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March 10, 2006

VIA HAND DELIVERY

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
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Tallahassee, FL 32399-0850

Re: Docket No. 020233-EI

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company, Progress Energy Florida, and Tampa Electric Company (collectively the "GridFlorida Companies") are the original and fifteen copies of the GridFlorida Companies' Response to Opposition of Florida Municipal Power Agency and Seminole Electric Cooperative to GridFlorida Companies' Motion to Withdraw Compliance Filing and Petition and Close Docket.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me. Please contact me if you have questions regarding this filing.

Thank you for your assistance with this filing.

Sincerely,

[Handwritten signature of Kenneth A. Hoffman]

Kenneth A. Hoffman

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 020233-EI

Filed: March 10, 2006

**GRIDFLORIDA COMPANIES' RESPONSE TO OPPOSITION OF
FLORIDA MUNICIPAL POWER AGENCY AND SEMINOLE
ELECTRIC COOPERATIVE TO GRIDFLORIDA COMPANIES'
MOTION TO WITHDRAW COMPLIANCE FILING
AND PETITION AND CLOSE DOCKET**

Florida Power & Light Company ("FPL"), Progress Energy Florida ("PEF") and Tampa Electric Company ("TECO") (hereinafter referred to collectively as the "GridFlorida Companies"), by and through undersigned counsel, hereby file their Response to the Opposition of Florida Municipal Power Agency ("FMPA") and Seminole Electric Cooperative, Inc. ("Seminole") to the GridFlorida Companies' Motion to Withdraw Compliance Filing and Petition and Close Docket, and state as follows:

A. Background

1. On January 27, 2006, the GridFlorida Companies filed their Motion to Withdraw the Compliance Filing filed on March 20-21, 2002 and the September 19, 2002 Petition of the GridFlorida Companies regarding prudence of GridFlorida Market Design Principles, together with a request that the Florida Public Service Commission ("Commission") close the above-styled docket. The factual background that led to the Compliance Filing and Petition, as well as the grounds supporting a Commission order authorizing the withdrawal of the Compliance Filing and the Petition and closure of this docket, are set forth in the GridFlorida Companies' January 27, 2006 Motion, and

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incorporated herein by reference.

2. On or about February 13, 2006, two parties to this docket, FMPA and Seminole, filed a pleading reflecting their Opposition to the GridFlorida Companies' Motion. The Opposition filed by FMPA and Seminole request the Commission to deny the GridFlorida Companies' Motion; order an investigation in this docket, or in a new docket, to examine the Florida Independent Transmission Provider ("FITP") Proposal (and variations thereon including other non-RTO alternatives); and investigate specific modifications to the GridFlorida RTO documents to achieve desirable outcomes sought by the Commission and the stakeholders.

3. The GridFlorida Companies maintain that the arguments asserted by FMPA and Seminole do not support the relief sought and that the Commission should grant the GridFlorida Companies' Motion.¹

B. Argument

4. FMPA/Seminole assert that the GridFlorida Companies' Motion fails to mention "key findings" regarding the benefits GridFlorida would provide consumers in Order No. PSC-01-2489-FOF-EI, issued December 20, 2001 ("Order No. 01-2489"). FMPA and Seminole overlook the tentative and preliminary nature of the Commission's findings in Order No. 01-2489. Order No. 01-2489 confirmed the prudence of the GridFlorida Companies' proactive formation of GridFlorida and authorized the GridFlorida Companies to recover the start-up costs associated with the formation of GridFlorida. At the time Order No. 01-2489 was issued, there were many aspects of GridFlorida

¹To the extent necessary, the GridFlorida Companies' request leave to file this Response to the FMPA/Seminole Opposition to provide the Commission with the GridFlorida Companies' positions regarding the issues raised by FMPA and Seminole prior to the Commission's consideration of the GridFlorida Companies' Motion.

to be developed and approved and the Commission acknowledged that it lacked the hard data to quantify the benefits of GridFlorida, data that was ultimately submitted as part of the ICF Cost-Benefit Study. The lack of any hard data at that time - - coupled with the Commission's acknowledgment "that there are uncertainties surrounding the development of a competitive wholesale market in Florida"² - - tempered the Commission's conclusions and confirms that the Commission's findings regarding the general benefits that could be derived from the GridFlorida RTO were preliminary in nature. As the Commission noted in Order No. 01-2489:

The parties presented very limited evidence concerning benefits in terms of estimated dollars of potential savings.

