

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of GridFlorida
Regional Transmission
Organization (RTO) Proposal.

DOCKET NO. 020233-EI
ORDER NO. PSC-03-1414-PCO-EI
ISSUED: December 15, 2003

ORDER REVISING PROCEDURE AND
ESTABLISHING NEW WORKSHOP CONTROLLING DATES

On October 3, 2002, the Office of Public Counsel (OPC) filed a notice of administrative appeal of Order No. PSC-02-1199-PAA-EI to the Florida Supreme Court.¹ On October 15, 2002, the Commission voted to abate the hearing scheduled in this docket, in light of the automatic stay which was effected by operation of law pursuant to Rule 9.310(b)(2), Florida Rules of Appellate Procedure. Accordingly, by Order No. PSC-02-1426-PCO-EI, issued October 17, 2002, I abated the hearing schedule pending disposition of the appeal. Further, a ruling on all pending motions was deferred, and the time for filing responses to pending motions was tolled.

On June 2, 2003, the Florida Supreme Court issued an order stating that it was opposed to "piecemeal review" of single orders, especially when, as in Order No. PSC-02-1199-PAA-EI, the final and non-final issues are intertwined. Citizens v. Jaber, 847 So. 2d 975 (Fla. 2003). Therefore, OPC's case was dismissed without prejudice to any party to bring a challenge to Order No. PSC-02-1199-PAA-EI after all portions are final.

By Order No. PSC-03-1006-FOF-EI, issued September 8, 2003, the Commission resolved the outstanding motions for reconsideration of Order No. PSC-02-1199-PAA-EI. By that Order, the Commission also

¹By Order No. PSC-02-1199-PAA-EI, issued September 3, 2002, the Commission decided to conduct an expedited evidentiary hearing on the merits of a revised GridFlorida market design proposal. In addition, the Commission voted to take proposed agency action (PAA) with respect to other aspects of the GridFlorida Regional Transmission Organization (RTO) proposal and determined that any requests for hearing on such proposed agency action should be addressed as part of the expedited proceeding on the market design petition.

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noted that on September 15, 2003, it would host a FERC Technical Conference concerning Florida's perspective on FERC's regional transmission organization (RTO) and standard market design (SMD) initiatives.

The September 15 technical conference provided the Commission, as well as Florida market participants and other interested persons, a forum to discuss FERC's wholesale power market design proposals in anticipation of final rules on SMD in the future. At the conclusion of the conference, I requested that the parties confer with Commission staff in a timely manner regarding incorporation of the information discussed at the conference and revising the procedural schedule for this docket. To that end, Commission staff conducted a noticed informal meeting on November 21, 2003, at which time the Applicants proposed a procedural schedule involving a series of three workshops, in which the Applicants, parties, and staff would identify and attempt to resolve the remaining issues in this docket.

Having considered the foregoing, I issue this order to outline the procedural posture of this case today and to encourage the parties to continue to collaborate on moving this proceeding forward. I do believe that conducting a series of workshops is a reasonable and appropriate vehicle to move this docket forward and continue the collaborative effort and commitment expressed by the parties at the September 15 technical conference. For the sake of administrative certainty, the proposal is therefore set forth herein. The Applicants shall file drafts of their current positions on the issues pertinent to each workshop, to which the parties shall have the opportunity to file written responses. Staff will provide to all the parties a list of specific issues that will be addressed at each workshop. At the conclusion of each workshop, staff shall file a status report summarizing the workshops' results, including the resolution of any issues and identification of specific outstanding issues. The following dates shall govern the workshop process:

- 1) Applicants file draft positions for Pricing Issues Workshop February 26, 2004
- 2) Parties file responses to Applicants' draft positions March 11, 2004
- 3) Pricing Issues Workshop March 17-18, 2004
- 4) Staff files Status Report for Pricing Issues Workshop April 2, 2004
- 5) Applicants file draft positions for Market Issues Workshop April 29, 2004
- 6) Parties file responses to Applicants' draft positions May 13, 2004
- 7) Market Issues Workshop May 19-21, 2004
- 8) Staff files Status Report for Market Issues Workshop June 4, 2004
- 9) Applicants file draft positions for Wrap-up Issues Workshop July 15, 2004
- 10) Parties file responses to Applicants' draft positions July 29, 2004
- 11) Wrap-up Issues Workshop August 5, 2004
- 12) Staff files Status Report for Wrap-up Issues Workshop August 20, 2004

The workshops referenced above shall be held at the Commission offices in Tallahassee, Florida.

I commend the parties on their continued cooperative effort in resolving the outstanding issues in this docket. They are encouraged to make use of the opportunity afforded by the workshops to diligently communicate their positions and concerns, and to work in the cooperative spirit demonstrated throughout this docket and at the September 15 FERC technical conference.

The workshops should serve the beneficial purpose of helping the parties and staff clearly define the remaining issues in this

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docket. Once the status reports have been issued and I am better informed of the substantive posture of this docket, I will then be in a position to take into consideration the appropriate hearing schedule, to the extent outstanding issues remain for this Commission's resolution. As noted in Order Nos. PSC-01-2489-FOF-EI and PSC-03-1006-FOF-EI, the parties are cautioned that this Commission will not relitigate issues which have already been addressed in prior Orders.

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

Based upon the foregoing, it is

ORDERED by Chairman Lila A. Jaber, as Prehearing Officer, that the workshop process and procedural schedule outlined herein shall govern this portion of the proceeding.

By ORDER of Chairman Lila A. Jaber, as Prehearing Officer, this 15th day of December, 2003.



LILA A. JABER
Chairman and Prehearing Officer

(S E A L)

JSB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.