

**Eric Fryson**

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**Sent:** Thursday, August 16, 2012 3:31 PM  
**To:** Filings@psc.state.fl.us  
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**Subject:** Docket No. 120015-EI Thomas Saporito's Emergency Motion Requesting Expedited Ruling on Joint Motion to Suspend Procedural Schedule  
**Attachments:** 2012.08.16 Saporito's Emergency Motion.pdf

Electronic Filing:

a. The full name, address, telephone number, and e-mail address of the person responsible for the electronic filing.

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b. The docket number and title if filed in an existing docket,

Docket No. 120015-EI, Florida Power & Light Company, Request for an increase in base rates.

c. The name of the party on whose behalf the document is filed.

The document is being filed on behalf of Thomas Saporito.

d. The total number of pages in each attached document is 7-pages (One document).

e. A brief but complete description of each attached document.

"Thomas Saporito's Emergency Motion Requesting Expedited Ruling on Joint Motion to Suspend Procedural Schedule

/Thomas Saporito

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DOCUMENT NUMBER-DATE

05643 AUG 16 2012

8/16/2012

FPSC-COMMISSION CLERK

**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  
Served: 16 AUG 2012**

**THOMAS SAPORITO'S EMERGENCY MOTION REQUESTING EXPEDITED  
RULING ON JOINT MOTION TO SUSPEND PROCEDURAL SCHEDULE**

NOW COMES, *pro se* Intervenor Thomas Saporito (Saporito) and files *Thomas Saporito's Emergency Motion Requesting Expedited Ruling on Joint Motion to Suspend Procedural Schedule*; and expedited ruling on proposed Joint Motion for Approval of Settlement Agreement in the above-captioned matter and states as follows:

**BACKGROUND**

On August 15, 2012, Florida Power and Light Company (FPL) along with the Florida Industrial Power Users Group (FIPUG), the South Florida Hospital and Healthcare Association (SFHHA) and the Federal Executive Agencies (FEA) (collectively "Signatories") have filed a Joint Motion to Suspend Procedural Schedule (Joint Motion) this date in the instant action for reasons alleged therein.

On August 15, 2012, Saporito filed *Thomas Saporito's Opposition to Joint Motion to Suspend Procedural Schedule* in the above-captioned matter.

On August 15, 2012, the Signatories to the Joint Motion also filed a Joint Motion for Approval of Settlement Agreement.

On August 15, 2012, Saporito filed *Thomas Saporito's Opposition to Joint Motion for Approval of Settlement Agreement*.

On August 16, 2012, FPL filed a Notice of Correction to Conferral Statement Regarding Joint Motion to Suspend Procedural Schedule.

On August 16, 2012, the Office of Public Counsel (OPC) along with the Florida Retail Federation (FRF) filed a Joint Initial and Preliminary Response to Motion to Suspend Hearing

(Response) by Office of Public Counsel and the Florida Retail Federation. OPC and FRF state in their Response that: "...they do not oppose the Motion at this time only to the extent that it requests the Commission to suspend the hearing currently scheduled to begin on August 20, 2012 in this Docket and establish procedures and time frames adequate to provide due process to OPC and other parties...." *Id.* at p.1.

## LEGAL ARGUMENT

Saporito, through [h]is August 15, 2012 filing with the Commission opposed the Joint Motion to cancel the scheduled hearing in the instant action which is to begin on August 20, 2012. Saporito stated in his opposition that rescheduling the hearing in this Docket would necessarily disenfranchise him from further participation in the instant action because [he] had already prepaid for his lodging for the entirety of the hearing and had expensed the cost of travel and food to date. Saporito further stated that any rescheduling would cause significant financial hardship for him - which would likely cause him to withdrawal from the proceeding if the Commission granted the Joint Motion. (emphasis in original). Moreover, Saporito stated on-the-record at the August 14, 2012 Prehearing that he had committed to business travel to Washington, D.C. during the week of September 10, 2012 - and that any continuance of the instant action to a time period in September 2012 would necessarily disenfranchise him from further participation in this matter.

Finally, at the August 14, 2012 Prehearing conference, Saporito was reluctant to put on the public record (personal and private information) related to a very serious and life ending medical condition that his mother now suffers. However, given the serious nature of the pending Joint Motion requesting to suspend the instant action to a later time in September 2012, Saporito is now compelled to advise the Commission that [h]is mother has been officially diagnosed with fatal stage-four cancer for which there exists no treatment or cure. Thus, Saporito had committed to supplemental travel plans to visit with his mother (who resides in Pittsburgh, PA) for the remainder of September 2011 following his

business trip to Washington, D.C. during the week of September 10, 2012.

