From the Desk of Thomas Saporito

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COMMISSION CLERK

August 4th, 2012

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

In re: Docket No. 120015-EI – Petition for Increase in Rates by Florida Power & Light Co.

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 in accordance with Order No. PSC-12-0143-PCO-EI dated March 26, 2012 – in connection with the above-captioned matter.

Kind regards,

Thomas Saporito
Intervenor, *pro se*

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for increase in rates by
Florida Power & Light Company
_______________________________/

DOCKET NO. 120015-EI

FILED: 04 AUG 2012

PREHEARING STATEMENT OF THOMAS SAPORITO

Intervenor Thomas Saporito, *pro se*, in accordance with the *Order Establishing Procedure* in the instant action, Order No. PSC-12-0143-PCO-EI , issued March 26, 2012, hereby submits this Prehearing Statement.

APPEARANCES:

Thomas Saporito
Intervenor *pro se*
6701 Mallards Cove Rd. APT 28H
Jupiter, Florida 33458
On behalf of Thomas Saporito

1. WITNESSES:

Intervenor intends to call the following witness who will address the issues indicated as follows:

NAME	ISSUES
Thomas Saporito	2, 4, 5, 10, 13, 19, 30, 31, 54, 58, 60, 62, 77 85, 94, 99, 100, 113, 127, 128, 134, 135, 136, 143

2. EXHIBITS:

Through witness Thomas Saporito, Intervenor intends to introduce the following exhibits which can be identified in a composite format:

TS-1	40 Gallon Electric Water Heater
TS-2	EcoSmart Tankless Water Heater
TS-3	Typical Electric Usage of Appliances

TS-4	Saporito's May 2012 FPL Electric Bill
TS-5	Ally Bank CD Rate Schedule
TS-6	Facts About FPL's Rate Request
TS-7	Bureau of Labor Statistics Data
TS-8	Nextera Annual Report 2011 Specific Pages Extracted
TS-9	Florida Unemployment Rate
TS-10	Bloomenergy ES-5700 Energy Saver Bloomenergy Customer Listings

3. STATEMENT OF BASIC POSITION

The Florida Power & Light Company's (FPL's) petition in which FPL requests authority from this Commission to increase base rates charged to its customers by $690.4-million dollars is grossly outrageous – and clearly illustrates why this Commission must exercise its regulatory authority to restrain this monopoly's conduct and behavior through meaningful and ongoing regulatory oversight. FPL's request to increase base rates is nothing more than a demand for a 16% increase in profits at the worse possible time when customers – and the entire state of Florida – are experiencing severe and unparalleled economic hardships. This is not the time for FPL to be seeking an increase in base rates – rather this is the time that FPL should be assisting its customers and the state of Florida by **lowering** its base rates to provide needed relief for unemployed families struggling to survive, for senior citizens living on fixed incomes, and to provide a measure of relief to hospitals and to the general business sector to assist Florida's job growth and economic recovery. Notably, FPL's arrogance in requesting a 1.3-billion dollar base rate increase three-years ago came during the worst financial and economic crisis our state has ever experienced. FPL's request was regulatory diminished to approximately 75-million dollars via a settlement agreement. Since that time, the economic conditions in Florida have actually worsened with construction activities almost non-existent – and with an unemployment rate at

8.6% and well-above the national average – causing severe economic hardship to FPL customers including the business sector.

FPL's request for a return on equity (ROE) of 11.25% with a .25% performance adder is simply unconscionable in our existing dismal economic climate. Notably, as the yield on the U.S. 10-year treasury bill stands under 1.5% - a ROE of 6% is more that sufficient to attract investment in FPL – especially where FPL has a very low risk profile. Moreover, FPL recently reported a 17% profit for the current quarter which clearly evidences that the company's ROE requires a downward adjustment. FPL requests that this Commission force the customers to pay for the Cape Canaveral Natural Gas plant through a base rate increase – absent any concurrent regulatory consideration of FPL's current rate structure to absorb all of the costs without any increase in base rates – and/or absent any regulatory consideration of FPL's recent 17% profit report for the most recent quarter. Incredibly, FPL has failed to offset any need to construct more power plants – through implementation of energy conservation and energy efficient appliances such as tankless or "on-demand" water heaters and photo voltaic solar systems installed at customer locations. As Commissioner Brise' succinctly stated - *"As more and more consumers benefit from the PSC's net metering rules, Florida's economy and environment are also reaping rewards,".* ***See, http://www.evwind.es/2012/06/19/solar-power-in-florida/*** As championed by Commissioner Edgar, Florida's PSC assisted growth by establishing rules in 2007 that promote development of customer-owned renewable generation. By making it easier for customers to interconnect their system with the utility's grid, the PSC's net metering rules encourage customer use of clean renewable generation that also lowers their utility bills.

