

ORIGINAL

LAW OFFICES  
OF  
LESLIE J. PAUGH, P.A.

LESLIE J. PAUGH  
lpaugh@paugh-law.com  
  
OF COUNSEL  
RICHARD A. ZAMBO  
rzambo@paugh-law.com

2473 CARE DRIVE, SUITE 3  
TALLAHASSEE, FL 32308  
  
TELEPHONE (850) 656-3411  
FACSIMILE (850) 656-7040

MAILING ADDRESS:  
POST OFFICE BOX 16069  
TALLAHASSEE, FLORIDA 32317-6069

September 27, 2002

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Ms. Blanca S. Bayó, Director  
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Tallahassee, FL 32399-0850

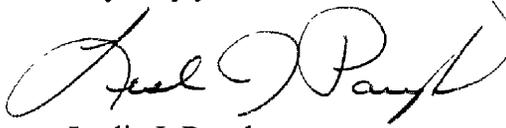
**Re: Docket No. 020233-EI; Direct Testimony of Joseph Jolly Hayden**

AUS Dear Ms. Bayó:  
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OTH

Storage Enclosed for filing please find one (1) original and fifteen (15) copies of the Direct  
Testimony of Joseph Jolly Hayden, submitted for filing in the above referenced docket. Please also  
find the enclosed diskette, containing an electronic version of the Filing in WordPerfect format.

2 Please acknowledge receipt of this document by time/date stamping the enclosed additional  
1 copy of the Petition, as indicated.

Very truly yours,



Leslie J. Paugh

LJP:trc

Enclosures: Direct Testimony of Joseph Jolly Hayden; original and fifteen copies  
  
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BEFORE THE PUBLIC COMMISSION

CALPINE CORPORATION

DIRECT TESTIMONY OF JOSEPH JOLLY HAYDEN

DOCKET NO. 020233-EI

SEPTEMBER 27, 2002

**Q. Please state your name and business address.**

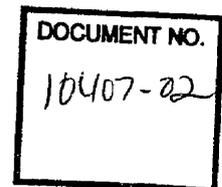
A. My name is Joseph Jolly Hayden, and my business address is 700 Louisiana Avenue, Suite 2700, Houston Texas 77002.

**Q. Please state your occupation.**

A. I am the Vice President of Transmission Operations for Calpine Corporation.

**Q. Please describe your educational background and business experience.**

A. I graduated from the University of Kentucky with a Bachelor of Science degree in Electrical Engineering in 1983. I subsequently earned a Master of Science degree in Industrial Technology from the Eastern Kentucky University in 1991. I am a registered Professional Engineer in the State of Kentucky and a member of NSPE and IEEE. I have over 18 years of experience in the energy sector. I have been with Calpine Corporation for 1 year. In my current capacity at Calpine I am responsible for transmission origination, transmission management, transmission system analysis and control area operations supporting Calpine development,



1 origination, marketing, trading and regulatory efforts. Prior to joining  
2 Calpine, I was with Dynegy Marketing for six and a half (6.5) years and  
3 my last position was as Vice President of Power Delivery. While at  
4 Dynegy I was responsible for transmission trading, transmission system  
5 analysis and market development. Prior to my tenure at Dynegy, I was  
6 with East Kentucky Power Cooperative for nine and a half (9.5) years as  
7 the Energy Control Manager. During my employment with EKPC I was  
8 responsible for control area operations and bulk power marketing.

9 I have testified before the Federal Energy Regulatory Commission  
10 on several occasions, the Kentucky Public Service Commission and the  
11 Louisiana Public Utility Commission in several proceedings in various  
12 capacities.

13 **Q. What is the purpose of your testimony?**

14 A. The purpose of my testimony is to inform the Florida Public Service  
15 Commission of the effects its Order Determining GridFlorida's  
16 Compliance with Order No. PCS - 01 - 249 – FOF - EI and Requiring  
17 Evidentiary Hearing and Notice of Proposed Agency Action Order  
18 Regarding Specific Changes to the GridFlorida Compliance Filing, Order  
19 No. PSC - 02 - 1199 - PAA - EI, issued September 3, 2002 (“Commission  
20 Order”) requiring that CBM be taken into account in the calculation of  
21 ATC will have on ratepayers. It is recommended that CBM be eliminated  
22 or, at a minimum, provide that load serving entities wanting to access

1 generation resources on a neighboring transmission system to meet  
2 resource adequacy requirements do so by acquiring Financial  
3 Transmission Rights from the neighboring interface to their load rather  
4 than through CBM set-asides. This will ensure that only customers  
5 benefiting from CBM pay for CBM and the full capacity of the system is  
6 utilized in the most efficient manner for the overall betterment of  
7 ratepayers.