Thus, to the extent that Saporito had made extensive and important business and personal family travel arrangements *prior* to the August 14, 2012 Prehearing; and prior to the Joint Motion filed by FPL and the other Signatories, Saporito will not be able to attend any rescheduling of the instant action for the entirety of the month of September 2012.

In consideration of the Response filed by OPC and FRF with respect to the Joint Motion to reschedule the hearing in this matter to a later time from the scheduled August 20-31, 2012 time period, Saporito disagrees with OPC and FRF that a rescheduling of this matter is required to establish procedures and time frames adequate to provide due process to OPC and other parties. As stated earlier, any rescheduling of the above-captioned matter would cause a serious financial hardship on Saporito which would most likely result in [h]is withdrawal from this proceeding. Moreover, any rescheduling of this matter to a time period in September would make certain that Saporito would not be able to attend due to the above-stated business matter and personal matter for which Saporito has committed travel arrangements. It is Saporito's due-process rights that are at stake here should the Commission grant the Joint Motion requesting rescheduling of this matter to a later time.

Incredibly, it is FPL and the Signatories that come before the Commission in the last hour prior to the scheduled August 20, 2012 hearing and seek a continuance of this matter. FPL and the Signatories had ample time to properly consult with the other parties in this matter during any of the scheduled PSC Service Hearings - but they failed to do so. Only now at this late date do FPL and the Signatories attempt to force the Commission between a rock and a hard place to the disadvantage of Saporito a *pro se* Intervenor in this matter and to the disadvantage of the consumers and public interest. FPL and the Signatories appear to have purposely forced a **One-Billion dollar** settlement proposal before the Commission for the sole purpose of delaying this matter to their advantage seeking more case preparation time - and to the disadvantage of all other parties who are able and ready to move

forward in this matter beginning on August 20, 2012 as required by the Prehearing Officer the Honorable Commissioner Graham. Notably, only after Commissioner Graham placed all parties on notice about having witnesses ready and on-time to testify at the August 20, 2012 hearing - did FPL and the Signatories decide to proffer an **OUTRAGEOUS** and unfair settlement proposal which seeks **One-Billion** dollars and over and above the \$690.4 million dollars requested in this Docket. Clearly, the last minute actions by FPL and the Signatories must be seen by the Commission as nothing more than a scam to delay this matter unnecessarily to gain advantage of Saporito a *pro se* Intervenor and to gain advantage over other Intervenors.

### CONCLUSION

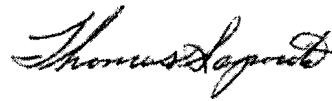
The Joint Motion would necessarily disenfranchise Saporito from further participation in the instant action due to the significant loss in funds already expensed in this matter for food, travel and lodging - and cause further significant financial hardship on Saporito which would likely cause [him] to withdrawal from the proceeding if the Commission granted the Joint Motion. In addition, Saporito has stated on-the-record at the Prehearing conference that he has already committed to business travel to Washington, D.C. during the week of September 10th, 2012. Finally, Saporito has made travel arrangements to visit with his mother in Pittsburgh, PA for the remainder of September 2012 following his business travel to Washington, D.C. Thus, any continuance of the instant action to a time period in September 2012 would necessarily disenfranchise Saporito from further participation in this matter - and certainly impinge on Saporito's "*due-process*" rights in this matter as a lawful citizen of the United States of America.

FOR ALL THE ABOVE STATED REASONS, Intervenor Saporito strenuously objects to the Joint Motion filed by FPL and the Signatories, and the Response filed by OPC and FRF (to the extent that OPC and FRF seek a rescheduling of this matter) and urges the Commission to (1) deny the Joint Motion for Rescheduling as a matter of law; (2) deny the Joint Motion for Settlement proffered by FPL

and the Signatories as a matter of law; and (3) ORDER the hearing to begin on August 20, 2012 as scheduled and Ordered by the Prehearing Officer as a matter of law.

Respectfully submitted this 16th day August of 2012.

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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 16<sup>th</sup> day of August 2012 to the following:

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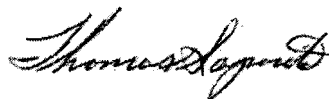
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