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VIA HAND DELIVERY

February 25, 2010

Chairman Nancy Argenziano
 Commissioner Ben A. Stevens, III
 Commissioner Lisa Polak Edgar
 Commissioner Nathan A. Skop
 Commissioner David E. Klement
 Florida Public Service Commission
 2540 Shumard Oak Blvd.
 Tallahassee, FL 32399-0850

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 COMMISSION
 CLERK

Re: Docket No. 080677-EI: Petition for Increase in Rates by Florida Power & Light Company

Dear Commissioners:

I am writing on behalf of Florida Power & Light Company (FPL) in response to a letter dated February 15, 2010 from Thomas Saporito. Mr. Saporito has also filed other numerous claims and allegations against FPL over the past twenty years, none of which have been substantiated by any agency. As demonstrated below, Mr. Saporito's frivolous allegations are meritless. They are simply the latest false claims in his 20-year campaign against the company.

In his February 15 letter, Mr. Saporito alleges that an FPL vice president solicited a payment from a vendor in exchange for a continued business relationship with FPL. Mr. Saporito also alleges that FPL terminated nuclear workers at its St. Lucie Nuclear Plant (St. Lucie) after such workers raised safety concerns. FPL categorically denies these baseless and slanderous allegations.

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- OPC _____
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The amount of the alleged payment, \$800,000, appears to correspond to an issue that was fully disclosed to the Florida Public Service Commission in the Nuclear Cost Recovery Docket (Docket No. 090009-EI) in 2009. In that matter, FPL internally identified a situation where one of its contractors on the extended power uprate project charged FPL for its work at rates that were approximately 7-9% higher than market rates. After this discovery, FPL demanded that the contractor refund FPL approximately \$800,000, or 9% of the total amount charged, to the Company for the above-market charges. When the contractor denied FPL's demand, FPL promptly terminated its contractual relationships with that contractor, and all of that contractor's employees were subsequently removed from the uprate project. In order to ensure that FPL's customers were held harmless from

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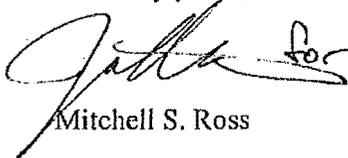
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such charges, FPL removed \$772,543 from the amount that FPL was claiming in the 2009 Nuclear Cost Recovery Docket and this amount was reflected in FPL's May 1, 2009 filing of March 2009 extended power uprate construction costs. This issue was also reviewed by Florida Public Service Commission audit staff in the Nuclear Cost Recovery Docket.

Mr. Saporito's February 15 letter provides no evidence to support his inflammatory claim that nuclear workers were removed from St. Lucie for having raised safety concerns. FPL strongly denies that any such discrimination occurred. It should be noted that a former employee of the contractor involved in the issue described above who was removed for individual performance reasons (prior to FPL's termination of the contract with the contractor) has alleged that his removal from the uprate project was in retaliation for raising safety concerns. This allegation is currently under review by the U.S. Department of Labor (DOL) and the U.S. Nuclear Regulatory Commission, the federal agencies with jurisdiction over such claims. FPL is defending against the allegation, which is entirely without merit.

As to Mr. Saporito's credibility generally, the Commission should consider the following: Mr. Saporito's employment with FPL was terminated in 1988 for cause for multiple acts of insubordination, and he has been attempting to litigate and re-litigate the termination of his employment in multiple fora ever since. A DOL Administrative Law Judge ruled in a written decision that FPL's termination of Mr. Saporito's employment in 1988 was justified because there was "overwhelming" evidence that Mr. Saporito was repeatedly insubordinate, "insolent," "*blatantly lied*" and "*clearly lied*" to management, and engaged in a "mockery of management's role" [emphases in original].¹ Mr. Saporito has also filed other numerous claims and allegations against FPL over the past twenty years, none of which have been substantiated by any agency. Finally, it should be noted that Mr. Saporito has not set foot in any FPL operational facility since 1988.

Sincerely yours,



Mitchell S. Ross

cc: Commission Clerk
Counsel for Parties of Record

¹ The DOL decisions regarding Mr. Saporito's numerous claims of discrimination against FPL are accessible at <http://www.oalj.dol.gov>. The specific DOL decisions denying Mr. Saporito's discrimination claims arising out of his termination of employment by FPL in 1988 are located at DOL case number 1989-ERA-00007.