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JOHN & HENGERER
A LAW PARTNERSHIP
1200 17TH STREET, N.W.
SUITE 600
WASHINGTON, D.C. 20036-3013

July 11, 2002

TELEPHONE
(202) 429-8809
TELECOPIER
(202) 429-8805

DOUGLAS F. JOHN
EDWARD W. HENGERER
KEVIN M. SWEENEY
KIM M. CLARK
GORDON J. SMITH
MATTHEW T. RICK
ELIZABETH A. ZEMBRUSKI

Blanca S. Bayo, Director
Division of Commission Clerk and Administrative Services
2540 Shumard Oak Blvd.
Tallahassee, FL 32301

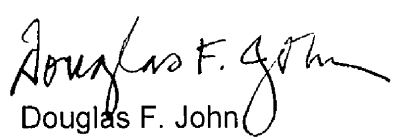
**Re: In re: Review of GridFlorida Regional Transmission Organization (RTO)
Proposal, Docket No. 020233-EI**

Dear Ms. Bayo:

Enclosed, please find an original and twenty (20) copies of Supplemental Post-Workshop Comments of the City of Lakeland, Florida d/b/a Lakeland Electric, Kissimmee Utility Authority, the City of Gainesville, Florida, d/b/a/ Gainesville Regional Utilities, and the City of Tallahassee, Florida, which are being submitted in the above-captioned proceeding. Please date-stamp and return the five (5) extra copies via the enclosed postage pre-paid return envelope. I have also included a diskette containing a WordPerfect version of the comments.

Thank you very much for your assistance and please do not hesitate to contact me at (202) 429-8801 if you have any questions.

Sincerely,



Douglas F. John
John & Hengerer
1200 17th Street, N.W.
Suite 600
Washington, D.C. 20036-3013
Phone: (202) 429-8809
E-mail: mrick@jhenergy.com

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 020233-EI
Filed: July 12, 2002

**SUPPLEMENTAL POST-WORKSHOP COMMENTS OF LAKELAND ELECTRIC,
KISSIMMEE UTILITY AUTHORITY, GAINESVILLE REGIONAL UTILITIES,
AND THE CITY OF TALLAHASSEE, FLORIDA,**

Pursuant to the schedule adopted in Order No. PSC-02-0865-PCO-EI, these supplemental post-workshop comments are filed jointly and severally on behalf of the City of Lakeland, Florida d/b/a Lakeland Electric (Lakeland), the City of Tallahassee, Florida (Tallahassee), Kissimmee Utility Authority (KUA), and the City of Gainesville, Florida d/b/a Gainesville Regional Utilities (GRU), collectively referred to herein as the Florida Municipal Group (FMG).¹

BACKGROUND

On May 29, 2002, the Commission convened a workshop to review the March 20, 2002 RTO filing (March 20th filing) submitted by the GridFlorida Companies² in purported compliance with Order No. PSC-01-2489-FOF-EI, issued December 20, 2001 (December 20th order). The FMG, GridFlorida Companies, and other intervenors filed post-workshop comments on June 21, 2002.

The GridFlorida Companies also filed a Motion seeking additional time to comment on market design issues. The Commission granted an extension, and the GridFlorida Companies filed supplemental post-workshop comments addressing market design issues on July 2, 2002.

¹ The FMG is an *ad hoc* advocacy group. Each member of the FMG has intervened independently in this proceeding and reserves the right to express individual views at any time.

² Florida Power Corporation (FPC), Florida Power & Light Company (FPL), and Tampa Electric Company (TECO)

In their supplemental comments, the GridFlorida Companies offered three new proposals and expressed continued support for other "unchanged" market design elements. The first of GridFlorida's new proposals is to replace their previously filed and approved physical rights congestion management model with a financial rights model based on locational marginal pricing (LMP) and the use of Financial Transmission Rights (FTRs). Second, the GridFlorida Companies proposed to implement a two-settlement system, consisting of both a voluntary day-ahead market and a real-time market. Third, the GridFlorida Companies proposed to utilize market clearing prices, rather than the "pay what you bid" approach required by the Commission's December 20th order.

