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November 21, 2011

HAND DELIVERED

RECEIVED-FPSC
11 NOV 21 AM 11:23
COMMISSION
CLERK

Ms. Ann Cole, Director
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Edward McDonald v. Tampa Electric Company
FPSC Docket No. 110305-EI

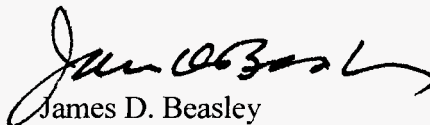
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and seven (7) copies of Tampa Electric Company's Answer to Petition.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,


James D. Beasley

JDB/pp
Enclosure

cc: Edward McDonald (w/enc.)

COM _____
APA _____
ECR _____
GCL 4 _____
RAD _____
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ADM _____
OPC _____
CLK _____

DOCUMENT NUMBER-DATE

08509 NOV 21 =

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

EDWARD MCDONALD,)
)
 Petitioner,)
)
 v.)
)
 TAMPA ELECTRIC COMPANY,)
)
 Respondent.)
 _____)

DOCKET NO. 110305-EI

FILED: November 21, 2011

**TAMPA ELECTRIC COMPANY'S
ANSWER TO PETITION**

Tampa Electric Company ("Tampa Electric" or "the company") answers the petition filed in this docket by petitioner, Edward McDonald ("Mr. McDonald" or "Petitioner"), on November 4, 2011, as follows:

1. Tampa Electric specifically denies having improperly billed Petitioner for electric service. All amounts billed to Petitioner by Tampa Electric have been properly calculated and are due and owing.
2. Tampa Electric specifically denies owing Petitioner \$3,500 for any overpayment by petitioner to Tampa Electric. The \$3,500 claim vaguely described in the petition likely refers to a \$3,500 amount referred to in Petitioner's earlier April 6, 2005 complaint to the Commission. That complaint was previously investigated by the Commission, responded to by Tampa Electric and closed by the Commission on May 24, 2005. The \$3,500 disputed billing is discussed in the October 3, 2011 closure letter on Commission Complaint No. 1006767E, attached hereto as Exhibit "A" and by reference made a part hereof.

DOCUMENT NUMBER-DATE

08509 NOV 21 =

FPSC-COMMISSION CLERK

3. Tampa Electric specifically denies that any amounts owed by Petitioner to Tampa Electric for electric service are barred by any statute of limitations. The statute of limitation provisions of Chapter 95, Florida Statutes, referred to in the petition, do not apply to administrative actions or efforts by a public utility to collect amounts owed to it pursuant to the rules of the Commission and provisions of the utility's Commission approved retail tariff.

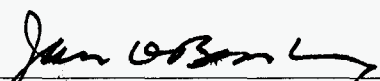
4. Tampa Electric specifically denies the allegation in paragraph 4 of the petition that Petitioner has paid the \$915.94 amount in dispute.

5. Tampa Electric specifically denies that Petitioner is entitled to the relief requested in paragraph 6 of the petition. As reflected in the closure letter attached as Exhibit "A", the Commission's Staff reached the same conclusion after having carefully reviewed all of the various matters alleged by Petitioner in a customer complaint dispute resolution process conducted pursuant to Rule 25-22.032, Florida Administrative Code.

WHEREFORE, Tampa Electric submits the foregoing in answer to Mr. McDonald's petition and urges that the petition be denied in all respects.

DATED this 21st day of November 2011.

Respectfully submitted,



JAMES D. BEASLEY
J. JEFFRY WAHLEN
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Answer to Petition, filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail on this 21st day of November 2011 to the following:

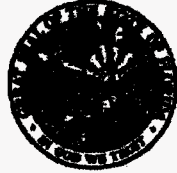
Mr. Edward McDonald
7203 N. 41st Street
Tampa, FL 33604



ATTORNEY

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
LISA POLAK EDGAR
RONALD A. BRISÉ
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



DIVISION OF SAFETY, RELIABILITY &
CONSUMER ASSISTANCE
DANIEL M. HOPPE, DIRECTOR
(850) 413-6480

Public Service Commission

October 3, 2011

Certified and Regular Mail

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

RE: Florida Public Service Commission Complaint Number 1006767E

Dear Mr. McDonald:

This letter is in further response to Florida Public Service Commission (FPSC) complaint number 1006767E, initially filed with the FPSC on May 3, 2011, against Tampa Electric Company (TECO). It also serves as follow-up to Violet Faria's letter to you dated June 9, 2011, and Margarita Valdez' letter to you dated July 25, 2011. This letter is also a reply to your most recent faxed correspondence to the FPSC dated August 5, 2011. As you requested in your faxed correspondence to the FPSC dated June 13, 2011, I have enclosed a copy of all available documents for FPSC complaint numbers 648071E and 1006767E.

