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Commission's Secretary, Office of the Secretary  
Federal Communications Commission

**PUBLIC COMMENT RE:** *Petition of Buccaneers Limited Partnership for Retroactive Waiver of 47 CFR § 64.1200(a)(4)(iv)*, CG Docket Nos. 02-278, 05-338 (filed Apr. 28, 2016)  
(Buccaneers Petition)

THIS PUBLIC COMMENT is sent with regard to the *Petition of Buccaneers L.P.* ("the Buccaneers") for a retroactive waiver of the deadline mandated by 47 CFR § 64.12090(a)(4)(iv) (the deadline in the referenced CFR was publicized and referenced in the Order adopted by the Federal Communications Commission ["the Commission"] on October 15, 2014 regarding the *Application for Review filed by Anda, Inc.* ["the *Anda Order*"]).

I speak as a member of the public, but with specialized knowledge of both the federal Telephone Consumer Protection Act ("TCPA") and the Buccaneers Limited Partnership's abusive and predatory behavior against the public for the past two decades in the Tampa Bay area. I am a consumer protection lawyer who has practiced in the Tampa Bay area for over 34 years, and have filed and litigated dozens or scores of TCPA actions, both as counsel for plaintiffs and as a party plaintiff myself. I am also responsible for the lawsuit and appeal that confirmed the right of Florida consumers to bring TCPA actions in the state without the necessity of a state legislative "opt-in" law (*see Condon v. Office Depot, Inc.*, 855 So.2d 644 (Fla. 2d DCA, 2003), a case where I was represented on appeal by attorney Michael Addison, who is also a counsel for the plaintiff in the current TCPA action pending against the Buccaneers in Tampa).

I have read DA 16-470 dated April 29, 2016 (the Commission's request for public comments); the *Petition of Buccaneers Limited Partnership for Retroactive Waiver* dated April 28, 2016; and the *Anda Order*. I am also familiar with the greedy, predatory behavior of the Buccaneers organization committed against the taxpayers in the Tampa Bay area, since I have owned property and paid taxes here during the entire time it has been extracting subsidies from the taxpayers.

There are several reasons for my opposition---and near outrage---at the waiver request by the Buccaneers, a professional football team company. Some of them follow:

1. The Buccaneers have continuously plundered the taxpayers of Tampa Bay since the multi-billionaire owner Malcolm Glazer purchased the NFL football team in 1995 (he died on May 28, 2014). When he purchased the team, Glazer immediately declared a perfectly acceptable and usable existing Tampa Stadium “inadequate” and demanded that the taxpayers be forced to tear it down and build a new one (in order to accrue richer profits for the team owners). The demand was backed by a form of blackmail: When resistance to the demand for public financing of private profits emerged, Malcolm Glazer openly contacted other cities in the United States that wanted an NFL football team. The weak politicians in Tampa ultimately acceded to the Buccaneer blackmail. After a lawsuit filed by a previous Tampa mayor went all the way to the Florida Supreme Court in opposition to the plunder of the Tampa taxpayers, the Buccaneers still eventually won; the existing stadium was demolished and a new one was built for almost \$200 million *paid for entirely by public money* (a local vote held on the question included a local media campaign, push-polls, and empty promises for funding of “new schools” and “improved public safety and infrastructure”; even so the measure barely passed by 53% to 47%). The result for the ensuing two decades has been the continued enrichment of the multi-billionaire team owners, while young people trying to buy homes and start families in Tampa find exploding property tax bills caused in part by the huge bond issues passed by local pols to benefit the Buccaneers (the “Buccaneer blackmail” in Tampa mirrored similar abuse by NFL football teams across the country during that era in demanding, and receiving, extravagant public subsidies from the taxpayers, all to further enrich the already-wealthy team owners).

2. The Buccaneers continue to prey on Tampa Bay taxpayers up to the present: Only six months ago, at the demand of the Buccaneers, the Tampa City Council approved yet another “great deal” whereby the public would pay more than \$40 million for “major renovations” at the new stadium (which was completed less than 18 years before, in late 1998). As always, the plunder is abetted by conniving local politicians dazzled by the glamor of a professional football team.

3. The Commission’s responsibility under the law is to protect the public interest. That is no less true when considering late-filed petitions for exemption from an regulation. In fact, the Commission itself stated in the *Anda Order* that “we do not waive the rule indefinitely” (p. 14, ¶ 28), and that “We expect parties making similar waiver requests to make every effort to file

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within six months of the release of this Order” (p. 15, ¶ 3) on October 15, 2014. Six months after the date of the *Anda Order* is April 15, 2015. The Buccaneers petition is dated more than a full year later, April 28, 2016. It is not in “the public interest” for the Commission to grant a late-filed petition for exemption by a company that has been sucking hundreds of millions of dollars out of the public treasury in the Tampa Bay area for decades. Did the Buccaneers L.P. not have legal counsel at the time the *Anda Order* was promulgated? Of course they did, obviously so. Yet the organization still ignored the Commission’s clear mandate as to the time limitation.

4. The Commission should also take note that the other four other petitioners addressed by the request for public commentary are business enterprises producing real products and real services produced “not at the expense of the taxpayers,” e.g. dental products, insurance services, and medical services. Nor are they part of a national monopoly, the National Football League, which would allow them to repeatedly demand and extract public subsidies of *hundreds of millions of dollars from Tampa Bay area taxpayers*.

For all of the above reasons, the Buccaneers L.P. is neither entitled to nor deserving of having its petition for exemption from the Commission’s regulations granted. After all, the Buccaneers L.P. never gave an exemption from their extravagant demand made on the city and county governments in the Tampa Bay area. Nor did the organization ever give a “waiver” to the taxpayers who have been forced for decades to enrich that particular private business. Why should the Buccaneers now be granted a special waiver by the Commission to escape accountability under the law for yet another form of abuse against members of the public in Tampa?

They should not.

Accordingly, I request that the Commission DENY THE PETITION OF BUCCANEERS LIMITED PARTNERSHIP FOR RETROACTIVE WAIVER in view of the public interest. The organization does not deserve the special consideration it requests.

Yours very truly,

Tim Condon