8 **Q. Are you sponsoring an exhibit in this proceeding?**

9 A. Yes, it consists of the following document:

10 Document JJH-1, Resumé of J. Jolly Hayden

11 **I. Effects**

12 **Q. Please describe what effect the Commission's Order requiring that**  
13 **CBM be taken into account in the calculation of ATC will have on**  
14 **ratepayers?**

15 A. First, the Commission's Order creates an inconsistency with proposed  
16 FERC policy regarding treatment of CBM. Second, the Commission's  
17 Order creates a discriminatory physical and economic withholding of  
18 valuable transmission capacity. Third, the effect of this withholding of  
19 valuable transmission capacity is to deny most ratepayers access to  
20 competitively priced generation and in so doing, degrade the efficiency  
21 of market operation and potentially even compromise reliability. Fourth,  
22 the effect of this withholding of valuable transmission capacity

1 unjustifiably subsidizes the holder of the CBM. Fifth, the effect of this  
2 withholding of valuable transmission capacity compromises the  
3 efficiency of GridFlorida. Sixth, this withholding of valuable  
4 transmission capacity endangers reliability. And seventh, the  
5 Commission's Order creates the potential for a CBM holder to  
6 inappropriately affect/manipulate the market price of energy inside  
7 Florida or the cost to access generation outside of Florida.

8 **Q. Please describe how the Commission's Order, requiring that CBM**  
9 **be taken into account in the calculation of ATC, creates an**  
10 **inconsistency with FERC's proposed Standard Market Design**  
11 **policy.**

12 A. In its Notice of Proposed Rulemaking, Docket No. RM01-12-000, 18  
13 CFR Part 35, issued July 31, 2002, the FERC states that:

14 330. Capacity Benefit Margin is the set-aside of  
15 transmission capability by a transmission provider  
16 to ensure the ability to import external resources  
17 to meet generation reliability requirements of in  
18 case of a generation capacity deficiency....

19 331. We propose to standardize the treatment of  
20 Capacity Benefit Margin to ensure that (1) only  
21 customers benefitting from it pay for it, and (2)  
22 transfer capability needed to access resources on

1 a neighboring system is treated consistent with all  
2 other portions of the transmission grid. Thus an  
3 Independent Transmission Provider itself would  
4 not be permitted to set aside transfer capability for  
5 generation reliability reasons. Rather, a load-  
6 serving entity wanting access to resources  
7 adequacy requirement should instead acquire  
8 Congestion Revenue Rights from the interface to  
9 its load to ensure that access. This will free up  
10 transfer capability now unavailable to wholesale  
11 transmission customers and prevent cross-  
12 subsidization of transmission customers that serve  
13 load within the Independent Transmission  
14 Provider's service area by point-to-point  
15 transmission system users.

16 Clearly, FERC's expressed policy is that independent transmission  
17 providers, such as GridFlorida, should not set aside valuable transmission  
18 capability, by taking CBM into account when calculating ATC. The  
19 Commission's Order, requiring that CBM be taken into account in the  
20 calculation of ATC, is in direct contravention of FERC policy and the  
21 principles upon which it is based. It could argued that FERC has  
22 indicated in its proposed rulemaking that it will accept some regional

1 flexibility in the final standard market design rules submitted by each  
2 independent transmission provider and that the inclusion of CBM in the  
3 calculation of ATC should be a regional difference that is unique to  
4 GridFlorida. In order to support such a supposition, however, the burden  
5 on a requestor for a regional deviation from the standard would be to  
6 make a demonstration that as a minimum, the deviation would not harm  
7 competitiveness, efficiency or reliability and would be fair and reasonable  
8 to all transmission customers. The CBM ruling as it currently stands  
9 could not meet such a burden, and as you will see from the following  
10 analysis, such an argument is without merit. Set-asides in order to meet  
11 resource adequacy requirements are inherently discriminatory to Florida  
12 ratepayers and power suppliers and violate the tenets FERC Order Nos.  
13 888 and 2000, and the proposed SMD rulemaking, all seek to remedy -  
14 to wit, the elimination of undue discrimination and removal of  
15 impediments to wholesale competition.

