

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: February 19, 2010
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Andrew J. Lutostanski, Assistant to Chairman Argenziano
RE: Communication in Docket 080677-EI

AL

Please place the attached letters in the above docket and disseminate copies to all parties.

RECEIVED-FPSC
10 FEB 19 AM 11:14
COMMISSION
CLERK

DOCUMENT NUMBER-DATE

01114 FEB 19 0

FPSC-COMMISSION CLERK

From the Desk of Thomas Saporito

Post Office Box 8413, Jupiter, Florida 33468
Voice: 561-972-8363 Fax: 561-952-4810
Electronic Mail: saporito3@gmail.com

13 FEB 2010

Hon. Nancy Argenziano, Chairman
Lisa Polk Edgar, Commissioner
Nathan A. Skop, Commissioner
David E. Klement, Commissioner
Ben A. "Steve" Stevens III, Commissioner

Office of the Commission Clerk
2450 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

In re: Docket No. 080677-EI, Petition for increase in rates by
Florida Power and Light Company; and Docket No. 070650-EI,
Petition [to determine need for Turkey Point Nuclear Units
6 and 7 electrical power plant

Dear Chairman Argenziano and Commissioners:

By letter dated February 10, 2010, the undersigned duly notified the Florida Public Service Commission (FPSC) about the existence of two video recordings of which one of the video recordings evidences apparent misconduct by Horace Feliu (Feliu), the former mayor for the City of South Miami, Florida inasmuch as Feliu apparently and admittedly accepted funds from one or more employees of the Florida Power and Light Company (FPL) at the FPL Juno Beach, Florida corporate offices; and then later, Feliu supported FPL's project to build two nuclear power plants (Turkey Point Units 6&7) along with associated high-voltage transmission lines. Notably, the high-voltage transmission lines were planned by FPL to be constructed in the jurisdiction of the City of South Miami Florida.

The videos can be viewed on any computer system with Internet access at:

Video #1: <http://www.youtube.com/watch?v=6T1qTvq4x48>

Video #2: <http://www.youtube.com/watch?v=KoRoE76esOY>

The undersigned's February 10, 2010 letter to the FPSC was intended to call the Commission's attention to the fact that Feliu apparently and admittedly contacted FPL officials in support of the Turkey Point project and specifically the routing of the high-voltage

< 1 of 5 >

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FPSC-COMMISSION CLERK

lines through or near the City of South Miami and subsequently accepted money from one or more FPL employees at the FPL Juno Beach, Florida corporate offices.¹

In the context of the undersigned's continuing investigation into this matter, additional evidence and relevant information has been discovered and is provided to the FPSC on the enclosed CD for consideration as follows:

1. January 9, 2008 testimony of Horace Feliu before the FPSC in Docket No. 070650-EI; and
2. October 15, 2009 Notice of Electronic Filing in Docket No. 070650-EI with July 21, 2009 City of South Miami, Florida Resolution No. 67-09-12876; and
3. February 19, 2008 video recording of a City of South Miami, Florida town hall meeting.

The Commission is first pointed to the January 9, 2008 testimony of Feliu in Docket No. 070650-EI.² In his testimony, Feliu states, in relevant part that:

". . . About two years ago I sponsored a Resolution in the City of South Miami . . . We requested from our county officials, our state legislators and our federal government to do their part in freeing ourselves from the use of fossil fuels and at the same time create a type of situation or incentives whereby we eliminate the greenhouse effects and carbon-based products that contaminate our environment. So this is right in line with exactly what we had in mind. . . FP&L has been an environmentally-friendly corporate neighbor to all of us, and I'm here just to speak on that and just basically let you know how we feel about it. . . I'm in favor of this product -- of this project."

COMMISSIONER ARGENZIANO: Same question, have you heard from the citizens of your city of South Miami?

MR. FELIU: "Basically when I found out about it it was in the paper. And we always have public discussions at the commission meetings, and no one has ever spoken against this project. . . "

However, in sharp contrast to Feliu's testimony before the

¹ See Enclosure-One include herewith.

² See enclosed CD and Enclosure-Two included herewith.

Commission shown above, and documented in the October 15, 2009 Notice of Electronic Filing³, on July 21, 2009, the City of South Miami Commissioners, including Feliu, unanimously voted in favor of Resolution No. 67-09-12876 which, amongst other things, expressly held:

". . . That the Mayor and City Commission does hereby state its opposition to the Ludiam trail route and the U.S. Highway 1 route for the proposed transmission line proposed by FPL, and propose the relocation of the FPL transmission lines along larger public highway rights-of-way, including, but not limited to SR 826, 836 and 874. . ."

