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COGENERATION & ALTERNATIVE ENERGY
ENERGY REGULATORY LAW

VIA FEDERAL EXPRESS

September 11, 2002

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COMMISSION
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Ms. Blanca S. Bayó, Director
Division of Records & Reporting
Florida Public Service Commission
Capitol Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

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

Dear Ms. Bayó,

Enclosed for filing in the captioned Docket please find the original and 10 copies of Joint Petition For leave To Intervene By The Florida Phosphate Council And The Florida Industrial Cogeneration Association. Copies of the Petition will be provided via email to all parties on Staff's electronic distribution list in this Docket. We have also enclosed a 3.5 inch diskette containing this document and the Petition.

Please date stamp one copy of the Petition and return it to us in the enclosed self-addressed stamped envelope.

If you have any questions regarding this filing, or require any additional information, please do not hesitate to contact this office.

Sincerely,



Richard A. Zambo

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 020233-EI
Submitted for filing: Sept. 11, 2002

JOINT PETITION FOR LEAVE TO INTERVENE BY
THE FLORIDA PHOSPHATE COUNCIL
AND
THE FLORIDA INDUSTRIAL COGENERATION ASSOCIATION

Pursuant to Rule 25-22.039, F.A.C., the Florida Phosphate Council and the Florida Industrial Cogeneration Association (who may be jointly referred to herein as "Petitioners"), by and through their undersigned attorney, hereby file this Joint Petition for leave to Intervene in the captioned proceeding. In support of this Joint Petition, Petitioners state as follows:

1. The name, address, and telephone number of the Petitioners are as follows:

Florida Phosphate Council
1435 East Piedmont Drive
Suite 211
Tallahassee, FL 32308
Phone: (850) 224-8238
Fax: (850) 224-806

Florida Industrial Cogeneration Association
c/o Richard A. Zambo, P.A.
598 SW Hidden River Avenue
Palm City, FL 34990
Phone: (772) 220-9163
FAX: (772) 220 9402

2. Copies of all correspondence, pleadings, and other documents should be provided to:

Richard A. Zambo
Richard A. Zambo, P.A.
598 SW Hidden River Avenue
Palm City, FL 34990
Phone: (772) 220-9163
FAX: (772) 220-9402

DOCUMENT NUMBER · DATE

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3. The Florida Phosphate Council, Inc. (Phosphate Council), is a private, not-for-profit trade association representing phosphate mining and fertilizer manufacturing companies in central and north Florida. The member companies are responsible for nearly all phosphate mining and fertilizer manufacturing in Florida and produce about 75% of the nation's and 25% of the world's supply of phosphate. There is a significant overlap of members and interests between the Phosphate Council and Florida Industrial Cogeneration Association.
4. The Florida Industrial Cogeneration Association (FICA) is a not-for-profit trade association representing Florida industrial cogenerators. FICA members, which include a majority of the Florida phosphate companies, self-generate, consume and purchase substantial quantities of electricity. There is a significant overlap of membership between FICA and the Phosphate Council.
5. **Statement of Substantial Interests**
 - a. Both Phosphate Council and FICA members produce and consume large quantities of electricity, the cost of which comprises a substantial portion of fertilizer manufacturing costs.
 - b. Petitioners' members own and operate cogeneration facilities which recover waste heat from the manufacturing processes to produce process thermal energy and significant quantities of electricity. Such generation is accomplished solely from recovered waste heat from exothermic chemical reactions.
 - c. Some members of Petitioner own and operate transmission lines used to deliver excess electricity from cogeneration facilities to other locations of the member.
 - d. Petitioner's members purchase interruptible, supplemental and standby electricity from "Applicants" Tampa Electric Company and Florida Power Corporation.
 - e. Petitioners' members are connected to and rely on Florida's electric transmission system as purchasers and producers of electricity.
 - f. Some Petitioner's members who purchase interruptible electricity have contracted with their electric utility to "buy-through" during periods of interruption.
 - g. Petitioner's members operate Qualifying Facilities (QFs) and sell electricity to "Applicants" Tampa Electric Company and Florida Power Corporation and are currently allowed to sell electricity to any Florida electric utility.

6. **Statement Of Disputed Issues In This Proceeding**

The following issues have been preliminarily identified by Petitioners as disputed issues: (Petitioners reserve the right to add to or modify this issues list at their sole discretion.)

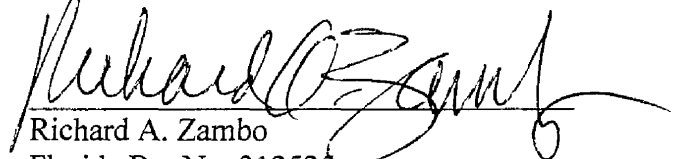
- a. Is LMP the appropriate pricing mechanism for the proposed GridFlorida RTO?
- b. Does the proposed GridFlorida RTO market structure include appropriate market power mitigation measures?
- c. What is the appropriate methodology for determining whether a GridFlorida market participant possesses market power?
- d. Will implementation of GridFlorida, as proposed by Applicants, transfer subject matter jurisdiction from the FPSC to the FERC? If so, is it in the best interest of the Florida electric consumers to transfer such subject matter jurisdiction?
- e. Is the balancing mechanism proposed by the Applicants appropriate for all market participants, including process following "waste heat" QFs?
- f. Should process following waste heat QFs be exempt from unbalanced schedule penalties when such imbalance is a characteristic of process following generation?
- g. Is the proposed balancing mechanism appropriate for Florida retail electric consumers, including interruptible customers for whom a utility "buys-through"?
- h. Should interruptible customers for whom a utility "buys-through" have access to real-time pricing information?
- i. Is the sharing of gains on real-time energy sales as proposed by the applicants contrary to achieving the lowest cost electricity for all Florida consumers?
- j. Will implementation of the proposed GridFlorida RTO adversely affect QFs selling as-available energy or firm energy and capacity?
- k. Has an assessment of the impact on retail electric rates of implementing the proposed GridFlorida RTO been performed?
- l. What is the expected total dollar increase or decrease in the retail electric rates of Florida's investor owned utilities for each of the first five years of GridFlorida RTO operation as a result of GridFlorida RTO? The first ten years?
- m. Will the proposed market monitor mechanism possess sufficient power and authority to expeditiously remedy market abuses or gaming?
- n. Will the proposed GridFlorida RTO structure be sufficiently flexible to allow the FPSC to make course corrections as may be deemed necessary from time-to-time?

7. **Statement Of Ultimate Facts Alleged**

- a. Matters within the scope of this proceeding will clearly affect the cost, availability, provision and reliability of electricity supplies to Petitioners' members.
- b. Matters within the scope of this proceeding will clearly affect the price, terms, costs, and conditions of electricity sales by Petitioner's members.

WHEREFORE, In light of the foregoing multiple and substantial impacts that this proceeding will have on Petitioner's members, Petitioners respectfully requests that the commission enter an Order granting this Petition and granting Petitioner's and their members status as full parties.

RESPECTFULLY submitted on this 11th day of September, 2002.


Richard A. Zambo
Florida Bar No. 312525

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Florida Industrial Cogeneration Association