Summary

In response to Ms. Valdez' letter, you voiced continued disagreement with actions taken by TECO to resolve your complaint. Furthermore, you expressed dissatisfaction with the FPSC's investigative efforts and its conclusion of your complaint. Subsequently, in contemplation of your further queries concerning final disposition of this case, I have taken the opportunity to carefully review your case file and analyze the presented documentation in correlation with applicable FPSC Rules as set forth in the Florida Administrative Code (F.A.C.). I have also reviewed and discussed the details of Ms. Valdez' investigation and findings with her. After thoroughly examining the details and facts presented in this matter, I believe that Ms. Valdez' investigation of this matter has been capaciously conducted to assure that all of your documented concerns and issues have been addressed.

Your complaint encompasses billing activity for several different electric service account numbers at two different service addresses as summarized in Ms. Valdez' letter and on the following pages. To emphasize and clarify what was previously explained in Ms. Valdez' letter, I would like to recapitulate the facts that have led to FPSC staff's conclusions in this matter. Following is a summation of my analysis, which I believe addresses each of the concerns you have identified regarding this matter.

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

An Affirmative Action / Equal Opportunity Employer

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

Internet E-mail: contact@psc.state.fl.us

Exhibit "A"

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Service Address	Account #	Customer of Record	Dates of Service
4010 Pocahontas Ave. E Tampa, Florida	1501-000031-3	Edward McDonald	12/22/03 - 6/1/04
4010 Pocahontas Ave. E Tampa, Florida	1501-000031-4	Edward McDonald	7/6/04 - 7/27/04
4010 Pocahontas Ave. E Tampa, Florida	1501-000031-5	Edward McDonald	7/29/04 - 2/1/05
7203 41 st St. N & 7203 40 th St. N (Same residence) Tampa, Florida	0261-023156-4	Edward McDonald	9/24/10 - Present

1. Disputed Billing - \$915.94

In your initial faxed correspondence to the FPSC dated April 30, 2011, you enclosed a letter from TECO dated April 26, 2011. The letter indicated that a previous unpaid balance in the amount of \$915.94 was transferred to your current electric account number 026102315647. You requested to know why you were being billed for a previous debt from 4010 Pocahontas Avenue, Tampa, Florida. You indicated that all unpaid balances for that address were previously paid in full. You further asked to know what prompted research on this matter. On page six of Ms. Valdez' letter, she also addressed your concern regarding what prompted TECO to transfer your old debt to your account seven years later.

> REFUSAL OR DISCONNECTION OF SERVICE & PRIOR INDEBTEDNESS

To address your questions and concerns about the disputed \$915.94, it would be helpful to provide you with information and clarification regarding the FPSC's rules and regulations regarding denial or disconnection of service for delinquent payments or unpaid balances. As determined in FPSC Rule 25-6.105(5)(g), F.A.C., TECO or any other regulated electric utility may discontinue or refuse service for non-payment of billed services after a diligent attempt has been made to collect the unpaid amount, including at least five working days' written notice to the customer. FPSC Rule 25-6.105(5)(g), F.A.C. states that:

(5) . . . "As applicable, each utility may refuse or discontinue service under the following conditions": (g) "For non-payment of bills or non-compliance with the utility's rules and regulations, and only after there has been a diligent attempt to have the customer comply, including at least 5 working days' written notice to the customer" . . .

A document called a tariff spells out the fees, services and policies of all regulated Florida utilities. FPSC Rule 25.6.033(2), F.A.C. states; *"Each utility shall file with the Commission tariffs containing schedules for all rates and charges and copies of all rules and regulations governing the relation of customer and utility."* The FPSC, as the state agency regulating electric companies, approves these tariffs. In accordance with this rule, TECO's tariff, Fourth Revised Sheet No. 5.140 and 5.150, section 2.14 - Refusal or Discontinuance of Service provides the company the right to refuse or discontinue service for non-payment of all prior indebtedness incurred by you. The referenced tariff states:

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"As applicable, the Company may refuse or discontinue service under the following conditions provided that, unless otherwise stated, the customer shall be given notice and allowed a reasonable time to comply with any rule or remedy any deficiency.