FPL's request to increase base rates is overreaching and devoid of the standards of fairness and reasonableness – and compels deliberate action by this Commission to **reduce** FPL's base rates in these dire economic conditions to foster a business climate which promotes job growth and economic recovery for the state of Florida to provide needed relief for the economic benefit of FPL consumers.

As Chairman Brise' recently stated, "... *Our responsibility as economic regulators is to make sure at the end of the day everything is measured in such a way that when our consumers are impacted, it makes sense financially for them and it's all in the general interest."* ***See, The Florida Current (Aug. 2, 2012).***

4. STATEMENT OF FACTUAL ISSUES AND POSITIONS

Legal Issues

ISSUE 1: Absent a stipulation of parties in this case, does the Commission possess legal authority to grant FPL's proposal to continue utilizing the storm cost recovery mechanism that was one of the terms of the settlement agreement that the Commission approved in Order No. PSC-11-0089-S-EI?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 2: Does the Commission have the legal authority to approve FPL's requested base rate step increase for the Canaveral Modernization Project (CMP) if the CMP does not go into service until after the 2013 test year?

SAPORITO: NO – the Commission lacks requisite jurisdiction and authority to decide issues that are clearly outside of the test year in question in this docket.

ISSUE 3: Does Commission Rule 25-6.1351, "Cost Allocation and Affiliate Transactions," require FPL to implement and apply the criteria (greater of market price or fully allocated cost for charges to affiliates, lesser of market price or fully allocated cost for charges paid to affiliates) and related requirements of the rule to all affiliate transactions?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 4: With respect to amounts that FPL charges or pays to affiliates, who has the burden of proof in this proceeding to demonstrate the amounts comply with Commission Rule 25-6.1351 and should be allowed in the cost of service borne by customers?

SAPORITO: FPL has the burden of proof in this proceeding to demonstrate the amounts comply with Commission Rule 25-6.1351 and such costs should not be allowed in the cost of service borne by customers in this docket.

ISSUE 5: Does the Commission possess legal authority to grant increased profit as a performance based reward over and above fair, reasonable, just and compensatory rates without specific legislative authority such as that granted to the Commission by the legislature in §366.82 Fla. Stat.?

SAPORITO: NO, the Commission lacks requisite jurisdiction and authority to reward FPL on performance based considerations for adjustment of FPL's ROE.

ISSUE 6: If the answer to Issue 5 is yes, does the Commission possess the legal authority to reward FPL based on performance relative to other businesses, may of which are FPL counterparties, and none of which are comparable to FPL in size, location, resources, customer base, etc, rather than on absolute measurements of performance?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 7: If the answer to Issue 6 is yes, must the Commission consider the negative policy implications of rewarding FPL for performance relative to it's counterparties in giving FPL an incentive to use its market power and legislative lobbying power to keep other Florida electric utility rates higher than its own in order to reap the incentive reward for performance measured relative to such entities?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 8: Is there an inherent conflict between the interests of the ratepaying public and the interests of NextEra Energy, Inc. shareholders such that the Commission must disallow FPL expenses benefiting shareholders rather than ratepayers in order to comply with its statutory mandate under §366.01 Fla. Stat. to protect the public welfare?

SAPORITO: Intervenor takes no position on this issue at this time.

Test Period and Forecasting

ISSUE 9: Is FPL's projected test period of the 12 months ending December 31, 2013 appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 10: Are FPL's forecasts of Customers, KWH, and KW by Rate Class and Revenue Class, for the 2013 projected test year appropriate? If not, what forecasts of Customers, KWH, and KW by Rate Class and Revenue Class should the Commission use in determining revenues and setting rates in this case?

SAPORITO: NO – FPL's forecasts of Customers, KWH, and KW by Rate Class and Revenue Class, for the 2013 projected test year is not appropriate. FPL's forecasts appear to be erroneous and inaccurate.

ISSUE 11: Are FPL's projected revenues from sales of electricity by rate class at present rates for the 2012 prior year and projected 2013 test year appropriate? If not, what are the appropriate projected amounts of revenues from sales of electricity for the 2012 prior year and projected 2013 test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 12: What, if any, provisions should the Commission make in setting FPL's rates for the 2013 test year to address uncertainty related to projecting billing determinants and revenues?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 13: What are the appropriate inflation, customer growth, and other trend factors for use in forecasting the 2013 test year budget?