* * *

At this time, it is impossible to predict exactly what the new wholesale market will look like or exactly what reductions in power costs might result. Therefore, it is difficult to quantify any benefits that may be achieved from improvements in the wholesale electricity market.

Order No. 01-2489, at 9-10.

5. The Commission should be mindful that its preliminary conclusions regarding the formation of GridFlorida were issued over four years ago. Since that time, the continued GridFlorida process has allowed more information to be developed and crystallized regarding the cost effectiveness of GridFlorida. The results of that analysis are quantified and set forth in the final report issued by ICF entitled "Cost-Benefit Study of the Proposed GridFlorida RTO," previously filed with the Commission as an exhibit to the GridFlorida Companies' Motion. The ICF Study clearly demonstrates that the GridFlorida RTO, whether modeled as a Day 1 or Delayed Day 2

²Order No. 01-2489, at 13.

proposal, is not cost beneficial for the retail customers of the GridFlorida Companies. As such, it is now clear that the hard cost and benefit data analyzed and presented in the extensive ICF Study supports a conclusion that the GridFlorida RTO should no longer be pursued but that instead the GridFlorida Companies and affected stakeholders should continue to investigate cost efficient approaches that could capture planning,³ reliability and energy market benefits in the wholesale market outside of an RTO structure.

6. FMPA and Seminole point to the agenda of the May 23, 2005 Commission Workshop that requested presenters to address alternative means to capture the benefits resulting from a coordinated market and transmission system. FMPA and Seminole also raise a proposal by the GridFlorida Companies at that workshop to present an alternative approach for trying to capture some of the benefits of GridFlorida within sixty days after the date of the ICF Study.

7. The record of the May 23, 2005 workshop confirms that the Commission viewed the GridFlorida Companies' proposal to be premature pending the development of additional data and guidance on the appropriate next steps:

COMMISSIONER DEASON: Okay. I can understand the need for the applicants to have an opportunity to put together a strawman, considering what has been, you know, presented thus far. But to me as one Commissioner, it would be helpful that before that strawman is brought to us and we give everybody an opportunity to comment on it here, it would be better for there to be an opportunity

³An outcome of the continuing dialogue regarding transmission planning has resulted in the development of enhancements to the FRCC Planning Process to achieve regional transmission planning improvements. This enhanced process was approved by the FRCC Board of Directors in the first quarter of 2005. The objective is to increase coordination among FRCC members in an effort to improve the overall transmission planning process within the FRCC Region and provide a better transmission expansion plan from a state-wide perspective that meets NERC and FRCC reliability standards. The Applicants will continue to work on this planning process regarding FPSC oversight.

for everyone to comment on it during the process before it is brought here. And I think it would be better able to focus on areas of agreement and areas of disagreement, and it would just facilitate my understanding.

CHAIRMAN BAEZ: Oh, I absolutely agree.

* * *

MS. BASS: Well, at this point I don't think we have any specific steps in mind. We haven't really set out a time schedule. I do know that one thing we're looking for is a finalization of the ICF Study. It's my understanding there's still some sensitivity analyses that are being conducted. And when those are done, I'm not sure whether or not we'll go through another stakeholders' work group or what, what the process will be at that time, but I do know that I think this Commission needs the benefit of a final cost benefit study.

... So what I would suggest is that we take, take some time to review the transcript of this workshop and to look at what has been provided and perhaps, as you said, maybe on this side of the equation we can talk about a direction and talk about what we think, what the process needs to be on a going-forward basis. But I would rather review everything that was said today in that before we do something definitive.... So I would say let's take some time and gather the information we have and think about a process going forward.

CHAIRMAN BAEZ: Very well.

Transcript of May 23, 2005 workshop in Docket No. 020233-EI, at 155-158.

