

BEFORE THE

PUBLIC SERVICE COMMISSION

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*Original*

In re: Review of Florida Power  
earnings, including effects of  
acquisition of Florida Power  
by Carolina Power & Light.

Docket No. 000824-EI  
Filed June 28, 2001.

RECORDS AND  
REPORTING

**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  
Port St. Lucie, FL 34986  
Telephone: (561) 873-4545  
Facsimile: (561) 873-4540

- 2. All pleadings orders and correspondence should be directed to Petitioner's representatives as follows:

Jon C. Moyle, Jr.  
Cathy M. Sellers  
Moyle, Flanigan, Katz, Raymond & Sheehan, P.A.  
The Perkins House  
118 North Gadsden Street  
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*Done 6/29/01*

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FPSC-BUREAU OF RECORDS

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FPSC-RECORDS/REPORTING

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.

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**PETITION TO INTERVENE**

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3. This proceeding involves consideration of Florida Power Corporation's ("FPC") retail rates, with particular emphasis on FPC's planned participation in the formation of a Regional Transmission Organization ("RTO") for peninsular Florida. FPC'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 FPC 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 FPC'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 FPC 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 FPC'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 FPC 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 FPC'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 FPC's participation in the GridFlorida RTO on retail ratepayers.

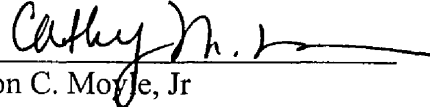
7. Ultimate facts in this proceeding that entitle CPV Atlantic to relief include, but are not limited to, the fact that FPC's participation in the Grid Florida RTO will impact retail rates.

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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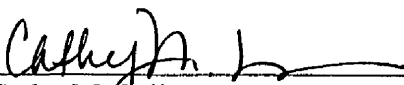
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Attorneys for CPV Atlantic, Ltd.

**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 28<sup>th</sup> day of June 2001 to the following persons.

  
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