Moreover, the Mayor and the entirety of the South Miami Commission directed the City Clerk to transmit a certified copy of Resolution No. 67-09-12876 to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, the Presiding Offices and Members of the municipalities in Miami-Dade county and the Executive Director of the Miami-League of Cities, and the Florida Department of Environmental Protection and FPL. *Id.* at p.2. The resolution was passed and adopted on April 6, 2009 and well after Feliu's testimony before the FPSC as shown above. Based on information and belief, the City of South Miami resolution was never sent to anyone or any entity as designated immediately above.

Finally, the FPSC is pointed to the February 19, 2008 video on the enclosed CD which can also be viewed on any computer system over the Internet at:

<http://www.youtube.com/watch?v=-gMD3Z7TKec>

This video is particularly disturbing and clearly shows apparent misconduct on the part of Feliu in suppressing the First Amendment Constitutional rights of citizens to express their views in a public forum before the City of South Miami. In particular, the citizen was quoting from the January 9, 2008 FPSC transcript record in Docket No. 070650-EI and specifically the testimony of Feliu. As can be seen on the video, Feliu interrupted the citizen and would not allow her to continue. I call the Commission's attention to Feliu's right hand during the video presentation. Notice the date stamp and time clock appearing during the citizen's testimony. Now, watch Feliu's right hand move from the top of the table to below the table at about (26:35) as shown on the time clock. It is at that point when the audio is cut-off so that the citizen's comments would not be recorded on the official video record of that meeting. It is highly suspected

³ See, enclosed CD and Enclosure-Three included herewith.

that Felui had the means to cut-off the audio speaker at the podium where the citizens speak. In any event, the demeanor of Felui during this particular public meeting significantly changed and became extremely hostile towards the citizen when Felui realized that the citizen was reading [his] testimony directly from the FPSC transcript record.

Finally, as the FPSC is fully aware, by letter dated January 20, 2010, employees at FPL's Juno Beach, Florida corporate offices authored a second letter to Lew Hay (Hay), the Chairman & Chief Executive Officer for FPL Group, Inc. in which the employees, amongst other things, allege wrongdoing on the part of FPL officials related to the recent FPL rate case in Docket No. 080677-EI. Thus, to the extent that the allegations contained in the two employee letters to Hay prove to be valid, then the FPSC should revisit its decision in Docket No. 080677-EI as the facts and testimony and records in that proceeding would clearly be called into question.

In closing, the undersigned respectfully requests that the FPSC act or act to cause an investigation into the matters identified herein in the interest of the rate payer of FPL and to protect the integrity of proceedings brought before the Commission.

Respectfully submitted,



Thomas Saporito, Exec. Dir.
RenewableElectricSystems.com
Post Office Box 8413
Jupiter, Florida 33468
Tel. (561) 972-8363

A copy of the foregoing document, including the enclosures except the CD, was provided to the following on this 13th day of February, 2010:

Governor Charlie Crist
Office of the Governor
The Capitol
400 S. Monroe St.
Tallahassee, Florida 32399-0001

J.R. Kelly, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400

Director Robert S. Muller, III
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535-0001

Florida Department of Law Enforcement
Criminal Investigations Division
P.O. Box 1489
Tallahassee, FL 32302-1489

By: 

Thomas Saporito

Enclosure-One

From the Desk of Thomas Saporito

Post Office Box 8413, Jupiter, Florida 33468
Voice: 561-972-8363 Fax: 561-952-4810
Electronic Mail: saporito3@gmail.com

10 FEB 2010

Hon. Nancy Argenziano, Chairman
Hon. Ben A. Stevens III, Commissioner
Hon. Lisa Polack Edgar, Commissioner
Hon. Nathan A. Skop, Commissioner
Hon. David E. Klement, Commissioner

In re: Docket 080667-EI, Florida Power and Light Company Rate Case

Dear Chairman Argenziano and Commissioners:

Enclosed herewith, please find a CD containing two video files which can be viewed on a Microsoft Windows based computer system.

In the alternative, these same two video files can be viewed on the internet with any computer system at the following ULR's:

Video #1: <http://www.youtube.com/watch?v=6T1qTvq4X48>

Video #2: <http://www.youtube.com/watch?v=KoRoE76esOY>

This material is being provided to the Florida Public Service Commission to make certain that the "Commission" is fully aware and informed about the apparent misconduct and behavior of an elected city official who received unsolicited funds from individuals associated with the Florida Power and Light Company (FPL) and testified before the Commission as a representative of the people who the elected official served about matters related to FPL.

