

Eric Fryson

From: Thomas Saporito [saporito3@gmail.com]
Sent: Tuesday, August 28, 2012 11:29 PM
To: Filings@psc.state.fl.us
Cc: Algenol; Brian P. Armstrong; Captain Samuel T. Miller; Caroline Klancke; Charles Rehwinkel; Daniel R. Larson; J. Peter Ripley; J.R.Kelly; John T. Butler; John T. LaVia; John W. Hendricks; Jon C. Moyle; Jordon White; Joseph A. McGlothlin; Karen White; Keino Young; Kenneth L. Wiseman; Larry Nelson; Larry Nelson; Lisa M. Purdy; Maria J. Moncada; Mark F. Sundback; Martha Brown; Patty Christensen; R. Wade Litchfield; Robert Scheffel Wright; Tarik Noriega; Thomas Saporito; Tricia Merchant; Vicki Gordon Kaufman; William C. Garner; William M. Rappolt
Subject: Docket No. 120015-EI - Thomas Saporito's First Set of Data Requests (Nos.1-15) to FPL Regarding Proposed Settlement
Attachments: 2012.08.28 First Set of Data Requests to FPL.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Thomas Saporito
6701 Mallards Cove Rd. Apt. 28H
Email: saporito3@gmail.com
Phone: 1-561-972-8363

b. Docket No. 120015-EI

In re: Petition for rate increase by Florida Power & Light Company

c. Documents being filed on behalf of Thomas Saporito

d. There are a total of 6 pages.

e. The document attached for electronic filing is: THOMAS SAPORITO'S FIRST SET OF DATA REQUESTS (Nos.1-15) TO FLORIDA POWER AND LIGHT COMPANY REGARDING PROPOSED SETTLEMENT.

Thank you for your attention and cooperation to this request.

/Thomas Saporito

Thomas Saporito

Thomas Saporito
6701 Mallards Cove Rd. Apt. 28H
Email: saporito3@gmail.com
Phone: 1-561-972-8363
Skype: saporito3

DOCUMENT NUMBER-DATE
05884 AUG 29 2012
FPSC-COMMISSION CLERK

8/29/2012

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Petition for Rate Increase by
Florida Power and Light Company**

**Docket No. 120015-EI
Served: 28 AUG 2012**

**THOMAS SAPORITO'S FIRST SET OF DATA REQUESTS (Nos.1-15) TO FLORIDA
POWER AND LIGHT COMPANY REGARDING PROPOSED SETTLEMENT**

Thomas Saporito (Saporito) pursuant to Florida Public Service Commission (Commission) Order No. PSC-12-0440-PCO-EO, (Order), hereby propounds the following data requests on the Florida Power and Light Company (FPL), and requests that they be answered separately, fully and within (5) days as set forth in the Commission's Order.

INSTRUCTIONS

1. If any of the following data requests cannot be answered in full after exercising due diligence to secure the information, please so state and answer to the extent possible, specifying your inability to answer the remainder, and state whatever information you have concerning the unanswered portion. If your answer is qualified in any respect, please set forth the details of such qualifications.
2. If you object to fully identifying a document or oral communication because of a privilege, you must nevertheless provide the following information, unless divulging the information would disclose the privileged information:
 - a. the nature of the privilege claimed (including work product);
 - b. the date of the document or oral communication;
 - c. if a document; its type (correspondence, memorandum, facsimile etc.), custodian, location, and such other information sufficient to identify the document for a subpoena duces tecum or a document request, including where appropriate the author, the addressee, and, if not apparent, the relationship between the author

and addressee;

- d. if an oral communication, the place where it was made, the names of the persons present while it was made, and, if not apparent, the relationship of the persons present to the declarant; and
 - e. the general subject matter of the document or the oral communication.
3. If you object to all or part of any data request and refuse to answer that part, state your objection, identify the part to which you are objecting, and answer the remaining portion of the data request.
 4. Whenever a data request calls for information which is not available to you in the form requested, but is available in another form, or can be obtained at least in part from other data in your possession, so state and either supply the information requested in the form in which it is available, or supply the data from which the information requested can be obtained.
 5. The singular shall include the plural and vice versa; the terms "and" and "or" shall be both conjunctive and disjunctive; and the term "including" means "including without limitation."
 6. These data requests shall be answered by you or through your agent who is qualified to answer and who shall be fully identified, with said answers being served as provided pursuant to the Florida Rules of Civil Procedure or order of the Commission.

DATA REQUESTS

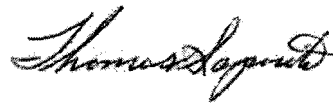
1. Referring to the Motion for Approval of Settlement by FPL/FIPUG/SFHHA/FEA (hereinafter "Settlement"), does Florida Power and Light Company (FPL) contend that the Office of Public Counsel (OPC) support or joinder is not required for the Commission to approve a settlement? If so, please provide citations to all statutory or other authority for FPL's position.