SAPORITO: The appropriate inflation, customer growth, and other trend factors for use in forecasting the 2013 test year budget – must include consideration of U.S. Federal Reserve's inflation forecasts; and consideration of Florida's high unemployment rate; and other factors which would otherwise limit or negate FPL's need for a rate increase.

ISSUE 14: Is FPL's proposed separation of costs and revenues between the wholesale and retail jurisdictions appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

Quality of Service

ISSUE 15: Is the quality and reliability of electric service provided by FPL adequate?

SAPORITO: Intervenor takes no position on this issue at this time.

Base Rate

ISSUE 16: Should the revenue requirement associated with the West County Energy Center Unit 3 currently collected through the Capacity Cost Recovery Clause be included in base rates?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 17: Should FPL's adjustment to extend the amortization period of the new SAP general ledger system from 5 years to 20 years be approved?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 18: Has FPL made the appropriate adjustments to remove all non-utility activities from Plant in Service, Accumulated Depreciation and Working Capital for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 19: Whether FPL's allegation that a base rate increase is needed to construct the poles, wires, and transformers needed to serve an anticipated 100,000 new customer accounts from the end of 2010 through the end of 2013 is accurate and true?

SAPORITO: NO, FPL's anticipated 100,000 new customer accounts does not appear to be accurate and true – given FPL's historical record of new customer accounts, the current economic environment, and given the rise in rental units and availability of foreclosed homes – which do not require "new" infrastructure – poles, wires, and transformers to connect such customers to FPL's electric grid.

ISSUE 20: Are FPL's overhead costs (salaries, materials, and supplies, benefits, etc.) related to in-house capital improvement projects properly recorded in rate base?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 21: Has FPL properly reduced rate base by contributions in aid of construction related to underground placement of distribution and transmission facilities?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 22: Is FPL's requested level of Plant in Service in the amount of $30,424,227,000 ($31,078,941,000 system) for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 23: Should capital recovery schedules be approved for Cutler Units 5 and 6, Sanford Unit 3, and Port Everglades? If so, what are the appropriate capital recovery schedules?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 24: Is FPL's requested level of Accumulated Depreciation in the amount of $11,901,711,000 ($12,970,028,000 system) for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 25: For purposes of this rate case, should the Commission exercise its authority under Rule 25-6.0141(1)(g) to exclude a proportion of costs incurred by FPL to finance projects during construction from Construction Work in Progress ("CWIP") to be recovered upfront in rate base, and instead treat that proportion of costs subject to an allowance for funds used during construction ("AFUDC") to be recovered over the lives of the underlying assets?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 26: If the answer to Issue 25 is in the affirmative, what proportion of costs incurred by FPL to finance projects during construction should be treated as CWIP to be recovered upfront in rate base, and what proportion should be treated subject to AFUDC to be recovered over the lives of the underlying assets?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 27: Is FPL's requested Construction Work in Progress in the amount of $501,676,000

($514,978,000 system) for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 28: Is FPL's proposed accrual of Nuclear End of Life Material and Supplies and Last Core Nuclear Fuel for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 29: Is FPL's requested level of Nuclear Fuel of $565,229,000 ($576,317,000 system) for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 30: Should the Commission approve FPL's request to include the Fort Drum, McDaniel, and Hendry County proposed generation sites in Plant Held For Future Use.

SAPORITO: NO, the Commission lacks requisite jurisdiction and authority to consider plant and equipment and generation sites proposed – but not in service – by FPL in this docket.

ISSUE 31: Should the Commission approve FPL's request to include nine proposed transmission line sites for which projected in-service dates are either 2022-2023 or indeterminate ("TBA") within Plant Held For Future Use?

SAPORITO: NO, the Commission lacks requisite jurisdiction and authority to consider plant and equipment and generation sites proposed – but not in service – by FPL in this docket.

ISSUE 32: Is FPL's requested level of Property Held for Future Use in the amount of $230,192,000 ($237,400,000 system) for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 33: Should any adjustments be made to FPL's fossil fuel inventories for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 34: Should unamortized rate case expense be included in Working Capital?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 35: Should Account 143, Other Accounts Receivable, be included in working capital for the 2013 test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 36: Should an adjustment be made to the amount of Account 182.3, Other Regulatory

