

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Re: Review of GridFlorida RTO Proposal

Docket No. 020233-EI

Submitted for filing:
April 16, 2002

PETITION TO INTERVENE OF TRANS-ELECT

Trans-Elect, Inc. ("Trans-Elect"), pursuant to Florida Administrative Code Rules 25-22.039 and 28-106.205, petitions to intervene in this docket. Trans-Elect believes the Commission should determine the Compliance Filing satisfies Order No. 01-2489.

Trans-Elect intervenes for the limited purpose of supporting the GridFlorida Companies' notion of maintaining flexibility to accommodate future revisions to the GridFlorida structure. As grounds supporting its petition to intervene, Trans-Elect states as follows:

1. The name and address of Petitioner is:

Trans-Elect, Inc.
815 Connecticut Avenue
12th Floor
Washington, D.C. 20006-4004
Phone: (202) 728-0903
Facsimile: (202) 728-9613

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

Bill L. Bryant, Jr.
Natalie B. Futch
Katz, Kutter, Alderman, Bryant & Yon, P.A.
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DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

Alan J. Statman
Executive Vice President and General Counsel
Trans-Elect, Inc.
1200 G Street NW
Suite 600
Washington, DC 20005
Telephone: (202) 393-1200
Facsimile: (202) 393-1240

3. Trans-Elect is an independent transmission owner and operator. Formed in 1999, Trans-Elect is an independent, for-profit transmission company that focuses on the acquisition of transmission systems with the goal of establishing a network of independent transmission companies. Trans-Elect is in the process of completing the acquisition of the Consumers Energy Company's transmission system in Michigan. Trans-Elect is also a general partner in a consortium that formed Alta Link to acquire the transmission system of Trans-Alta in Calgary, Alberta. Both transactions are expected to close this month. In addition, Trans-Elect has been selected to participate in the partnership along with other public and private entities to build the expansion of the Path 15 transmission bottleneck in central California.

4. The Commission should grant Trans-Elect standing to intervene in this proceeding. Trans-Elect has a substantial and immediate interest in the outcome of this proceeding that cannot adequately be represented by any other party. Trans-Elect's interest is of a type this administrative proceeding is designed to protect.¹

A. Trans-Elect's substantial interests are affected by the outcome of this proceeding. Trans-Elect agrees with the GridFlorida Companies' proposition that the Commission should maintain sufficient flexibility to accommodate future revisions to the

¹ See § 120.52(12)(b), FLA. STAT. (2000); *Agrico Chemical Co. v. Dept. of Env't'l Reg.*, 406 So. 2d 478, 482 (Fla. 2d DCA 1981), *rev. denied* 415 So. 2d 1359 (Fla. 1982).

GridFlorida structure. More specifically, Trans-Elect aims to ensure the Commission does not preclude the possibility of independent ownership or operation of all or a portion of Peninsular Florida's transmission system.

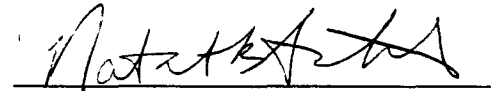
B. Trans-Elect's injury is immediate. If the Commission does not maintain sufficient flexibility to accommodate future revisions to the GridFlorida structure, it could prevent Trans-Elect from entering the Florida market. The Commission should not foreclose the possibility of Trans-Elect owning or operating all or a portion of Peninsular Florida's transmission system should the GridFlorida Companies and other Stakeholders allow. Trans-Elect has not formally presented this idea to the GridFlorida Companies or other Stakeholders, nor have they agreed to this idea. Trans-Elect would like to preserve the option for future consideration.

5. Trans-Elect's motion to intervene is limited. Trans-Elect supports the Compliance Filing and it believes the Commission should determine the Filing complies with Order No. 01-2489. Trans-Elect's intervention is limited to supporting the GridFlorida Companies' notion of maintaining flexibility to accommodate future revisions to the GridFlorida structure.

6. Trans-Elect alleges that the Commission need not make findings of fact in this abbreviated proceeding. As a matter of law and policy, the Commission should determine the Compliance Filing complies with Order No. 01-2489. The Commission

should approve the GridFlorida Companies' notion of maintaining flexibility to accommodate future revisions to the GridFlorida structure.

Respectfully submitted,



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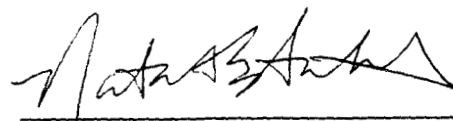
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petition to Intervene by
Trans-Elect, Inc., has been furnished by U.S. Mail to the following this 16th day of April,
2002.

Bob Elias Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850	Office of Public Counsel Jack Shreve/Charles Beck c/o The Florida Legislature 111 W. Madison St., Rm. 812 Tallahassee, FL 32399-1400
Florida Power & Light Company Bill Walker 215 South Monroe St., Suite 810 Tallahassee, FL 32301-1859	Steel Law Firm Matt Childs 215 South Monroe Street, Suite 601 Tallahassee, FL 32301-1804
Florida Industrial Power Users Group c/o John McWhirter, Jr. McWhirter, Reeves, et. al. 400 North Tampa Street, Suite 2450 Tampa, FL 33602	Dynegy Inc. David L. Cruthirds 1000 Louisiana Street, Suite 5800 Houston, TX 77002-5050
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<p>Thomas P. and Genevieve E. Twomey 3984 Grand Meadows Boulevard Melbourne, FL 32934</p>	<p>Carlton, Fields Law Firm Gary L. Sasso/James M. Walls P.O. Box 2861 Saint Petersburg, FL 33731</p>
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