

Eric Fryson

From: Saprodani Assoc <saprodani@gmail.com>
Sent: Friday, February 22, 2013 7:50 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; 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; Tricia Merchant; Vicki Gordon Kaufman; William C. Garner; William M. Rappolt
Subject: Docket No. 120015-EI Thomas Saporito's Motion in Opposition to FPSC Motion to Court
Attachments: 2013.02.22 Saporito Motion to Court.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Thomas Saporito

6701 Mallards Cove Rd. Apt 28H

Jupiter, Florida 33458

Phone: 561-972-8363

Email: saprodani@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 3.

DOCUMENT NUMBER-DATE
00982 FEB 22 2013
FPSC-COMMISSION CLERK

e. Brief description of documents being filed:

Thomas Saporito's Motion in Opposition to Appellee Florida Public Service Commission's Motion to Relinquish Jurisdiction and to Reestablish Filing Dates.

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

s/Thomas Saporito

Thomas Saporito

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Jupiter, Florida 33458

Phone: 561-972-8363

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IN THE SUPREME COURT OF FLORIDA

CITIZENS OF THE STATE OF FLORIDA, ETC.

Appellants

CASE NO: SC13-144

L.T. Case No.: 120015-EI

v.

DATE: 22 FEB 2013

FLORIDA PUBLIC SERVICE COMMISSION

Appellee.

**THOMAS SAPORITO'S MOTION IN OPPOSITION TO
APPELLEE FLORIDA PUBLIC SERVICE COMMISSIONS'S
MOTION TO RELINQUISH JURISDICTION AND TO
REESTABLISH FILING DATES**

NOW COMES, Thomas Saporito, *pro se* pursuant to the Florida Rules of Appellate Procedure and respectfully moves the Court for an order to DENY the motion of the Florida Public Service Commission (Commission) seeking to to relinquish jurisdiction and to reestablish filing dates in the above captioned matter – and states as follows:

1. On February 21, 2013, the Commission filed a motion with the Court seeking to relinquish the Court's jurisdiction in the instant action and to reestablish filing dates.

2. The Commission's motion relies on Rule 9.600(b) of the Florida Rules of Appellate Procedure in requesting the Court to relinquish jurisdiction to the Commission for the limited purpose of considering and resolving a January 14, 2013, motion for

reconsideration filed with the Commission by the undersigned.

3. However, it would appear that Rule 9.020 of the Florida Rules of Appellate Procedure demonstrates that the Commission is not divested of jurisdiction in Case No. 120015-EI – since the undersigned did not appeal the Commission's final order as of this date. Thus, the Commission's motion appears to be mute on this basis.

4. On February 21, 2013, after receiving a copy of the Commission's motion to the Court, the undersigned withdrew [h]is motion for reconsideration filed with the Commission. Thus, the Commission's motion is now mute and should be denied by the Court as a matter of law. *See, attachment.*

WHEREFORE, the undersigned respectfully moves the Court for an order to DENY the Commission's motion as mute as a matter of law.

Respectfully submitted,



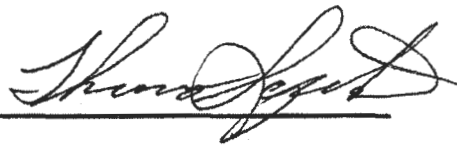
THOMAS SAPORITO, *Pro Se*
6701 Mallards Cove Rd. Apt. 28H
Jupiter, Florida 33458
Phone: (561) 972-8363
Email: saprodati@gmail.com

CERTIFICATE OF SERVICE

I HERBY CERTIFY that a true and correct copy of the foregoing document was served electronically via email/link on this 22 day of February, 2013 to the following:

