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STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
CARLOTTA S. STAUFFER
COMMISSION CLERK
(850) 413-6770

Public Service Commission

NOTICE OF COMPLAINT

TO

Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1858
(via Certified Mail No. 7015 0640 0001 2060 5171)

RECEIVED-FPSC
2017 MAY -2 AM 11:39
COMMISSION
CLERK

Re: Docket No. 170098-EI- - Complaint by Richard Ralph Malcolm against Florida Power & Light Company.

Notice is hereby given, via certified U.S. mail, that the above-referenced complaint was filed with the Public Service Commission on May 1, 2017, a copy of which is attached.

You may file a response to this complaint with the Office of Commission Clerk at the address below, with a copy sent to the complainant. The Commission also accepts documents for filing by electronic transmission provided the electronic filing requirements are met. For information regarding these requirements, visit the Commission's website at www.floridapsc.com.

Noticed this 2nd day of May, 2017.

Sincerely,

Handwritten signature of Carlotta S. Stauffer in blue ink.

Carlotta S. Stauffer
Commission Clerk

CSS/aq
Enclosure

cc: Richard Ralph Malcolm
Office of Public Counsel
Office of General Counsel
Office of Consumer Assistance & Outreach
Docket File

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, 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, 7869161222



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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.

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

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.

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	

Showing 30 of 40

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.