

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

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

**MOTION TO COMPEL RESPONSES TO SEMINOLE ELECTRIC
COOPERATIVE'S INTERROGATORIES TO FLORIDA POWER & LIGHT
COMPANY, FLORIDA POWER CORPORATION, AND
TAMPA ELECTRIC COMPANY**

Seminole Electric Cooperative, Inc. ("Seminole"), through undersigned counsel and pursuant to Rule 28-106.206, F.A.C., and Rule 1.380(a), Fla. R. Civ. P., hereby moves for an order compelling Florida Power & Light Company ("FPL"), Florida Power Corporation ("FPC") and Tampa Electric Company ("Tampa Electric") (collectively, the "GridFlorida Companies") to respond fully and completely to Seminole's First Set of Interrogatories to FPL, FPC and Tampa Electric, dated September 25, 2002. In support of this motion, Seminole states as follows:

1. On September 25, 2002, Seminole separately served each of the GridFlorida Companies with its First Set of Interrogatories, copies of which are attached hereto as Exhibits A, B, and C (the "Interrogatories"). Each set of Interrogatories is identical and consists of a single interrogatory directed to each of the GridFlorida Companies.

2. Each of the Interrogatories requests the GridFlorida Companies (a) to specify which aspects of the market design proposal in the GridFlorida Companies' Petition, filed in this docket on September 19, 2002 (the "Petition"), differ from the Standard Market Design ("SMD") being proposed by the Federal Energy Regulatory Commission ("FERC") in its Docket No. RM01-12, which is referenced on page four of the Petition, and (b) to the extent there are

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differences, to explain why the GridFlorida Companies' proposal is superior to the referenced SMD for Florida retail consumers.

3. Pursuant to the First Order Revising Order Establishing Procedure and Establishing Additional Procedures for Expedited Hearing, issued in this docket on September 11, 2002, the GridFlorida Companies' responses to the Interrogatories were due to be served no later than October 10, 2002.

4. On October 10, 2002, the GridFlorida Companies served Seminole with a joint response to the Interrogatories, a copy of which is attached hereto as Exhibit D (the "Joint Response"). The Joint Response provides evasive and incomplete answers to the Interrogatories.

5. The Joint Response is non-responsive to the questions posed in the Interrogatories. Seminole requested in its Interrogatories for the GridFlorida Companies to identify the differences between their market design proposal contained in the Petition and the SMD referenced on page four of the Petition. The Joint Response essentially states that SMD has not yet been finalized by the FERC and that the GridFlorida Companies are thus unable to know at this time how its proposal will differ from the finalized SMD. This response is evasive, incomplete and wholly non-responsive to the question posed in the Interrogatories. Seminole did not request a list of the differences between the *finalized* SMD and the GridFlorida Companies' proposal. Rather, Seminole requested a list of the differences between the market design proposal contained in the Petition versus that in the SMD (which could only be the SMD in the July 31, 2002 FERC Notice of Proposed Rulemaking, since the final rule will not issue for some time).

6. Seminole also requested in its Interrogatories that the GridFlorida Companies explain why their market design proposal, to the extent it differs from the SMD, is superior for

Florida retail consumers. The Joint Response is again non-responsive, evasive and incomplete. It simply recites several platitudes regarding what a market design should accomplish and then lists certain of the elements of the GridFlorida Companies' proposal, without any indication as to whether the GridFlorida Companies believe that the listed principles are the same as or different from the SMD or, if different, how retail consumers are better served by the GridFlorida Companies' proposal vis-à-vis the SMD. The Joint Response then generally references the testimony of Messrs. Rossi, Mennes, Shuster and Ramon for an explanation of why the GridFlorida Companies' market design proposal should be adopted. That testimony, however, does not purport to address either of the questions posed in the Interrogatories.

7. Seminole has attempted to contact all parties in this docket to determine their respective positions regarding this Motion.