Order No. PSC-02-0865-PCO-EI affords intervenors until July 12, 2002, to respond to the GridFlorida Companies' proposals. These supplemental FMG comments are filed pursuant to that authorization.

COMMENTS

Although still digesting the new proposals, none of which had been discussed with any FMG member prior to the July 2nd filing, below the FMG offers a procedural recommendation, highlights certain reactions to the new proposals, and comments on the so-called "unchanged" portions of GridFlorida's market design.

PROCEDURAL RECOMMENDATION

In its June 21, 2002 post-workshop comments, the FMG recommended that the Commission focus its review on the RTO's governance structure and scope of operational control. This recommendation was predicated on the FMG's recognition that market design issues are very much in an industry-wide state of transition, particularly in light of the Federal Energy Regulatory Commission's (FERC) intent to propose a Standard Market Design (SMD). The FMG, therefore, suggested that a Commission order purporting to resolve market design

issues might be premature. The FMG also noted that the Southeastern Association of Regulated Utility Commissioners (SEARUC) initiated a study of RTO costs and benefits that has not yet been completed.

GridFlorida's new proposals strengthen the FMG's belief that the Commission should defer ruling on some or all RTO issues. Although the FMG members are interested in exploring the benefits of the new proposals – and have, in fact, elicited the help of outside experts to investigate the features of LMP pricing – the simple reality is that the GridFlorida Companies' have provided virtually no evidence, data, or information in support of their proposals. Instead, the supplemental filing includes only skeletal concepts and bald representations. Consequently, neither the Commission nor interveners are in a position to evaluate potential impacts on Florida consumers.

A far more extensive evidentiary record and proposal details are required before the Commission can accept the abrupt change of direction contemplated by the GridFlorida Companies. The Commission, therefore, has several options available to it. First, the Commission can summarily reject the proposals in their entirety. Second, the Commission can proceed on its own by initiating a process to develop an evidentiary record, presumably through collaboration between the GridFlorida Companies, stakeholders, and the Commission. Third, the Commission can defer acting on market design issues pending the completion of FERC's SMD rulemaking, with the intent of ultimately building upon this work to tailor a solution that works for Florida.³ Fourth, the Commission can defer acting on the GridFlorida filing in its entirety, pending the outcome of both FERC's SMD rulemaking and the SEARUC cost/benefit study.

³ Attached is a list of FERC milestones indicating that a final SMD rule is scheduled to be issued sometime in Fall 2002. The list is available on FERC's website (<<http://www.ferc.gov/BigTicket062802.pdf>>).

The FMG recommends that the Commission follow either the third or fourth option outlined above (*i.e.* defer consideration of all or part of GridFlorida's filing, including the three new market design proposals). Deferring consideration of market design issues would enable the Commission to evaluate the alternatives identified in FERC's SMD rulemaking and begin to consider how such alternatives would function if implemented in Florida. Deferring consideration of the entire GridFlorida filing pending the outcome of the SEARUC study would provide market participants with a blueprint of issues to consider in order to design an efficient RTO that best benefits the state. Both alternatives, however, would enable the Commission to proceed with a more developed record than currently exists.

SUPPLEMENTAL PROPOSALS

The FMG members are still in the process of considering the three far-reaching, but undeveloped, market design concepts proposed by the GridFlorida Companies.⁴ Although the FMG members are not in a position to provide detailed comments at this time, they have outlined their initial reactions to the three proposals below.

