

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 020233-EI
ORDER NO. PSC-02-0865-PCO-EI
ISSUED: June 25, 2002

SECOND ORDER REVISING ORDER ESTABLISHING PROCEDURE
GRANTING EXTENSION OF TIME TO FILE POST-WORKSHOP COMMENTS
AND EXPANSION OF PAGE LIMIT

Pursuant to Order No. PSC-02-0459-PCO-EI, issued April 3, 2002, a workshop was scheduled in this docket to take place on May 29, 2002. The Order also established that post-workshop comments were due to be filed June 21, 2002, and that all pre- and post-workshop written comments should not exceed 40 pages.

On June 21, 2002, a Motion was filed on behalf of Florida Power Corporation, Florida Power & Light Company, and Tampa Electric Company (Movants) for an extension of time to July 5, 2002, to file post-workshop comments addressing market design issues, and expansion of the page limit to 60 pages. In support of their Motion, the Movants state that additional time is needed to adequately analyze and address the issues and positions raised by the intervenors in an ongoing effort to (1) respond to stakeholder comments addressing market design issues; and (b) provide opportunity for resolution of issues.

The Movants note that a similar request made by certain intervenors was granted by Order No. PSC-02-0548-PCO-EI, issued April 22, 2002, which allowed for an extension of time and expansion of the page limit for pre-workshop comments to 60 pages. The Movants contend that the instant request is similarly reasonable and would not prejudice any party. To ensure that no party is prejudiced, the Movants request that any party that files post-workshop comments on June 21, 2002, that address market design issues be allowed the opportunity to file supplemental or revised comments addressing market design issues within the time frame requested in the Motion.

The Motion states that its various representatives have contacted the members of the GridFlorida Stakeholder Advisory Committee on June 21, 2002, to advise them of the filing of the

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Motion. In addition, a copy of the Motion was faxed on June 20, 2002, to counsel for the Intervenors who appeared and made presentations at the May 29, 2002, workshop.

On June 21, 2002, Reliant Energy Power Generation, Inc. (Reliant) filed a response in objection to the Motion. Reliant contends that allowing a party who files comments on market design on June 21 to supplement those comments on July 5 would nevertheless result in prejudice to such parties. Reliant contends that the Movants would have a chance to study the comments of parties who file on June 21 before they submit their own. Because the Movants did not file their comments on market design on June 21, the Intervenors would have no similar opportunity. Reliant contends that this procedure of non-simultaneous filings is one-sided and unfair. To protect its interests, Reliant states that it did not intend to file its comments on market design on June 21, but instead requests that in the event that the motion for extension is denied, it be permitted to submit its comments one day following the ruling.

Mirant Americas Development, Inc., Calpine Corporation, and Duke Energy North Amercia, LLC also filed a Response in Opposition on June 24, 2002. These Intervenors argue that the Movants' motion should be denied because they failed to follow the requirements of Rule 28-106.204(3), Florida Administrative Code. In addition, these Intervenors argue that they would be prejudiced if the motion were granted because they did not have the benefit of the page extension when they timely filed their comments on June 21, 2002, and any extension would in effect give the Movants the opportunity to unilaterally rebut the market design comments already filed under the original time schedule. These Intervenors welcome an opportunity to engage in continuing dialogue with the Applicants.

Pursuant to Rule 28-106.204(3), Florida Administrative Code, motions shall include a statement that the movant has conferred with all other parties of record and shall state as to each party whether the party has any objection to the motion. It appears that the Movants failed to meet this requirement. The Movants should have informed the Commission in their motion whether any parties objected, after consulting with them. The requirement to confer does not mean informing other parties of an impending motion, but rather conducting a discussion to determine whether there is an

objection. The parties are reminded that the Uniform Rules of Procedure apply to Commission proceedings, and they will be expected to comply with these rules in the future.

In the interest of having a consensus filing and pursuant to the discretion afforded by Rules 28-106.204(1) and 28-106.211, Florida Administrative Code, the Movants' request is hereby granted. With this additional time, the Applicants and Intervenors are expected to continue negotiations in an effort to reach consensus. The Applicants shall file any post-workshop comments addressing market design issues on or before July 5, 2002. To alleviate any fairness concerns, the intervenors shall have until July 12, 2002, to file their post-workshop comments on market design, which may address the comments filed by the Applicants. If the intervenors have already filed comments that address market design, they may file supplemental market design comments by July 12, which may also address the Applicants' filing. In addition, the page limit for post-workshop comments shall be extended to 60 pages. Order No. PSC-02-0459-PCO-EI is affirmed in all other respects.

Once the market design comments are filed, the parties should continue to negotiate any remaining issues between them. Commission staff shall be informed in writing of any consensus reached so that the results of further negotiations may be reflected in our staff's recommendation on the compliance filing. The parties are reminded that time is of the essence, and any further requests for an extension of time by the parties will not be looked upon favorably.

Based upon the foregoing, it is

ORDERED by Chairman Lila A. Jaber, as Prehearing Officer, that the Motion for Extension of Time to File Post-Workshop Comments Addressing Market Design Issues and Expansion of Page Limit to Sixty (60) Pages for Post-Workshop Comments is hereby granted as set forth in the body of this Order. It is further

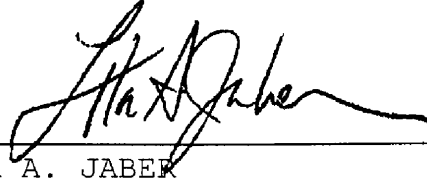
ORDERED that all Applicants shall file any post-workshop comments addressing market design issues on or before July 5, 2002. It is further

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ORDERED that Intervenors may file post-workshop comments that address market design by July 12, 2002, and that if the intervenors have already filed comments, they may supplement their filings by July 12, 2002, as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-02-0459-PCO-EI is affirmed in all other respects.

By ORDER of Chairman Lila A. Jaber, as Prehearing Officer, this 25th day of June, 2002.



LILA A. JABER
Chairman and Prehearing Officer

(S E A L)

JSB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1)

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reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.