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Mr. Frederick Smalkeoff
6651 Coronet Dr.
New Port Richey,
FL 34655.
April, 2013.

Office of the Commission Clerk,
2540 Shumard Oak Blvd.,
Tallahassee, FL 32399-0850

Case against FPL
Docket # 060774-EI
Order # PSC-13-0123-
PAA-EI.

This letter is to protest and disagree with the decision to dismiss issued by both the PSC legal dept., Martha Brown and staff and the order # PSC-13-0123-PAA-EI, issued by the Commission on March 5, 2013. I have addressed those specific items brought up by legal dept. lawyer Mike Dawson 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. Dawson (coached by his stated Supervisor J. Crawford and General Counsel, C. Kasser) to avoid the true facts of this case. I 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 my evidentiary statements, my 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, and even

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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 bills as ludicrously stated in Martin 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 H. Silenburger when her superiors got wind of her exclamation that, "that's illegal."

Contained in my file, within the clerks 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 it out 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 lawyers 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 vehemently and how often I was provided, how to dismiss could have been issued. It is beyond comprehension and disbelievable 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 miraculously 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 was not 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 Lewson'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). Mr. 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 or identify who was 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~~ ^{in the} Mrs. Ellenburger, 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 a 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 would not have to deal with it and to allow the harassment to continue.

They deliberately didn't look, didn't 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 third parties are and the real reasons for creating false billing as a means to gain a foothold for ~~harassment~~ targeting harassment and personal attacks, verbal and in their false reports.

One party, a powerful well connected attorney charged over \$45000.00, 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 adversarial 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 he provided the utility hierarchy with the most heinous of slander, defamations, character assassination and libel, contrary to the Canons & Ethics of the Florida Bar, to effectively 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 retribution 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 degrading and dismissing all the truthful 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 what you will do. In no way ~~any~~ 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 violative actions taken by the FPL, Con Ed Progress Energy, as well as by the PSC itself. That, ~~and~~ once again the expected 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, as I have presented them against Progress Energy as well. The decision of dismissal need to be reversed and my cases need to move forward to the next level. I demand this end. The relief I seek is for FPL to stop any further acts of false billing, targeting by themselves, or on behalf of others, and any other harassment.

Sincerely
F. Smalls Duff
[Signature]