(7) For non-payment of bills or non-compliance with the Company's rules and regulations, and only after there has been a diligent attempt to have the customer comply, including at least five (5) days written notice to the customer, such notice being separate and apart from any bill service.

(8) For failure to settle, in full, all prior indebtedness incurred by any Customer or Customers of record for the same class of service at any one or more locations of such Customer or Customers of record."

➤ **STATUTE OF LIMITATIONS**

In item 3 of your correspondence dated August 5, 2011, you stated that: *"TECO is barred from pursuing collection of a bill dated June/July 2004 by Florida's Statute of Limitations."* Your concerns regarding this issue fall under the authority of The Florida Consumer Collection Practices Act (FCCPA), Title XXXIII, Chapter 559, Part VI, Florida Statutes (F.S.). Please understand that the FPSC has no authority to investigate FCCPA matters. Furthermore, there is no FPSC rule or guideline that restricts or limits the length of time a utility can pursue debt collection for prior indebtedness. Complaints regarding FCCPA violations should be directed to the Florida Office of Financial Regulation, 200 E. Gaines Street, Tallahassee, FL 32399-0376, telephone number (850) 410-9805, fax number (850) 410-9300. You may also file a complaint on that agency's website (www.flofr.com). The FPSC will be unable to further assist you in this matter.

As to your request to know what prompted TECO's research on the unpaid disputed amount, Ms. Valdez explained this on page six of her letter. To recapitulate, advances to its Customer Information System in April 2011, linked your current account with unpaid balances from previous accounts that were written off as bad debts. There is no FPSC rule that restricts or limits the revivification of prior indebtedness that was previously written off as a bad debt.

➤ **CONTENTION OF FULL PAYMENT**

It is your contention that the disputed amount and all other charges associated with 4010 E Pocahontas Avenue, Tampa, Florida were previously paid in full. Specifically, your correspondence dated August 5, 2011, stated that all outstanding balances for 4010 Pocahontas Avenue, Tampa, Florida were paid when charges for that account were transferred to your account at 7203 40/41st St. N, Tampa, Florida.

To address this, I would like to reiterate Ms. Valdez' response to this matter on page two of her letter. TECO's records indicate that on July 7, 2004, two payments totaling \$965.10 (\$404.81 and \$560.29) were received. These payment credit entries are reflected in TECO's account audit summary on page 1 for account number 1501-000031-3. These two payments resulted in a credit balance of \$458.15, which is reflected on page 1 for account number 1501-000031-3. On July 8, 2004, the credit balance of \$458.15 was removed from account number 1501-000031-3 and

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transferred to new account number 1501-000031-4, leaving a zero account balance for account number 1501-000031-3. The transfer of the \$458.15 credit balance to account number 1501-000031-4 was completed on July 8, 2004, as reflected in Reference B of TECO's account audit summary for account number 1501-000031-4. The credit transfer resulted in a credit balance of \$258.15 on July 8, 2004. As explained to you in Ms. Valdez' letter, on July 13, 2004, both payments were returned by your financial institution as unpaid. As reflected in Reference B of TECO's account audit summary for account number 1501-000031-4 both the \$560.29 payment and the \$404.81 returned payments were debited back to account number 1501-000031-4. Additionally, as reflected on the July 13, 2004, entries, you were billed two returned payment fees of \$40.00 each. The account debit adjustments resulted in an unpaid account balance of \$786.95 as reflected in the July 13, 2004, entry in Reference B. To date, TECO's records reflect that you have not made good on either the returned payment of \$560.29 or the returned payment of \$404.81 (\$965.10 total).