2. In view of FPL's position with respect to the Settlement, does FPL agree that OPS's opposition to the Settlement - supported by some of the customers represented by OPC - in a rate proceeding (such as the Settlement Agreement proposed in this docket by FPL, FIPUG, SFHHA, and FEA) would not be a violation of Rule 4-1.7 of the Florida Bar's Rules of Professional Conduct concerning conflicts of interest? If not, please provide citations to all decisions of court and/or the Florida Bar supporting FPL's position that such representation would violate Rule 4-1.7.
3. Regarding the Settlement, does FPL contend that settlements may be approved even if they do not benefit all customer classes equally? If so, please provide citations to all Commission orders and/or court decision supporting FPL's position.
4. Regarding the Settlement, where said document would provide a GBRA for the Canaveral, Riviera and Everglades Modernization Projects, does FPL contend that GBRA cost recovery for those projects would not increase FPL's earned ROE above the authorized mid-point of 10.7%? If so, please provide a detailed calculation demonstrating how the GBRA(s) would lead to this result.
5. Regarding the Settlement, does FPL deny that allowing FPL to continue recovering the revenue requirements for WCEC-3 through the capacity clause under the proposed Settlement - would result in FPL double-recovering those revenue requirements? If so, please provide a detailed calculation - referring to any and all aspects of FPL's filed case or evidence elicited in the technical hearing - demonstrating that the proposed settlement agreement would not lead to this result.
6. Regarding the Settlement, please explain in detail why FPL's accelerated amortization of depreciation and dismantlement reserves up to a limit of \$400-million over four years has not disadvantaged customers?
7. Regarding the Settlement, please explain in detail why harm to customers would not occur if FPL did not file a depreciation study or dismantlement study during the term of FPL's proposed settlement agreement.
8. Regarding the Settlement, does FPL contend that it would not be against customers' interest to provide incentives to FPL to generate additional gains on power and fuel-related transactions that would flow in whole or part to customers? If so, please explain in detail why customers would not be harmed.
9. Regarding the Settlement, please cite all prior electric utility rate cases, over the last 20-years, in which FPL has taken a position regarding the allocation of a rate increase among customer classes.
10. Regarding the Settlement, does FPL believe that it would be consistent with FPL's obligations under Rule 4-1.7 of the Florida Bar's Rules of Professional Conduct for FPL to take a position on rate-allocation issues that do not benefit all classes of customers. If so, please explain in detail the basis for FPL's belief.

11. Regarding the Settlement, does FPL believe that its obligations under Rule 4-1.7 of the Florida Bar's Rules of Professional Conduct do not apply, or apply differently, to large commercial and industrial customers? If so, please explain in detail the basis for FPL's belief.
12. Regarding the Settlement, - and to the extent that the Commission prohibited solicitation of testimony and evidence in any way related to the Settlement - would FPL agree that any evidence from the parties on FPL's rate request adduced over two weeks of hearing does not provide the Commission with a robust basis to properly evaluate and make a decision on the proposed Settlement Agreement?
13. Regarding the Settlement, does FPL contend that the Commission may include elements in an approved settlement that were not pled in the original rate case petition? If so, please provide legal citation to any support for that proposition.
14. Please explain in detail why FPL did not include Saporito in settlement negotiations leading up to the Proposed Settlement Agreement?
15. If FPL contends that OPC is not a necessary party to any settlement agreement, does FPL believe that it can circumvent OPC to initiate settlement negotiations in a rate case filed before the Commission? If so, why?

Respectfully submitted this 28th day of August
2012.

Thomas Saporito
6701 Mallards Cove Rd. Apt. 28H
Jupiter, Florida 33458
Phone: (561) 972-8363
Email: saporito3@gmail.com



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 28th day of August 2012 to the following:

R.Wade Litchfield, Esq
Maria J. Moncada, Esq.
Jordan A. White, Esq.
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408
Wade_Litchfield@fpl.com
Maria.Moncada@fpl.com
Jordon.White@fpl.com

Caroline Klancke, Esq.
Keino Young, Esq.
Martha Brown, Esq.
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-1400
cklancke@psc.state.fl.us
kyoung@psc.state.fl.us
mbrown@psc.state.fl.us

Robert Scheffel Wright, Esq.
John T. LaVia, III, Esq.
Gardner, Bist, Wiener, et al.
1399 Thomaswood Drive
Tallahassee, Florida 32308
schef@gbwlegal.com
jlavia@gbwlegal.com
Attorneys for Florida Retail Federation

J.R. Kelly, Public Counsel
Joseph A. McGlothlin, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, Florida 32399-1400
Kelly.jr@leg.state.fl.us
mcglothlin.joseph@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us
christensen.Patty@leg.state.fl.us
noriega.tarik@leg.state.fl.us
merchant.Tricia@leg.state.fl.us

Kenneth L. Wiseman, Esq.
Mark F. Sunback, Esq.
Lisa M. Purdy, Esq.
William M. Rappolt, Esq.
J. Peter Ripley, Esq.
Andrews Kurth LLP
1350 I Street NW, Suite 1100
Washington, D.C. 20005
kwiseman@andrewskurth.com
msundback@andrewskurth.com
lpurdy@andrewskurth.com
wrappolt@andrewskurth.com
pripely@andrewskurth.com
**Attorneys for South Florida Hospital
and Healthcare Association**

Jon C. Moyle, Jr., Esq.
Vicki Gordon Kaufman, Esq.
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
jmoyle@moylslaw.com
vkaufman@moylslaw.com
**Attorneys for Florida Industrial
Power Users Group**

Algenol Biofuels Inc.
28100 Bonita Grande Drive, Suite 200
Bonita Springs, Florida 24135
Intervenor-proceeding@algenol.com

John W. Hendricks
367 S. Shore Drive
Sarasota, Florida 34234
jwhendricks@sti2.com

Ms. Karen White
Captain Samuel T. Miller
USAF/AFLOA/JACL/ULFSC
139 Barnes Drive, Suite 1
Tyndall AFB, Florida 32403-5317
samuel.miller@tyndall.af.mil
karen.white@tyndall.af.mil
**Attorney for the Federal Executive
Agencies**



By: _____