it was, a false charge, it was resolved quickly without dragging it out.

Once again I was assessed false high charges, and again contrary to the established range of limited power usage and relatively small bills, consistently over the range of many months and years, FPL, this time refused to respond to and deal with these inordinate, inflated and false charges.

This was done by those same third parties, abusing power and influence, to create a problem, to begin the long drawn out process of harassment. Once assessed, even though false and subsequently proven by an inspection and assessment by an FPL engineer, the whole matter has been examined in my statements previously in the record, followed by threats of disconnection if I didn't pay. Despite this amount that I disputed, I always paid those current charges, which unreasonably became what they were before, minimal, for years, and so stipulated in my payments. They chose instead to take my payments and apply some to the false disputed charges. I always paid on time and wasn't late except when FPL tried, by not sending me my bills on time. When that was done, I had to call, get the specific amounts for that period and still pay them on time.

Mike Jewson's false promotion of no payments and late payments are deliberately, calculatedly false. I have the statements (monthly) and copies of checks covering every legitimate period. Even Mike Smith questioned why FPL was taking my payments and putting some amount into the disputed amount, which is violative. Always with threats of disconnections if I didn't pay (into the disputed amount). M. Lawson and the psc legal dept. was fully aware of this. During this time, I had tried many times to contact those at FPL to attempt to resolve the matter and to recognizing the false inflated charges.

I was subjected to the worst kind of tactics game playing, refusing to state creditors who has looking after my case, putting me on hold for very long periods of time, hanging up on me. The very same, identical tactics used by the other Utility Co. They had been subjected to the same slander, character assassination and libel by those same third parties for the same reasons.

FPL could have dismissed and removed the false charges right at the outset, which would have readily resolved the matter, as in the first instance, but that's not what was intended or desired by the FPL, or more importantly by those 3rd parties seeking revenge and retribution. For their own wrong doing (its a matter of written record) with complete assistance by the PSC and their legal department.

Once again, deliberately misstating the facts and twisting the truth by Mrs. Brown, I agreed, ~~signed~~ <sup>with</sup> Mrs. Elleburgor, who finally called me about it, to remove the false charges, but that did not in and of itself address or resolve what was done to me, putting me through it, the violations and illegal acts, which, if ignored, will only serve create more of the same attacks and targeting in the future. This was addressed in my previous letters and statements.

As to the statement of Mrs Brown that they have not uncovered, nor have I provided any credible evidence to support my case and the facts, is a blatant lie and deliberately false comment. They (PSC legal Dept.) were provided with my evidentiary statements, supported by the true facts, whereby they in turn hid from my case, made themselves unavailable, so that they could not have to deal with it and to allow the harassment to continue.

They deliberately did not look, did not listen, so they "uncovered" nothing, by design. The lack of credibility referred to in the report/ recommendation, was entirely on their part in their total mishandling of the case.

The PSC at all levels, including the legal Dept know exactly who the truth writers are and the real reasons for creating false billing as a means to gain a foothold for ~~being~~ targeting harassment and personal attacks, verbal and in their false reports.

One party, a powerful well connected attorney charged me \$4500.00, sought retribution after I had the temerity to complain. He left the case in disarray, that I first year law student could have resolved in a week. He chose to take the money, drag it out, refused to take an adverse position and provide effective legal service leaving a costly mess. Its all a matter of record and on paper.

He, it is evident, in concert with other parties provided the utility hierarchy with the worst kind of slander, defamations, character assassination and libel, contrary to the Canons & Ethics of the Florida Bar, to effectuate and bolster the targeting process as justification. He has engaged in the most harmful and destructive acts against me, and this is simply a continuation of the same retributory and revenge.

Both FPL & Progress Energy bought into it. Identical acts and actions applied to both utilities.

It also accounts, in total for the suppression of the true facts involved with my case and the hateful bad behaviour as evidenced by the utilities, their employees in addition to those at the PSC, from the top down in demanding and dismissing all the pertinent facts in my case.

If the presented rationale by the PSC is, that we can do whatever we want to, irrespective of the rules and laws, of the deal truths and facts, to defend and protect the gross misconduct of the utilities, to cover up and whitewash the case and to dismiss the PSC involvement in all of it to the exclusion of proper handling, then that's all you will do. In no way can anyone pretend that this pretext of conducting a proper righteous investigation of my cases by the PSC towards a justifiable and proper conclusion, has ever been above board.

Of course I cannot comply with the specific statutes as stated in the Notice of Further Proceedings and Judicial Review. I am not a lawyer and have no knowledge of these specific statutes as applied to each and every one of my valid complaints and relative actions taken by the FPL and Progress Energy as well as by the PSC itself. That, and once again the expedited time restraints imposed make it impossible to comply with.

It appears to be just another way of obstructing the true facts of my case against FPL as well as any exposure totally suppressed and eliminated.

The facts in this case, that I have presented them against Progress Energy as well.

The decisions of dismissal need to be reversed and my cases need to move forward, to the next level, towards this end. The relief I seek is for FPL to stop any further acts of false billings, targeting by themselves, or on behalf of others, and any other harassment.

Sincerely,  
F. Sorilla Duff  
[Signature]