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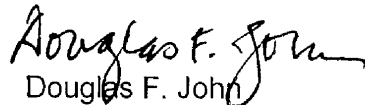
**Re: *In re: Review of GridFlorida Regional Transmission Organization (RTO) Proposal, Docket No. 020233-EI***

Dear Ms. Bayo:

Enclosed, please find an original and twenty (20) copies of a Joint Response of Lakeland Electric, Kissimmee Utility Authority, Gainesville Regional Utilities, and the City of Tallahassee, Florida, which is being filed in the above-captioned proceeding. Please date-stamp and return the five (5) extra copies *via* the enclosed postage pre-paid return envelope. I have also included a diskette containing an electronic form of this filing.

Thank you very much for your assistance and please do not hesitate to contact me at (202) 429-8809 if you have any questions.

Sincerely,



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cc: Service List

DOCUMENT NUMBER-DATE  
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FPC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 020233-EI  
Filed: May 13, 2004

JOINT RESPONSE OF LAKELAND ELECTRIC,  
KISSIMMEE UTILITY AUTHORITY, GAINESVILLE REGIONAL UTILITIES,  
AND THE CITY OF TALLAHASSEE, FLORIDA

Pursuant to the schedule adopted by Order No. PSC-03-1414-PCO-EI, the City of Lakeland, Florida d/b/a Lakeland Electric (Lakeland), the City of Tallahassee, Florida (Tallahassee), Kissimmee Utility Authority (KUA), and the City of Gainesville, Florida d/b/a Gainesville Regional Utilities (GRU) -- collectively referred to herein as the Florida Municipal Group (FMG)<sup>1</sup> -- hereby respond to the draft positions and issues circulated by the GridFlorida Applicants for discussion at the workshop scheduled for May 19-21, 2004.

**GENERAL COMMENTS**

The FMG members appreciate the opportunity to discuss energy market and congestion management concepts at the upcoming workshop, but submit that most of the issues listed by the Applicants need not be resolved in the near-term, and probably not for some time to come. The practice followed by other Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs) has been to focus efforts initially on transmission-only or "Day 1" functions -- e.g., providing transmission service, calculating transfer capacities, regionalizing transmission planning, coordinating maintenance schedules, etc. -- with energy market issues

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<sup>1</sup> The FMG is an *ad hoc* advocacy group. Each member of the FMG has intervened independently in this proceeding and reserves the right to express individual views at any time.

not addressed until several years later, if at all.<sup>2</sup> The same approach should be followed in Florida.

Thus, while the FMG members look forward to learning more about the various market design components identified by the Applicants, they view this as largely an academic exercise at this stage in GridFlorida's development. Purporting to reach decisions now regarding specific market design elements is unnecessary and likely counterproductive.<sup>3</sup> Doing so would deny Florida the opportunity to capitalize on lessons that are still being learned in other parts of the country. Moreover, the most immediate benefits to be gained from the formation of an RTO in Florida are likely to be derived from greater regional coordination of transmission-related functions, rather than comprehensive energy market implementation.

In short, the FMG members continue to support a go-slow, incremental approach with regard to GridFlorida's development. Initially, efforts should focus predominately on issues related to enhancing the coordination of grid operations. There is likely to be consensus that, at least with regard to certain transmission functions, greater cooperation and independent oversight would be beneficial and likely achievable in the foreseeable future. Eventually there may be opportunities for expanding the scope of such coordination, such as through the implementation of energy markets, but such discussions should remain conceptual for the time being.

### **SPECIFIC COMMENTS**

In light of their general view that market design issues should be deferred, the FMG members are hesitant to state definitive positions regarding any of the market design components identified by the Applicants. The FMG members are also somewhat befuddled by

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<sup>2</sup> SPP, ERCOT, and the Midwest ISO, for example, have performed ISO-type transmission functions for several years, but have not yet implemented energy markets.

<sup>3</sup> The FMG suspects that the Applicants feel similarly, as suggested by their decision to list issues without taking positions.

the approach taken by the Applicants in the "draft documents" they circulated on April 29, 2004, looking toward the May 19-21, 2004 Market Design Workshop. In the materials they circulated before the March 17-18, 2004 Pricing Workshop, the Applicants stated specific positions on most of the issues identified by the FPSC Staff. That led to a focused set of stakeholder responses and efficient discourse during the March 17-18 Workshop. By contrast, in the materials circulated on April 29th, no positions are stated. Instead, the Applicants have elected only to identify issues and suggest considerations, and to invite us, the stakeholders, to provide the preferred solutions. It is not clear why this tactic is being employed. As recently as September 2002, when they filed their "Petition of the GridFlorida Companies Regarding Prudence of GridFlorida Market Design," the Applicants appeared to be in lock-step with one another over the design and timing of a Florida RTO-based energy market. Does the current invitation to go back and revisit old issues (e.g., physical rights vs. financial rights, flowgate vs. nodal-based congestion management, balanced vs. unbalanced schedules) indicate a difference of opinion among the Applicants, reconsideration on each of the Applicant's parts on the earlier model, or perhaps a desire to be more inclusive regarding the development of the RTO? Whatever the reason, this approach seems ill-conceived, if the objective of the FPSC and the Applicants is actually to reach consensus on these issues and especially if meaningful dialog is to be had during the upcoming workshop.

