

Ruth Nettles

080677-EI

From: Thomas Saporito [saporito3@gmail.com]
Sent: Saturday, January 16, 2010 12:37 PM
To: Filings@psc.state.fl.us
Subject: Petition for the Conduct of a General Rate Case and Request for Hearing and Leave to Intervene of Thomas Saporito
Attachments: 2010-01-16 Petition for Rate Case.pdf

Notice of Electronic Filing:

a. Person responsible for this electronic filing:

- Thomas Saporito
- Post Office Box 8413
- Jupiter, Florida 33468-8413
- Phone: (561) 972-8363
- Email: saporito3@gmail.com

b. Docket No. _____ EI

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

c. Document being filed on behalf of Thomas Saporito.

d. There are a total of 5 pages.

e. The document attached for electronic filing is "Petition for the Conduct of a General Rate Case and Request for Hearing and Leave to Intervene of Thomas Saporito".

Thank you for your timely attention and cooperation to this request.

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Thomas Saporito
Post Office Box 8413
Jupiter, Florida 33468-8413
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DOCUMENT NUMBER-DATE

00451 JAN 19 2010

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 080677-EI

Filed: 16 JAN 2010

**PETITION FOR THE CONDUCT OF A GENERAL RATE CASE AND REQUEST
FOR HEARING AND LEAVE TO INTERVENE OF THOMAS SAPORITO**

COMES NOW, Thomas Saporito (Petitioner, *pro se*), pursuant to Chapters 120 and 366 of the Florida Statutes, and Rule 28-106.201 of the Florida Administrative Code, and hereby: (1) petitions the Florida Public Service Commission (PSC) to conduct a general investigation and/or a general rate case of the rates charged by Florida Power and Light Company (FPL) as set forth in the PSC's January 13, 2010 Order in Docket No. 080677-EI; and (2) requests that the PSC conduct a hearing to review the rates and charges imposed by FPL, a public utility subject to the jurisdiction of the PSC.

Petitioner respectfully petitions the PSC to conduct a general rate case to protect the interests of Petitioner and other similarly situated customers and rate-payers of FPL. Specifically, Petitioner herein petitions the PSC to: (a) review the rates charged by FPL as of January 13, 2010; and (b) determine and establish fair, just, and reasonable rates to be charged and collected by FPL for providing its customers electric service; and whether FPL's current rates should be reduced and refunded to its customers effective as of January 13, 2010, in accordance with Chapter 366 of the Florida Statutes. In addition, Petitioner respectfully petitions the PSC to conduct a hearing on any current or subsequently contested matters in connection with the Petition in accordance with Chapters 120 and 366 of the Florida Statutes. *See, South Florida Hospital & Healthcare Ass'n v. Jaber*, 887 So. 2d 1210, 1214 (Fla. 2004). Petitioner avers here that [he] is entitled to the requested relief in [his] own right.

The interests of Petitioner will be directly affected by the PSC's decision in this matter, and accordingly, Petitioner is entitled to protect [his] substantial interests. In further support of Petitioner's

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DOCUMENT NUMBER-DATE

00451 JAN 19 0

FPSC-COMMISSION CLERK

Petition for the Conduct of a General Rate Case and Request for Hearing and Leave to Intervene,
Petitioner states as follows:

1. The name and address of Petitioner is:

Thomas Saporito
1030 Military Tr. #25
Jupiter, Florida 33458
Phone: (561) 972-8363
Email: saporito3@gmail.com

2. All pleadings, orders and correspondence should be directed to Petitioner at the following mailing address:

Thomas Saporito
Post Office Box 8413
Jupiter, Florida 33468-8413
Phone: (561) 972-8363
Email: saporito3@gmail.com

3. The agency affected by this Petition and Request is:

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

4. Petitioner advocates the interests, and encourages involvement, of the general public, elected government officials, and the general business community to engage in cost-effective projects and programs to substantially reduce electric usage and to encourage installation of renewable electric systems such as solar and wind power electric systems. *See*, www.RenewableElectricSystems.com Notably, Petitioner was authorized by the PSC to Intervene in the most recent FPL rate case in Docket No. 080677-EI in which the PSC authorized FPL to overcharge its customers by an amount of \$75-million dollars. Thus, the instant Petition for a general rate case and request for hearing and leave to intervene is well within Petitioner's general scope of interest. Finally, the relief requested *i.e.* the conduct of a general rate case and hearing and leave to intervene to evaluate the rates charged by FPL, is relief that will apply to the Petitioner and to other similarly situated FPL customers in the same

manner. Accordingly, Petitioner has requisite standing to intervene on [his] own behalf in this matter.

5. The proceeding requested in this docket will examine the rates that FPL will be authorized to charge to its customers including the Petitioner. The PSC will necessarily have to decide whether a rate decrease is justified, and if so, the PSC will subsequently have to approve rates and charges in order to implement such decreases. Therefore, the disposition of this case will affect rates for FPL, as well as the terms and conditions of service for FPL's customers, including Petitioner who is connected to FPL's facilities. Notably, Petitioner requires reliable, consistent and reasonably-priced electricity in order to live a comfortable life-style and has a substantial interest in bringing a general rate case and hearing through intervention to protect [his] interests.