8. The following parties have indicated that they **support** this Motion:

Calpine Corporation
Kissimmee Utility Authority
City of Gainesville/Gainesville Regional Utilities
City of Lakeland/Lakeland Electric
City of Tallahassee
Florida Phosphate Council
Florida Industrial Cogeneration Association
Solid Waste Authority of Palm Beach County

9. The following parties have indicated that they **oppose** this Motion:

Florida Power & Light Company
Florida Power Corporation
Tampa Electric Company

10. The following parties have indicated that they have **no objection** to this Motion:

Florida Industrial Power Users Group
Office of Public Counsel
Sugarmill Woods Civic Association

11. The following parties have indicated that they take **no position** on this Motion:

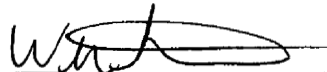
Mirant Americas Development, Inc.
Dynegy Inc.
Orlando Utilities Commission
Reliant Energy Power Generation, Inc.
South Florida Hospital and Healthcare Association
Trans-Elect, Inc.

12. Seminole was unable to contact the following parties prior to the filing of this Motion:

Florida Electric Cooperatives Association, Inc.
CPV Atlantic, Ltd.
PG&E National Energy Group, Co.
Reedy Creek Improvement District
Walt Disney World
Florida Municipal Power Agency
Jacksonville Electric Authority
Florida Retail Federation
Lee County

WHEREFORE, Seminole respectfully requests the Prehearing Officer to enter an Order compelling the GridFlorida Companies to fully and completely respond to Seminole's Interrogatories. Seminole further requests that the Order require the GridFlorida Companies to serve their supplemental responses to the Interrogatories upon Seminole no later than Friday, October 18, 2002.

Respectfully Submitted this 14th day of October 2002.



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

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery or electronic mail(*), facsimile (**), or overnight courier (***) this 14th day of October, 2002 to the following:

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Review of GridFlorida Regional)
Transmission Organization (RTO) Proposal.)
_____)

Docket No. 020233-EI
Date: September 25, 2002

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COMMISSION
CLERK

**SEMINOLE ELECTRIC'S FIRST SET OF INTERROGATORIES
TO FLORIDA POWER & LIGHT COMPANY**

Seminole Electric Cooperative, Inc. ("Seminole Electric"), requests Florida Power & Light Company ("FPL") to answer in writing and under oath, as provided by Rule 28-106.206, F.A.C., and Rules 1.280 and 1.340, Fla. R. Civ. P., the following interrogatories, and to serve those answers upon undersigned counsel for Seminole Electric within 15 days of FPL's receipt hereof in accordance with the First Order Revising Order Establishing Procedure, issued September 11, 2002:

Instructions

1. In answering these interrogatories, FPL is required to furnish all information that is available to FPL or subject to FPL's reasonable inquiry, including information in the possession of FPL's attorneys, accountants, advisors, or other persons directly or indirectly employed by or connected with FPL or FPL's attorneys and anyone else otherwise subject to FPL's control.
2. In answering these interrogatories, FPL must make a diligent search of its records and of other papers and materials in its possession or available to FPL or its representatives.
3. If an interrogatory has subparts, each part must be answered separately and in full. If these interrogatories cannot be answered in full, FPL must answer to the extent possible, specifying the reasons for the inability to answer the remainder, and state whatever information and knowledge FPL has regarding the unanswered portion.

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EDSC BUREAU OF RECORDS

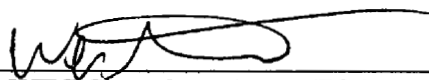
4. As used in these interrogatories, the term "GridFlorida Companies" refers to Florida Power & Light Company, Tampa Electric Company, and Florida Power Corporation.

5. As used in these interrogatories, the term "Petition" refers to the Petition of the GridFlorida Companies Regarding Prudence of GridFlorida Market Design Principles, filed in the above-styled docket on September 19, 2002.

Interrogatories

Interrogatory #1: Regarding the statement in the GridFlorida Companies' Petition (page 4) that "The GridFlorida Companies wish to clarify that they are not here proposing to adopt SMD," please specify which aspects of the GridFlorida Companies' proposal differ from the referenced SMD and why the GridFlorida Companies' proposal is superior for Florida retail consumers.