As further reflected in Reference B, on July 22, 2004, additional electric charges were billed to your account, which yielded an account balance of \$1,007.32. On July 27, 2004, additional electric charges were billed to your account and your on-file deposit of \$115.00 was credited to your account, reflecting a final unpaid account balance of \$915.94. That unpaid debt remained dormant until the amount was transferred to your current active account number 0261-023156-4 on April 26, 2011. As reflected on the April 26, 2011, entry in Reference C, page 1 of TECO's account audit summary for account number 0261-023156-4, when the \$915.94 was transferred to your current account, the adjusted unpaid account balance became \$994.15. As of the date of this letter, TECO reports that you have not paid the \$915.94 debt transferred from account number 1501-000031-4.

➤ **PROOF OF PAYMENT**

If you have any unambiguous proof of payment of the two returned checks totaling \$965.10 (\$404.81 and \$560.29) such as cancelled checks or cleared bank transaction records that refute TECO's records, please provide that information to me by September 7, 2011. At that time, I will submit the documentation to TECO to reconsider its position. Please note that any proof of payment documentation submitted by you must post date July 13, 2004, the day the returned payments were debited back to account number 1501-000031-4. You may also wish to contact your financial institution to obtain the payment documentation required.

➤ **REQUESTED DOCUMENTATION OF RETURNED PAYMENTS**

In your correspondence dated May 6, 2011, you requested that you be provided "*proof of the returned check(s) for \$965.00.*" You further asked that you be provided "*proof of an improper or unlawful tender of warrant(s).*" TECO informed the FPSC that the returned payments were made via Speedpay Inc., an electronic bill paying system offered by TECO for the convenience of its customers. TECO also indicated that because Speedpay is an electronic system, there is no paper document exchanged back and forth between TECO, Speedpay, and your financial institution. Subsequently, TECO indicated that there are no paper documents to provide you as there would be if a check was returned unpaid in a manual payment system.

Please be advised that the FPSC has no specific rules or guidelines that regulate a utility's prescribed methods of customer bill payment. Payment method policies and procedures are

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internal utility management matters and are at the discretion of the utility. Likewise, the FPSC has no regulatory authority over payment sites. Authorized payment sites, stations, and electronic programs are individual companies that contract directly with the utility to provide a payment convenience option for its customers. The FPSC is unable to compel the utility to obtain and provide alternative payment documents. If you seek further documentation regarding payments made through Speedpay, Inc., you may wish to contact Speedpay Inc. via E-mail at privacy@WesternUnionSpeedpay.com or call the company at 1-866-812-7820. You may also wish to contact your financial institution to obtain the documentation you are seeking.

➤ **BILLING DOCUMENTS REQUEST**

Collectively, in your correspondences received by the FPSC on May 3, 2011, May 23, 2011, June 2, 2011, and June 3, 2011, you asked for copies of all billing statements for your accounts at 4010 E Pocahontas Avenue, Tampa, Florida as well as your current account at 7203 N 41st Street, Tampa, Florida. It is important to explain that there is no FPSC Rule that specifies the length of time a utility must maintain customer bills. Each utility is responsible for establishing its own standards and policies regarding the length of time customer bills are retained. Subsequently, although TECO has provided a billing summary of your accounts for the period of October 1, 2003, through August 3, 2011, the company is unable to provide duplicates of your billing statements for the entire period of time. I have however, enclosed billing statements for your current account at 7203 N 41st Street, Tampa, Florida for the period of July 12, 2010, through August 16, 2011. I have also enclosed all other available billing records for 4010 E Pocahontas Avenue, Tampa, which are in the form of TECO's account audit summary.

In your correspondence dated May 11, 2011, you asked for a copy of the bill that transfers the Pocahontas Avenue charges to your current account (account # 0261-0231564), yet you attached a copy of the requested bill to your correspondence. Additionally, you may wish to review the enclosed account audit spreadsheets provided by TECO. All transactions for your Pocahontas Avenue accounts and 40/41st Street accounts are reflected.

In summing up your dispute of \$915.94, Ms. Valdez thoroughly addressed your inquiries in her letter to you dated July 25, 2011. Your complaint concerning the disputed amount encompasses service and billing activity for two different electric account numbers as summarized in Ms. Valdez' letter. As Ms. Valdez explained in her chronology and account summary for each account, the disputed \$915.94 is comprised of the unpaid balances from the two accounts at 4010 E Pocahontas Avenue, Tampa, Florida, for which you were the customer of record. As shown on page four of Ms. Valdez' letter, the \$915.94 is the total of an unpaid balance in the amount of \$506.95 from account number 1501-000031-3 and an unpaid balance in the amount of \$408.99 from account number 1501-000031-4. In addition to Ms. Valdez' letter, I have enclosed a copy of TECO's account audit summary for the subject accounts. Ms. Valdez aptly addressed your inquiries and various aspects concerning the disputed amount of \$915.94; I can contribute nothing further in response to the disputed amount billing.

