

**Eric Fryson**

**From:** Carrero, Elizabeth [Elizabeth.Carrero@fpl.com]  
**Sent:** Friday, August 03, 2012 1:49 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Litchfield, Wade  
**Subject:** Electronic Filing / Dkt 120015-EI / FPL's Correspondence to Ms. Ann Cole, Director, Division of the Commission Clerk

**Attachments:** Transmittal Letter to Cole- Saporito 2012 08-03.pdf

## Electronic Filing

- a. Person responsible for this electronic filing:

R. Wade Litchfield  
 Vice President and General Counsel  
 Florida Power & Light Company  
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- b. Docket No. 120015 – EI  
 In re: Petition for rate increase by Florida Power & Light Company
- c. The Document is being filed on behalf of Florida Power & Light Company.
- d. There are a total of 3 pages.
- e. The document attached for electronic filing is Florida Power & Light Company's Correspondence to Ms. Anne Cole, Director, Division of the Commission Clerk and Administrative Services.

Elizabeth Carrero  
 Executive Administrative Assistant to  
 R. Wade Litchfield, Vice President and General Counsel  
 Florida Power & Light Company  
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DOCUMENT NUMBER - DATE

05282 AUG-3 2012

8/3/2012

FPSC-COMMISSION CLERK



**R. Wade Litchfield**  
Vice President and General Counsel

August 3, 2012

Ms. Ann Cole, Director  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399-0850

Re: Docket No. 120015-EI

Dear Ms. Cole:

In light of the letter dated August 1, 2012 that Mr. Saporito electronically filed in this docket, I ask that this response and the attached reference sheet also be included in the docket file.

Mr. Saporito was terminated for cause from Florida Power & Light ("FPL" or the "Company") in 1988. Since that time, he has engaged in something of a vendetta against FPL, filing repeated, baseless claims in numerous proceedings before various regulatory bodies. His campaign of harassment has resulted in a considerable drain of public agencies' time and financial resources. For example, last year, a United States Department of Labor Administrative Law Judge ("ALJ") imposed sanctions on Mr. Saporito for filing actions against FPL that were "frivolous, an abuse of legal and judicial process, and fraudulent . . . The ALJ concluded that [Saporito] has demonstrated a pattern of malicious and frivolous filings involving" FPL. The ALJ placed Mr. Saporito on notice that future complaints against FPL may be referred to the U.S. District Court for the Southern District of Florida for sanctions and to a U.S. Attorney for potential felony perjury. *Saporito v. Florida Power & Light Co.*, 2011-ERA-007 (ALJ Mar. 9, 2011). For reference, a list summarizing his long history of filing unsubstantiated claims against FPL is attached as Exhibit A.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wade Litchfield', is written over a horizontal line.

Wade Litchfield  
Vice President and General Counsel  
Florida Power & Light Company

RWL:ec  
Attachment  
cc: Parties of Record (w/encl.)  
Florida Power & Light Company

DOCUMENT NUMBER-DATE

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Exhibit A

1. Saporito's employment with FPL was terminated for cause *in 1988* for multiple acts of insubordination, and he has been attempting to litigate and re-litigate the termination of his employment in multiple fora ever since. A U.S. Department of Labor (DOL) Administrative Law Judge (ALJ) ruled in a written decision that FPL's termination of Saporito's employment in 1988 was justified because there was "overwhelming" evidence that Saporito was repeatedly insubordinate, "insolent," "*blatantly lied*" and "*clearly lied*" to management, and engaged in a "mockery of management's role."<sup>1</sup>
2. In the timeframe following the 1988 termination, Saporito filed four nuclear whistleblower discrimination complaints against FPL – all of which were dismissed. Saporito v. Florida Power & Light Co., 1990-ERA-027, -047 (Sec'y Aug. 8, 1994); Saporito v. Florida Power & Light Co., 1993-ERA-023 (Sec'y Sept. 7, 1995); Saporito v. Florida Power & Light Co., 1994-ERA-035 (ARB Jul. 19, 1996) (complaint dismissed by the ARB as "frivolous"); Saporito v. Florida Power & Light Co., 2006-ERA-008 (ALJ Mar. 24, 2006) (voluntarily dismissed).
3. Most recently, the ARB issued an order consolidating four current discrimination cases filed by Saporito against FPL, held that all of Saporito's pending complaints were "without merit and frivolous," and imposed sanctions in the form of prefiling requirements on Saporito for any future appeal to the ARB of any decision involving FPL because of Saporito's "string of vexatious, harassing, and duplicative complaints against FPL, without a good faith expectation of prevailing, and subsequent appeals to the [ARB] that are wholly without merit." Saporito v. Florida Power & Light Co., 2009-ERA-001, etc. (ARB Apr. 29, 2011).
4. In another recent case, a DOL ALJ imposed additional sanctions on Saporito for filing actions against FPL that are "frivolous, an abuse of legal and judicial process, and fraudulent...[Saporito] has demonstrated a pattern of malicious and frivolous filings involving" FPL. The ALJ placed Saporito on notice that future complaints against FPL may be referred to the U.S. District Court for the Southern District of Florida for sanctions and to a U.S. Attorney for potential felony criminal prosecution for corruption of administrative proceedings and/or perjury. Saporito v. Florida Power & Light Co., 2011-ERA-007 (ALJ Mar. 9, 2011). Saporito did not appeal this decision so it is now a final DOL agency action.

<sup>1</sup> Saporito v. Florida Power & Light Co., 1989-ERA-007, 1989-ERA-017 (ALJ Oct. 15, 1997, *aff'd*, DOL Administrative Review Board ("ARB") Case No. 98-008 (Aug. 11, 1998); *aff'd sub nom Saporito v. DOL*, 192 F.3d 130 (11th Cir. 1999) (*per curiam*), *reh'g en banc denied*, 210 F.3d 395 (11th Cir. 2000) (unpublished table decision); *see also Saporito v. Florida Power & Light Co.*, ARB Case No. 04-079 (Dec. 17, 2004); *aff'd sub nom Saporito v. DOL*, No. 05-10749-DD slip op. (11<sup>th</sup> Cir. June 2, 2005), *reh'g denied*, slip op. (11<sup>th</sup> Cir. July 21, 2005), *cert. denied*, slip op. (Jan. 23, 2006). All DOL decisions regarding Saporito's numerous claims of discrimination are available at <http://www.oalj.dol.gov>.

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5. Saporito has also filed numerous petitions with the U.S. Nuclear Regulatory Commission seeking enforcement action against FPL. All of these petitions have been denied.
6. In another whistleblower discrimination case in which Saporito appeared as a witness, the ALJ found that Saporito's testimony was "not credible" and that evidence sponsored by Saporito "may have been fabricated entirely." Dysert v Florida Power Corp., 1993-ERA-21 (ALJ June 3, 1994), *aff'd*, (Sec'y Aug. 7, 1995), *aff'd sub nom*, Dysert v. U.S. Secretary of Labor, 105 F.3d 607 (11th Cir. 1997).
7. Saporito has filed numerous other meritless whistleblower discrimination complaints against other respondents. Saporito v. Asplundh Tree Expert Co., 2005-CAA-00013 (ALJ Mar. 15, 2006); Saporito v. GE Medical Systems et al, 2003-CAA-00001/00002 (ALJ Oct. 15, 2004) (ARB issued Final Decision and Order Approving Settlement and Dismissing Complaint May 24, 2005).