1. Proposal #1 - Congestion Management

The GridFlorida Companies propose to abandon their previously approved physical rights congestion management model in favor of a financial rights model based on LMP and FTRs. A fundamental flaw in the proposal is its complete lack of detail and evidentiary support. The FMG members simply cannot support a congestion management model that has not been sufficiently articulated for them to understand and, as of now, that is the case with what the GridFlorida Companies are proposing. Although the FMG members are endeavoring to educate

⁴ In fact, the FMG members have contracted with an outside consulting firm to present a private workshop on LMP issues on July 12, 2002 (the same day these comments are due).

themselves as to how LMP theoretically operates, the burden is on the GridFlorida Companies to explain what impact an LMP model will have if implemented in Florida. This requires more than the recitation of a few principles and hypotheticals; it requires the GridFlorida Companies to provide details regarding such things as the allocation and reallocation of FTRs, what factors may limit the availability of FTRs, how FTRs would protect native load from cost increases, and how FTRs would operate across the Florida/Georgia interface.

Moreover, the Commission should resist the temptation to leave such details up to a so-called collaborative process. The GridFlorida Companies did not solicit any meaningful stakeholder input when proposing to shift to an LMP model, and the Commission's approval of LMP principles would not provide any incentive for the GridFlorida Companies to solicit such input in the future. Instead, if the GridFlorida Companies genuinely believe an LMP model will benefit Florida, they should be required, and afforded a meaningful opportunity, to make their case to stakeholders and the Commission before securing approval.

Finally, the cursory reasons offered by the GridFlorida Companies for switching to an LMP model are unconvincing. Although LMP has been implemented in other regions of the country, there is no reason to believe that it will be easily implemented in Florida, particularly since other regions are implementing LMP on top of established coordinated market structures that do not yet exist in Florida. Likewise, while the GridFlorida Companies insist that LMP will facilitate GridFlorida's development as a stand-alone RTO, it would seem that the opposite is equally true: by adopting market structures that conform to those used by other RTOs, GridFlorida would seem to be facilitating Florida's transition into a larger regional organization.

2. Proposal #2 - Two Settlement System (Day-Ahead Market)

The GridFlorida Companies propose to add a voluntary day-ahead market to their previously proposed real-time market. Again, while the proposal may have merit (assuming it is

truly voluntary), it is completely lacking in the details necessary to perform a meaningful evaluation. For example, while noting that imbalance penalties should be used to encourage load serving entities (LSEs) to participate in the day-ahead market, the GridFlorida Companies have not provided any details as to how they propose to structure such penalties, except to state that they will be "similar" to those listed in Attachment P of the OATT included in the March 20th filing. However, Attachment P calculates penalties on an hourly basis and provides for extremely small tolerances – 2 percent (or 2 MW) and 3 percent (or 3 MW) – that will likely be inadequate if other market design proposals, such as LMP, increase imbalances or penalties are calculated on something other than an hourly basis. Obviously, this is just one of many GridFlorida market design components that will need reconsideration if a day-ahead market is adopted. Until such issues are resolved, or at least discussed, it is virtually impossible to evaluate the proposal.

3. Proposal #3 - Market Clearing Prices

The Commission previously instructed GridFlorida to utilize a "pay what you bid" approach when calculating payments to generators. In their supplemental comments, the GridFlorida Companies instead propose to use market clearing prices. The FMG members are unable to discern a reasonable basis for this change.

First, the GridFlorida Companies contend that the "pay what you bid" approach would produce inefficient prices, since generators may be inclined to bid what they project will be the market clearing price, and not their marginal costs. This contention is speculative at best. In a "pay what you bid" structure, generators that artificially inflate their bids run the risk of having their resources go unscheduled. This would seem to produce a natural incentive for generators to ensure that their bids are competitive.

Second, the GridFlorida Companies acknowledge that the use of market clearing prices will result in payments exceeding the amounts bid by generators, but suggest that a large portion of such "gains" should be allocated to consumers. Nonetheless, there is no proposed mechanism for tracking, calculating, and reallocating gains to consumers. How, for example, do the applicants intend to ensure that profits earned by independent generators are reallocated to consumers served by unaffiliated distribution utilities? Similarly, the GridFlorida Companies state that market mitigation measures will be required, but again, none is offered.

