

**Eric Fryson**

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**From:** Thomas Saporito [saporito3@gmail.com]  
**Sent:** Monday, September 17, 2012 7:59 AM  
**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 Second Set of Data Requests (Nos.16-22) To Florida Power and Light Company Regarding Proposed Settlement Agreement  
**Attachments:** 2012.09.17 Second Set of Data Requests to FPL.pdf  
**Electronic Filing**

a. Person responsible for this electronic filing:

Thomas Saporito

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Email: [saporito3@gmail.com](mailto:saporito3@gmail.com)

b. Docket No. 120015-EI

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

c. The document(s) is/are being filed on behalf of Thomas Saporito.

d. The total number of pages is 5.

e. Brief description of documents being filed:

- Thomas Saporito's Second Set of Data Requests (Nos. 16-22) To Florida Power and Light Company Regarding Proposed Settlement Agreement

Thank you for your cooperation and timely attention to this electronic filing.

s/Thomas Saporito

DOCUMENT NUMBER-DATE

06202 SEP 17 09

9/17/2012

FPSC-COMMISSION CLERK

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**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: 17 SEPT 2012**

**THOMAS SAPORITO'S SECOND SET OF DATA REQUESTS (Nos.16-22) 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**

Referring to FPL's response to Saporito's First Data Request No.14 in which FPL was asked to: *"Please explain in detail why FPL did not include Saporito in settlement negotiations leading up to the Proposed Settlement Agreement"* - FPL responded in relevant part that:

- FPL RESPONSE: Mr. Saporito's history left no room for hope of constructive negotiation. In addition, this pattern of behavior raised concerns regarding how Mr. Saporito would treat non-public information pertaining to FPL's settlement negotiations.

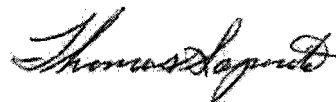
FPL's concerns proved correct. On August 15, 2012, in an effort to comply with the Commission's pre-filing conferral requirement, FPL contacted Mr. Saporito regarding his position on the proposed Settlement Agreement. Mr. Saporito immediately posted information regarding the settlement on a blog.

**DATA REQUESTS TO FPL:**

16. Please provide a copy of the alleged information about the FPL Settlement Agreement that FPL alleges that Mr. Saporito posted on a blog.
17. Please provide a computer "screen-shot" of the alleged information about the FPL Settlement Agreement that FPL alleges that Mr. Saporito posted on a blog.
18. Please provide the Internet address or ULR where FPL alleges that Mr. Saporito posted information regarding FPL's Settlement Agreement.
19. Please provide the date that FPL alleges that Mr. Saporito posted information regarding FPL's Settlement Agreement on a blog.
20. Please provide the name of the FPL employee and/or representative who initially alleged that Mr. Saporito posted information regarding FPL's Settlement Agreement on a blog.
21. Please provide the name or the title of the blog that FPL alleges that Mr. Saporito posted information regarding FPL's Settlement Agreement.
22. Please provide the name of the Internet Service Provider or the HOST of the blog that FPL alleges that Mr. Saporito posted information regarding FPL's Settlement Agreement.
22. Please provide any and all other information, documents, media, storage material, records, notes, reports, and memos which relate in any way or manner to FPL allegation that Mr. Saporito posted information regarding FPL's Settlement Agreement on a blog.

Respectfully submitted this 17th day of  
September 2012.

Thomas Saporito  
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Phone: (561) 972-8363  
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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 17th day of September 2012 to the following:

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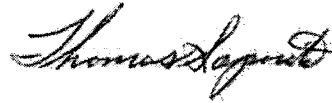
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