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September 20, 2001

VIA FEDERAL EXPRESS

Blanca S. Bayó, Director
Division of Records and Reporting
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0870

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COMMISSION
CLERK

Re: Docket No. 010577-EI
Filing of Publix Super Market Inc., Petition to Intervene

Dear Ms. Bayó:

Enclosed please find the original and seven (7) copies of Publix Super Market Inc., Petition to Intervene in the above-referenced docket.

Sincerely,



Thomas A. Cloud, Esquire

GRAY, HARRIS & ROBINSON, P.A.

TAC:gcj

Enclosure

cc: All individuals on docket service list

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11861 SEP 21 01



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: September 21, 2001

PUBLIX SUPER MARKET INC., PETITION TO INTERVENE

Publix Super Market, Inc. ("Publix"), by and through its undersigned counsel hereby submits its Petition to Intervene in the instant proceeding pursuant to Rules 25-22.039, 28-106.201(2) and 28-106.205, Florida Administrative Code, and as grounds therefore states:

1. The name, address and telephone number of the Petitioner is:

Publix Super Market, Inc.
c/o Thomas A. Cloud, Esquire
Gray, Harris & Robinson, P.A.
301 East Pine Street, Suite 1400
P.O. Box 3068
Orlando, Florida 32802-3068
(407) 843-8880 Phone
(407) 244-5690 Facsimile

2. Copies of all pleadings, notices and orders in this Docket should be provided to:

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Gray, Harris & Robinson, P.A.
301 East Pine Street, Suite 1400
P.O. Box 3068
Orlando, Florida 32802-3068
(407) 843-8880 Phone
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3. Statement of Substantial Interests.

- a. Publix has a substantial interest in the outcome of this proceeding. Publix maintains corporate offices at 1936 George Jenkins Boulevard in Lakeland, Florida 33815.

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Publix develops, owns, operates and maintains five hundred and twenty four (524) supermarket facilities throughout the State of Florida. In addition, Publix owns and operates seven distribution centers and two manufacturing facilities to service its supermarkets. The combined retail sales of Publix, as one of the ten largest supermarket chains in the United States (by volume) was fourteen billion six hundred million (\$14,600,000,000) during calendar year 2000. Publix has in excess of one hundred twenty-two thousand (122,000) employees. Publix is a large retail consumer of electricity in Florida and purchases significant amounts of electricity from Tampa Electric Company (the "Utility") and its continued business operations are directly affected by the cost and availability of reliable electric service. In this proceeding, the Florida Public Service Commission (the "Commission") will consider issues directly affecting the availability and reliability of electricity and the rates Publix will pay in its continued business operations. These will be affected by (i) any cost adjustments made to the current approved Utility tariff rates applicable to the purchase of electricity by Publix and (ii) the formation of the proposed regional transmission organization ("RTO") currently known as GridFlorida. Publix is in the unique position of owning and operating both commercial and industrial facilities. This combination makes Publix's interests unique and such interests cannot be adequately represented by any other party. Therefore, Publix has a direct and substantial interest in the outcome of this proceeding.

b. Any adjustments to the Utility's tariff rates for electricity which result from these proceedings, as well as the ultimate formation and mode of operation of any resulting RTO, will have profound effects on Publix's access to reliable and competitively priced electricity. A properly structured, independent RTO will have the ability to improve

efficiencies in transmission grid management, improve grid reliability and consequently benefit retail consumers through lower electricity rates resulting from a wider choice of services and service providers. Publix is a large retail consumer of electricity in Florida and its continued business operations are directly affected by the cost and availability of reliable and affordable electric service. For these reasons, Publix's injury is immediate and of the type which is required in order to become party in these proceedings. In re: Application of South Hutchinson Service Company, 87 FPSC 10:298 (1987); Agrico Chemical Co. v. Dept. of Env't'l. Reg., 406 So.2d 478 (Fla. 2d DCA 1981), rev. denied 415 So.2d 1359 (Fla. 1982).

4. Statement of Disputed Issues of Material Fact for Phase I.

The following issues of material fact have been identified for first phase of these proceedings ("Phase I"):

- a. Is participation in a regional transmission organization (RTO) pursuant to FERC Order No. 2000 voluntary?
- b. What are the benefits to Peninsular Florida associated with the utility's (FPC, FPL, or TECO) participation in GridFlorida?
- c. What are the benefits to the utility's ratepayers of its participation in GridFlorida?
- d. What are the estimated costs to the utility's ratepayers of its participation in GridFlorida?
- e. Is TECO's/FPL's decision to transfer ownership and control of its transmission facilities of 69 kV and above to GridFlorida appropriate?

and

Is FPC's decision to transfer operational control of its transmission facilities of 69 kV and above to GridFlorida while retaining ownership appropriate?

- f. Is the utility's decision to participate in GridFlorida prudent?

- g. What policy position should the Commission adopt regarding the formation of GridFlorida?
- h. Is Commission authorization required before the utility can unbundle its retail electric service?
- i. Commission authorization required before the utility can stop providing retail transmission service
- j. Is Commission authorization required before the FPC can transfer operational control of its retail transmission assets?

and

Is Commission authorization required before FPL/TECO can sell its retail transmission assets?

- k. Is a Regional Transmission Organization for the Southeast region of the United States a better alternative for Florida than the GridFlorida RTO?

5. Other Issues of Material Fact.

The following are issues of material fact which are in addition to those identified for Phase I:

- a. Should all or a portion of the GridFlorida formation costs be passed on to the Utility's rate payers?
- b. Are any Utility tariff rate adjustments needed based on the outcome of the Commission's examination of the Utility's Minimum Filing Requirements?

Publix reserves the right to address other issues as its interests may arise.

6. Ultimate Facts Alleged.

Publix and other retail electric rate payers can benefit from a robustly competitive wholesale generation market. Such benefits can be realized by a properly formed, independent RTO. The realization of any such benefits can be hindered by the improper treatment of cost recovery in the tariffs of the Utility if it becomes a party to the RTO. The Commission must support the advancement of a competitive wholesale generation while

at the same time protecting the retail electric customers in the State of Florida from excessive or imprudent electricity costs.

7. Applicable Statutes and Rules

Applicable statutes and rules in this proceeding include, but are not limited to:

Chapter 366, Florida Statutes

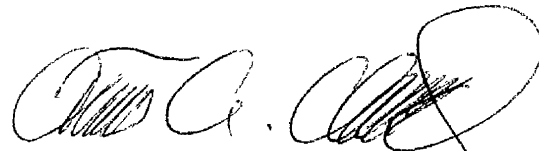
Florida Administrative Code Chapter 25

Florida Administrative Code Rule 28-106.

8. Affected Agency

The affected agency is the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

WHEREFORE, Publix respectfully requests the Commission enter an Order authorizing it to intervene with full-party status.



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Attorneys for Publix Super Market Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to the following parties of record and interested parties, this 20th day of September, 2001:

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Marlene Stern, Esquire
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Interested Parties:

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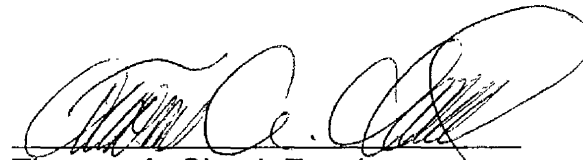
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