16 **Q. Please describe how the Commission's Order, requiring that CBM**  
17 **be taken into account in the calculation of ATC, creates a**  
18 **discriminatory physical and economic withholding of valuable**  
19 **transmission capacity.**

20 A. Intertie capability between Florida and Georgia is extremely valuable as  
21 it represents the only access route of Florida load serving entities to  
22 generation outside the State of Florida and conversely the only access

1 route of load serving entities outside Florida to generation within Florida.  
2 Intertie capability is approximately 3,600 MWs. By mandating that  
3 GridFlorida set-aside intertie capability when it calculated ATC to  
4 account for CBM, that intertie capability is significantly reduced. Taking  
5 into account JEA's CBM only, that 3,600 MWs is reduced to 3,225  
6 MWs. The reduction is further compounded when the current uses of the  
7 intertie capability are taken into account. Of the 2,600 MWs for total  
8 intertie capability, 1,623 MWs are under firm import contracts<sup>1</sup> leaving  
9 approximately 1,977 MWs available for non-firm transactions. Of JEA's  
10 1,228 MWs of ownership entitlement, 282 MWs are contracted firm  
11 imports<sup>2</sup> leaving approximately 946 MWs of JEA's entitlement available  
12 for non-firm transactions. Based on these figures, JEA controls roughly  
13 half of the intertie capability remaining after firm imports and more than  
14 a third of that capability is reserved as CBM for exclusive use for resale  
15 by JEA. This withholding of intertie capability, vital to Petitioners'  
16 existing and planned market activities, thwarts Petitioners' and other  
17 stakeholders' access to markets on both sides of the interface and  
18 frustrates the development of a wholesale competitive generation market.  
19 Whether or not Florida's RTO ever merges with another RTO in the  
20 Southeast, the Commission should not allow a market participant, such

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<sup>1</sup> 2002 FRCC Load and Resource Plan, pg. 26.

<sup>2</sup> Id for the year 2002.

1 as JEA to be placed in the position of gatekeeper between Florida and the  
2 wholesale market in the rest of the Southeast.

3 **Q. Please describe how this physical and economic withholding of**  
4 **valuable transmission capacity adversely affects ratepayers.**

5 A. The withholding of valuable transmission capacity through the CBM  
6 adjustment to ATC unnecessarily restricts load serving entities within  
7 Florida and their respective ratepayers from access to competitively  
8 priced generation from outside of Florida and relegates such load serving  
9 entities to rely more heavily on Florida based generating supply options.  
10 When generation resources are tight within Florida, the net effect of this  
11 withholding of valuable transmission capacity to account for CBM is to  
12 drive wholesale and retail power prices unnecessarily higher, at the whim  
13 of the CBM holder. Additionally, the withholding of valuable  
14 transmission capacity to account for CBM denies generators within  
15 Florida the ability to sell excess supply to load serving entities outside of  
16 Florida at times when generation supply in Florida exceeds demand. This  
17 denial forces other load serving entities in Florida to pass along to  
18 ratepayers lost opportunity costs (lost contribution to fixed costs)  
19 associated with generation exports that would have otherwise decreased  
20 the revenue recovery necessary from intra-Florida consumption.

21 **Q. Please describe how this withholding of valuable transmission**  
22 **capacity unjustifiably subsidizes the holder of the CBM.**

1 A. Because the cost of the entire transmission system under the proposed  
2 GridFlorida rate structure, including the cost of facilities whose  
3 capabilities are withheld by virtue of the Commissions's Order to account  
4 for CBM in the calculation of ATC is socialized to all wholesale  
5 transmission customers through their transmission charges, a holder of  
6 CBM is unjustifiably subsidized as it draws the entire benefit from such  
7 CBM capability without having to pay the full cost, and conversely a non-  
8 CBM holding transmission customer, and its associated ratepayers, is  
9 unfairly burdened paying for facilities from which it draws no benefit.  
10 The FERC recognized this problem in its Notice of Proposed  
11 Rulemaking, Docket No. RM01-12-000, 18 CFR Part 35, issued July 31,  
12 2002, and addressed it by proposing that a load serving entity requiring  
13 access to generation resources on a neighboring transmission system meet  
14 its resource adequacy requirements by acquiring Congestion Revenue  
15 Rights (otherwise known as Financial Transmission Rights) from the  
16 neighboring interface to its load rather than through CBM set-asides of  
17 transmission capacity. That way only customers benefitting from CBM  
18 pay for CBM.