Keino Young Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850	Daniel & Alexandra Larson 16933 W. Harlena Drive Loxahatchee, Florida 33470
John T. Butler Florida Power & Light Company 700 Universe Blvd. Juno Beach, Florida 33408-0420	William C. Gardner Nabors, Giblin & Nickerson, P.A. 1500 Mahan Drive, Suite 200 Tallahassee, Florida 32308
Kenneth Wiseman/Mark Sundback Andrews Kurth LLP 13501 I Street N.W., Suite 1100 Washington, D.C. 20005	Paul Woods/Quang Ha/Patrick Ahlm Algenol Biofuels Inc. 28100 Bonita Grande Drive, Suite 200 Bonita Springs, Florida 24135
J.R. Kelly/Joe McGlothlin Office of Public Counsel 111 West Madison St., Room 812 Tallahassee, Florida 32399	Larry Nelson 312 Roberts Road Nokomis, Florida 34275
Karen White Federal Executive Agencies AFLOA/JACL-ULFSC 139 Barnes Drive, Suite 1 Tyndall Air Force Base, Florida 32403	John W. Hendricks 367 S. Shore Drive Sarasota, Florida 34234
Vicki Gordon Kaufman Jon C. Moyle, Jr Moyle Law Firm, P.A. Perkins House	Rosanne Gervasi, Senior Attorney Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0862

118 North Gadsden Street
Tallahassee, Florida 32301

By: 

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

**Docket No. 120015-EI
Dated: 21 FEB 2013**

**THOMAS SAPORITO'S MOTION TO WITHDRAW
JANUARY 14TH, 2013 MOTION FOR RECONSIDERATION**

NOW COMES, Thomas Saporito, *pro se*, and hereby files *Thomas Saporito's Motion to Withdraw January 14th, 2013 Motion for Reconsideration* – in the above captioned matter and states as follows:

Following the Florida Public Service Commission's (Commission's) Order dated January 14, 2013 in Docket No. 120015-EI, the undersigned timely filed a motion for reconsideration for which the Florida Power & Light Company (FPL) filed a response along with Mr. John Hendricks (Hendricks).

On February 7, 2013, the Citizens of the State of Florida – represented by the Office of Public Counsel (OPC) – filed a notice of administrative appeal in the instant action.

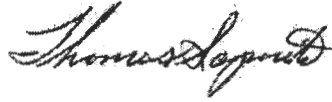
On February 21, 2013, the Commission through counsel, filed a motion with the Florida Supreme Court (Court) to relinquish jurisdiction and to reestablish filing dates.

To the extent that OPC has filed a notice of appeal from the Commission's January 14th, 2013 Order – and to the extent that the legal issues contained in the undersigned's January 14th, 2013, motion for reconsideration will be presented before the Court by one or more parties – including the undersigned – there is no reason remaining for the Commission to consider the undersigned's January 14th, 2013 – motion for reconsideration

Therefore, the undersigned respectfully moves the Commission to grant [h]is motion to withdrawal [his] January 14th, 2013 motion for reconsideration – to enable the Court to expedite the pending appeal for the benefit of the Citizens of Florida accordingly.

Respectfully submitted this 21st day of February, 2013.

Thomas Saporito
6701 Mallards Cove Rd. Apt. 28H
Jupiter, Florida 33458
Phone: (561) 972-8363
Email: saprodani@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 21st day of February, 2013 to the following:

Keino Young Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850	Daniel & Alexandra Larson 16933 W. Harlena Drive Loxahatchee, Florida 33470
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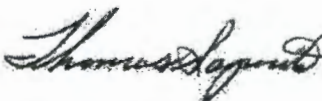
John T. Butler Florida Power & Light Company 700 Universe Blvd. Juno Beach, Florida 33408-0420	William C. Gardner Nabors, Giblin & Nickerson, P.A. 1500 Mahan Drive, Suite 200 Tallahassee, Florida 32308
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Kenneth Wiseman/Mark Sundback Andrews Kurth LLP 13501 I Street N.W., Suite 1100 Washington, D.C. 20005	Paul Woods/Quang Ha/Patrick Ahlm Algenol Biofuels Inc. 28100 Bonita Grande Drive, Suite 200 Bonita Springs, Florida 24135
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J.R. Kelly/Joe McGlothlin Office of Public Counsel 111 West Madison St., Room 812 Tallahassee, Florida 32399	Larry Nelson 312 Roberts Road Nokomis, Florida 34275
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Karen White Federal Executive Agencies AFLOA/JACL-ULFSC 139 Barnes Drive, Suite 1 Tyndall Air Force Base, Florida 32403	John W. Hendricks 367 S. Shore Drive Sarasota, Florida 34234
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Vicki Gordon Kaufman Jon C. Moyle, Jr Moyle Law Firm, P.A. Perkins House 118 North Gadsden Street Tallahassee, Florida 32301	
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By: _____