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September 24, 2002

BY 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: Compliance Filing Concerning Proposal to Establish GridFlorida
As a Regional Transmission Organization; Docket No. 020233-EI

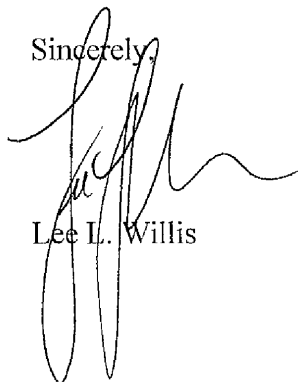
Dear Ms. Bayo:

Enclosed for filing in the above referenced are the original and fifteen (15) copies of Protest and Request for Formal Hearing on behalf of Tampa Electric Company and Florida Power & Light Company.

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,



Lee L. Willis

LLW/bjd
Enclosures

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

DOCUMENT NUMBER 020233-EI
10240 SEP 24 2002
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 020233-EI
FILED: September 24, 2002

**FLORIDA POWER & LIGHT COMPANY
AND TAMPA ELECTRIC COMPANY'S
PROTEST AND REQUEST FOR FORMAL HEARING**

Florida Power & Light Company ("FPL") and Tampa Electric Company ("Tampa Electric") pursuant to Rules 25-22.029 and 28-106.201, Florida Administrative Code and Order No. PSC-02-1199-PAA-EI ("Order 02-1199"), file this its Protest of the proposed agency action with respect to the demarcation date for new contracts set out in Attachment T ("new contract date") and say:

1. Order 02-1199 at pages 51-54 sets out this Commission's proposed ruling rejecting the new contract date proposed by the GridFlorida Applicants.

2. FPL and Tampa Electric are public utilities as defined by § 366.02, Fla. Stat. and operate under the jurisdiction of this Commission. The proposed ruling, if made final, will adversely affect FPL, Tampa Electric and their respective customers by diminishing the revenue that would be available to offset the incremental transmission costs contemplated by the formation and operation of the GridFlorida ISO.

3. One of the benefits of the creation of a Regional Transmission Organization ("RTO") is the elimination of pancaked rates for transmission services. Pancaked rates result in payment by transmission customers of more than one charge for wheeling power over multiple transmission systems.

4. When the RTO begins operations, the multiple charges are eliminated and some wheeling revenues are “lost”.

5. In the transition to a single rate for transmission service over the entire RTO, a cut off date must be established to determine the appropriate pricing regime for particular long-term transmission agreements.

6. The demarcation date for new contracts determines which contracts will continue to be priced under the old regime whereby the revenue from pancaked rates are retained by the individual GridFlorida companies for five years and then phased out over years six through ten.

7. The separation of the new contract date from the date of commercial operations of GridFlorida can trap transmission investment costs leaving these costs to be recovered by the retail customers of the public utility without commensurate revenue. The greater the separation of these dates, the greater the possible disparity and the resulting inequity to retail customers.

8. The new contract date in the original GridFlorida Proposal was December 15, 2000, the date of the filing of that Proposal with the Federal Energy Regulatory Commission (“FERC”), and within a year of the date GridFlorida was expected to be begin commercial operations (originally, December 15, 2001).

9. The expected commercial operation date of GridFlorida has now been delayed for an extended period of time, and is not yet known.

10. Consequently, maintaining the original new contract date at December 15, 2000 for long-term contracts is no longer appropriate. If the original date is retained, the potential gap and resulting inequity will continue to grow. In its compliance filing required by this

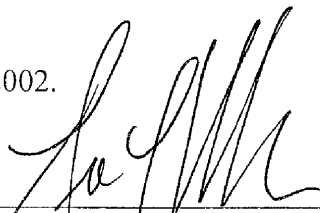
Commission's December 20, 2001 order, the GridFlorida Applicants moved the new contract date to January 1 of the year of commercial operations of GridFlorida.

11. This change is required to comply with this Commission's Order 01-2489 and to conform to changed circumstances which have indefinitely postponed the date of commercial operations of GridFlorida. The delays in commercial operation required by a number of circumstances beyond the control of the Applicants or this Commission make the new contract date change appropriate.

WHEREFORE, FPL and Tampa Electric protest this Commission's proposed agency action with respect to the new contract date for existing long-term contracts as set out on pages 51-54 of Order 02-1199 and respectfully request that this Commission set this matter for a § 120.569 formal evidentiary hearing to be heard in conjunction with the evidentiary hearing currently scheduled for market design issues on October 31, 2002 and grant such other relief as the Commission deems appropriate.

DATED this 24th day of September, 2002.

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**CERTIFICATE OF SERVICE
DOCKET NO. 020233-EI**

I, **THE UNDERSIGNED COUNSEL, HEREBY CERTIFY** that a true and correct copy of the foregoing has been served by electronic mail (*) or by overnight mail to the following parties listed below this 24th day of September, 2002:

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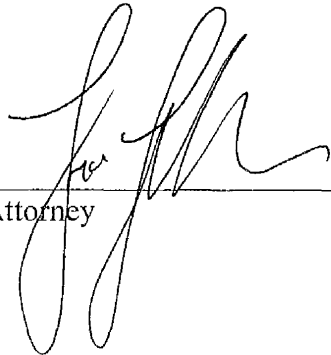
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