19 **Q. Please describe how the withholding of valuable transmission**  
20 **capacity compromises the efficiency of GridFlorida.**

21 A. The efficiency of a power market is affected by the degree of access to  
22 potential supply resources to satisfy the demand within the energy market.

1 As discussed above, the withholding of valuable transmission capacity to  
2 account for CBM restricts load serving entities within Florida and their  
3 respective ratepayers from accessing competitively priced generation  
4 from outside of Florida and thereby limits the access to and perhaps cost  
5 to access various external generating supply options that would otherwise  
6 be economic. By definition, then the CBM related restriction on access  
7 by the rest of the market detracts from the efficiency otherwise possible  
8 through the GridFlorida RTO.

9 **Q. Please describe how this withholding of valuable transmission**  
10 **capacity adversely impacts reliability.**

11 A. Contrary to the arguments offered to support a CBM withholding of  
12 valuable transmission capacity, the withholding can actually have an  
13 adverse impact on reliability. Lets consider a reasonable hypothetical  
14 example. Consider a period of record low winter temperatures in the  
15 Southeastern Untied States. In that situation, electricity demand within  
16 Florida would significantly increase due to home heating demands. In  
17 addition, consider the loss of significant generators or critical internal  
18 transmission facilities in South Florida due to forced outage. In this  
19 circumstance, accessible generation within Florida may be insufficient to  
20 reliably satisfy Florida electric demand. Given that electricity demand in  
21 the Mid Atlantic States is driven to a lesser degree by heating load (as a  
22 greater portion of home heating needs are met by natural gas), additional

1 generation supply could be sold to load serving entities in Florida to the  
2 degree import capability is available to them. Consider further that the  
3 CBM holder is currently meeting its load demand with Florida based  
4 generation, but other non-CBM holding load serving entities are not able  
5 to support their share of reliability requirements. Due to the fact that the  
6 CBM holding utility is concerned about either additional demand by its  
7 customers or further loss of its generation to outage, it chooses to hold its  
8 option and doesn't release CBM-related firm intertie capability. In this  
9 situation, the non-CBM holding load serving entity is relegated to import  
10 generation from the north under non-firm transmission, despite the fact  
11 that firm capability exists, but is being withheld. This increases the risk  
12 to both the importer (the Florida load serving entity relegated to non-firm  
13 service) and its external seller to Transmission Loading Relief measures  
14 to the degree congestion arises or the CBM holder exercised its option. In  
15 other words, all transactions that are flowing on non-firm transmission  
16 will be cut to relieve congestion. If either the non-firm nature of its  
17 service discourages external sellers or the CBM holder exercises its  
18 option to use that capability, in either case, there is a risk that Florida will  
19 not import sufficient generation to satisfy its reliability needs and  
20 involuntary load shedding may be necessary even though the system  
21 could accommodate the non-CBM holders desired import had the CBM-  
22 holding utility released its CBM intertie capability or better yet, if CBM

1 did not exist at all. This exact situation occurred in the Northeast and  
2 Midwest in the summer of 1999 and contributed to over 4,000 MW of  
3 transactions being curtailed, load being shed and price spikes.

4 **Q. Please describe how the Commission's Order creates the potential for**  
5 **a CBM holder to inappropriately affect/manipulate the market price**  
6 **of energy inside Florida or the cost to access generation outside of**  
7 **Florida.**

8 A. The circumstance described above regarding JEA, demonstrates well the  
9 potential for a CBM holder to inappropriately affect/manipulate the  
10 supply of generation into Florida and hence its ability to affect the market  
11 price of energy inside Florida or the cost to access generation outside of  
12 Florida. Based on the figure discussed above, JEA controls roughly half  
13 of the inertie capability remaining after firm imports and more than a  
14 third of that capability based on the Commission's Order will be withheld  
15 as CBM for exclusive use of JEA. JEA, as the exclusive holder of that  
16 inertie capability, by controlling the price and timing of the release or  
17 non-release of such inertie capability, can inadvertently affect or  
18 intentionally manipulate market prices higher in Florida or increase the  
19 cost to access generation outside of Florida through withholding of the  
20 firm CBM related inertie capability. This power to inappropriately  
21 affect/manipulate the market price of energy is further exacerbated when  
22 you realize that JEA bears little cost in obtaining this power, as its CBM

1 is unjustifiably subsidized by all the other transmission customers on the  
2 system.