6. Substantial interests are demonstrated when a party establishes that: (a) it will suffer injury in fact as a result of the agency action contemplated in the proceeding that is of sufficient immediacy to entitle it to a hearing; and (b) the injury suffered is a type against which the proceeding is designed to protect. *See, Ameristeel Corp. v. Clark*, 691 So. 2d 473, 477 (Fla. 1997). Petitioner satisfies these provisions given that FPL has implemented a \$75-million dollar rate increase as of January 13, 2010. Petitioner's Petition for a General Rate Case and Request for Hearing and Leave to Intervene is designed to prevent such injury to the extent that FPL's rates are unjust, unreasonable and unjustly discriminatory. Petitioner's substantial interests, including the ability to receive reliable and consistent electricity at fair, just and reasonable rates, are of the type that this proceeding is designed to protect.

7. Petitioner is additionally entitled to a hearing and general rate case because, as discussed above, the PSC authorized a \$75-million dollar increase to FPL's electric rates as of January 13, 2010, and well-above and in extreme excess to what is reasonably just and necessary for FPL to maintain its plant and service to its customers. Notably, Petitioner suggests that the PSC should have decreased FPL's electric rates charged to its customers including Petitioner.

8. The disputed issues of material fact in this proceeding will include, but will not

necessarily be limited to, whether FPL's current electric rates should be decreased. Petitioner reserves [his] right to identify and develop additional issues as this docket progresses in accordance with PSC rules of conduct and procedure.

9. Inasmuch as Petitioner has a substantial interest that is subject to determination in this docket, Petitioner is entitled to petition for a general rate case and request a hearing as to the fair, just, and reasonable rates to be charged by FPL as of the effective date of the PSC's January 13, 2010 Order in Docket No. 080677-EI. Moreover, as specifically contemplated by the Florida Supreme Court's decision and opinion in *Jaber*, Petitioner intends to proceed by "access[ing] and rely[ing] on the evidence and testimony" that has been filed in FPL's prior Docket No. 080677-EI.

10. The applicable statutes and rules, include, but are not limited to:

- Chapters 120 and 366 of the Florida Statutes
- Florida Administrative Code chapter 28-106

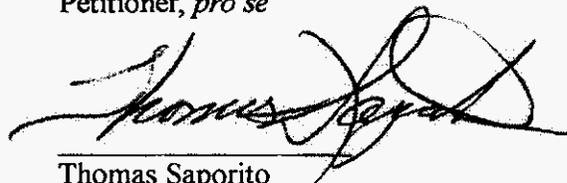
11. Chapter 366 of the Florida Statutes declares the PSC's jurisdiction over FPL's rates and the PSC's statutory mandate to ensure that FPL's rates are fair, just and reasonable. Section 366.06 (2) provides, without imposing limitations on the requesting entity, that the PSC may consider "upon request made" whether the rates charged by a public utility are just, reasonable, and not unjustly discriminatory. Section 366.07 provides that the PSC is to conduct hearings on utility's rates "either upon its own motion or upon complaint." Petitioner avers that proceedings initiated "upon request made" and "upon complaint" are one and the same. Petitioner's request that the PSC conduct formal proceedings and make decisions involving disputed issues of material fact to ensure that a public utility's rates are just, reasonable and not unjustly discriminatory are included in Section 366.07 accordingly. Moreover, under Section 120.569, a right to a hearing attaches when, as here, a party's interests are subject to determination by agency action and when the agency's decisions involve disputed issues of material fact, conditions which Petitioner has satisfied. Rule 28-106.201 provides

that persons, like Petitioner, whose substantial interests are subject to determination by an agency proceeding are entitled to petition the agency for relief. To be sure, a petition is the appropriate vehicle by which a party may ask an agency to conduct evidentiary proceedings where disputed issues of material fact are involved. This right is augmented by the Florida Supreme Court's decision in *Jaber*, granting the right to petition for a further rate review or even rate reduction. *See, Jaber* at 1214. Thus, Rule 28-106.201, Chapter 366 and Chapter 120 both provide sufficient basis for Petitioner's standing to petition for a general rate case and request a hearing and leave to intervene regarding FPL's rates and charges as a matter of law.

CONCLUSION

FOR ALL THE ABOVE STATED REASONS, Petitioner respectfully requests that the PSC: (1) grant Petitioner's Petition for the Conduct of a General Rate Case and Leave to Intervene; (2) grant Petitioner's Request for Hearing pursuant to Chapters 120 and 366 of the Florida Statutes; and (3) issue an order authorizing rates and charges for FPL that are fair, just, and reasonable as required by Florida law. Petitioner further requests that the PSC Order that all parties to this proceeding serve copies of all pleadings, notices, and other documents on Petitioner as indicated above.

Petitioner, *pro se*



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