Assets, including in working capital for the 2013 test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 37: Should an adjustment be made to the amount of Account 186, Miscellaneous Deferred Debits, including in working capital for the 2013 test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 38: Should unbilled revenues be included in working capital for the 2013 test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 39: Should the net over-recovery/under-recovery of fuel, capacity, conservation, and environmental cost recovery clause expenses be included in the calculation of the working capital allowance?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 40: What is the appropriate methodology for calculating FPL's Working Capital for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 41: If FPL's balance sheet approach methodology for calculating its Working Capital is adopted, what adjustments, if any, should be made to FPL's proposed Working Capital?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 42: Are FPL's adjustments to the Asset Retirement Obligation (ARO) revenue neutral as required by Commission rule?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 43: Should the nuclear maintenance reserve be modified to reflect post-paid reserve accounting in lieu of pre-paid reserve accounting?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 44: Is FPL's requested level of Working Capital in the amount of $1,217,209,000 ($2,032,805,000 system) for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 45: Is FPL's requested rate base in the amount of $21,036,823,000 ($21,470,413,000 system) for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

Cost of Capital

ISSUE 46: What is the appropriate amount of accumulated deferred taxes to include in the capital structure?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 47: What is the appropriate amount and cost rate of the unamoritzed investment tax credits to include in the capital structure?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 48: What is the appropriate cost rate for short-term debt for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 49: What is the appropriate cost rate for long-term debt for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 50: What is the appropriate cost rate for customer deposits for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 51: What is the appropriate equity ratio that should be used for FPL for ratemaking purposes in this case?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 52: What is the FPL "average residential bill" for detached single family dwellings, as opposed to apartments, separately metered garages, etc?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 53: To the extent the data is available, what is the current hypothetical average 1000 Kwh residential bill for every investor owned utility in the United States?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 54: Should FPL's request for a 25 basis point performance adder to the authorized return on equity and proposed annual review mechanism be approved?

SAPORITO: NO, FPL is a monopoly utility and, as such, is required to provide safe, reliable, electric power to its customers at the lowest price possible – without any performance adder to the authorized return on equity.

ISSUE 55: What are the historical ROE figures for FPL for every year of its existence?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 56: What are the current ROE figures for every investor owned utility in the United States?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 57: Is the existing FPL rate structure, which resulted in a 21% total return to shareholders of NextEra Energy, Inc. in 2011, and a total 10 year shareholder return of 209%, beating the S&P 500 by over 600%, on its face unjust, unreasonable or excessive such that the Commission should dismiss the instant rate case and, on its own motion under §366.06 and/or §366.07, and lower FPL Return on Equity to a figure more appropriate to the current economic conditions and the current cost of borrowing?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 58: What is the appropriate authorized return on equity (ROE) to use in establishing FPL's revenue requirement?

SAPORITO: The appropriate authorized return on equity (ROE) to use in establishing FPL's revenue requirement is 6% which is approximately 4-times greater than the current yield on the U.S. 10-year treasury bill – and more that sufficient to attract investment in FPL.

ISSUE 59: What is the appropriate capital structure that should be used by FPL for ratemaking purposes in this case?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 60: Is the combination of regulatory ROE, debt costs, capital structure and performance adder (if any) appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue with respect to the "combination" of the above-itemized components – however – with respect to the regulatory ROE and the performance adder components – FPL's ROE should be set at 6% and the Commission should not reward FPL with any amount of performance adder. FPL is a monopoly utility and is required to provide the lowest electric rates possible.

ISSUE 61: What is the appropriate weighted average cost of capital?

SAPORITO: Intervenor defers to OPC's position on this issue.

Net Operating Income

ISSUE 62: Has FPL maximized the sources of net jurisdictional revenue that are projected to be reasonably available and technically viable for the 2013 test year? If not, what action, if any, should the Commission take in setting FPL's rates in this case? (For purposes of this issue, "net jurisdictional revenue" may include net revenue related to the supply of CO_2 captured from an FPL facility.)

SAPORITO: To the extent that any action on the part of FPL to capture CO_2 emissions from any of their power plants results in any costs or charges to FPL's customers for procurement, installation, maintenance, operations, consultation, or research of any equipment required to capture CO_2 for the purpose of resale in realized revenue generation – Intervenor strongly objects and urges the Commission to disallow any rate adjustment to FPL for such purpose.

