

Eric Fryson

120040-EI

From: Bruce H. Kaplan [brucehkaplan@gmail.com]
Sent: Friday, August 10, 2012 3:35 PM
To: Filings@psc.state.fl.us
Subject: Qualified Representative
Attachments: Qual.Rep.pdf

Attached please find Qualified Representative request consisting of 6 pages.

Bruce H. Kaplan, Esq.
Cell: (212) 639-9000
Fax: (212) 658-9747
brucehkaplan@gmail.com

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DOCUMENT NUMBER-DATE

05496 AUG 10 2012

FPSC-COMMISSION CLERK

8/10/2012

BRUCE H. KAPLAN, ESQ.
515 Madison Avenue, 22nd Fl.
New York, New York 10005
(212) 639-9000
Fax: (212) 658-9747
brucehkaplan@gmail.com

August 10, 2012

Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

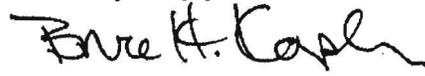
Re: Wellington A's Request for Naming of Qualified Representative
re: Wellington A v. FPL; Docket No. 120040-EI

To Whom It May Concern:

I attach herewith the request by Wellington A Condominium Association Inc. of Century Village, West Palm Beach for me to be named as its Qualified Representative in connection with the referenced matter.

Thank you for your attention.

Very truly yours,



Bruce H. Kaplan, Esq.

DOCUMENT NUMBER - DATE

05496 AUG 10 02

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Qualified Representative
Status

)Docket No.

)

)Date Filed: August 9, 2012

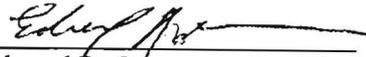
**REQUEST FOR NAMING OF BRUCE H. KAPLAN, ESQ.
AS QUALIFIED REPRESENTATIVE**

Pursuant to Rule 28-106.107, Florida Administrative Code, Wellington A Condominium Association Inc. ("Wellington") requests that Bruce H. Kaplan, Esq., be named a qualified representative of Wellington with regard to Docket No. 120040-E1. Wellington is aware that it can be represented by counsel as defined in Rule 28-106.106, Florida Administrative Code and may also elect such representation.

Attached hereto is a sworn Affidavit setting forth Mr. Kaplan's qualifications. Mr. Kaplan's business address is 515 Madison Avenue, 22nd Floor, New York, NY 10022, telephone number (212) 639-9000.

WHEREFORE, for the above and foregoing reasons, Wellington A Condominium Association Inc. respectfully requests that its Request for Naming of Qualified Representative be granted.

**WELLINGTON A CONDOMINIUM ASSOC.
INC., *Petitioner***

By: 

Edward R. Grossman, President
102 Wellington A
Century Village
West Palm Beach, FL 33417
Telephone: (561) 471-3605
Facsimile: (561)
edwardgrossman@comcast.com

DOCUMENT NUMBER - DATE

05496 AUG 10 09

FPSC-COMMISSION CLERK

STATE OF FLORIDA
PUBLIC SERVICE COMMISSION

In re: Application for Qualified Representative Status) Docket No.

_____ /) Date filed: August 10, 2012

AFFIDAVIT OF BRUCE H. KAPLAN, ESQ.

STATE OF NEW YORK)
)
COUNTY OF SUFFOLK)

BEFORE ME, the undersigned authority, personally appeared Bruce H. Kaplan who, being first duly sworn, did depose and say:

1. My name is Bruce H. Kaplan, Esq. I am an attorney admitted to practice in the State of New York (since February 1986) and numerous federal courts, and am in the process of completing the requirements for admission to the Florida Bar, and am awaiting my results from the multistate portion of the July 2012 exam. I currently maintain an office at:

515 Madison Avenue, 22nd Fl.
New York, NY 10022
(212) 639-9000
(212) 658-9747
brucehkaplan@gmail.com

2. I have personal knowledge of the matters stated in this Affidavit, and submit same in connection with my application for Qualified Representative status with regard to Docket No. 120040-E1 on behalf of the complainant therein, WELLINGTON A CONDOMINIUM ASSOC. INC. ("Wellington"), a Florida Not-For-Profit Corporation, which owns and maintains the common condominium elements for the condominium complex, the principal place of business of which is known as and located at Wellington A, Wellington Circle, Century Village, West Palm Beach, Florida.

3. Wellington and its constituent homeowners are Florida Power & Light

(“FPL”) customers who by means of Docket No. 120040-E1 seek: (i) a PSC determination of the substantial interests in connection therewith of Wellington and its constituent homeowners pursuant to Fla. Stat. § 120.569(2); (ii) mediation pursuant to Fla. Stat. § 120.573; and, (iii) an adjudication, pursuant to 25-6.004 F.A.C., of PSC orders¹ in connection with alleged violations thereof by FPL which caused the loss of all demand conservation benefits anticipated to be derived in connection with programs instituted under FPL's Demand Side Management Plan enacted under the Florida Energy Efficiency and Conservation Act, Fla. Stat. §366.82.

4. I have extensive federal and state commercial litigation experience, and have appeared before numerous New York State and City administrative agencies, including the NYS Department of Environmental Conservation and the New York City Department of Housing Preservation and Development.

5. I have reviewed portions of the Florida Statutes relating to jurisdiction of the Florida Public Service Commission, and the Florida Rules of Civil Procedure relating to discovery in an administrative proceeding. I also have reviewed portions of the Florida Administrative Code and Florida Statutes relative to the rules of evidence, including the concept of hearsay in an administrative proceeding. The foregoing rules and statutory provisions generally are consistent with those with which I have experience and am familiar.

6. I have reviewed Rule 28-106.107 of the Florida Administrative Code and agree to abide by its standards.

7. Consistent with the standard set forth in Rule 28-106.107, I have acquired or will acquire knowledge of the factual and legal issues involved insofar as my representation of

¹Order No. PSC-99-1942-FOF-EG, issued October 1, 1999, Docket No. 971004-EG, In Re: Adoption of Numeric Conservation Goals by Florida Power & Light Company, and as revised and further set forth in PSC Order No. PSC-03-1339-PAA-EG issued September 24, 2003, and PSC-06-0740-TRF-EI issued September 1, 2006 (collectively, “PSC Orders”).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Naming of Qualified Representative has been furnished by U.S. Mail to the following parties on this 10th day of August 2012:

Office of the General Counsel
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

A handwritten signature in black ink that reads "Bruce H. Kaplan". The signature is written in a cursive style with a horizontal line underneath the name.

BRUCE H. KAPLAN, ESQ.