

Saporito Energy Consultants, Inc.



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24 July 2009

Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RECEIVED - FPSC
09 JUL 27 PM 1:31
COMMISSION
CLERK

*In re: Petition for Increase in rates by Florida Power & Light Company
PSC-Docket No. 080677-EI*

Dear Commission Clerk:

Enclosed herewith, please find an original and 7-copies of Intervenor, Thomas Saporito's prehearing statement for filing with the Florida Public Service Commission (FPSC), in accordance with FPSC Order No. PSC-09-0159-PCO-EI, (March 20, 2009), regarding the above-captioned matter.

Kind regards,

Thomas Saporito
President

COM	_____
<u>ECR</u>	_____
GCL	1
OPC	_____
RCF	1
SSC	1
SGA	1
ADM	_____
CLK	_____

DOCUMENT NUMBER-DATE
07638 JUL 27 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for increase
in rates by Florida Power
and Light Company.

DOCKET NO. 080677-EI

SERVED: 24 JUL 2009

INTERVENOR THOMAS SAPORITO'S PREHEARING STATEMENT

NOW COMES, Intervenor Thomas Saporito (Saporito) and files *Intervenor Thomas Saporito's Prehearing Statement* in the above-captioned matter and states as follows:

- (1) **The name of all known witnesses whose testimony has been prefiled or who may be called by the party, along with subject matter of each such witness's testimony.**

Thomas Saporito may be called as a witness whose testimony has been prefiled in this proceeding dealing with the subject matter related to: (1) a decrease in Florida Power and Light Company's (FPL's) customer base resulting from the ongoing serious downturn in the U.S. economy which will continue well into FPL's test-year period; and (2) FPL's financial resources, credit worthiness, credit rating, credit facilities, and investor confidence and interest to support investment in improving fuel efficiency, generating cleaner energy and enhancing system reliability while keeping customer bills low; and (3) FPL's opportunity through the American Recovery and Reinvestment Act of 2009, to provide its 4.5 million customers with a leased renewable energy package through net-metering and LED lighting to reduce FPL's existing base-load and thereby

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significantly decreasing FPL's need to make further investments in plant and infrastructure; and (4) the Commission's jurisdiction under Florida law at Section 366.06(1) and 367.08(2) prohibiting FPL's use of the 2010 test-year and use of the 2011 test-year in speculating future projections of costs invested and used and useful in the public service.

- (2) **A description of all prefiled exhibits and other exhibits that may be used by the party in presenting its direct case (including individual components of a composite exhibit) and the witness sponsoring each.**

Exhibit TS-001 is a June 15, 2009 (3-page) document entitled *Average Retail Price of Electricity to Ultimate Customers by End-Use Sector, by State* and sponsored by Thomas Saporito.

Exhibit TS-002 is a June 15, 2009 (5-page) document entitled *Electric Power Monthly* sponsored by Thomas Saporito.

Exhibit TS-003 is a June 15, 2009 (3-page) document entitled *Net Generation by Energy Source: Total (All Sectors)* sponsored by Thomas Saporito.

Exhibit TS-004 is a June 15, 2009 (3-page) document entitled *Total Electric Power Industry Summary Statistics* sponsored by Thomas Saporito.

Exhibit TS-005 is a June 27, 2009 (1-page) document entitled *Standard & Poor's Stock Report FPL Group Inc.* sponsored by Thomas Saporito.

Exhibit TS-006 is a November 19, 2004 (8-page) document entitled *Operation and Maintenance Field Experience for Off-grid Residential Photovoltaic Systems* sponsored by Thomas Saporito.

Exhibit TS-007 is a 2004 (5-page) document entitled *FPL Group 2004 Annual Review Florida* sponsored by Thomas Saporito.

Exhibit TS-008 is a March 25, 2009 (21-page) excerpt from a 136-page) document entitled *FPL Group 2008 Annual Report* sponsored by Thomas Saporito.

Exhibit TS-009 is a 2009 (3-page) document illustrating various bank rates on financial instruments sponsored by Thomas Saporito.

Exhibit TS-010 is a 2009 (5-page) document illustrating the present condition of the U.S. economy with respect to unemployment, home foreclosures, and economic stress sponsored by Thomas Saporito.

Exhibit TS-011 is a March 3, 2009 (1-page) document entitled *More cities tap stimulus package for LED streetlights* sponsored by Thomas Saporito.

(3) A statement of the party's basic position in the proceeding.

The basic position of Thomas Saporito in this proceeding is that FPL's proposed rate increase is not prudent and is not required at this time to make investments used and useful in the public service; and that the Florida Public Service Commission

(FPSC) should deny FPL's petition for a rate increase; and further that the FPSC should Order FPL to lower its rates by \$1.3 billion dollars.

(4) **A statement of each question of fact, question of law, and policy question that the party considers at issue, along with the party's position on each issue, and, where applicable, the names of the party's witness(es) who will address each issue.**

- Issue #1 - whether FPL's petition for a rate increase is prudent and necessary to make investments used and useful in the public service?
- Position - FPL's petition for a rate increase is not prudent and is not necessary to make investments used and useful in the public service and this issue will be addressed by Thomas Saporito.
- Issue #2 - whether FPL's rates should be decreased by \$1.3 billion dollars?
- Position - FPL's rates should be decreased by \$1.3 billion dollars and this issue will be addressed by Thomas Saporito.
- Issue #3 - whether the FPSC has jurisdiction under Florida law at Sections 366.06(1) and 367.08(2) to consider FPL's petition for a rate increase based on FPL's projected 2010 test-year period of the 12-months starting January 1, 2010 and ending December 31, 2010

supported by future speculative projections of costs and investments used and useful in the public service?

- Position - the FPSC lacks requisite jurisdiction under Sections 366.06(1) and 367.08(2) of the Florida law to consider FPL's petition for a rate increase based on a 2010 test-year period of the 12-months starting January 1, 2010 and ending December 31, 2010 supported by future speculative projections of costs and investments used and useful in the public service and this issue will be addressed by Thomas Saporito.
- Issue #4 - whether the FPSC has jurisdiction under Florida law at Sections 366.06(1) and 367.08(2) to consider FPL's petition for a rate increase based on FPL's projected 2011 test-year period of the 12-months starting January 1, 2011 and ending December 31, 2011 supported by future speculative projections of costs and investments used and useful in the public service?
- Position - the FPSC lacks requisite jurisdiction under Sections 366.06(1) and 367.08(2) of the Florida law to consider FPL's petition for a rate increase based on a 2011 test-year period of the 12-months starting January 1, 2011 and ending December 31, 2011 supported by future speculative projections of costs and investments used and

useful in the public service and this issue will be addressed by Thomas Saporito.

(5) A statement of issues to which the parties have stipulated.

The party's are not believed to have stipulated to any issues at this time.

(6) A statement of all pending motions or other matters the party seeks action upon.

There are no pending motions or other matters that Thomas Saporito seeks action upon at this time.

(7) A statement identifying the party's pending requests or claims for confidentiality.

There are no pending requests or claims for confidentiality made by Thomas Saporito at this time.

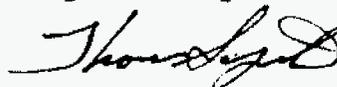
(8) Any objections to a witness's qualifications as an expert.

There are no objections to any witness's qualifications as an expert at this time.

(9) A statement as to any requirement set forth in this order that cannot be complied with, and the reasons therefore.

All requirements set forth in this order have been complied with to the best knowledge of Thomas Saporito.

Respectfully submitted,



Thomas Saporito, President

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing document was provided to the following by regular U.S. mail on this 27th day of July, 2009:

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By: 