ISSUE 63: Does FPL properly account for revenues received from FPL Fibernet and other telecommunications companies for utilizing lon-haul fiber optic facilities hosted by FPL's electric transmission system?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 64: What are the appropriate projected amounts of other operating revenues for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 65: Is FPL's projected level of Total Operating Revenues of $4,407,253,000 ($4,505,007,000 system) for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 66: Has FPL made the appropriate test year adjustments to remove fuel revenues and fuel expenses recoverable through the Fuel Adjustment Clause?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 67: Should an adjustment be made to transfer incremental security costs from the Capacity Cost Recovery Clause to base rates?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 68: If incremental security costs continue to be recovered in the Capacity Cost Recovery Clause, should the Commission approve FPL's adjustment to transfer incremental security payroll loadings from base rates to the Capacity Cost Recovery Clause?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 69: Has FPL made the appropriate test year adjustments to remove capacity revenues and capacity expenses recoverable through the Capacity Cost Recovery Clause?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 70: Has FPL made the appropriate test year adjustments to remove environmental revenues and environmental expenses recoverable through the Environmental Cost Recovery Clause?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 71: Should FPL's adjustment to remove all costs for the Substation Pollution Discharge Prevention Program from base rates and include them in the Environmental Cost Recovery Clause be approved?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 72: Has FPL made the appropriate test year adjustments to remove conservation revenues and conservation expenses recoverable through the Energy Conservation Cost Recovery Clause?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 73: Should FPL's adjustment to remove ECCR clause related payroll loadings of $1,815,000 for FICA and unemployment taxes from base rates and include them in the Energy Conservation Cost Recovery Clause be approved.

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 74: Has FPL made the appropriate adjustments to remove all non-utility activities from operating revenues and operating expenses for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 75: Is the percentage value used to allocate NextEra Energy, Inc. corporate costs and/or expenses to FPL appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 76: Should the percentage value of NextEra Energy, Inc. corporate costs and/or expenses allocated to FPL be equal to the percentage value of NextEra Energy, Inc. corporate costs and/or expenses allocated to NextEra Energy Resources?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 77: Are the amounts of the NextEra Energy, Inc. corporate costs and/or expenses (including executive compensation and benefits) allocated to FPL fair, just, and reasonable?

SAPORITO: NO, FPL executive compensation is outrageous and extravagant and requires a downward adjustment.

ISSUE 78: What portion of NextEra Energy, Inc. expenses borne by FPL customers are not useful in serving the FPL ratepaying public but rather benefit NextEra Energy, Inc. shareholders?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 79: Should any adjustments be made to FPL's operating revenues or operating expenses for the effects of transactions with affiliated companies for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 80: What additional action (including, but not limited to, establishing a separate investigatory docket), if any, should the Commission take related to affiliate transactions as a result of the evidence taken in this docket?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 81: Are FPL's overhead costs (salaries, materials and supplies, benefits, etc.) allocated to capital projects properly deducted from operating expenses?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 82: Has FPL made appropriate reductions in operating expenses where capital projects are not done in-house, but employee salaries and related overhead costs have been included in rate base?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 83: Has FPL properly reduced operating expenses in amounts equal to overheads reimbursed by third parties through contributions in aid of construction related to underground placement of distribution and transmission facilities?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 84: Has FPL properly reduced operating expenses in amounts equal to any overheads charged to third parties as contributions in aid of construction, fees or other payments to FPL?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 85: Should FPL salaries, costs and overheads for activities associated with (a) public relations or external affairs, (b) shareholder services, (c) attempted acquisitions of electric facilities, and (d) efforts opposing municipalizations pursuant to a franchise agreement be removed from operating expenses?

SAPORITO: YES, those items should be removed from this docket and should not be considered by the Commission as they do not directly apply to FPL's customer use of electric power subject to a base rate adjustment in the instant action.

ISSUE 86: Should FPL costs to pay contractors for legal, public relations or other consulting services be borne by customers or FPL shareholders?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 87: What is the appropriate amount of FPL's tree trimming expense for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 88: What is the appropriate amount of FPL's pole inspection expense for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 89: What is the appropriate amount of FPL's production plant O&M expense for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 90: What is the appropriate amount of FPL's transmission O&M expense for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 91: What is the appropriate amount of FPL's distribution O&M expense for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 92: Is the proposed advertising expense of $516,478 for the test year of 2013, which is a 332% increase over 2011's advertising expense of $155,397 and which would raise the per customer cost 367% from $.03 to $.11, a legitimate cost, used and useful in serving the public?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 93: Is an advertising expense of $155,397 for the test year of 2013 inadequate to serve the needs of the public?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 94: What is the appropriate amount of advertising expenses for the 2013 projected test year?

SAPORITO: Intervenor avers here that FPL's advertising expenses for the 2013 projected test year should be adjusted lower – and that FPL should utilize more effective alternative advertising methods.

ISSUE 95: If in its resolution of Legal Issue 1 the Commission determines it has legal authority to do so, should it approve FPL's proposed storm cost recovery mechanism?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 96: What is the appropriate annual storm damage accrual and storm damage reserve for the 2013 projected test period?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 97: What portion of NextEra Energy, Inc. executive compensation expenses borne by FPL customers are not useful in serving the FPL ratepaying public but rather benefit NextEra Energy, Inc. shareholders?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 98: What has been the total compensation for the head of FPL or, if a subsidiary, its parent company, for every year of FPL's existence?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 99: Should an adjustment be made to FPL's level of executive compensation for the 2013 projected test year?

