

ORIGINAL



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October 14, 2002

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0870

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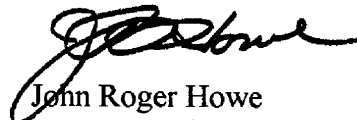
RE: Docket No. 020233-EI

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of Public Counsel's Response To The GridFlorida Companies' Amended Petition On Market Design Principles to be filed in the above- referenced docket.

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

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- CAF \_\_\_\_\_
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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 020233-EI  
Filed: October 14, 2002

**PUBLIC COUNSEL'S RESPONSE TO THE  
GRIDFLORIDA COMPANIES' AMENDED  
PETITION ON MARKET DESIGN PRINCIPLES**

The Citizens of the State of Florida, through the Office of Public Counsel, respond in opposition to the GridFlorida Companies' amended petition on the prudence of market design principles filed October 7, 2002, on the following grounds:

**PRELIMINARY STATEMENT**


The Office of Public Counsel filed a notice of appeal directed to Order No. PSC-02-1199-PAA-EI with the Supreme Court of Florida on October 3, 2002. This office believes that notice effected an automatic stay pursuant to Rule 9.310(b)(2), Florida Rules of Appellate Procedure. Nevertheless, in an abundance of caution and to avoid any future arguments that this office may have acquiesced in the GridFlorida Companies' amended petition on market design principles filed with the Commission on October 7, 2002, this response is offered in opposition. The fact that this response is offered to protect the Citizens' interests should not be construed as an interpretation by this office of the extent of the stay perfected under the appellate rules or of the limitations imposed by the appellate rules on the Commission's ability to proceed .

## RESPONSE IN OPPOSITION

The GridFlorida Companies state in their motion for leave to file an amended petition that “[i]n the initial phase of this proceeding resulting in the issuance of Order No. PSC-01-2489-FOF-EI, the Commission approved the hierarchal control system referred to by the GridFlorida Companies in their September 19[, 2002] Petition. Accordingly, the GridFlorida Companies maintain that there is no need to relitigate the issue of the utilization of a heirarchal control system in the instant proceeding.” These statements are made without any citation to the record or to the order. Moreover, a word-search of the document on the Commission’s website turns up neither the word “hierarchal” nor the terms “control system” in the order. Apparently, the matter has not been addressed as the companies contend. The GridFlorida Companies’ motion for leave to file an amended petition should be denied

Respectfully submitted,

JACK SHREVE  
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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 RESPONSE TO THE GRIDFLORIDA COMPANIES' AMENDED PETITION ON MARKET DESIGN PRINCIPLES has been furnished by U.S. Mail or \*hand-delivery to the following parties on this 14th day of October, 2002:

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