

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 020233-EI  
ORDER NO. PSC-02-1412-PCO-EI  
ISSUED: October 10, 2002

SECOND ORDER REVISING ORDER ESTABLISHING PROCEDURE,  
GRANTING MOTIONS FOR EXTENSION OF TIME, AND  
ESTABLISHING NEW CONTROLLING DATES FOR TESTIMONY AND EXHIBITS

By Order No. PSC-02-1199-PAA-EI, issued September 3, 2002, the Commission decided to conduct an expedited evidentiary hearing on the merits of a revised GridFlorida market design proposal. In addition, the Commission voted to take proposed agency action (PAA) with respect to other aspects of the GridFlorida Regional Transmission Organization (RTO) proposal and determined that any requests for hearing on such proposed agency action should be addressed as part of the expedited proceeding on the market design petition. By Order No. PSC-02-1177-PCO-EI, issued August 29, 2002, the hearing on the GridFlorida market design issues was scheduled for October 31, 2002. By Order No. PSC-02-1251-PCO-EI, issued September 11, 2002, protested proposed agency action (PAA) issues from Order No. PSC-02-1199-PAA-EI were also set for hearing on October 31, 2002.

On October 3, 2002, OPC filed a notice of administrative appeal of Order No. PSC-02-1199-PAA-EI to the Florida Supreme Court. On October 8, 2002, staff filed a recommendation that the Commission should abate the October 31, 2002 administrative hearing, pending disposition of OPC's appeal of Order No. PSC-02-1199-PAA-EI. Staff's recommendation is scheduled to be heard by the Commissioners at the October 15, 2002, Agenda Conference.

On October 9, 2002, the Florida Municipal Power Agency (FMPA) filed a motion for extension of time, noting that there is currently an October 11 deadline for interveners and staff to file direct testimony and exhibits addressing the GridFlorida market design issues, and an October 14 deadline for staff and parties to file responsive testimony and exhibits regarding protested PAA issues. In light of the fact that the hearing may be abated pursuant to the Commission's vote at the October 15 Agenda Conference, FMPA requests that the deadlines for filing the

DOCUMENT NUMBER DATE

11016 OCT 10 02

FPSC-02-1412-PCO-EI CLERK

intervener and staff direct market design testimony and exhibits, and the staff and party responsive PAA testimony and exhibits, should be extended to at least October 16, 2002, when it will be known with certainty whether the hearing will be abated. If the hearing is abated, FMPA requests that all parties' rights to file testimony with respect to the market design and PAA issues should be preserved when and if a new schedule for this proceeding is established.

On October 10, 2002, FMPA filed a supplement to its motion, in which it represents having contacted the parties to this proceeding with regard to its motion. The parties either expressed support or did not object to the granting of FMPA's motion. JEA clarified that it does not object to FMPA's motion, provided that rebuttal to any testimony filed on October 16 (assuming FMPA's motion is granted) are not due prior to October 23, 2002.

On October 10, 2002, Florida Power & Light, Florida Power Corporation, and Tampa Electric Company (referred to jointly as the Applicants) filed a motion for extension of time. Similarly noting that the hearing in this matter may be abated pursuant to the Commission's vote at the October 15 Agenda Conference, the Applicants move that the deadline for filing responsive testimony to the PAA issues should be extended to October 16, with the rebuttal to such testimony being extended from October 21 to October 23, 2002. The Applicants also request that all parties' rights to file testimony and exhibits should be preserved, should the current hearing schedule be abated and a new schedule subsequently established.

The parties were contacted with respect to the Applicants' motion, and the majority have either expressed no objection or taken no position. Seminole Electric Cooperative and FMPA noted that the Applicants' motion should not be granted without suspending the entire procedural schedule for the filing of testimony. The Applicants state that they have no objection to the deadline for filing staff and intervener responsive testimony being extended from October 11, 2002 to October 16, 2002 and for the rebuttal to such testimony being extended from October 21, 2002 to October 25, 2002. The Applicants also state that, if FMPA's motion for extension of time is granted, the time for rebuttal to staff

and intervener testimony on market design issues should be extended to October 25, 2002.

Based on the foregoing, the respective requests by FMPA and the Applicants are reasonable and are hereby granted, with the exception that rebuttal testimony and exhibits on market design issues shall be extended to October 23, 2002. Therefore, the following revised dates shall govern this case:

- 1) Staff and Parties' Responsive Testimony and Exhibits regarding protested PAA issues, if any October 16, 2002
- 2) Intervener' Direct Testimony and Exhibits (market design issues) October 16, 2002
- 3) Staff's Direct Testimony and Exhibits, if any (market design issues) October 16, 2002
- 4) PAA Protestors' Rebuttal Testimony and Exhibits October 23, 2002
- 5) Rebuttal Testimony and Exhibits (market design issues) October 23, 2002

Orders Nos. PSC-02-1177-PCO-EI and PSC-02-1251-PCO-EI are affirmed in all other respects.

This Order is being issued in an effort to expedite and lend certainty to these proceedings at the parties' request. However, parties to this docket shall be on notice that this schedule may be revised further pursuant to the Commission's vote at the October 15, 2002, Agenda Conference.

Based on the foregoing, it is

ORDERED by Chairman Lila A. Jaber, as Prehearing Officer, that the motions for extension of time filed by FMPA and the Applicants are granted in part, as described above. It is further

ORDERED that the controlling dates for filing testimony and exhibits established in Orders Nos. PSC-02-1177-PCO-EI and PSC-02-

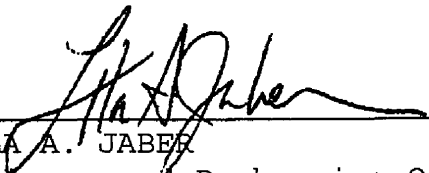
ORDER NO. PSC-02-1412-PCO-EI  
DOCKET NO. 020233-EI  
PAGE 4

1251-PCO-EI are modified as set forth in the body of this Order.  
It is further

ORDERED that Orders Nos. PSC-02-1177-PCO-EI and PSC-02-1251-PCO-EI are affirmed in all other respects. It is further

ORDERED that parties to this proceeding shall be on notice that this schedule may be further revised pursuant to the Commission's vote at the October 15, 2002, Agenda Conference.

By ORDER of Chairman Lila A. Jaber, as Prehearing Officer, this 10th day of October, 2002.

  
\_\_\_\_\_  
LILA A. JABER  
Chairman and Prehearing Officer

( S E A L )

JSB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

ORDER NO. PSC-02-1412-PCO-EI  
DOCKET NO. 020233-EI  
PAGE 5

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.