## 3 **II. Recommendation**

### 4 **Q. What do you recommend?**

5 A. I recommend that the Commission revise its order to eliminate the use of  
6 CBM altogether. CBM, once GridFlorida goes operational, is an  
7 unnecessary and indeed inappropriate construct given that competitive  
8 wholesale generation resources can be contracted in the forward market  
9 to address resource adequacy/reserve requirements. If despite the  
10 arguments against adjusting ATC to reflect CBM, the Commission rejects  
11 this recommendation and decides to order that a CBM adjustment to ATC  
12 be maintained as a construct under GridFlorida, I recommend that at a  
13 minimum the Commission order that all energy import schedules be  
14 required to submit associated bid offer prices. In this way, sufficiently  
15 low energy import prices associated with desired schedules across the  
16 intertie and achieve physical firmness of delivery whether or not an  
17 individual transmission customer hold a CBM-based right to avoid  
18 congestion charges between the interface and a point internal to the  
19 Florida system. To the degree a CBM holder of such a financial  
20 congestion right seeks physical delivery certainty, it could bid import  
21 offer prices very low knowing that resultant congestion costs associated  
22 with receipt of that energy are hedged through the financial congestion

1 right. I suggest that accomplishing a CBM mechanism through  
2 acquisition of Financial Transmission Rights from the neighboring  
3 interface to their load is superior to the method of CBM set-asides  
4 (adjusting ATC from CBM). This will ensure that only customers  
5 benefitting from CBM pay for CBM and the full capacity of the system  
6 is utilized in the most efficient manner for the overall betterment of  
7 ratepayers. In hours where the value of the contemplated schedule does  
8 not warrant bidding its external generation below the prices offered by  
9 other competing imports, Florida consumers will enjoy the efficiency  
10 benefits and the entities that value the interface capability the most will  
11 use it. As discussed above the inefficiencies in the market created by  
12 withholding are alleviated and the potential for unintentional adverse  
13 effects or intentional market manipulation are reduced.

14 **Q. Does this conclude your testimony?**

15 A. Yes, it does

Exhibit No. \_\_\_\_\_  
Docket No. 020233-EI  
Calpine Corporation  
(JJH - 1)  
Resume of J. Jolly Hayden  
Filed: September, 27, 2002

**Resumé**  
**J. Jolly Hayden**  
**Vice President, Transmission Operations**  
**Calpine Corporation**  
**700 Louisiana Ave. Suite #2700**  
**Houston, Texas 77002**

**Professional Experience**

**Calpine Corporation** - 11/01 to present.  
Vice President, Transmission Operations  
Houston, Texas

Responsible for all facets of Calpine's transmission business consisting of: transmission origination, transmission management, transmission system analysis and control area operations. Manage and optimized a \$75,000 million dollar transmission book which serves over 25,000 MW of generation. Transmission Operations supports power trading, generation dispatch, and advanced development. In addition, drives the development of Calpine's transmission policies through the regulatory and market design teams for the advancement of those positions in national, regional and state forums to promote the development of a liquid, competitive market.

**Dynergy Inc. - Dynergy Marketing & Trade (formerly Electric Clearinghouse, Inc. - NGC Corp.)**  
- 4/95 to 9/01  
Vice President, Power Delivery  
Houston, Texas

Various positions with ever-increasing responsibilities, with the last two years spent as Vice President, Power Delivery. Responsible for all aspects of Dynergy's transmission business, including directing transmission trading, transmission market development and transmission system analysis. Managed and optimized a \$50,000 million dollar transmission position supporting over 18,000 MW of generation. Negotiated all interconnection, hubbing and control area agreements; built the Transmission System Analysis group that was responsible for analysis of greenfield projects, off-takes agreements and the development of a two day to one week congestion forecast model; created the Transmission Market Development team that was responsible for the development of Dynergy's transmission policies and strategies and the advancement of those positions in national, regional and state forums to promote the development of a liquid, competitive market.

**AES Power, Inc. - The AES Corporation - 8/94 to 3/95**  
Director of Operations  
Atlanta, Georgia

Responsible for build-out and establishment of start-up trading group, negotiated with vendors for equipment and installation, negotiated master sales agreements with counter-parties, hired all trading and operational personnel.