SAPORITO: YES, the Commission should adjust FPL's level of executive compensation for the 2013 projected test year downward.

ISSUE 100: Should an adjustment be made to FPL's level of non-executive compensation for the 2013 projected test year?

SAPORITO: YES, the Commission should adjust FPL's level of non-executive compensation for the 2013 projected test year downward.

ISSUE 101: Are FPL's proposed increases to average salaries for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 102: Is FPL's projected level of employee positions for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 103: What is the appropriate amount of Other Post Employment Benefits Expense for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 104: What is the appropriate amount of FPL's requested level of Salaries and Employee Benefits for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 105: What is the appropriate amount of Pension Expense for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 106: Should an adjustment be made to the amount of the Directors and Officers Liability Insurance expense that FPL included in the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 107: What is the appropriate amount of accrual for the Injuries & Damages reserve for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 108: What is the appropriate amount and amortization period for Rate Case Expense for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 109: What is the appropriate amount of uncollectible expense and bad debt rate for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 110: What is the appropriate accounting methodology for the Nuclear Outage Maintenance Expense?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 111: What is the appropriate amount of the Nuclear Outage Maintenance Expense and Nuclear Outage Maintenance Reserve for the 2013 test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 112: Has FPL included the appropriate amount of expense associated with the AMI smart meters in the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 113: Has FPL included the appropriate amount of savings associated with the AMI smart meters in the 2013 projected test year?

SAPORITO: NO, FPL's calculations with respect to the AMI smart meters is bogus and not accurate.

ISSUE 114: Is FPL's requested level of O&M Expense of $1,542,322,000 ($1,568,633,000 system) for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 115: What is the appropriate amount of depreciation and fossil dismantlement expense for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 116: Is FPL's requested amortization of $191,000,000 the appropriate amount of the theoretical depreciation reserve surplus to be amortized for the 2013 projected test year?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 117: Given that in Order No. PSC-11-0089-S-EI the Commission directed FPL to complete the amortization of $894 million of depreciation surplus during the period 2010-2013. and in light of the Commission's decision regarding the amount of remaining reserve surplus to be amortized in the 2013 test year in conjunction with the resolution of Issue 116, should the Commission direct FPL to discontinue recording amortization of reserve surplus on its books after 2013 unless authorized or directed by subsequent Commission order?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 118: Is FPL's requested level of Depreciation and Amortization Expense of $802,761,000 ($819,794,000 system) for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 119: Is FPL's requested level of Taxes Other Than Income of $371,710,000 ($378,853,000 system) for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 120: Should the Commission adjust FPL's test year current state income taxes or rate base to recognize benefits, if any, that FPL has provided, or will provide, to any affiliates in furtherance of the affiliate's ability to elect to apportion adjusted Federal income tax under s.220.153, Florida Statutes (single sales factor)?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 121: Is FPL's requested level of Income Taxes of $513,276,000 ($528,838,000 system) for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 122: Is FPL's requested level of (Gain)/Loss on Disposal of Plant of negative $2,641,000 (negative $2,641,000 system) for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 123: Is FPL's requested level of Total Operating Expenses of $3,250,894,000 ($3,317,404,000 system) for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 124: Is FPL's projected Net Operating Income of $1,156,359,000 ($1,187,603,000 system) for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

Revenue Requirements

ISSUE 125: What are the appropriate revenue expansion factor and the appropriate net operating income multiplier, including the appropriate elements and rates for FPL?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 126: Is FPL's requested annual operating revenue increase of $516,521,000 for the 2013 projected test year appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 127: What economic impact will FPL's request for a rate increase have on customers, businesses and communities in Florida, including economic development activities and raising capital in Florida?

SAPORITO: FPL's request for a rate increase will have dire economic consequences on consumers and businesses and communities in Florida. FPL seeks a 16% increase in profits while senior citizens have to choose between paying for medications or paying FPL. Florida's unemployment rate stands at 8.6% and well-above the national average – forcing customers from their homes into rental units. Hospitals, food stores, gas stations and various other businesses must pass any rate increase onto consumers. Any increase in FPL rates would further harm Florida's fragile economic recovery and cause another recession. Clearly, FPL's requested rate increase would result in consumers paying well in excess of $7.09/month as the cost of fuel increases and as businesses pass their higher FPL rates back to the consumers.

Base Rate Step Adjustment

ISSUE 128: Should the Commission approve a base rate step adjustment for the Canaveral

Modernization Project?

SAPORITO: NO, FPL has failed to reduce its base-load demand through alternative energy sources such as "on-demand" or tankless water heaters, and PV Solar Systems installed on customer homes and businesses.