Third, the GridFlorida Companies suggest that the shift to LMP necessitates the use of market clearing prices, since they "do not believe" the algorithms used in a "pay what you bid" approach would work on a nodal basis. Without additional information, the FMG members are unable to evaluate this claim. It would seem, however, that the calculation of nodal prices for congestion purposes would be independent of the calculation of compensation to generators.

"UNCHANGED" MARKET DESIGN PRINCIPLES

The GridFlorida Companies conclude their supplemental comments by responding to various intervener comments and identifying market design principles that should not be changed. The FMG takes issue with two aspects of GridFlorida's representations.

First, the Commission should recognize that, while the GridFlorida Companies are not here proposing to change certain aspects of their previous proposal, such changes will be required if such things as LMP and a day-ahead market are implemented. These comments have already noted that imbalance penalties will need to be adjusted within the context of a day-ahead market. Another example of a change that will be required has to do with the allocation of transmission rights. The allocation of FTRs at all nodes on the system is very different than the allocation of physical transmission rights through a few select flowgates, and there will undoubtedly be outcomes that cannot possibly be predicted at this time. Thus, if the

Commission accepts the new proposals, it should be prepared to go back to "square one" with regard to many issues that were already resolved.

Second, the GridFlorida Companies continue to debate the merits of their "proposal to ultimately propose" an installed capacity requirement. The FMG members acknowledge that, at present, the GridFlorida Companies have not actually provided details for an installed capacity obligation, and that critical issues such as whether there will be an installed capacity market, or merely an installed capacity requirement, must be resolved before progress is going to be made. Moreover, the GridFlorida Companies support their claim that an installed capacity obligation is required by stating that such an obligation will help spur generation investment in Florida, thereby enabling the state to avoid problems experienced in other regions of the country. The Commission should not afford any weight to this statement. Installed capacity obligations have been highly problematic and largely unsuccessful in other parts of the country.⁵

FMG members are also disturbed by the GridFlorida Companies' statement that, once the Commission establishes a capacity requirement for the state, the RTO "will then allocate a portion of that capacity requirement to each LSE."⁶ The FMG members assume that this was a misstatement, but if not, the Commission should make it abundantly clear that the RTO will not be delegated the authority to determine whether and what installed capacity requirement will apply to individual LSEs. If such requirements are to be set, they must be set by the

⁵ See, e.g., *ISO New England*, 94 FERC ¶ 61,237 at 61,845 (2001), *appeal pending* (noting that an installed capacity auction had been found to be "not useful and that it could produce inflated prices"); *PJM Interconnection State of the Market Report 2001*, available at: http://www.pjm.com/market_monitoring/reports/2002/June/200206_pjmmusom_2001.pdf (June 2002) (identifying an opportunity to exert market power in the installed capacity market).

⁶ GridFlorida Companies Supplemental Post-Workshop Comments at p. 15.

Commission and/or FRCC, with the RTO's role limited to monitoring LSEs to ensure compliance with Commission-established requirements.

CONCLUSION

WHEREFORE, the FMG requests that the concerns and recommendations set forth above and in the FMG's pre-workshop and post-workshop comments be considered by the Commission when reviewing the GridFlorida RTO proposal.

Respectfully submitted,



Douglas F. John
Matthew T. Rick
JOHN & HENGERER
1200 17th Street, N.W.
Suite 600
Washington, D.C. 20036
(202) 429-8801