To the extent that the former Mayor of South Miami Florida may have provided the Commission with false testimony as apparently reflected in Video #1, the undersigned respectfully requests that the Commission formally request that the Florida Attorney General conduct an investigation.

To the extent that one or more FPL executives and/or employees from FPL's Juno Beach office may have given money to the former South Florida Mayor in an attempt to influence [his] testimony before the Commission as related to FPL, the undersigned respectfully requests that the Commission make inquiry of FPL accordingly.

Respectfully submitted,



Thomas Saporito

Enclosure-Two

<several pages later...>
FLORIDA PUBLIC SERVICE COMMISSION

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1 CHAIRMAN CARTER: Next we'll ask Horace Feliu, the
2 Mayor of South Miami. And please forgive me if I mispronounce
3 your name. It wasn't my pronouncing. It was the writing that
4 I saw before.

5 MR. FELIU: You were very close. It's Feliu.

6 Thank you, Mr. Chair and esteemed Commissioners.

7 Thank you for coming down here and taking time from your busy
8 schedules to listen to the public.

9 About two years ago I sponsored a Resolution in the
10 City of South Miami, which basically is the Freedom From Fossil
11 Fuels Acts. We requested from our county officials, our state
12 legislators and our federal government to do their part in
13 freeing ourselves from the use of fossil fuels and at the same
14 time create a type of situation or incentives whereby we
15 eliminate the greenhouse effects and carbon-based products that
16 contaminate our environment. So this is right in line with
17 exactly what we had in mind. We know it's a clean energy
18 source. FP&L has been an environmentally-friendly corporate
19 neighbor to all of us, and I'm here just to speak on that and
20 just basically let you know how we feel about it.

21 We realize that there's issues regarding the use of
22 water and everything else, but that is being addressed. FP&L
23 has done their homework. I've listened carefully to their
24 presentation at the county level, which was passed pretty much
25 unanimously, and I'm in favor of this product -- of this

FLORIDA PUBLIC SERVICE COMMISSION

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1 project. Thank you.

2 CHAIRMAN CARTER: Thank you. One moment, please.

3 Commissioner Argenziano.

4 COMMISSIONER ARGENZIANO: Same question, have you
5 heard from the citizens of your city of South Miami?

6 MR. FELIU: Basically when I found out about it it
7 was in the paper. And we always have public discussions at the
8 commission meetings, and no one has ever spoken against this
9 project. And we're very close to that Turkey Point location.
10 We're in South Miami.

11 COMMISSIONER ARGENZIANO: Thank you.

12 MR. FELIU: You're welcome.

Enclosure-Three

070650 - EI

Ruth Nettles

From: Thomas Saporito [saporito3@gmail.com]
Sent: Thursday, October 15, 2009 3:32 PM
To: Filings@psc.state.fl.us
Cc: Kelly.jr@leg.state.fl.us
Subject: Notice of Electronic Filing in Docket No. 070650-EI
Attachments: 2009-04-07 City of Miami Resolution 67-09-12876.pdf

Electronic Filing on this 15th day of October, 2009.

a. Person responsible for this electronic filing:

Thomas Saporito
Post Office Box 8413
Jupiter, Florida 33468-8413
Tel: 561-247-6404

b. Docket No. 070650-EI

c. in the Matter of: Petition to Determine Need for Turkey Point Nuclear Units 6 and 7 Electrical Power Plant, by Florida Power & Light Company

d. Document being filed on behalf of Thomas Saporito.

e. There is a total of 4 pages.

f. The document attached for electronic filing – City of South Miami – April 7, 2009 Resolution No. 67-09-12876

Thank you for your attention and cooperation to this request.

Thomas Saporito
Post Office Box 8413
Jupiter, Florida 33468-8413
Tel: 561-247-6404

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Thomas Saporito
Post Office Box 8413
Jupiter, Florida 33468-8413
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Fax: (561) 952-4810
Email: saporito3@gmail.com
Web: <http://SaporitoEnergyConsultants.com>

DOCUMENT NUMBER DATE
10601 OCT 15 09
FPSC - COMMISSION CLERK



MEMORANDUM

Agenda Item 15(B)4

TO: Honorable Chairman Dennis C. Moss, and
Members, Board of County Commissioners

DATE: July 21, 2009

FROM: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

SUBJECT: Resolution No. 67-09-12876
City of South Miami, Florida

Diane Collins, Acting Division Chief
Clerk of the Board Division

Diane Collins

Attached for your information is a copy of Resolution No. 67-09-12876 of the Mayor and City Commission of the City of South Miami, Florida, relating to opposing the proposed routes along the Ludlum Trail or along US Highway 1, for the FPL Transmission Line; and proposing the evaluation of an alternate route along SR 826, SR 836 or SR 874; providing for transmittal to the State, agencies, and other communities; providing an effective date.

