

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power and Light
Company Rate Case

Date: 27 MAR 2009

Docket: 080677-EI

SAPORITO ENERGY CONSULTANTS' AND THOMAS SAPORITO'S REPLY IN
OPPOSITION TO FLORIDA POWER & LIGHT COMPANY'S MOTION TO STRIKE
THOMAS SAPORITO'S REPLY TO FLORIDA POWER & LIGHT COMPANY'S
RESPONSE IN OPPOSITION TO SAPORITO PETITION TO INTERVENE

In a pleading dated March 24, 2009, the Florida Power & Light Company ("FPL") filed *Florida Power & Light Company's Motion to Strike Thomas Saporito's Reply to Florida Power & Light Company's Response in Opposition to Saporito Petition to Intervene* ("Motion"). For the reasons stated below, the Commission should deny FPL's motion in its entirety.

In their Motion, FPL argues that,

"There is simply no place under the applicable procedural rules for Mr. Saporito to file further pleadings arguing his Petition to Intervene. . . "


Id. at 1. Notably, FPL's entire argument centers around this single statement. However, Saporito Energy Consultants, Inc. ("SEC") by and through and with its undersigned president, Thomas Saporito, ("Petitioners") in filing their March 23, 2009 reply to FPL's March 16, 2009 opposition pleading, were merely filing a supplement to Petitioners' March 9, 2009 Petition for Leave to Intervene in the instant action and nothing more. Thus,

Petitioners' have complied with the applicable procedural rules before the Commission in seeking Intervention as a party in the present FPL rate case. Notably, Petitioners' March 23, 2009 pleading clearly sets-out Saporito's qualifications under the Florida Administrative Code as a "qualified representative" to represent SEC's interests as well as [h]is own interests in the FPL rate case. As such, Petitioners' March 23, 2009 should be construed by the Commission as a supplement to their March 9, 2009 Petition to Intervene as a party in the instant action.

CONCLUSION

For all of the foregoing reasons, the Commission should construe Petitioners' March 23, 2009 pleading as a supplement to their March 9, 2009 Petition to Intervene as a party in the instant action and DENY FPL's motion in its entirety.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was provided electronically on this 27th day of March, 2009, to:

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