Counsel for the Florida Municipal Group

FERC "Big Ticket" List

Revised 6-28-02

ID	Complete	FERC Big Ticket List Tasks & Milestones- 6/28/02	Start	Finish
1		STANDARD MARKET DESIGN FOR ELEC WHOLESALE MKYS (RM01-12)		
2	X	Comments Due on SMD Options Paper		May 2002
3	X	Informal Communications/Outreach on SMD Tariff	May 2002	June 2002
4		Conference on SMD Data and Software Needs		July 18, 2002
5		Issue NOPR on Proposed SMD Tariff		Summer 2002
6		Comments Due on SMD Tariff NOPR (75 days after issuance)		Fall 2002
7		Issue Final Rule on SMD Tariff		Fall 2002
8		GENERATOR INTERCONNECTIONS-TERMS, CONDITIONS, PRICING (RM02-1)		
9	X	Comments Due on Interconnection NOPR		June 2002
10		Issue Final Rule on Generator Interconnections		December 2002
11		RT DOCKETS		
12		Northeast		
13		State Outreach (On-Going)	December 2001	On-Going
14	X	FERC-New England & New York Regional Panel		May 28, 2002
15	X	FERC-New England Agenda Building Session (Stowe, VT)		June 19, 2002
16	X	NE RTO Applicants' (NYISO/ISO-NE) Cost-Benefit Study Completed		May 2002
17	X	Discuss Northeast RTO Scope at Open Meeting		May 30, 2002
18	X	Reports from ISOs on Seams at Open Meeting		June 12, 2002
19		Responses to Seams Deadlines by State Commissions & Stakeholders		July 10, 2002
20		Seams Report at Open Meeting		July 17, 2002
21		Northeast RTO Filing by NYISO/ISO-NE/Canadians Due		Summer 2002
22		Northeast Order		TBD
23		Southeast		
24		SE Trans RTO Petition for Declaratory Order Filing Due		Summer 2002
25		SE Trans RTO Declaratory Order		Fall 2002
26		SE Trans Selects IMA and Makes 203/205 Filings w/ FERC	Summer 2002	Winter 2002
27		N. and S. Carolina Commissions Issue Orders on GridSouth RTO		TBD
28		State Outreach (On-Going)	January 2002	On-Going
29	X	FERC/State RTO Panel Discussion with North and South Carolina		April 22, 2002
30	X	Florida Commission Requests Tutorial from FERC		June 11, 2002
31	X	Testimony on RTO Development before Virginia Legislative Task Force		June 21, 2002
32		Midwest		
33	X	MISO/SPP Merger Order	March 2002	May 2002
34		Alliance Companies Seams Issues		Ongoing
35		Oversight of PJM-MISO-SPP Common Market Design		Ongoing
36		State Outreach (On-Going)	November 2001	On-Going
37	X	FERC-Midwest Regional Workshop		June 24, 2002
38	X	Reports from Alliance Companies & Others at Open Meeting		June 26, 2002
39		West		
40		Transconnect Order		Summer 2002
41		West Connect Order		Summer 2002
42		RTO West Order	April 2002	Summer 2002
43		State Outreach (On-Going)	February 2002	On-Going
44	X	FERC-State Western Regional Panel		April 30, 2002
45	X	FERC-Western Agenda Building Session (Scottsdale, AZ)		June 12, 2002

