

**Ruth Nettles**

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**From:** Thomas Saporito [saporito3@gmail.com]  
**Sent:** Saturday, August 16, 2008 11:58 AM  
**To:** Filings@psc.state.fl.us  
**Subject:** DOCKET: 080002-EG  
**Attachments:** 16 AUG 2008 SEC AND THOMAS SAPORITO AMENDED PETITION FOR L..pdf

Please find the attached PDF file pleading for filing with the Florida Public Service Commission in Docket: 080002-EG.

Very truly yours,

Thomas Saporito, President  
Saporito Energy Consultants  
T: 1-561-283-0613

8/18/2008

DOCUMENT NUMBER-DATE  
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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Energy Recovery  
Cost Recovery Clause

Docket: 080002-EG  
Date: 16 AUG 2008

**SAPORITO ENERGY CONSULTANTS' AND THOMAS SAPORITO'S  
AMENDED PETITION FOR LEAVE TO INTERVENE IN DOCKET 080002-EG  
IN RESPONSE TO FLORIDA POWER AND LIGHT COMPANY'S 15 AUG  
2008, RESPONSE IN OPPOSITION TO SAID PETITION**

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 Amended Petition for Leave to Intervene in Docket 080002-EG in Response to Florida Power and Light Company's 15 AUG 2008, Response in Opposition to said petition and state as follows:

1. The name and address of the Petitioners is:

Saporito Energy Consultants  
Thomas Saporito  
1030 Military Tr. #25  
Jupiter, Florida 33458  
Voice: (561) 283-0613  
Fax: (561) 952-4810  
Email: saporito3@gmail.com  
Website: www.saporitoenergyconsultants.com

2. Copies of all pleadings, notices, and orders in Docket 080002-EG should be provided to:

Thomas Saporito, President  
Saporito Energy Consultants  
Post Office Box 8413

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Jupiter, Florida 33468-8413  
Voice: (561) 283-0613  
Fax: (561) 952-4810  
Email: saporito3@gmail.com

A. On 15 AUG 2008, the Florida Power and Light Company ("FPL") submitted a Response in Opposition to SEC's Petition to Intervene in Docket 080002-EG stating that:

" . . . Mr. Saporito has failed to allege that he is at risk of suffering any injury in fact of sufficient immediacy to entitle him to a hearing, or that such injury is of a nature which this proceeding is designed to protect, and accordingly, his request for intervention should be denied" *Id.* at 3.

#### **PETITIONERS' RESPONSE**

Petitioner Thomas Saporito ("Saporito") is an FPL rate-payer and as such, he is at risk of suffering injury in fact of sufficient immediacy to entitle him to a hearing, and that such injury is of a nature which this proceeding is designed to protect. Notably, FPL is held accountable for its actions to its customers and its rate-payers as a regulated utility under the rules and regulations of the Florida Public Service Commission ("FPSC"). FPL does not deny such regulation by FPSC. Consequently, any and all decisions rendered by the FPSC related to FPL's conduct, performance, administration, and all other matters pertaining to its rate-payers is subject to challenge by any Florida resident and FPL rate-payer. Saporito is a

Florida resident with documents of domicile registered with the State of Florida. As stated above, Saporito is a FPL rate-payer and customer of FPL. In the instant action currently before the FPSC, FPL accepted funds from some of its rate-payers on a voluntary basis. These FPL rate-payers and customers believed that that their funds would be appropriately applied to the Sunshine Energy Program ("SEP"). Petitioners contend that FPL "duped" its customers and rate-payers who contributed to the SEP and that the FPSC should **ORDER** FPL to refund all monies received from its customers and rate-payers who voluntarily contributed to the SEP. As an FPL customer and rate-payer, Saporito has "zero" confidence in believing that FPL will act prudently and ethically in future FPSC programs administered by FPL to its customers and to its rate-payers. Saporito is at risk to being duped by FPL in the future unless the FPSC makes a determination to **ORDER** FPL to refund the SEP funds received from its customers and its rate-payers. Saporito contends here, that he represents, not only his personal interests in the instant action, but also the interests of the FPL customers and FPL rate-payers who took part in the SEP and who were apparently "duped" by FPL as a result of their participation.

