

**From:** Saprodani Assoc <saprodani@gmail.com>  
**Sent:** Monday, February 18, 2013 7:04 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Caroline Klancke; Charles Rehwinkel; J.R.Kelly; Joseph A. McGlothlin; Keino Young  
**Subject:** Braulio L. Baez, Executive Director (FPL Smart Meters)  
**Attachments:** 2013.02.18 Letter to PSC Ex Dir.pdf

**Electronic Filing**

a. Person responsible for this electronic filing:

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b. Docket No. Letter to Braulio L. Baez, Executive Director \_FPL Smart Meters)

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 2.

e. Brief description of documents being filed:

- Letter to Braulio L. Baez, Executive Director - Request for Investigation and Hearing - FPL Smart Meters

DOCUMENT NUMBER - DATE

00888 FEB 19 2013

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

s/Thomas Saporito

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***From the Desk of Thomas Saporito***

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February 18, 2013

Braulio L. Baez, Executive Director  
Florida Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

***In re: February 19, 2013 Internal Affairs of the Commission***

Dear Mr. Baez:

This serves to communicate the undersigned's views with respect to the February 11, 2013 Commission memorandum related to a ***"Briefing on Smart Meters: Technical Information and Regulatory Issues."*** In this regard, please communicate the following to the entirety of the Commission:

As reflected in the February 11, 2013 Commission memorandum, the Commission has jurisdiction over cost recovery of smart meters. Section 366.04(1), F.S., provides the Commission jurisdiction to regulate and supervise each public utility with respect to rates and service. Utilities present at the Commission's sponsored workshop on smart meters agreed that the rates and services aspects of the statutes apply to smart meters. Id. at p.2.

**1. The Florida Power & Light Company (FPL) appears to have misled the Commission regarding cost recovery of smart meters.**

During the technical hearing in Docket No. 120015-EI, FPL witness Santos testified about the smart meter program – and that – the smart meters were intended to be able to interact with a customer's smart appliances during peak-demand periods. However, Santos further testified that FPL failed to install the correct smart meters which employed the ability to communicate with customer smart appliances – and that those meters would ultimately have to be replaced. In this instance, the Commission was lead to believe that FPL was going to install a smart meter capable of interacting with a customer's smart appliances during peak-demand periods – and on that basis – the Commission authorized cost recovery for the smart meter devices by FPL. This appears to be a case of ***"fraud"*** upon the citizens of Florida.

In addition, there does not appear to be any cost-benefit analysis performed by FPL to demonstrate that the majority of its customer base has smart appliances installed in their homes or apartments. Further, Santos testified that customers were requesting that smart meters be removed from their property. Common sense tells us that smart meters would only be affective during peak-demand periods if: (1) the proper smart meter was installed and capable of interacting with a customer's smart appliances; and (2) the customers had smart appliances installed at their residences. As stated above, neither of these conditions were met prior to FPL's installation of smart meters on customer locations.

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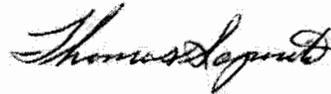
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Thus, FPL customers are now placed in a position by order of the Commission – to pay for smart meters which cannot operate as alleged by FPL. Therefore, FPL's claims of cost-savings for its customers are patently false and not true. Notably, it is not realistic to believe that FPL customers would be willing to expense the cost of replacing their existing appliances with smart appliances in these dire economic times.

## **2. Request for Investigation and Hearing**

To the extent that there appears to be fraud on the part of FPL related to cost recovery for smart meters from customers of FPL, the undersigned requests that: (1) the Commission authorize and otherwise order an investigation of FPL related to smart meters and associated cost recovery; (2) the Office of Inspector General for the Commission conduct an investigation of FPL and/or the Commission - related to smart meters and associated cost recovery as authorized by the Commission; and (3) the Commission convene a public hearing to create a record for which the Commission can rely and consider to Order FPL to refund all smart meter associated costs back to the customers.

Respectfully submitted,



Thomas Saporito