TBD=Date to be Determined

FERC "Big Ticket" List

Revised 6-28-02

ID	Complete	FERC Big Ticket List Tasks & Milestones- 6/28/02	Start	Finish
46		WESTERN ISSUES		
47		Presentation to the Commission on West-wide Issues		TBD
48		CAISO Market Design Order	May 2002	Summer 2002
49	X	Second Technical Conference	May 2002	May 2002
50		Order		Summer 2002
51		CAISO Price Mitigation Order		Summer 2002
52		Calif ISO Audit	January 2002	Summer 2002
53		Order on Audit Report (Governance and Independence)		Summer 2002
54		PG&E Bankruptcy Order		
55		Judges' Final Ruling on PG&E Bankruptcy		TBD
56	X	Hearing Order Issued		June 11, 2002
57		Initial Decision		October 2002
58		PG&E Bankruptcy Order		TBD
59		Refunds		
60		Hearing		August 2002
61		Certification of Record by ALJ		TBD
62		Opinion		TBD
63		Other Significant California Items		
64		Path 15 Upgrades		June 2002
65	X	Order		June 2002
66		CA Regulatory Must Run (RMR) Opinion (ER98-495)		TBD
67		Issue Final Order		TBD
68		NW Refund Case		TBD
69		ORDER NO. 637 COMPLETION		
70		Price Cap on Short-term Capacity Release Transactions		TBD
71	X	Presentation on Capacity Release Price Cap Report		May 2002
72	X	Issue Staff Paper Requesting Comments		May 2002
73		Comments Due on Notice		July 2002
74		Next Steps		TBD
75		Order 637 Filings (15 cases pending July 26, down from over 70 on January 1)	January 2002	December 2002
76		EL PASO - CAPACITY ALLOCATION		
77	X	Order		May 2002
78		AFFILIATE STANDARDS OF CONDUCT (RM01-10)		
79	X	Public Conference		May 2002
80		Completion of Final Rule		Fall 2002
81		INFORMATION INITIATIVES		
82		Market Transparency Initiative	January 2002	TBD
83		Outreach	April 2002	TBD
84		Technical Conference		TBD
85		Issue NOPR		TBD
86	X	Form 1 (Instant Final Rule) (Delete 11 Schedules)		May 2002
87		MARKET BASED RATES		
88		Process Pending MBR Filings & Triennial Reviews (On-Going)	January 2002	December 2002

TBD=Date to be Determined

FERC "Big Ticket" List

Revised 6-28-02

ID	Complete	FERC Big Ticket List Tasks & Milestones- 6/28/02	Start	Finish
89		SMA Technical Conference		Fall 2002
90		SMA Rehearing		TBD
91		206 Refund Condition Rehearing		TBD
92		Issue Rehearing Order		TBD
93		INFRASTRUCTURE CONFERENCES (AD02-6)		
94	X	NW Infrastructure Conference, Seattle, WA		November 2, 2001
95	X	NE Infrastructure Conference, New York City		January 31, 2002
96	X	SE Infrastructure Conference, Orlando, FL		May 9, 2002
97		Midwest Infrastructure Conference, Chicago, IL		Fall 2002
98		SW Infrastructure Conference, Phoenix, AZ		Fall 2002

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Comments of Lakeland Electric, Kissimmee Utility Authority, Gainesville Regional Utilities, and the City of Tallahassee, Florida, has been furnished by U.S. Mail to the following this 12th day of July, 2002.

<p>Robert V. Elias, Esq. William Cochran Keating, Esq. Division of Legal Services Florida Public Service Com. 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850</p> <p>Mark Sundback, Esq. Kenneth Wiseman, Esq. Andrews & Kurth Law Firm 1701 Pennsylvania Ave., N.W. Suite 300 Washington, DC 20006</p> <p>Lee L. Willis, Esq. James D. Beasley, Esq. Ausley & McMullen Law Firm 227 South Calhoun Street Tallahassee, Florida 32301</p> <p>Myron Rollins Black & Veatch Post Office Box 8405 Kansas City, MO 64114</p> <p>CPV Atlantic, Ltd 145 NW Central Park Plaza, Suite 101 Port Saint Lucie, FL 34986</p> <p>Calpine Corporation Thomas W. Kaslow The Pilot House, 2nd Floor Lewis Wharf Boston, MA 02110</p> <p>John W. McWhirter, Jr., Esq. Attorney for FIPUG McWhirter Reeves 400 North Tampa Street, Suite 2450 Tampa, Florida 33601-3350</p>	<p>Jennifer May-Brust, Esq. Colonial Pipeline Company 945 East Paces Ferry Road Atlanta, GA 30326</p> <p>G. Garfield R. Knickerbocker/S. Myers Day, Berry Law Firm CityPlace I Hartford, CT 06103-3499</p> <p>Duke Energy North America Lee E. Barrett 5400 Westheimer Court Houston, TX 77056-5310</p> <p>David L. Cruthirds, Esq. Attorney for Dynegy, Inc. 1000 Louisiana Street, Suite 5800 Houston, TX 77002-5050</p> <p>Michelle Hershel Florida Electric Cooperatives Association, Inc. 2916 Apalachee Parkway Tallahassee, FL 32301</p> <p>Richard Zambo, Esq. FICA 598 SW Hidden River Ave. Palm City, FL 34990</p> <p>Peter Antonacci, Esq. Gordon H. Harris, Esq. Tracy A. Marshall, Esq. Gray, Harris & Robinson, P.A. 301 S. Bronough St., Ste. 600 Tallahassee, FL 32302-3189</p>
---	---

