

# FOLEY & LARDNER

RECEIVED-FPSC

01 SEP 14 AM 11:55

COMMISSION  
CLERK

BRUSSELS  
CHICAGO  
DEL MAR  
DENVER  
DETROIT  
JACKSONVILLE  
LOS ANGELES  
MADISON  
MILWAUKEE

ATTORNEYS AT LAW  
106 EAST COLLEGE AVENUE, SUITE 900  
TALLAHASSEE, FLORIDA 32301-1514  
TELEPHONE: (850) 222-6100  
FACSIMILE: (850) 224-3101  
WWW.FOLEYLARDNER.COM

ORLANDO  
SACRAMENTO  
SAN DIEGO  
SAN FRANCISCO  
TALLAHASSEE  
TAMPA  
WASHINGTON, D. C.  
WEST PALM BEACH

WRITER'S DIRECT LINE  
(850) 513-3377

EMAIL ADDRESS  
Nstrickland@foleylaw.com

CLIENT/MATTER NUMBER  
062012-0102

September 14, 2001

**VIA HAND DELIVERY**

Ms. Blanca S. Bayo, Director  
Division of Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Docket Nos. 001148-EI, 010577-EI and 000824-EI

Dear Ms. Bayo:

Enclosed for filing in the above referenced are the original and fifteen (15) copies of Seminole Electric Cooperative, Inc.'s Motion for Leave to File Prehearing Statement and Seminole Electric Cooperative, Inc.'s Prehearing Statement.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,



N. Wes Strickland

APP  
CAF  
CMP  
COM 5  
CTR  
ECR  
LEG 1 NWS/lam  
OPC 1 Enclosures  
PAI  
RGO  
SEC 1  
SER  
OTH Teach dkt

cc: All Parties of Record (w/encl.)

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

ESTABLISHED 1842

*PH Statement*  
DOCUMENT NUMBER-DATE

11459 SEP 14 01

FPSC-COMMISSION CLERK

*Motion*  
DOCUMENT NUMBER-DATE

11458 SEP 14 01

010.129614.1

**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.	)	Docket No. 000824-EI
In Re: Review of Florida Power & Light Company's proposed merger with Entergy Corporation, the formation of a Florida transmission company ("Florida Transco"), and their effect on FPL's retail rates.)	)	Docket No. 001148-EI
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 14, 2001

**SEMINOLE ELECTRIC COOPERATIVE, INC.'S**  
**PREHEARING STATEMENT**

Seminole Electric Cooperative, Inc. ("Seminole Electric"), pursuant Rule 25-22.038, *Florida Administrative Code*, and the July 26, 2001 Order Establishing Procedure (Phase 1) and Granting Joint Motion To Partially Alter Dates for Filing Testimony, hereby submits its Prehearing Statement in the above-styled dockets as follows:

**A. WITNESSES**

None.

**B. EXHIBITS**

None.

**C. STATEMENT OF BASIC POSITION**

Seminole Electric supports the participation by Florida Power Corporation ("FPC"), Florida Power and Light Company ("FPL"), and Tampa Electric Company ("TECO") in a regional transmission organization ("RTO"). An appropriately structured RTO

could benefit all market participants by providing centralized and coordinated grid planning, maintenance and expansion; improving grid reliability; eliminating discriminatory practices; improving access for wholesale market participants; and eliminating “pancaked” rates. While Seminole Electric takes exception to certain aspects of GridFlorida, nevertheless, as a general matter, Seminole Electric supports the formation of and participation by FPC, FPL, and TECO in the GridFlorida RTO. In addition, Seminole Electric would underscore the fact that the formation of GridFlorida, and participation by FPC, FPL and TECO therein, affect not only the retail customers of those entities, but also the retail customers of Seminole’s member systems (and other similarly situated entities)., Accordingly, Seminole Electric submits that the Commission should give the interests of *all* users and potential users of the GridFlorida transmission system equal consideration in judging the issues before it.

**D. STATEMENT OF ISSUES AND POSITIONS**

**Issue 1: Is participation in a regional transmission organization (RTO) pursuant to FERC Order No. 2000 voluntary?**

**Seminole Electric’s Position:**

Yes.

**Issue 2: What are the benefits to Peninsular Florida associated with the utility’s (FPC, FPL, or TECO) participation in GridFlorida?**

**Seminole Electric’s Position:**

GridFlorida has the potential to benefit all market participants by providing centralized and coordinated grid planning, maintenance and expansion; improving grid reliability; eliminating discriminatory practices; improving access for wholesale market participants; and eliminating “pancaked” rates.

**Issue 3: What are the benefits to the utility’s ratepayers of its participation in GridFlorida?**

**Seminole Electric’s Position:**

No position at this time.

**Issue 4: What are the estimated costs to the utility’s ratepayers of its participation in GridFlorida?**

**Seminole Electric’s Position:**

No position at this time.

**Issue 5: Is TECO’s/FPL’s decision to transfer ownership and control of its transmission facilities of 69kV 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?**

**Seminole Electric’s Position:**

No position at this time.

**Issue 6: Is the utility’s decision to participate in GridFlorida prudent?**

**Seminole Electric’s Position:**

Yes. As a general matter, Seminole Electric believes that participation in GridFlorida by FPC, FPL and TECO is prudent. Seminole Electric does, however, take exception to certain aspects of GridFlorida, as set forth in Seminole Electric’s pleadings in the proceedings before the Federal Energy Regulatory Commission (“FERC”).