**East Kentucky Power Cooperative, Inc. - 2/85 to 7/94**  
Energy Control Manager  
Winchester, Kentucky

Various positions with ever-increasing responsibilities, with the last three years spent as Manager, Energy Control. Responsible for management, enhancement and maintenance of the EKPC's generation and transmission system, work plan and budget development, established operating procedures to ensure safe and economic operation of facilities, developed and implemented EKPC's wholesale marketing plan.

**Kentucky Utilities Company - 1/84 to 1/85**  
Distribution Engineer  
Lexington, Kentucky

Responsible for the site location, sizing, coordination, ordering and installation of reclosers; designed single and three phase distribution circuits.

### **Education**

Eastern Kentucky University - Richmond, Kentucky, graduated May 1991 with a Master of Science degree in Industrial Technology.

University of Kentucky - Lexington, Kentucky, graduated December 1983 with a Bachelor of Science in Electrical Engineering.

### **Professional Affiliations**

National Society of Professional Engineers  
Institute of Electrical and Electronic Engineers  
Center for the Advancement of Energy Markets  
The Council of Energy Advisors  
North American Electric Reliability Council (Past Member of various Committees)  
Electric Power Supply Association  
Kentucky Registered Professional Engineer

## CERTIFICATE OF SERVICE

DOCKET NO. 020233

I HEREBY CERTIFY that a true and correct copy of the prepared Direct Testimony of Joseph Jolly Hayden and Exhibit JJH-1 have been furnished by facsimile (\*), electronic mail (\*\*), and U.S. Mail to the following parties on this 27<sup>th</sup> day of September, 2002.

Jennifer Brubaker, Esq. \*\*  
William Keating, Esq.  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Lee E Barrett \*\*  
Duke Energy North America  
5400 Westheimer Court  
Houston, TX 77056-5310

Mark Sundback, Esq.\*\*  
Kenneth Wiseman, Esq.  
Andrews & Kurth Law Firm  
1701 Pennsylvania Ave., NW  
Suite 300  
Washington, DC 20006

David L. Cruthirds, Esq. \*\*  
Attorney for Dynegy, Inc.  
1000 Louisiana Street  
Suite 5800  
Houston, TX 77002-5050

Lee L. Willis, Esq.\*\*  
James D. Beasley, Esq.  
Ausley & McMullen Law Firm  
227 South Calhoun Street  
Tallahassee, FL 32301

Michelle Hershel\*\*  
Florida Electric Cooperatives  
Association, Inc.  
2916 Apalachee Parkway  
Tallahassee, FL 32301

Thomas W. Kaslow \*\*  
Calpine Corporation  
The Pilot House, 2<sup>nd</sup> Floor  
Lewis Wharf  
Boston, MA 02110

Richard Zambo, Esq \*\*  
598 SW Hidden River Ave  
Palm City, FL 34990

John W. McWhirter, Esq.\*\*  
McWhirter Reeves  
400 North Tampa Street  
Suite 2450  
Tampa, FL 33601-3350

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

Michael B. Twomey, Esq.\*\*  
P.O. Box 5256  
Tallahassee, FL 32314-5256

Natalie B. Futch \*\*  
Bill Bryant, Jr.  
Katz, Kutter  
106 E. College Avenue  
12<sup>th</sup> Floor  
Tallahassee, FL 32301

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

Ed Regan \*\*  
Gainesville Regional Utility Authority  
P.O. Box 147117, Station A136  
Gainesville, FL 32614-7117

Douglas John\*\*  
Matthew Rick  
John & Hengerer  
1200 17<sup>th</sup> Street, NW  
Suite 600  
Washington, DC 20036-3013

David Owen, Esq. \*\*  
Assistant County Attorney  
Lee County, Florida  
P.O. Box 398  
Ft. Myers, FL 33902

Joseph A. McGlothlin, Esq. \*\*  
McWhirter Reeves  
117 S. Gadsden Street  
Tallahassee, FL 32301

Russell S Kent  
Sutherland Asbill & Brennan LLP  
2282 Killearn Center Blvd  
Tallahassee, FL 32308-3561

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

Florida Retail Federation  
100 E. Jefferson Street, Suite 900  
Tallahassee, FL 32301