Frederick M. Bryant
FMPA
2061-2 Delta Way
Tallahassee, FL 32303

Robert C. Williams, P.E.
FMPA
8553 Commodity Circle
Orlando, FL 32819-9002

William G. Walker III
Florida Power & Light Company
215 South Monroe Street,
Suite 810
Tallahassee, FL 32301-1859

R. Wade Litchfield, Esq.
Office of General Counsel
Florida Power & Light Co.
700 Universe Boulevard
Juno Beach, FL 33408-0420

Paul Lewis, Jr.
Florida Power Corporation
106 East College Avenue,
Suite 800
Tallahassee, FL 32301-7740

Thomas J. Maida
N. Wes Strickland
Foley & Lardner Law Firm
106 E. College Avenue,
Suite 900
Tallahassee, FL 32301

Thomas A. Cloud, Esq.
W. Christopher Browder, Esq.
Gray, Harris & Robinson, P.A.
Post Office Box 3068
Orlando, Florida 32802-3068

Bruce May, Esq.
Holland & Knight Law Firm
Bank of America
315 South Calhoun Street
Tallahassee, FL 32302-0810

Homer O. Bryant
3740 Ocean Beach Boulevard
Unit 704
Cocoa Beach, FL 32931

David Owen, Esq.
Assistant County Attorney
Lee County, Florida
Post Office Box 398
Ft. Myers, FL 33902

Joseph A. McGlothlin, Esq.
Vicki Gordon Kaufman, Esq.
McWhirter Reeves
117 S. Gadsden Street
Tallahassee, Florida 32301

Michael B. Twomey, Esq.
Post Office Box 5256
Tallahassee, FL 32314-5256

Mirant Americas Development, Inc.
Beth Bradley
1155 Perimeter Center West
Atlanta, GA 30338-5416

Jon C. Moyle, Esq.
Cathy M. Sellers, Esq.
The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301

Mr. Lee Schmudde
Walt Disney World Co.
1375 Lake Buena Drive
Fourth Floor North
Lake Buena Vista, FL 32830

Mr. Paul J. Chymiy
NUI Energy, Inc.
550 Route 202-206
Bedminster, NJ 07921-0760

Jack Shreve
John Roger Howe
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, #812
Tallahassee, FL 32399-1400

Melissa Lavinson
PG&E National Energy Group
Company
7500 Old Georgetown Road
Bethesda, MD 20814

Michael Briggs
Reliant Energy Power
Generation, Inc.
801 Pennsylvania Ave.
Suite 620
Washington, DC 20004

Timothy Woodbury
Seminole Electric Cooperative, Inc.
16313 North Dale Mabry Hwy.
Tampa, FL 33688-2000

Sofia Solernou
401 South MacArthur Avenue
Panama City, FL 32401

Linda Quick
South Florida Hospital
and Healthcare
6363 Taft Street
Hollywood, FL 33024

John T. Butler, P.A.
Steel Hector & Davis, LLP
200 South Biscayne Boulevard
Suite 4000
Miami, Florida 33131-2398

Steven H. McElhaney
2448 Tommy's Turn
Oviedo, FL 32766

Ms. Angela Llewellyn
Tampa Electric Company
Post Office Box 111
Tampa, Florida 33601