ISSUE 129: Should deferred taxes be included in the capital structure rather than as a reduction to rate base for the Canaveral Modernization Project base rate step adjustment?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 130: Is FPL's requested rate base of $821,325,000 ($837,297,000 system) for the Canaveral Modernization Project appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 131: What is the appropriate weighted average cost of capital, including the proper components, amounts and cost rates associated with the capital structure, to calculate the base rate step adjustment for the Canaveral Modernization Project?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 132: Is FPL's requested net operating loss of $32,092,000 ($32,712,000 system) for the Canaveral Modernization Project appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 133: Is FPL's requested Net Operating Income Multiplier of 1.63188 for the Canaveral Modernization Project appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 134: Is FPL's requested base rate step increase of $173,851,000 for the Canaveral Modernization Project appropriate?

SAPORITO: NO, FPL has failed to reduce its base-load demand through alternative energy sources such as "on-demand" or tankless water heaters, and PV Solar Systems installed on customer homes and businesses.

ISSUE 135: What is the appropriate effective date for implementing FPL's requested base rate step increase for the Canaveral Modernization Project?

SAPORITO: NEVER – the Commission should reject and deny any base rate step increase for the Canaveral Modernization Project. FPL has failed to reduce its base-load demand through alternative energy sources such as "on-demand" or tankless water heaters, and PV Solar Systems installed on customer homes and businesses.

Cost of Service and Rate Design Issues

ISSUE 136: Are the proposed FPL rates fair, reasonable, just and compensatory?

SAPORITO: NO, FPL's rates are far too high in this dire economic downturn in the state of Florida. The Commission is obligated to reduce FPL's rates to enable consumers to receive electric power at a fair, reasonable, and affordable price.

ISSUE 137: Are the proposed FPL rates unjust, unreasonable, excessive or unjustly discriminatory or preferential?

SAPORITO: Intervenor take no position on this issue at this time.

ISSUE 138: Are existing FPL rates fair, reasonable, just and compensatory?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 139: Should FPL employ a minimum distribution system (:MDS") cost of service methodology to classify and allocate distribution costs; if not, what methodology should be used?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 140: What is the appropriate cost of service methodology to be used to allocate production costs to the rate classes?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 141: What is the appropriate cost of service methodology to be used to allocate transmission plant-related costs to the rate classes?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 142: Has FPL properly allocated costs to the rate classes?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 143: Is FPL's proposed allocation of the Cape Canaveral Modernization step increase reasonable?

SAPORITO: NO, FPL has failed to reduce its base-load demand through alternative energy sources such as "on-demand" or tankless water heaters, and PV Solar Systems installed on customer homes and businesses.

ISSUE 144: How should the change in revenue requirement be allocated among the customer classes?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 145: Should FPL's current time-of-use residential rate be closed to new customers, effective January 1, 2013?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 146: Should the Commission approve FPL's new Residential Time-of-Use Rider?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 147: Should FPL's proposal to credit the fuel charge for lighting customers who are required to turn off outside lights during turtle nesting season be approved?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 148: Should FPL's proposed change to the late payment charge be approved?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 149: Is the proposed new minimum late charge of $5.00 or 1.5% per month unjust, unreasonable or excessive?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 150: Is the existing late charge of 1.5% per month fair, reasonable, just and compensatory?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 151: What is the actual legitimate cost to FPL of late payments?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 152: Is there evidence of public acceptance of a new $5.00 minimum late charge?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 153: What is the historic distribution of the amounts of late payments?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 154: What percentage of late payments are under $5.00?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 155: What percentage of late payments are caused by apparent clerical errors, such as being a penny off, transposing cents and ten cents, etc.?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 156: Is it appropriate to raise the minimum late payment charge to $5.00 resulting in a 103% increase to FPL of revenue from late fees, an additional $33 million?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 157: Should FPL's proposed change to the temporary construction service rate be approved?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 158: Should FPL's proposed change to the Returned Payment Charge be approved?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 159: Is the proposed increase in the minimum returned check fee from $23.24 to up to $40 unjust, unreasonable or excessive?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 160: Is the existing minimum returned check fee of $23.24 fair, reasonable, just and compensatory?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 161: Is the existing minimum returned check fee of $23.24 unjust, unreasonable, or excessive?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 162: What is the actual legitimate cost to FPL of a returned check?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 163: Is there evidence of public acceptance of a new minimum returned check fee of up to $40?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 164: Is it appropriate to raise the minimum returned check fee with a resulting 41% increase in returned check fee revenue to FPL, an additional $2 million?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 165: What is the appropriate monthly kW credit to be provided customers who own their own transformers pursuant to the Transformation Rider? (8.820)

