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September 27, 2002

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
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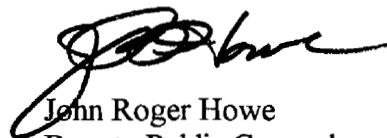
RE: Docket No. 020233-EI

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of Public Counsel's Notice That Testimony And Exhibits Are Not Being Filed for filing in the above- referenced docket.

Also enclosed is a diskette in WordPerfect for Windows 6.1 format. Please indicate receipt of filing by date stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.


Sincerely,


John Roger Howe
Deputy Public Counsel

JRH/pwd
Enclosures

- AUS _____
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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


Docket No. 020233-EI
Filed: September 27, 2002

**PUBLIC COUNSEL'S NOTICE THAT
TESTIMONY AND EXHIBITS ARE NOT BEING FILED**

The Citizens of the State of Florida, through the Office of Public Counsel, give notice that they are not filing direct testimony and exhibits this date. The First Order Revising Order Establishing Procedure, Order No. PSC-02-1251-PCO-EI, issued September 11, 2002, provides (at page 7) that Protestors' direct testimony and exhibits regarding protested proposed-agency-action issues should be filed on September 27, 2002. The Citizens read this provision as applying to factual testimony addressing disputed issues of material fact to be considered in a Section 120.57(1) proceeding and to policy issues amenable to expert opinion testimony. The Citizens' petition on proposed agency action filed September 24, 2002, on the other hand, asked for an informal hearing under Section 120.57(2) to consider disputes of law and policy best addressed through oral argument and written submittals from the Citizens' attorneys. Moreover, the burden of proof rests with the GridFlorida Companies as the parties seeking affirmative relief in this docket. As such, any protest of a PAA issue should have triggered a de novo proceeding in which the companies were obligated to come forward with evidence or argument in the first instance.

Respectfully submitted,

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

I HEREBY CERTIFY that a true and correct copy of the foregoing PUBLIC COUNSEL'S NOTICE THAT TESTIMONY AND EXHIBITS ARE NOT BEING FILED has been furnished by U.S. Mail or *hand-delivery to the following parties on this 27th day of September, 2002:

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