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

Robert Miller \*\*  
Kissimmee Utility Authority  
1701 West Carroll Street  
Kissimmee, FL 32746

John Giddens \*\*  
Reedy Creek Improvement District  
P O Box 10170  
Lake Buena Vista, FL 32830

Ron LaFace/Seann M. Fraizer \*\*  
Greenberg, Traurig Law Firm  
101 E. College Avenue  
Tallahassee, FL 32301

Wade Litchfield \*  
Office of General Counsel  
700 Universe Boulevard  
Juno Beach, FL 33408-0420

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

Jack Shreve \*\*  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Suite 812  
Tallahassee, FL 32399-1400

James A. McGee, Esq. \*\*  
Florida Power Corporation  
P. O. Box 14042  
St. Petersburg, FL 33733-4042

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

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

Alan J. Statman \*\*  
General Counsel  
Trans-Elect, Inc.  
1200 G. Street, NW, Suite 600  
Washington, DC 20005

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

Harry W. Long \*\*  
Angela Llewellyn  
Tampa Electric Company  
P. O. Box 111  
Tampa, FL 33601

Michael Briggs \*\*  
Reliant Energy Power  
Generation, Inc  
801 Pennsylvania Avenue, Suite 620  
Washington, DC 20004

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

William T. Miller, Esq. \*\*  
Miller, Balis & O'Neil, P.C.  
1140 Nineteenth Street, NW,  
Suite 700  
Washington, DC 20036-6600

Kenneth Hoffman, Esq. \*\*  
Rutledge Law Firm  
P. O. Box 551  
Tallahassee, FL 32302

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

Suzanne Brownless, Esq. \*\*  
1975 Buford Boulevard  
Tallahassee, FL 32308

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

David E. Goroff, Esq.  
Peter K. Matt, Esq.  
Bruder, Gentile & Marcoux, LLP  
1100 New York Avenue, NW  
Suite 510 East  
Washington, DC 20005

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

Wayne A. Morris, Esq. \*\*  
Thomas E. Washburn  
Orlando Utilities Commission  
Post Office Box 3193  
500 South Orange Avenue  
Orlando, FL 32802

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

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

Jon C. Moyle, Esq. \*\*  
The Perkins House  
118 North Gadsden Street  
Tallahassee, FL 32301

Thomas A. Cloud, Esq. \*\*  
W. Christopher Browder, Esq.  
Gray, Harris & Robinson, P.A.  
P. O. Box 3068  
Orlando, FL 32802-3068

William G. Walker \*  
Florida Power & Light Company  
215 S. Monroe Street, Suite 810  
Tallahassee, FL 32301

P. G. Para \*\*  
Director of Legislative Affairs  
JEA  
21 West Church Street  
Jacksonville, FL 32202

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

CPV Atlantic Ltd.  
145 NW Central Park Plaza, Ste. 101  
Port Saint Lucie, FL 34986

Gary L. Sasso, Esq. \*\*  
James M. Walls, Esq.  
Carlton, Fields Law Firm  
P O Box 2861  
Saint Petersburg, FL 33731

Dr. Marc C Bruner \*\*  
Solid Waste Authority  
7501 North Jog Road  
West Palm Beach, FL 33412

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

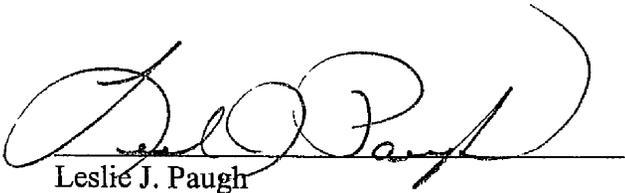
Wright/LaVia \*\*  
Landers Law Firm  
310 West College Ave.  
Tallahassee, FL 32301

Florida Industrial Power Users Group \*\*  
c/o McWhirter Law Firm  
Vicki Kaufman/Joseph McGlothlin  
117 S. Gadsden Street  
Tallahassee, FL 32301

Florida Municipal Power Agency (Orl) \*\*  
Robert C. Williams  
8553 Commodity Circle  
Orlando, FL 32819-9002

LeBouf Law Firm \*  
1875 Connecticut Ave., NW., Ste 1200  
Washington, DC 20009

Cynthia Bogorad/D Pomper/J. Schwarz \*\*  
Spiegel & McDiarmid  
1350 New York Ave, NW, Ste 1100  
Washington, DC 20005-4798



Leslie J. Paugh