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 166: Has FPL correctly quantified the incentive payments associated with the Commercial/Industrial Load Control (CILC) classes?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 167: Should the CILC rate be reopened?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 168: Is FPL's proposed design of the demand and non-fuel energy charges for the CILC rate appropriate?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 169: Should the Commercial/Industrial Demand Reduction Credit Rider (CDR) credit be increased?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 170: Should CILC and CDR credits be allocated to non-firm loads?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 171: What is the appropriate level and design of the charges under the Standby and Supplemental Services (SST-1) rate schedule?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 172: What is the appropriate level and design of charges under the Interruptible Standby and Supplemental Services (ISST-1) rate schedule?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 173: What is the appropriate method of designing time of use rates for FPL?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 174: What are the appropriate customer charges for January 1, 2013?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 175: Is the proposed residential RS-1 monthly customer charge of $7.00 unjust, unreasonable or excessive?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 176: Is the existing residential RS-1 monthly customer charge of $5.90 fair, reasonable, just and compensatory?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 177: Is the existing residential RS-1 monthly customer charge of $5.90 unjust, unreasonable, or excessive?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 178: Was the cost of monthly RS-1 customer service $5.89 per month in 2010 and/or 2011 as stated by S.E. Romig, FPL Director, Rates and Tariffs, in his letter of August 5, 2011 to Mr. Thomas Saporito filed on August 8, 2011 in Docket 05554?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 179: In reference to the letter in Issue 178, what are the specific customer accounts and amounts making up the $3.69 of the $5.89 which is designated as "Miscellaneous Customer Accounts" in the attachment to Mr. Romig's letter?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 180: What is the actual legitimate cost of providing monthly RS-1 service?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 181: Is there evidence of public acceptance of a $7.00 RS-1 monthly customer charge?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 182: Is it appropriate to raise the RS-1 monthly customer charge 19% with a resulting increase in revenue to FPL of $54 million?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 183: What are the appropriate demand charges for January 1, 2013?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 184: What are the appropriate energy charges for January 1, 2013?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 185: What are the appropriate lighting rate charges for January 1, 2013?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 186: What is the appropriate effective date for FPL's revised rates and charges, prior to a Base Rate Step adjustment, if any, associated with the Canaveral Modernization project?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 187: What are the appropriate charges after the Canaveral Modernization Project comes on line?

SAPORITO: Intervenor defers to OPC's position on this issue.

Other Issues

ISSUE 188: Whether FPL's investment in energy conservation; advertisements; consumer energy efficient appliances; and consumer electric generating systems is prudent, appropriate, and/or reasonable?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 189: Whether FPL's incentive to expand its capital base in order to increase or maintain NextEra Energy, Inc. total shareholder return is in conflict with the mandate of the Florida Legislature to promote co-generation and demand side renewable energy which does not increase FPL's capital base?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 190: What actions has FPL taken to promote or discourage utilization of demand side renewable energy systems, solar energy, and cogeneration that the Commission is mandated by §§366.80 - 366.85 to consider in establishing the appropriate rates in the instant rate case?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 191: How many of Florida's 54 other electric utilities (other than FPL) buy electric power from FPL?

SAPORITO: Intervenor takes no position on this issue at this time.

ISSUE 192: Should FPL be required to file, within 90 days after the date of the final order in this docket, a description of all entries or adjustments to its annual report, rate of return reports, and books and records which will be required as a result of the Commission's findings in this rate case?

SAPORITO: Intervenor defers to OPC's position on this issue.

ISSUE 193: Should this docket be closed?

SAPORITO: Intervenor defers to OPC's position on this issue.

5. STIPULATED ISSUES:

None.

6. PENDING MOTIONS:

None.

7. STATEMENT OF PARTY'S PENDING REQUESTS OR CLAIMS FOR CONFIDENTIALITY:

None.

8. OBJECTIONS TO QUALIFICATION OF WITNESSES AS AN EXPERT

None at this time.

9. STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE:

There are no requirements of the Order Establishing Procedure with which Intervenor Thomas Saporito cannot comply.

Dated this 4th day of August, 2012.

Respectfully submitted,

s/Thomas Saporito
Thomas Saporito
Intervenor, *pro se*

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CERTIFICATE OF SERVICE
DOCKET NO. 120015-EI

I HEREBY CERTIFY that a copy of the foregoing **PREHEARING STATEMENT OF THOMAS SAPORITO** has been furnished by Express Mail to the Clerk of the Commission and to the parties shown below by U.S. Mail on the 4th day of August, 2012.

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