8. Accordingly, it is clear that the Commission declined the proposal of the GridFlorida Companies and instead decided to "take some time, gather the information and think about a process going forward." The GridFlorida Companies have continued to discuss and have agreed to investigate cost effective improvements to the wholesale markets in Florida and estimate that these investigations into cost effective improvements to the wholesale market can be concluded within six months and shared with the Commissioners and other stakeholders through the Florida Reliability

Coordinating Council process.⁴

9. FMPA and Seminole also assert that the GridFlorida Companies' Motion makes no mention of their FITP proposal or the September 26, 2005 Staff Meeting where this proposal was presented. FMPA and Seminole assert that their FITP proposal promises significant portions of the benefits of an RTO without incurring the costs that ICF assumed in its study.⁵ The GridFlorida Companies have in fact reviewed the FITP proposal and do not believe it shows promise for the customers of the GridFlorida Companies. Specifically, based on their preliminary analysis, the GridFlorida Companies preliminarily concluded that:

a. The estimated cost of the FITP proposal exceeds the estimated benefits to Florida consumers by a ratio of more than two to one. The reason for evaluating alternatives to GridFlorida is to reduce as much of the costs and maintain as many of the benefits as possible. The Applicants believe that any proposal for Peninsular Florida should demonstrate that it will provide real benefits to the consumers that pay for its costs.

b. The mechanism for cost recovery of existing and new transmission facilities set forth in the FITP proposal will result in cost shifts between transmission owners that will ultimately

⁴Since the May 23, 2005 FPSC workshop on the ICF study, FPL, PEF & TECO (as reported at that workshop) have continued to discuss and have agreed to investigate cost effective improvements to the wholesale markets in Florida.

The primary focus of this investigation is a Cost-Based Spot Market. The vast majority of the ICF quantified benefits accrue from the implementation of energy markets. Under this proposal, the development of a new cost based spot market could be transitioned over time by first developing a voluntary non-firm hourly market, and then proceeding with the development of a day-ahead market based on the experience with the hourly market. Areas of investigation include development of mechanisms and treatment of transmission congestion.

⁵FMPA/Seminole Opposition, at par. 5.

increase costs to the retail customers of FPL, PEF and TECO by approximately \$75 million per year and \$665 million NPV over the first thirteen years, with a corresponding reduction in costs for FMPA and Seminole.

10. In any case, the merit or lack of merit of the FITP proposal provides no basis for denial of the GridFlorida Companies' Motion and the closure of this docket which focuses solely and exclusively on GridFlorida. As previously stated, given the results of the ICF Study, it is no longer prudent to move forward with the GridFlorida RTO. The applicants will continue to work to determine if some of the potential benefits identified in the ICF Study can be captured in a cost effective manner. This undertaking will consider a number of initiatives that have the potential for affecting transmission and market structures in Florida. A number of these initiatives are required by the Energy Policy Act of 2005 (e.g., establishment of a new Electric Reliability Organization, transmission incentive rulemaking, identification of natural interest transmission corridors, investigations into Security-Constrained Economic Dispatch, collaborative studies on competitive markets, market transparency rulemaking, etc.). In addition, FERC also has issued a Notice of Inquiry regarding Order 888 Reform. The impacts to Florida of these initiatives will be considered in any alternative proposal developed by the Applicants.

C. Conclusion

11. In sum, FPMA and Seminole have failed to raise any arguments supporting the relief they seek, including denial of the GridFlorida Companies' Motion. Their attempt to transform this docket into an analysis of their FITP proposal should be rejected. Other stakeholders at the May 23, 2005 workshop, such as the JEA and the Florida Municipal Group, concurred with the approach taken by the GridFlorida Companies to close the GridFlorida docket as a result of the ICF Cost-

Benefit Study and to undertake further evaluation of alternatives to improve the transmission/market systems and bring real cost savings for Florida's electric consumers.⁶ The GridFlorida Companies have been and remain on task in evaluating and investigating such alternatives to capture some of the benefits of the GridFlorida RTO on an cost effective basis for Florida's consumers.

WHEREFORE, the GridFlorida Companies respectfully request that the Commission grant their Motion to Withdraw Compliance Filing and Petition and to close this docket.

Respectfully submitted,

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⁶Transcript of May 23, 2005 workshop at 115, 118.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the GridFlorida Companies' Response to Opposition of Florida Municipal Power Agency and Seminole Electric Cooperative to GridFlorida Companies' Motion to Withdraw Compliance Filing and Petition to Close Docket has been furnished by Electronic Mail, this 10th day of March, 2006, to the following:

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