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 RECORDS AND REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Review of Florida Power & Light)
 Company's proposed merger with Entergy)
 Corporation, the formation of a Florida)
 transmission company ("Florida transco"),)
 and their effect on FPL's retail rates.)
 _____)

DOCKET NO. 001148-EI
 Filed May 25, 2001

PETITION TO INTERVENE

CPV Atlantic, Ltd. ("CPV Atlantic"), pursuant to Florida Administrative Code Rules 25-22.039 and 28-106.205, petitions to intervene in this docket. As grounds supporting its petition to intervene, CPV Atlantic states the following:

1. The name and address of Petitioner is:

CPV Atlantic, Ltd.
 145 NW Central Park Plaza, Suite 101
 Port St. Lucie, FL 34986
 Telephone: (561) 873-4545
 Facsimile: (561) 873-4540

2. All pleadings orders and correspondence should be directed to Petitioner's representatives as follows:

Jon C. Moyle, Jr.
 Cathy M. Sellers
 Moyle, Flanigan, Katz, Raymond & Sheehan, P.A.
 The Perkins House
 118 North Gadsden Street
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3. This proceeding involves consideration of Florida Power & Light Company's ("FPL")

retail rates with particular emphasis on FPL's planned participation in the formation of a Regional

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Transmission Organization (“RTO”) for peninsular Florida. FPL’s retail rates could be affected by costs or savings arising out of the creation and participation in a RTO.

4. CPV Atlantic is a limited partnership organized under the laws of Florida, with its business offices being located in FPL’s service territory within St. Lucie County. CPV Atlantic is a customer of FPL and its business office electric costs are a significant variable cost of the business office.

5. Additionally, CPV Atlantic has obtained necessary governmental approvals to construct an electric generating facility in St. Lucie County.

6. CPV Atlantic is currently seeking to execute an interconnection agreement with FPL to link its electric generating facility to FPL’s transmission system, a system that FPL is proposing to transfer to Grid Florida, a RTO.

7. The CPV Atlantic electric generating facility will sell into the wholesale market the facility’s output, using the Florida transmission line grid system. It has been proposed that the Florida grid system be operated by a RTO, namely Grid Florida.

8. The Commission, in adopting the staff recommendation filed on May 3, 2001 (document filing 05601-01), recognized this docket will involve issues that affect Petitioner’s substantial interests. For example, it was expressly recognized that “FPL’s decision to promote a separate and for-profit RTO and to transfer its transmission assets to that RTO raises a number of questions pertaining to the costs, benefits and potential impact on ratepayers.”

9. CPV Atlantic receives electricity at its business offices from FPL.

10. Moreover, shortly after the Commission voted on May 15, 2001 to approve the staff recommendation referenced above, FPL, along with Tampa Electric Company and Florida Power

Corporation, cited the Commission's adoption of the staff recommendation as a reason to temporarily suspend certain activities related to RTO formation.

11. As an entity that will make extensive use of the Florida-based transmission system in selling the output of the CPV Atlantic electric generating facility, CPV Atlantic's substantial interests will be directly and immediately impacted by the Commission's actions that impact the creation and formation of a RTO. CPV Atlantic's ability to competitively provide wholesale energy to the Florida transmission grid will be directly affected by the adequacy, availability, reliability and cost of electric transmission services provided by FPL. CPV Atlantic's substantial interests are of the type this proceeding is designed to protect. Agrico Chemical Co. v. Department of Environmental Regulation, 406 So.2d 478 (Fla. 2d DCA 1981).

12. Disputed issues of material fact include, but are not limited to, the following:

- A. The effect of FPL's participation in the Grid Florida RTO on FPL's retail rates.
- B. The effect of FPL's participation in the Grid Florida RTO on the adequacy, availability, reliability and cost of electric transmission capacity in the Florida market.
- C. The benefits of FPL's participation in the Grid Florida RTO or a competitive robust wholesale energy market in Florida.
- D. The benefits of FPL's participation in the Grid Florida RTO on retail ratepayers, including CPV Atlantic.
- E. The effect of FPL's participation in the Grid Florida RTO on electric rate competition in Florida.
- F. The appropriate allocation of FPL revenues between retail and wholesale customers, including CPV Atlantic.

13. Ultimate facts in this proceeding that entitle CPV Atlantic to relief include, but are not limited to, the fact that FPL's participation in the Grid Florida RTO will impact retail rates.

14. The applicable statutes and rules that entitle CPV Atlantic to relief in this proceeding include, but are not limited to:


Chapter 366, Florida Statutes
Florida Administrative Code Chapter 25
Florida Administrative Code Rule 28-106

WHEREFORE, CPV Atlantic respectfully requests that the Florida Public Service Commission grant its Petition to Intervene and grant it full party status in this docket.

Respectfully submitted,

Moyle, Flanigan, Katz, Raymond & Sheehan
The Perkins House
118 North Gadsden Street
Tallahassee, Florida 32301

Attorneys for CPV Atlantic, Ltd.

By: 
Jon C. Moyle, Jr. F02795
Cathy M. Sellers

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of CPV Atlantic, Ltd.'s Petition to Intervene was served by U.S. Mail this 25th day of May 2001 to the following:

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