

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition Seeking a Refund From the Florida Power & Light Company for its Participating Customers in the Sunshine Energy Program and for its Rate-Payers

**SAPORITO ENERGY CONSULTANTS**  
**PETITION FOR HEARING AND LEAVE TO INTERVENE**

Pursuant to Chapter 120, Florida Statutes, and Rules 25-22.039 and 28-106.205, Florida Administrative Code, Saporito Energy Consultants (“SEC”), and its president by and through its undersigned president, Thomas Saporito, file this Petition for Hearing and Intervene and states as follows:

1. The name and address of the affected agency is:

The Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

2. The name and address of the Petitioners is:

Saporito Energy Consultants  
Thomas Saporito  
1095 Military Tr. #8413  
Jupiter, Florida 33468-8413  
Voice: (561) 283-0613  
Fax: (561) 952-4810  
Email: [saporito3@gmail.com](mailto:saporito3@gmail.com)  
Website: [www.saporitoenergyconsultants.com](http://www.saporitoenergyconsultants.com)

3. Copies of all pleadings, notices, and orders in this docket should be provided to:

Thomas Saporito, President  
Saporito Energy Consultants  
1095 Military Tr. #8413  
Jupiter, Florida 33468-8413  
Voice: (561) 283-0613  
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4. SEC is the privately held entity within the State of Florida. SEC's business plan encompasses the continental United States from coast-to-coast. See,

[www.saporitoenergyconsultants.com](http://www.saporitoenergyconsultants.com)

5. Statement of Affected Interests. SEC's client's interests will be affected by the Commission's determination in this proceeding. The Commission will decide in this docket whether it should ORDER Florida Power and Light Company ("FPL") to refund monies paid by its customers towards FPL's Sunshine Energy Program and/or refund any funds that FPL may have received from its rate-payers through the Florida Public Service Commission ("FPSC"). Therefore, SEC, its President and its clients' substantial interests will be affected by this proceeding.

6. Statement of Disputed Issues of Material Fact.

In public news-print, Armando J. Olivera, FPL's President, stated that,

Sunshine Energy kept every commitment to program participants. For a voluntary contribution of \$9.75 a month Sunshine Energy Promised to purchase enough renewable energy credits to offset the carbon emissions generated by 1,000 kilowatt hours of electricity consumption. That promise was kept. For every 10,000 residential customers who signed up for the program, Sunshine Energy pledged that 150 kilowatts of solar power would be built within FPL's service territory. That program kept that promise as well, with 494 kilowatts installed, more than 450 kilowatts required. Thanks to Sunshine Energy, the largest solar array in the state was built, a 250 kilowatt facility at Rothenbach Park in Sarasota County. See, Sun-Sentinel, Thursday, August 7, 2008 p.23A.

On 29 JUL 2008, the FPSC issued a public news release stating that,

The Florida Public Service Commission (Commission or PSC) today voted to terminate Florida Power & Light Company's (FPL) Sunshine Energy Program and place any future customer contributions to the program into an escrow account. PSC Commissioners further directed staff to continue to pursue an audit of how the funds were utilized by Green Mountain Energy Company, a third party

renewable contractor. The results of this audit will be considered in a future Commission proceeding.

FPL submitted a plan to modify the program, but the Commission directed the company to terminate the program instead. A prior Commission staff audit of the program indicated that only 20 percent of the \$11.4 million collected from customers was applied to developing renewable energy facilities. The majority of the collected funds were alleged to have been used for marketing and administrative costs. More than 38,000 customers voluntarily contributed to the program for almost five years. Participating residential and commercial customers made a \$9.75 monthly contribution to the Sunshine Energy Program to promote the development of renewable energy. For every 10,000 residential customers who signed up for Sunshine Energy, FPL was to develop an additional 150kw of solar power in Florida. FPL began offering its Sunshine Energy Program as a voluntary pilot green pricing program when the PSC approved it in December 2003. The pilot program was made permanent in November 2006. The PSC is committed to making sure that Florida's consumers receive their electric, natural gas, telephone, water, and wastewater services in a safe, affordable, and reliable manner. The PSC exercises regulatory authority over utilities in the areas of rate base/economic regulation; competitive market oversight; and the monitoring of safety, reliability, and service.

At issue is whether FPL improperly misled its rate-payers into contributing funds to the Sunshine Energy Program; and whether FPL improperly utilized those rate-payer funds through a business relationship with Green Mountain Energy Company.

7. Statutes and Rules that Require the Relief Requested by SEC.

Statutes and rules that require the relief requested by SEC include, but are not limited to, Sections the Florida Statutes, and Rules of the Florida Administrative Code.

Accordingly, SEC, its president, and its clients' and its potential clients' substantial interests are subject to determination in and will be affected by the Commission's decision, and SEC is entitled to intervene in this matter.

WHEREFORE, SEC requests that the Commission enter an order granting its Petition for Hearing and Leave to Intervene and further requests the parties to provide the undersigned with all papers filed in this docket.

Respectfully submitted this 8th day of August, 2008.

Saporito Energy Consultants



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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Petition to Intervene has been furnished by electronic mail this 8th day of August, 2008 to the following:

Florida Public Service Commission  
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