Having said that, rest assured the FMG members planning to attend and participate in the May 19-21 Workshop will come prepared to do their part to make the session constructive. To this end, below the FMG has offered its current thinking regarding several of these issues. The viewpoints are offered for discussion purposes only, with each FMG member reserving the right to take other positions as more experience is gained.

- Bidding Requirements - The Applicants identify several alternatives to govern bidding behavior in energy markets, such as a requirement that all resources be bid into the market, cost-based versus market-based bidding, and limits on the use of real-time markets to encourage forward contracting. The FMG is of the view that fairly prescriptive

bidding rules will likely be required in Florida when and if energy markets are implemented. The lack of import capability means the state essentially functions as a large load pocket within which there exists a heightened potential for market power. The Applicants' individual and collective dominance in the generation market within the FRCC virtually assures that this market power in fact exists and that it would be exploited were the opportunity to do so presented. Thus, unconstrained bidding is likely to invite anticompetitive behavior and periodic spikes in prices above acceptable levels. In the past, the FMG has supported balanced schedule requirements in order to protect against such outcomes. Other measures, such as the imposition of cost-based bidding requirements on certain sellers and must-offer obligations, will likely be required as well.

- Transmission Rights - The FMG's view of transmission rights has evolved over time, from one strongly supporting the use of traditional physical reservation concepts to tacit acceptance that appropriately structured financial rights may produce certain benefits. It is obvious, however, that a single perfect solution for pricing transmission service and managing congestion has not yet emerged. The data coming out of energy markets in other parts of the country has ranged from inconclusive to discouraging, with congestion costs in some areas increasing far more rapidly than the infrastructure investments needed to alleviate such congestion. The ultimate goal must be to minimize the costs that are passed through to consumers and encourage the appropriate investment in transmission infrastructure to alleviate constraints. At this point, there is simply no commonly accepted "best practice" for how to accomplish these objectives. Until one emerges, the FMG favors the *status quo* of reserving capacity on a physical basis. This is a particular concern for Tallahassee to the extent that unscheduled parallel power flows over its system may be converted into financial transmission rights that benefit other users, but would not compensate Tallahassee for the burden placed on its facilities or the constraints placed on the use of such facilities.
- Control Areas - The Applicants identify several options for how to configure Control Area operations in an RTO (*e.g.*, consolidation, multiple Control Areas with independent operation of a bilateral market, hierarchal Control Areas, etc.). The FMG members are opposed to any forced Control Area consolidation. At least for the foreseeable future, consolidation (other than that which has occurred through bilateral negotiations) could jeopardize reliability while likely having few, if any, tangible benefits. Nevertheless, greater coordination and communication between Control Areas is likely to be beneficial and this may be an area where an RTO could be useful.
- Market Monitor - There is little question that energy markets must be monitored, although the entity performing such monitoring and the authority entrusted to it are subject to debate. The FMG members believe that the FPSC and FERC should ultimately retain their full authority without any delegation to a third party market monitor. Thus, while the

FMG members would not oppose the designation of a third party to perform data collection, review, and analysis functions, and to recommend market reforms, they would presently object to shifting any enforcement authority away from the FPSC or FERC, either to the RTO or to a third party market monitor.

- Market Mitigation - As suggested above, cost-based bidding requirements are likely to be required in Florida due to the lack of import capacity and the high probability of market power. The same factors suggest that market mitigation measures will also be required. Price mitigation concepts continue to evolve in other parts of the country. For example, on May 6, 2004, FERC issued an order in a PJM proceeding and attempted to provide guidance as to how "must-run" generators should be compensated.<sup>4</sup> The order identifies certain locational and auction-based alternatives to traditional market-wide price caps. If and when Florida implements energy markets, there will likely be a variety of market mitigation alternatives to consider.
  
- Resource Adequacy - An RTO is not needed to set or enforce resource adequacy requirements, and the FMG would oppose the delegation of such authority to an RTO. At some point in the future, there may be support for a short-term installed capacity market of some kind, even though such mechanisms have not fared particularly well elsewhere. If an RTO is formed in Florida, its most immediate role with regard to long-term resource planning is likely to come in the form of data collection and analysis, for example, forecasting load growth.
  
- Capacity Benefit Margins (CBM) - The FMG would oppose any proposal to eliminate CBM in the near-term. Until markets have proven themselves, eliminating transmission and generation set-asides would potentially jeopardize reliability. This is particularly true across the Florida-Georgia interface, and particularly important for Tallahassee, where substantial loop flows and a weak regional transmission grid have combined to require the use of CBM to protect the system's ability to import power during contingency events.

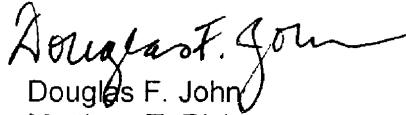
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<sup>4</sup> See *PJM Interconnection, L.L.C.*, Order on Tariff Filing, issued on May 6, 2004, in FERC Docket No. EL03-236-000.

**CONCLUSION**

The FMG requests that the responses set forth above be taken under consideration in Staff's planning for, and in discussion at, the workshop scheduled for May 19-21, 2004.

Respectfully submitted,



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Counsel for the Florida Municipal Group

Dated at Washington, D.C. this 12th day of May, 2004.

## CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing letter has been furnished by U.S. Mail, this 13th day of May, 2004, to the following:

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