

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Tampa Electric Company
and impact of its participation in GridFlorida,
a Florida Transmission Company, on
TECO's retail ratepayers.

Docket No. 010577-EI
Filed June 28, 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
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2. All pleadings orders and correspondence should be directed to Petitioner's representatives as follows:

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3. This proceeding involves consideration of Tampa Electric Company's ("TECO") retail rates, with particular emphasis on TECO's planned participation in the formation of a Regional Transmission Organization ("RTO") for peninsular Florida. TECO'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. CPV Atlantic has obtained necessary governmental approvals to construct an electric generating facility in Florida. 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 by TECO and others that the Florida grid system be operated by a RTO, namely GridFlorida.

5. The Commission, in adopting the staff recommendation filed on May 3, 2001 (document filing 05601-01), recognized that this docket will involve issues that affect Petitioner's substantial interests. In this docket, the Commission will consider TECO's participation in the formation of a RTO for peninsular Florida. CPV Atlantic has entered into an interconnection agreement to link CPV Atlantic's electric generating facilities to the Florida electric transmission system — a system that TECO and others have proposed to transfer to GridFlorida. Additionally, CPV Atlantic's parent company is actively pursuing the development and construction of additional electric generating facilities in Florida. Its ability to do so depends, in significant part, on its access to an adequate electric transmission system, the governance of which is structurally independent and non-discriminatory. Implicit in the Commission's consideration of the prudence of TECO's participation in the RTO and the RTO's impact on retail customer classes, is the issue of whether the RTO would provide benefits to Florida's ratepayers. Inasmuch as TECO and other investor-owned utilities have suspended certain activities associated with the development of GridFlorida pending the Commission's actions in this and related dockets, an indisputable nexus exists between

the actions contemplated in this proceeding and the formation of the RTO. Actions taken pursuant to this docket will affect the nature of transmission facilities, transmission service, and transmission system governance in a market in which CPV Atlantic has invested substantial financial resources to participate as a wholesale provider. Thus, CPV Atlantic's substantial interests are affected in this proceeding. Agrico Chemical Co. v. Department of Environmental Regulation, 406 So.2d 478 (Fla 2d DCA, 1981).

6. Disputed issues of material fact in this proceeding are:

- a. Whether the formation and administration of GridFlorida would lead to the development of a robust competitive wholesale market;
- b. The effect of TECO's participation in GridFlorida RTO on the adequacy, reliability, and cost of electric transmission capacity in the Florida market;
- c. Whether the benefits of GridFlorida to ratepayers in the form of a competitive generation market outweigh its costs;
- d. What policy position should the Commission adopt regarding the formation of GridFlorida; and
- e. What are the impacts of TECO's participation in the GridFlorida RTO on retail ratepayers.

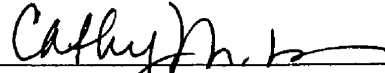
7. Ultimate facts in this proceeding that entitle CPV Atlantic to relief include, but are not limited to, the fact that TECO's participation in the Grid Florida RTO will impact retail rates.

8. 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 Chapter 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,



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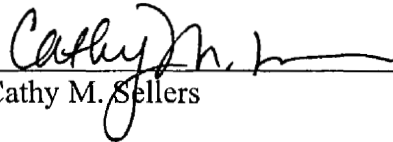
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Attorneys for CPV Atlantic, Ltd.

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 28th day of June 2001 to the following persons.


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