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2. Disputed Billing - \$307.49

> BILLING DOCUMENTS REQUEST

Although complaint number 1006767E was specifically filed to address your disagreement with billing for \$915.94, in your correspondence received by the FPSC on June 3, 2011, you asked for billing details for an amount of \$307.49. In its letter to you dated May 25, 2011, TECO indicated that the questionable billing statement was enclosed with the correspondence.

As explained in Ms. Valdez' letter, the \$307.49 was billed to account number 5919-021103-1 on March 1, 2005, as the result of TECO's investigation of current diversion. The charges included \$280.44 for meter tampering investigation charges and \$27.05 for electric usage. As Ms. Valdez further explained on page five and six of her letter, on July 6, 2011, a deposit and deposit interest was applied to the unpaid balance by TECO. A credit adjustment for the remaining \$2.19 was applied to account number 5919-021103-1, which brought the account balance to zero.

I should further clarify that the \$307.49 amount was associated with suspected meter tampering. Meter tampering or energy theft was not investigated in FPSC complaint number 1006767E. Current diversion or energy theft is a separate and distinct matter from the FPSC's investigation of this complaint and cannot be further addressed in complaint number 1006767E.

> TECO CASE NUMBER 05-0176

In your correspondence dated June 6, 2011, you asked to be provided "*the complete record of TECO Case # 05-0176.*" As TECO reported in its letter to you dated May 25, 2011, its records reflect that you had an outstanding balance of \$307.49 "*from the current diversion court case in 2005.*" TECO further stated that you were charged with current diversion in 2005 - TEC Case number 05-0176.

In your correspondence notations dated May 31, 2011, you stated that TECO's current diversion court case was dismissed. You further stated that TECO owes you \$5,000.00 for the cost of defending yourself against "*false allegations.*" Please understand that TECO Case number 05-0176 is not a FPSC complaint number. The subject of current diversion was not previously included in complaint number 648071E filed on April 6, 2005. Other than Ms. Valdez' inquiry into the reason and disposition of the \$307.49, current diversion or energy theft was not investigated in FPSC complaint number 1006767E. As previously stated, current diversion or energy theft is a separate and distinct matter from the FPSC's investigation of both of those complaints.

As for your allegation that TECO owes you \$5,000.00, please be advised that the FPSC has no jurisdiction over damage claims or similar litigative matters. Subsequently, the FPSC does not have the legal authority to award relief in the form of monetary adjudication for alleged losses or damages. The FPSC will be unable to further assist you with this matter. The proper avenue for further recourse on this issue is through a civil court of proper jurisdiction. For the same reasons, the FPSC will be unable to assist you in obtaining documents and records concerning TECO Case number 05-0176. This is a matter between you, TECO, and the court of jurisdiction that handled the case.

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3. Disputed Billing - \$3,500.00 – Closed FPSC Complaint Number 648071E

In your correspondence dated May 6, 2011, you demanded the return of \$3,500.00 from TECO. You linked this amount to FPSC complaint number 648071E, which was filed on April 6, 2005. Also, in your correspondences dated June 9, 2011, and August 5, 2011, you introduced account information and requested further documentation and information relating to closed TECO account number 1501-000031-5. Account number 1501-000031-5 was the subject of FPSC complaint number 648071E. At the time of filing FPSC complaint number 648071E, the customer of record was Lillie Mae McDonald.

Ms. Valdez' letter aptly responded to your inquiries related to FPSC complaint number 648071E. Although you were provided information on pages four, five, and six of her letter, it is important to emphasize that FPSC complaint number 648071E was previously investigated by the FPSC, responded to by TECO, and closed by the FPSC on May 24, 2005. Subsequently, complaint number 648071E will not be reopened and no further investigation of this matter will occur as part of FPSC complaint number 1006767E. As Ms. Valdez advised you, it is up to you to provide TECO with proper documentation, such as cancelled checks and/or other banking records, showing that the payments you claim you made were cleared by your financial institution.

