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FPSC-RECORDS & REPORTING

Ref: Public services rulings concerning the taking of deposits by a public utility to pay a billing and a demand for a new deposit by the utility from someone under federal bankruptcy protection.

Dear Director:

Recently, I was forced to seek protection of the Federal Bankruptcy Court by the filing of a Chapter 13. One of the creditors listed under my bankruptcy was Florida Power and Light. I have a deposit with FPL on the account under which I sought protection by the court. The purpose of filing a bankruptcy is to take the financial problem I have with my creditors, place that problem before the federal court along with a proposal plan for the repayment and wait for the courts disposition.

Currently, the Federal Public Service Commission

has a ruling that allows a public utility, such as in this case, FP+L to take the deposit they have of a customer and to apply that deposit to the running balance owed to them by that customer. Under normal circumstances, I would agree that this practice is sound and should be applied. However, there should be an exception when a customer files for protection from creditors under the Chapter 13 Bankruptcy laws. The current ruling should not apply because it does not take into consideration bankruptcy. Federal law supercedes that of any state or state agency ruling.

My complaint is then twofold, First, against the Florida Public Service Commission's ruling which does not clarify the point under what circumstances a public utility may take a customer's deposit or may not take a deposit if the taking of that deposit conflicts with due process under federal law. Secondly, my complaint is against FP+L and their collection practices for their attempt to remove themselves from a federal bankruptcy proceeding by the use of an ambiguous and obviously flawed Florida Public Service Commission administrative ruling

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on directive which has allowed FP+L for years, to circumvent federal law for their benefit and to the disservice of the unknowing public at large.

I would ask that the FPSC change their ruling to clarify the circumstances under which a utility may take a customer's deposit to satisfy a billing and to bring that ruling into line with the federal bankruptcy protection laws. Further, I would ask that FP+L not be allowed to close my original account for service, take my deposit, remove themselves as a creditor from my bankruptcy, open a new account and then demand a new deposit for the new service.

I suggest that the utility must accept the ruling of the federal court with regards to the repayment plan as filed under the bankruptcy for any back billings, keep the original account intact and keep the original deposit on the account. Only in this way can the integrity of the federal bankruptcy court system be preserved and the system set up for the repayment of debt to creditors remain a viable solution to

The financial problems of the Chapter 13 debtor. No company or public utility should be allowed to circumvent the intent of the federal law through the use of a flawed P.S.C. Ruling or usurp the authority of the federal bankruptcy court.

My bankruptcy case # is 99-26115BKC-PGH, filed in H. Lauderdale. My original account with FP+L is 91930-86353. The new account # of which they are demanding a new deposit is 52559-23277.

Please advise me as to the outcome of this complaint on the date of any hearings to be held on this matter.

Thank you for your time and anticipated understanding.

Sincerely yours,  
Tahira Sheikh  
Attorney Pro Se

380 SW 135th Terrace  
Davie, FL 33325

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