Saporito has appeared before the FPSC *pro se* in at least one other proceeding on behalf of FPL rate-payers and FPL customers seeking a refund from FPL due to FPL's lack of performance to its customers and to its rate-payers. In that proceeding, Saporito was apparently successful in persuading the FPSC to ORDER that FPL refund approximately 42-million dollars to its customers and to its rate-payers. Thus, Saporito is more than qualified to represent his interests, the interests of SEC and the interests of the FPL customers and FPL rate-payers in the instant action. Accordingly, FPL's motion in opposition to Petitioners' Petition for Leave to Intervene should be denied.

B. On 15 AUG 2008, the Florida Power and Light Company ("FPL") submitted a Response in Opposition to SEC's Petition to Intervene in Docket 080002-EG stating that:

"... SEC is not a legal entity with the capacity to participate in this proceeding . . . SEC does not allege that it is a corporation, non profit corporation, or any other entity with the legal capacity to sue and be sued by statute. . . Accordingly, SEC does not appear to be an entity recognized in Florida with the capacity to intervene." *Id.* at 3.

#### **PETITIONERS' RESPONSE**

As stated in Petitioners' initial Petition for Hearing and Leave to Intervene, SEC is a privately held entity. Saporito is the current President of SEC and Saporito's tax

filings with the United States Internal Revenue Service ("IRS") require that Saporito claim and identify all funds received by SEC on his "personal" tax return. Thus, SEC is duly recognized by a United States government agency as a legal entity accountable for taxation just the same as registered companies like FPL. SEC and its potential customers and clients are subject to the very same risk of suffering injury in fact of sufficient immediacy to entitle SEC to a hearing, and that such injury is of a nature which this proceeding is designed to protect. Notably, SEC is currently seeking a business partnership and relationship with FPL to provide FPL's customers and FPL's rate-payers with a home energy survey to assist them in reducing their home energy needs. SEC believes its business plan to engage FPL in a business partnership and a business relationship will ultimately serve to reduce the need for FPL to build additional costly power plants in the State of Florida. Where, as here, FPL's management practices with respect to the SEP call into question the manner in which its customers and rate-payers were persuaded by FPL to voluntarily contribute to the SEP, directly affects SEC's business with FPL's customers and its rate-payers. Thus, any decision rendered in the instant action by the FPSC directly affects SEC and its business plan. Accordingly,

SEC has a right to participate in the instant action before the FPSC.

C. On 15 AUG 2008, the Florida Power and Light Company ("FPL") submitted a Response in Opposition to SEC's Petition to Intervene in Docket 080002-EG stating that:

". . . The Commission's rules require that a party be represented by an attorney or a "qualified representative . . . Mr. Saporito is purporting to represent SEC and SEC's client's interest, but Mr. Saporito is not an attorney, and has not made the required filing of qualifications for consideration to become a "qualified representative" . . . Accordingly, Mr. Saporito is not entitled to represent SEC or SEC's clients before the Commission in this proceeding." *Id.* at 5.

#### PETITIONERS' RESPONSE

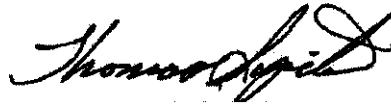
As stated in earlier in this pleading, Saporito previously appeared before the FPSC representing his interests and the interests of FPL's customers and FPL's rate-payers and Saporito successfully argued his legal points of law and ultimately persuaded the FPSC to **ORDER** FPL to refund substantial funds back to its customers and rate payers. FPL does not contest this point. Where Saporito has successfully argued at least one previous proceeding before the FPSC involving FPL, he is certainly qualified to do so once again in the instant action. Accordingly, FPL's motion in opposition should be denied.

**CONCLUSION**

Wherefore, all the foregoing reasons, FPL's motion in opposition to Saporito's and to SEC's Intervention in Docket 080002-EG should be denied.

Respectfully submitted this 16<sup>th</sup> day of August, 2008.

Saporito Energy Consultants



Thomas Saporito, President  
Saporito Energy Consultants  
Post Office Box 8413  
Jupiter, Florida 33468-8413

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been furnished by electronic means this 16th day of August, 2008 to the following:

Florida Public Service Commission  
Jennifer Brubaker, Esq.  
[jbrubake@psc.state.fl.us](mailto:jbrubake@psc.state.fl.us)

Florida Power & Light Company  
Mitchell S. Ross, Esq.  
[mitch.ross@fpl.com](mailto:mitch.ross@fpl.com)



By: \_\_\_\_\_  
Thomas Saporito