4. Disputed Balance - \$1,095.20

In your correspondence dated August 5, 2011, you referenced a balance in the amount of \$1,095.20 for account number 1501-000031. You further stated that the amount was previously paid by your wife when service was formerly placed in her name.

I would like to repeat the information Ms. Valdez provided in her letter concerning this matter. On page four of Ms. Valdez's letter, she stated that on February 8, 2005, account number 1501-000031-5, was closed with a total balance in the amount of \$1,095.20. On March 24, 2005, the unpaid balance of \$1,095.20 was transferred to your active account number 0261-023156-1 at 7203 40th Street North, Tampa, Florida. Account number 0261-023156-1 was closed on June 1, 2005, with an unpaid balance of \$1,095.20. TECO reported that some time later, another person applied for service at this address. Subsequently, TECO received two payments which cleared the balance. As such, there is no unpaid balance of \$1,095.20, and no further investigation of this matter is warranted as part of FPSC complaint number 1006767E.

5. Bankruptcy Issues

In your correspondence notations dated May 31, 2011, you asserted that The U.S. Bankruptcy Court records reflect that TECO never filed a claim as a creditor. In the same correspondence, you also indicated that there is a discrepant relationship between the dates of your bankruptcy filings, the date of service disconnection, and the date of debt transfer to your current account. Based on these dates, it is your position that TECO's explanation that its seven-year delay in billing you for your unpaid balances totaling \$915.94 is discredited. As I previously stated, there is no FPSC rule or guideline that restricts or limits the length of time a utility can pursue debt collection for prior indebtedness. Furthermore, there is no FPSC rule that restricts or limits the revivification of prior

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indebtedness that was previously written off as a bad debt. Subsequently, whether or not your dismissed bankruptcies were the reason for TECO's delay in billing you is extraneous.

In item 3 of your correspondence dated August 5, 2011, you requested answers to several questions relating to bankruptcy creditor notification, receiving a copy of a notice of filing, bankruptcy case status, creditor claim filing, and other details concerning your bankruptcy filings. You previously raised the same issues in your correspondence dated June 13, 2011. Please be aware that bankruptcy and other judicial proceedings are not within the regulatory scope of the FPSC's jurisdiction. Any bankruptcy matters relating to the investigation of FPSC complaint number 1006767E have already been appropriately addressed in Ms. Faria's and Ms. Valdez' letters. The FPSC will be unable to further assist you in this topic. The proper avenue for further recourse and disposition in this matter is through the United States Bankruptcy Court.

6. Criminal Matters – Tampa Police Department Case # 05-900246

In your correspondence to the FPSC dated May 31, 2011, you indicated that Tampa Police Department (TPD) case # 05-900246 was a complaint in which allegations against you were not substantiated. You asked for proof that funds were accessed by you via fraudulent means. You repeated your request in your correspondence dated June 6, 2011. Once again, in your correspondence dated August 5, 2011, you stated that there was no legal finding that you illegally accessed someone else's account. Furthermore, you alleged that one Julie Goddard committed "perjury."

All of the documentation you have requested and the information you have presented in your correspondences, involves criminal and/or fraudulent activity. In these matters, it is important to emphasize that the FPSC can act only within its scope of authority and powers as elucidated in The Florida Statutes; 366.04 Jurisdiction of commission and 366.05 Powers, under the rules and regulations as set forth in Division 25 – Florida Administrative Code. The FPSC has no authority to investigate criminal and fraudulent activity. As such, your requests for documentation and filing a complaint regarding perjury, should be reported to the law enforcement agency of proper jurisdiction. The FPSC will be unable to assist you further in these matters.

Current Account Status

When complaint number 1006767E was filed, a disputed amount of \$915.94 was established. In accordance with FPSC Rule 25-22.032(3), F.A.C., while your complaint is open and under investigation, your account is protected from disconnection for non-payment of that disputed amount. TECO may require you, however, to pay that part of your outstanding balance that is above the disputed amount.

Following is an up-to-date summary of your account status, which is a continuation of Reference C, page 2 of the attached TECO account audit summary. As reflected in the summary, TECO's records reflect that as of August 3, 2011, your unpaid account balance is \$1,129.91. This amount is higher than your complaint's established disputed amount. Subsequently, unless you make

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a payment of at least \$213.97, or secure acceptable payment arrangements with TECO, your electric service is subject to immediate disconnection pending proper notice.

