

Marguerite McLean

100009 - EJ

From: Thomas Saporito [saporito3@gmail.com]
Sent: Wednesday, September 22, 2010 2:01 PM
To: Filings@psc.state.fl.us
Cc: Ninh Son; Leonard Wert, Jr.; Andrew Kugler; Annette Vietti-Cook; Ryan Whited; Region II Email Center; Jason Paige; Jeffrey Hamman; Tracy Orf; Marvin Sykes; Melanie Checkle; Anthony Gody; Carolyn Evans; Oscar DeMiranda
Subject: Notice of Filing - Request for FBI Investigation of FPL
Attachments: 2010.09.22 Letter Saporito to FBI.pdf

Please find the attached electronic notice of filing in Docket No. 10000-EI (FPL Nuclear Cost Recovery) rate case.

Should you have any questions regarding this matter, please do not hesitate to contact me at your convenience.

Kind regards,

--

Thomas Saporito, Executive Director
 EndangeredPlanetEarth.blogspot.com
 Post Office Box 8413, Jupiter, FL 33468
 Phone: 561-972-8363 Fax: (561) 247-6404
 Electronic Mail: saporito3@gmail.com

Advocate of Greenpeace USA - Think Before Printing and Save a Tree

2010 SEP 22 PM 2:01
 17947 SEP 22 2010

9/22/2010

FPSC-COMMISSION ON CLEARING

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. 100001 EI

In re: Petition for rate increase (nuclear cost recovery) 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 "Letter to John V. Gillies, Special Agent - Federal Bureau of Investigation - Request for Investigation of Florida Power and Light Company"

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

Kind regards,


Thomas Saporito

22 SEPT 2010 

COMMUNICATIONS

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FPSC-COMMISSION CLERK

From the Desk of Thomas Saporito

Post Office Box 8413, Jupiter, Florida 33468
Voice: 561-972-8363 Fax: 561-247-6404
Electronic Mail: saporito3@gmail.com

September 22, 2010

John V. Gillies
Special Agent in Charge
U.S. Department of Justice
Federal Bureau of Investigation
16320 N.W. 2nd Avenue
North Miami Beach, Florida 33169

In re: Your Letter Dated August 12, 2010 (In reference to a September 13, 2009,
complaint against the Florida Power and Light Company

Dear Mr. Gillies:

This serves to acknowledge receipt of your letter dated August 12, 2010, related to a complaint filed by the undersigned on September 13, 2009, against the Florida Power and Light Company (FPL) seeking an investigation of FPL by the U.S. Department of Justice (DOJ) - Federal Bureau of Investigation (FBI) related to certain and specific allegations of apparent illegal activities on the part of FPL in representations made to the Florida Public Service Commission (PSC) regarding one or more rate cases brought by FPL before the PSC. In your aforementioned letter, you state in relevant part that:

“ . . . After a careful and thorough review of your complaint, we have determined that, at this time, there does not appear to be a violation within the FBI's jurisdiction which could be successfully prosecuted and proven beyond a reasonable doubt in a Federal District Court. . . ”

Id. at *1.

Please be advised that additional evidence has surfaced with respect to FPL activities and conduct in providing sworn testimony under oath before the PSC related to one or more pending rate cases where FPL is seeking an increase in rates to be charged to its customers. Notably, a recent “independent” review of FPL corporate records by Concentric Energy Advisers (CEA) documented that an FPL employee who testified before the PSC on September 8th, 2009, presented out-of-date cost estimates for improvements to increase capacity at FPL's Turkey Point and Port St. Lucie nuclear plants. A \$300-million, or 27 percent, increase in the cost of the projects should have

been disclosed but was not - according to the CEA report. Thus, one or more FPL employees appear to have given perjured testimony before the PSC in an apparent illegal motive to gain monetary compensation vis-a-vi a unwarranted rate increase to FPL customers through a cost recovery rate case before the Commission.

Notably, subsequent to learning that information, the PSC through Commissioner Nathan Skop (Skop) sought the sworn testimony of the FPL CEO, Armando Olivera (Olivera) through a simple verbal request to FPL counsel - to further explore and investigate FPL's prior sworn testimony in these circumstances and to compare the same against the findings in the CEA report. FPL counsel responded to the PSC request for Olivera's sworn testimony by aggressively singling out Commissioner Skop and verbally attacking Skop at the bench before the PSC and staff and the public. FPL counsel adamantly refused to produce Olivera - and suggested that if the PSC were to issue a subpoena for Olivera's testimony - that FPL would drag the process through the courts. As the issue escalated before the PSC, FPL filed a motion in Federal Court to have Skop removed from further consideration of FPL's pending rate case matters. See, two attachments included herewith.