Dawson Glover, III
Town of Sewall's Point
One South Sewall's Point Road
Sewall's Point, FL 34996

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

James A. McGee, Esq.
Florida Power Corporation
Post Office Box 14042
St. Petersburg, FL 33733-4042

James P. Fama, Esq.
LeBoeuf, Lamb, Greene &
MacRae, LLP
1875 Connecticut Ave., N.W.
Suite 1200
Washington, DC 20009

Kenneth Hoffman
Rutledge Law Firm
215 S. Monroe Street
Tallahassee, Florida 32302

Mr. Edward Kee
PA Management Group
1750 Pennsylvania Ave., NW
Suite 1000
Washington, DC 20006-4506

Mr. Ron Seel
RS Sales, Inc.
1449 Court Street
Clearwater, FL 33756

Bill Bryant, Jr., Esq.
Natalie Futch, Esq.
Katz, Kutter
106 E. College Ave.
12th Floor
Tallahassee, FL 32301

Mr. John Attaway
Publix Super Markets, Inc.
P.O. Box 32105
Lakeland, FL 33802-2018

Marchris Robinson
Manager, State Government Affairs
Enron Corporation
1400 Smith Street
Houston, Texas 77002-7361

Florida Retail Federation
100 E. Jefferson Street
Tallahassee, FL 32301

Mr. Russell S. Kent
Sutherland Asbill & Brennan
2282 Killearn Center Blvd.
Tallahassee, FL 32308

Michael B. Wedner
Assistant General Counsel
117 West Duval Street, Suite 480
Jacksonville, FL 32202

Dick Basford, President
Dick Basford & Associates, Inc.
5616 Fort Sumter Road
Jacksonville, FL 32210

Mr. Ed Regan
Gainesville Regional Utility Authority
P.O. Box 1471 17, Station A136
Gainesville, FL 32614-71 17

Douglas John
Matthew Rick
1200 17'h Street, N.W.
Suite 600
Washington, D.C. 20036-3013

Reedy Creek Improvement District
P.O. Box 10000.
Lake Buena Vista, FL 32830

Gary L Sasso/James M. Walls
Carlton, Fields Law Firm
Post Office Box 2861
St. Petersburg, FL 33731

Daniel Frank
Sutherland Asbill & Brennan
1275 Pennsylvania Ave. NW
Washington, DC 20004-2415

Suzanne Brownless
Suzanne Brownless, P.A.
1311-B Paul Russell Road, Suite 201
Tallahassee, FL 32301

P.B. Para
JEA
21 West Church Street
Jacksonville, FL 32202

Kissimmee Utility Authority
Mr. Robert Miller
1701 West Carroll Street
Kissimmee, FL 32746

Paul Elwing
Lakeland Electric
501 East Lemon Street
Lakeland, FL 33801-5079

Pete Koikos
City of Tallahassee
100 West Virginia Street
Fifth Floor
Tallahassee, FL 32301

Leslie J. Paugh, Esq.
P.O. Box 16069
Tallahassee, FL

Trans-Elect, Inc.
c/o Alan J. Statman, General Counsel
1200 G Street, N.W.
Suite 600
Washington, D.C. 20005

Greenberg, Traurig Law Firm
Ron LaFace/Seann M. Frazier
101 E. College Ave.
Tallahassee, FL 32301

Landers Law Firm
Wright/LaVia
310 West College Ave.
Tallahassee, FL 32301

Seminole Member Systems
William T. Miller
c/o Miller Law Firm
1140 19th Street, N.W., Suite 700
Washington, DC 20036

Spiegel & McDiarmid
Cynthia Bogorad/David Pomper
J. Schwarz
1350 New York Ave., N.W., Suite 1100
Washington, DC 20005

Respectfully submitted,



Douglas F. John
Matthew T. Rick
JOHN & HENGERER
1200 17th Street, N.W.
Suite 600
Washington, D.C. 20036-3013

Counsel for the Florida Municipal Group