Date	Transaction Type	BILLED KWH USAGE	Debits			Credits		Account Balance
			Electric Service Charges	Other Charges	Total New Charges	Payment	Credit Adjustments	
6/3/11	Balance as of 6/2/11							\$1,192.32
6/3/11	Payment					(\$127.30)		\$1,065.02
6/5/11	Billing Statement 6/5/11	1479	\$182.76					\$1,065.02
	Late Payment Charges			\$13.74	\$196.50			\$1,261.52
	Payment					(\$149.08)		\$1,112.44
8/3/11	Billing Statement 8/3/11	1613	\$200.23					\$1,112.44
	Late Payment Charge			\$13.74	\$213.97			\$1,326.41
	Payment					(\$182.76)		\$1,143.65
	Late Payment Adjustment						(\$13.74)	\$1,129.91

Once complaint number 1006767E is closed, your account will no longer be protected from disconnection for the established disputed amount. At the time of closing, any remaining account balance will be subject to immediate payment or your electric service will be subject to interruption after proper notice. Therefore, you may wish to seek acceptable payment arrangements with TECO directly. Please be advised that the FPSC does not have the authority to compel a utility to make payment arrangements for services provided. Such arrangements are at the discretion of the utility.

Conclusion

In conclusion, I concur with the findings of Ms. Valdez' investigation and her conclusions as expounded in her letter. The FPSC's investigation of this matter has been thoroughly conducted to assure that TECO has complied with all applicable statutes, rules, tariffs, and orders of the FPSC.

My review of these matters indicates that your account was properly billed in accordance with FPSC rules and TECO's tariffs. Based on documentation provided, an audit of your account verifies that your account balance is accurate. You have presented no documentation or evidence that supports your contention that you have made payments other than those posted to your account or that you have been improperly billed. Furthermore, there is nothing to support that you, as customer of record, are not responsible for payment in full of your account balance.

My administrative review and resultant conclusion is that it does not appear that TECO has violated any jurisdictionally applicable provision of the Florida Statutes, the Florida Administrative Code, or its tariff in the handling of your account. The FPSC is unable to grant you the redress you

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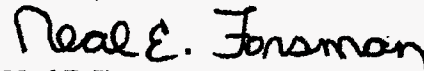
are seeking from TECO. Subsequently, at this point, all due consideration has been given to your complaint and the informal complaint process as specified in FPSC Rule 25-22.032, F.A.C., **Customer Complaints**, has been concluded.

If you disagree with the disposition of your complaint, you may file an application for initiation of formal proceedings for relief against TECO. The application for formal proceedings must be filed with the FPSC's Office of the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850. If you wish to file other than by mail, the preferred method, you may do so via E-mail at filings@psc.state.fl.us. A request for a formal hearing cannot be received via fax. If you decide to file via E-mail, you must attach your request as a Microsoft (MS) Word document and include an electronic signature such as - /s/ (your name).

The application for formal proceedings must be filed pursuant to the provisions of Chapter 120, Florida Statutes, the Uniform Rules of Administrative Procedure found in Chapter 28-106, F.A.C. and the FPSC's procedural rules, in particular, Rule 25-22.036, F.A.C. A copy of Rule 25-22.036, F.A.C. - **Initiation of Formal Proceedings**, is enclosed. The company will have the opportunity to respond to your application, which would be addressed by the FPSC pursuant to the statutes and rules cited above. You should be aware, however, that if it is determined that your formal complaint application does not fulfill 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 application for formal proceedings may be dismissed. If you have further questions regarding filing an application for formal proceedings, please call the FPSC's Office of the Commission Clerk office at 850-413-6770.

If you have any questions or concerns, please do not hesitate to contact me. This complaint will be closed on October 12, 2011. I can be reached via toll-free number 1-800-342-3552, my direct line 1-850-413-6459, or via e-mail at - nealforsman@psc.state.fl.us.

Sincerely,



Neal E. Forsman
Regulatory Program Administrator
BCA Process Review Group
Florida Public Service Commission
Division of Service, Safety &
Consumer Assistance

cc: Tampa Electric Company
Enclosures