Thus, it is patently clear that the FBI now has ample evidence to move forward and initiate an agency "criminal" investigation of FPL as a matter of law. The DOJ simply cannot allow a regulated utility such as FPL to undermine the authority of the PSC in actions and conduct which serves to intimidate other PSC Commissions and staff to rule in the utility's favor. It is incumbent upon the PSC to conduct investigations where necessary to protect the interests of Florida citizens in these circumstances - and therefore the PSC must have unfettered access to individuals as necessary to conduct such investigations accordingly.

In closing, the undersigned once again requests that the DOJ through the FBI act in an expeditious and timely manner to investigate the actions and conduct of FPL in the circumstances described above and illustrated in the two enclosed attachments; and that the DOJ intervene to quash the pending FPL motion filed in Federal Court remove Commissioner Skop from [his] appointed duties to review, consider, and decide pending FPL rate cases.

Respectfully,



Thomas Saporito

cc: Eric Holder, U.S. Attorney General
Florida Public Service Commission



U.S. Department of Justice

Federal Bureau of Investigation

RECEIVED
13 Aug 2010
JL

In Reply, Please Refer to
File No. 194-0

16320 NW 2nd Avenue
North Miami Beach
Florida, 33169

August 12, 2010

RE: Your complaint dated 09/13/2009

Dear Mr. Saporito:

This letter is in response to your written complaint in which you advised that FPL employees recruited individuals to speak in favor of a proposed FPL rate hike during multiple local service hearings in 2009. Some of the individuals asked to speak in favor of the rate increase, had undisclosed ties to FPL.

After a careful and thorough review of your complaint, we have determined that, at this time, there does not appear to be a violation within the FBI's jurisdiction which could be successfully prosecuted and proven beyond a reasonable doubt in a Federal District Court. Therefore, at this time, we are declining to take action on your complaint.

We appreciate your vigilance and recognize that efforts like yours provide the assistance needed to ensure a safe environment for all our communities.

Sincerely,

John V. Gillies
Special Agent in Charge

By: 
John J. Bernardo
A/Supervisory Special Agent

DOCUMENT NUMBER 194-0

07947 SEP 22 2010

FPSC-DOJ-WHOSPO-101700

Posted on Friday, 08.17.10

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PSC commissioner fights FPL's attempt to remove him

BY MARY ELLEN KLAS
HERALD/TIMES TALLAHASSEE BUREAU

TALLAHASSEE -- Public Service Commissioner Nathan Skop fired back at Florida Power & Light Thursday, formally denying the company's request to have him removed from its 13 remaining utility cases before his term ends in January.

Skop's 17-page response also attempts to address many of the arguments being made by FPL in a Sept. 8 motion filed in the First District Court of Appeal. The company asked the court to remove Skop from all its pending cases because it believes it can't get a fair hearing based on comments Skop made during recent hearings.

Skop told reporters on June 30 and July 1 that the decision by the PSC Nominating Council not to interview him and PSC Commission Chairman Nancy Argenziano for reappointment was "payback" for the commission's unanimous decision to reject the rate cases of FPL and Progress Energy.

"Commissioner Skop's outbursts followed a year in which his conduct toward FPL in fact-finding hearings has become increasingly more hostile and adversarial, FPL's motion stated.

FPL filed the nearly 400-page motion after Skop refused to recuse himself from voting in a nuclear cost recovery hearing on Sept. 2. He then opposed FPL's request for a \$31 million increase in customer bills that the company wanted to take effect in January, but the commission voted 3-2 to support the increase.

Skop argued then that he was not obligated to remove himself because the law requires a request for recusal to occur prior to the hearing, not during the proceeding.

In his response on Thursday, Skop said that the reason a motion to disqualify a commissioner should be filed before a case is heard is to prevent companies from using the tactic to "relieve a party's discomfort when the going gets tough during an agency proceeding," especially if a commissioner pursues "an unexpectedly irksome line of questions.

"Such an untethered, free-roaming threat of recusal would seriously impair the ability of the Commission to carry out its important responsibilities," he wrote.

Skop argued that he has no bias against FPL, and that his statements referred to the legislatively-controlled nominating council and were also aimed at Progress Energy Florida.

"I voted against PEF's rate increase requests as well as FPL's, and noted in the July 1, 2010, statement that the Nominating Council's 'payback' reflected my participation in PEP's rate case as well as FPL's rate case," Skop wrote in his order.

"Apparently, PEF, having filed no motion similar to FPL's, does not interpret the exact same public statements of mine as seeking to blame PEF for my failure to be interviewed by the Nominating Council," he said. He added that FPL's argument was "tenuous and speculative" and provided insufficient grounds to require his disqualification.

The matter will now move to court, where the FPL case is pending.

Mary Ellen Klas can be reached at meklas@miamiherald.com



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