

PROTEST AGAINST AGENCY RULING

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

- 7 -

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

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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

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