**Issue 7: What policy position should the Commission adopt regarding the formation of GridFlorida?**

**Seminole Electric's Position:**

The Commission should adopt a policy position generally supportive of participation by FPC, FPL and TECO in GridFlorida.

**Issue 8: Is Commission authorization required before the utility can unbundle its retail electric service?**

**Seminole Electric's Position:**

No position at this time.

**Issue 9: Is Commission authorization required before the utility can stop providing retail transmission service?**

**Seminole Electric's Position:**

No position at this time.

**Issue 10: 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?**

**Seminole Electric's Position:**

No position at this time.

**Issue 11: Is a Regional Transmission Organization for the Southeast region of the United States a better alternative for Florida than the GridFlorida RTO?**

**Seminole Electric's Position:**

No position at this time.

**E. PENDING MOTIONS**

Seminole Electric Cooperative Inc.'s Petitions To Intervene in each of the above-styled dockets, all of which were filed September 4, 2001.

Seminole Electric Cooperative Inc.'s Motion for Leave to File Prehearing Statement, filed September 14, 2001.

**F. REQUESTS OR CLAIMS FOR CONFIDENTIALITY**

None.

**G. COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE**

Seminole Electric is seeking leave to file this Prehearing Statement past the September 10, 2001 deadline set forth in the Order Establishing Procedure.

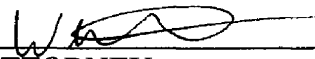
RESPECTFULLY SUBMITTED this 14th day of September 2001.

---

THOMAS J. MAIDA  
Florida Bar No. 275212  
N. WES STRICKLAND  
Florida Bar No. 165859  
FOLEY & LARDNER  
106 East College Avenue, Suite 900  
Tallahassee, Florida 32301  
(850) 222-6100 (tel)  
(850) 224-3101 (fax)  
Attorneys for Seminole Electric

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by hand delivery (\*), facsimile and U.S. Mail (\*\*) or U.S. Mail, on this 14th day of September 2001, to the persons listed below:

  
\_\_\_\_\_  
ATTORNEY

Cochran Keating\*  
Robert V. Elias  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd., Room 370  
Tallahassee, Florida 32399-0850

J. Roger Howe\*  
Office of Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399-1400

John McWhirter, Jr.\*\*  
Florida Industrial Power Users Group  
McWhirter, Reeves, McGlothlin, Davidson  
Decker, Kaufman, Arnold & Steen, P.A.  
400 North Tampa Street, Suite 2450 (33602)  
Tampa, Florida 33601-3350

Joseph McGlothlin\*  
McWhirter, Reeves, McGlothlin, Davidson  
Decker, Kaufman, Arnold & Steen, P.A.  
117 South Gadsden Street  
Tallahassee, Florida 32301

Jon C. Moyle, Jr.\*  
Cathy M. Sellers  
Moyle, Flanigan, Katz, Raymond  
& Sheehan, P.A.  
118 North Gadsden Street  
Tallahassee, Florida 32301

Diane K. Kiesling\*  
Leslie Paugh  
Landers & Parson, P.A.  
310 West College Avenue  
Tallahassee, Florida 32301

William L. Bryant, Jr. \*  
Natalie B. Futch  
Katz, Kutter, Haigler, Alderman,  
Bryant & Yon  
106 East College Avenue, 12<sup>th</sup> Floor  
Tallahassee, Florida 32301

Michael Twomey, Esquire  
Post Office Box 5256  
Tallahassee, Florida 32314-5256

Thomas A. Cloud\*\*  
Dynergy Midstream Services, L.P.  
Gray, Harris & Robinson  
301 East Pines Street, Suite 1400 (32801)  
Post Office Box 3068  
Orlando, Florida 32802-3068

Frederick M. Bryant\*  
Florida Municipal Power Agency  
2061-2 Delta Way  
Tallahassee, Florida 32303

Matthew M. Childs. P.A.\*  
Steel Hector & Davis  
215 South Monroe, Suite 601  
Tallahassee, Florida 32301-1804

James A. McGee\*\*  
Senior Counsel  
Florida Power Corporation  
One Progress Plaza – Suite 1500 (33701)  
Post Office Box 14042  
St. Petersburg, Florida 33733

Mark F. Sundback\*\*  
Kenneth L. Wiseman  
Andrews & Kurth L.L.P.  
1701 Pennsylvania Avenue  
Suite 300  
Washington, D.C. 20006

Harry W. Long, Jr. \*\*  
Tampa Electric Company  
Post Office Box 111  
Tampa, Florida 33601

Mr. Robert C. Williams, P.E. \*\*  
Director of Engineering  
Florida Municipal Power Agency  
8553 Commodity Circle  
Orlando, Florida 32819-9002

Mr. Paul Lewis, Jr. \*  
Florida Power Corporation  
106 East College Avenue, Suite 800  
Tallahassee, Florida 32301

Mr. James P. Fama\*\*  
LeBoeuf, Lamb, Greene & MacRae, LLP  
1875 Connecticut Avenue, N.W.  
Suite 1200  
Washington, D.C. 20009-5728

Lee L. Willis\*  
James D. Beasley  
Ausley Law Firm  
Post Office Box 391  
Tallahassee, Florida 32302

R W Litchfield, Esquire  
Office of General Counsel  
Florida Power & Light Company  
P.O. Box 1400  
Juno Beach, Florida 33408