

IN THE FLORIDA PUBLIC SERVICE COMMISSION

TERENCE K. WOLFE,

Petitioner

v.

Formal Complaint No. _____
FPSC Inquiry No. 772351E

TAMPA ELECTRIC COMPANY,
a/k/a **TECO,**

Respondent.

PETITIONER'S FIRST FORMAL COMPLAINT

Terence K. Wolfe, ("**Wolfe**"), for his Formal Complaint, states as follows:

1) Wolfe is a resident of Brandon, Hillsborough County, Florida. Tampa Electric Company ("**TECO**") is a for-profit corporation formed under the laws of the State of Florida, does business in Florida, and is subject to the jurisdiction of the Florida Public Service Commission ("**PSC**").

2) Wolfe is a residential customer of **TECO**, living at 406 S. Bryan Circle, Brandon, FL 33511 (the "**subject residence**").

I

3) Wolfe's service from **TECO** commenced on or around February 7, 2008.

4) **TECO** failed to take a meter reading at the subject residence on or around February 7, 2008, the date on which Wolfe became the responsible party on the account, despite repeated requests by Wolfe that it do so. By failing to take a meter reading on the subject residence on or around February 7, 2008, **TECO** willfully and deliberately has spoliated evidence.

5) Since the inception of Wolfe's service with it, TECO has claimed, falsely, that Wolfe owes it money for service provided to the subject residence prior to Wolfe's becoming the responsible party on the account.

6) Wolfe denies liability to TECO for electric service provided to the subject residence prior to the date on which he became the responsible, billing party on the account.

7) During the pendency of the dispute with TECO, Mr. Wolfe has fully and timely paid all undisputed amounts for electric service to TECO.

8) The amount in dispute, according to information provided by staff of the PSC and subject to discovery, is \$485.33.

9) As of the filing of this complaint, Wolfe owes nothing to TECO.

10) Despite this, TECO continues to threaten to shut off Wolfe's electric service.

WHEREFORE, Wolfe demands entry of an Order 1) denying TECO's claim to entitlement to monies provided for electric service to the subject residence prior to the inception of Wolfe's billing responsibility on the account, 2) compelling TECO permanently to remove all disputed charges from any billing to Wolfe, and, 3) permanently enjoining TECO from taking any action to shut off electric service to the subject residence for nonpayment of the disputed amount.

II

11) On July 1, 2008, during the pendency of a dispute before the Florida Public Service Commission, TECO, without any warning to Wolfe whatever, knowingly, willfully, intentionally and maliciously shut off the power to the subject residence, in violation of PSC rules and Florida law. TECO shut off the electric service to Mr. Wolfe's home deliberately in order to harass him and in order to retaliate against him for pursuing a complaint against TECO before

the PSC. TECO shut off the electric service to Mr. Wolfe's home deliberately in order to obstruct Mr. Wolfe's ability to pursue his complaint before the PSC. TECO, furthermore, frustrated, blocked and obstructed all of Mr. Wolfe's efforts to reach it on the evening of July 1, and then shut off its telephone system promptly at 7:00 p.m., in a deliberate maneuver to prevent Wolfe from being able to reach any TECO customer service personnel after that hour. As a result of TECO's flagrantly illegal conduct, Mr. Wolfe was compelled to leave his home to purchase a generator in order to preserve his perishable food and provide basic indoor illumination, but was without water, due to being on a well and off city water, and thus had nothing to drink and was unable to bathe. Wolfe also suffered other harms and physical and emotional distress.

12) On July 2, 2008, sometime after 10:00 a.m., TECO finally restored electric service to the subject residence, without any further payment of money to it, thus proving that its shutoff of electric service had been unjustified and unlawful.

WHEREFORE, Wolfe demands entry of an Order finding TECO to have violated PSC rules and Florida law in its shutoff of electric service to the subject residence during the pendency of a dispute before the PSC, imposing an appropriate fine or sanction on TECO for its unlawful behavior, and permanently enjoining TECO from unlawfully terminating electric service to Wolfe or any other residential customer of it during the pendency of that customer's dispute of any TECO bill to it before the PSC.

Respectfully submitted,

TERENCE K. WOLFE

/s Terence K. Wolfe
Terence K. Wolfe
406 S. Bryan Circle

Dated: July 3, 2008

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