

**Eric Fryson**

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**From:** Thomas Saporito [saporito3@gmail.com]  
**Sent:** Thursday, November 08, 2012 3:42 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Docket No. 120015-EI Thomas Saporito's Prehearing Statement  
**Attachments:** 2012.11.08 Saporito's Prehearing Statement.pdf  
**Electronic Filing**

a. Person responsible for this electronic filing:

Thomas Saporito  
6701 Mallards Cove Rd. Apt 28H  
Jupiter, Florida 33458  
Phone: 561-972-8363  
Email: saporito3@gmail.com

b. Docket No. 120015-EI

In re: Petition for rate increase by Florida Power & Light Company. (FPL's Proposed Settlement Agreement)

c. The document(s) is/are being filed on behalf of Thomas Saporito.

d. The total number of pages is 4.

e. Brief description of documents being filed:

- Notice of Service of Thomas Saporito's Prehearing Statement

\*\*\* Please discard prior filing this date \*\*\*

Thank you for your cooperation and timely attention to this electronic filing.

s/Thomas Saporito

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Thomas Saporito  
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DOCUMENT NUMBER-DATE

07564 NOV-8 2012

FPSC-COMMISSION CLERK

11/8/2012

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Petition for Rate Increase by  
Florida Power and Light Company**

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**Docket No. 120015-EI  
Dated:**

**THOMAS SAPORITO'S PREHEARING STATEMENT**

In accordance with Order No. PSC-12-0529-PCO-EI, filed on October 3, 2012, Citizen

Intervenor Thomas Saporito (Saporito) files his Prehearing Statement.

a. All Known Witnesses:

None at this time.

b. All Known Exhibits:

None at this time.

c. Saporito's Statement of Basic Position:

Saporito maintains that Florida Power & Light Company's (FPL's) proposed settlement agreement in this matter is "illegal" and violates the due-process rights of Saporito and the due-process rights of other Intervenor in this docket. Saporito further maintains that the Commission lacks requisite jurisdiction and authority to hold further hearing for the purpose of considering FPL's proposed settlement agreement at the expense of the ratepayers – and that any decision rendered by the Commission would be invalidated by the Florida Supreme Court on appeal.

d. Saporito's Position on the Issues:

ISSUE 1: Are the generation base rate adjustments for the Canaveral Modernization Project, Riviera Beach Modernization Project, and Port Everglades Modernization Project, contained in paragraph 8 of the Stipulation and Settlement, in the public interest?

POSITION: NO.

ISSUE 21: Is the provision contained in paragraph 10(b) of the Stipulation and Settlement, which allows the amortization of a portion of FPL's Fossil Dismantlement Reserve during the Term, in the public interest?

POSITION: NO.

ISSUE 32: Is the provision contained in paragraph 11 of the Stipulation and Settlement, which relieves FPL of the requirement to file any depreciation or dismantlement study during the Term, in the public interest?

POSITION: NO.

ISSUE 43: Is the provision contained in paragraph 12 of the Stipulation and Settlement, which creates the "Incentive Mechanism" including the gain sharing thresholds established between customers and FPL, in the public interest?

POSITION: NO.

ISSUE 54: Is the Settlement Agreement in the public interest?

POSITION: NO.

ISSUE (New): Is the Settlement Agreement provision which increases the customer late fee amount in the public interest?

POSITION: NO.

e. Stipulated Issues:

Saporito is not aware of any stipulated issues at this time; however, Saporito would agree to stipulate that all issues raised in this matter relating to FPL's proposed settlement agreement are illegal as a matter of law.

f. Pending Motions:

Saporito has no pending motions before the Commission at this time; however, Saporito has a writ pending before the Florida Supreme Court seeking relief from the Commission's Order in the instant action.

g. Pending Confidentiality Claims or Requests:

Saporito has no pending confidentiality claims or requests at this time.

h. Objections to Witness Qualifications as an Expert:

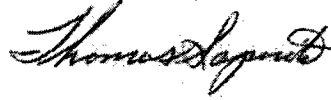
To the extent that FPL intends to call or may call Dr. Avers to testify in this matter, Saporito would strenuously object – on the grounds that Dr. Avers testimony thus far in this dockets has been less than truthful and/or accurate.

i. Compliance with Order No. Error: Reference source not found

Saporito has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 8th day of November 2012.

Thomas Saporito  
6701 Mallards Cove Rd. Apt. 28H  
Jupiter, Florida 33458  
Phone: (561) 972-8363  
Email: saporito3@gmail.com

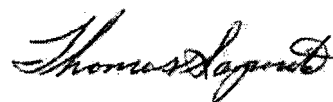


By: \_\_\_\_\_

**CERTIFICATE OF SERVICE  
DOCKET NO. 120015-EI**

I HERBY CERTIFY that a true and correct copy of the foregoing document was served electronically via email/link on this 8th day of November 2012 to the following:

Keino Young Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850	Daniel & Alexandra Larson 16933 W. Harlena Drive Loxahatchee, Florida 33470
John T. Butler Florida Power & Light Company 700 Universe Blvd. Juno Beach, Florida 33408-0420	William C. Gardner Nabors, Giblin & Nickerson, P.A. 1500 Mahan Drive, Suite 200 Tallahassee, Florida 32308
Kenneth Wiseman/Mark Sundback Andrews Kurth LLP 13501 I Street N.W., Suite 1100 Washington, D.C. 20005	Paul Woods/Quang Ha/Patrick Ahlm Algenol Biofuels Inc. 28100 Bonita Grande Drive, Suite 200 Bonita Springs, Florida 24135
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By: \_\_\_\_\_