DC/fcd
Attachments

DOCUMENT NUMBER-DATE

10601 OCT 15 8

FPSC-COMMISSION CLERK

RESOLUTION NO. 67-89-12876

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, RELATING TO OPPOSING THE PROPOSED ROUTES ALONG THE LUDLUM TRAIL OR ALONG US HIGHWAY 1, FOR THE FPL TRANSMISSION LINE; AND PROPOSING THE EVALUATION OF AN ALTERNATE ROUTE ALONG SR 826, SR 836 OR SR 874; PROVIDING FOR TRANSMITTAL TO THE STATE, AGENCIES, AND OTHER COMMUNITIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Power and Light (FPL) is considering the construction of a transmission line in order to increase capacity and connect the turkey point power station to downtown Miami and points North; and,

WHEREAS, one proposed FPL route is along US Highway 1 and a second potential route is the railroad corridor along the Ludlum Trail through the City of South Miami; and,

WHEREAS, the Ludlum Trail proposed route runs adjacent to and in close proximity to established residential neighborhoods and two existing schools; and,

WHEREAS, the proposed US Highway 1 route runs adjacent to and in close proximity to an established residential neighborhood, hospitals, schools and other occupied commercial buildings; and,

WHEREAS, locating transmission lines through densely populated areas imposes an unreasonable burden on the affected community due to exposure to EMF, audible noise, visual impact and danger of collapsed lines; and,

WHEREAS, the siting of electric transmission power lines along public highway right-of-ways and other corridors with relatively small right-of-ways poses significant health and safety concerns; and,

WHEREAS, the siting of electric transmission power lines along public highway right-of-ways with larger buffers and wider right-of-ways such as State Road 826, State Road 836, and State Road 874 for example, minimizes impacts on residential communities, businesses, hospitals and schools; and,

Additions shown by underlining and deletions shown by overstriking.

DOCUMENT NUMBER-DATE

10601 OCT 15 88

FPL-COMMISSION DEPT

WHEREAS, the Mayor and City Commission seek to lobby the State Legislature relating to same.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA:

Section 1. That the Mayor and City Commission does hereby state its opposition to the Ludlum Trail route and the U.S. Highway 1 route for the proposed transmission line proposed by FPL, and propose the relocation of the FPL transmission lines along larger public highway rights-of-way, including, but not limited to SR 826, 836 and 874.

Section 2. In the event that one of the routes through the City of South Miami is ultimately selected that the Mayor and Commission formally request FPL to place the transmission lines running through the City under ground to reduce the adverse impacts of electric magnetic fields on the citizens and visitors to South Miami.

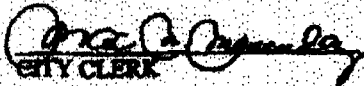
Section 3. The Mayor and City Commission encourage FPL to work with the Department of Transportation to identify transmission line routes that minimize exposure to population centers.

Section 4. The Mayor and City Commission directs the City Clerk to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, the Presiding Officer and Members of the municipalities in Miami-Dade County and the Executive Director of the Miami-League of Cities, and the Florida Department of Environmental Protection and FPL.

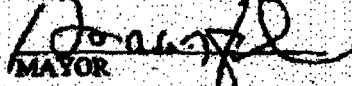
Section 5. This resolution shall take effect immediately upon approval.

PASSED AND ADOPTED this 7th day of April, 2009.

ATTEST:


CITY CLERK

APPROVED:


MAYOR

READ AND APPROVED AS TO FORM:


Luis R. Figueroa,
Office of City Attorney

COMMISSION VOTE: 5-0
Mayor Felix: Yes
Vice Mayor Bessley: Yes
Commissioner Palmer: Yes
Commissioner Beckman: Yes
Commissioner Newman: Yes

CERTIFICATION

Nikki Payne Deputy Clerk with
the City of South Miami, Miami-Dade
County, Florida, do hereby certify this
document to be a true and correct
copy of
Resolution No. 67-09-1276
dated April 7, 2009, according to
the records of the City of South
Miami, Florida. Given my hand
and the official Seal of the City
of South Miami, Florida this 7th day
of April, AD 2009.

Nikki Payne
Deputy City Clerk