Response:



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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Review of GridFlorida Regional)
Transmission Organization (RTO) Proposal.)
_____)

Docket No. 020233-EI
Date: September 25, 2002

RECEIVED FPSC
SEP 25 PM 2:52
COMMISSION
CLERK

**SEMINOLE ELECTRIC'S FIRST SET OF INTERROGATORIES
TO FLORIDA POWER CORPORATION**

Seminole Electric Cooperative, Inc. ("Seminole Electric"), requests Florida Power Corporation ("Florida Power") to answer in writing and under oath, as provided by Rule 28-106.206, F.A.C., and Rules 1.280 and 1.340, Fla. R. Civ. P., the following interrogatories, and to serve those answers upon undersigned counsel for Seminole Electric within 15 days of Florida Power's receipt hereof in accordance with the First Order Revising Order Establishing Procedure, issued September 11, 2002:

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FPSC-BUREAU OF RECORDS

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Interrogatories

Interrogatory #1: Regarding the statement in the GridFlorida Companies' Petition (page 4) that "The GridFlorida Companies wish to clarify that they are not here proposing to adopt SMD," please specify which aspects of the GridFlorida Companies' proposal differ from the referenced SMD and why the GridFlorida Companies' proposal is superior for Florida retail consumers.

Response:



N. WES STRICKLAND, ESQ.
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COUNSEL FOR SEMINOLE ELECTRIC

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Review of GridFlorida Regional)
Transmission Organization (RTO) Proposal.)
_____)

Docket No. 020233-EI
Date: September 25, 2002

**SEMINOLE ELECTRIC'S FIRST SET OF INTERROGATORIES
TO TAMPA ELECTRIC COMPANY**

Seminole Electric Cooperative, Inc. ("Seminole Electric"), requests Tampa Electric Company ("Tampa Electric") to answer in writing and under oath, as provided by Rule 28-106.206, F.A.C., and Rules 1.280 and 1.340, Fla. R. Civ. P., the following interrogatories, and to serve those answers upon undersigned counsel for Seminole Electric within 15 days of Tampa Electric's receipt hereof in accordance with the First Order Revising Order Establishing Procedure, issued September 11, 2002:

Instructions

1. In answering these interrogatories, Tampa Electric is required to furnish all information that is available to Tampa Electric or subject to Tampa Electric's reasonable inquiry, including information in the possession of Tampa Electric's attorneys, accountants, advisors, or other persons directly or indirectly employed by or connected with Tampa Electric or Tampa Electric's attorneys and anyone else otherwise subject to Tampa Electric's control.
 2. In answering these interrogatories, Tampa Electric must make a diligent search of its records and of other papers and materials in its possession or available to Tampa Electric or its representatives.
 3. If an interrogatory has subparts, each part must be answered separately and in full.
- If these interrogatories cannot be answered in full, Tampa Electric must answer to the extent

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possible, specifying the reasons for the inability to answer the remainder, and state whatever information and knowledge Tampa Electric has regarding the unanswered portion.

4. As used in these interrogatories, the term "GridFlorida Companies" refers to Florida Power & Light Company, Tampa Electric Company, and Florida Power Corporation.

5. As used in these interrogatories, the term "Petition" refers to the Petition of the GridFlorida Companies Regarding Prudence of GridFlorida Market Design Principles, filed in the above-styled docket on September 19, 2002.

Interrogatories

Interrogatory #1: Regarding the statement in the GridFlorida Companies' Petition (page 4) that "The GridFlorida Companies wish to clarify that they are not here proposing to adopt SMD," please specify which aspects of the GridFlorida Companies' proposal differ from the referenced SMD and why the GridFlorida Companies' proposal is superior for Florida retail consumers.

Response:



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COUNSEL FOR SEMINOLE ELECTRIC

**GRIDFLORIDA COMPANIES
DOCKET NO. 020233-EI
SECI'S 1ST SET OF
INTERROGATORIES
INTERROGATORY NO. 1
PAGE 1 OF 1
FILED: OCTOBER 10, 2002**

1. Regarding the statement in the GridFlorida Companies' Petition (page 4) that "The GridFlorida Companies wish to clarify that they are not here proposing to adopt SMD," please specify which aspects of the GridFlorida Companies' proposal differ from the referenced SMD and why the GridFlorida Companies' proposal is superior for Florida retail consumers.
 - A. **FERC's SMD NOPR is a proposed rule, and has not been adopted by FERC. While official comments on SMD by interested parties are not yet due at FERC, statements to date indicate that the proposed rule will be the subject of considerable scrutiny by state regulators, the United States Congress, and numerous segments of the industry. Indeed, on October 2, 2002 FERC issued a Notice in Docket No. RM01-12-000 (the SMD FERC docket number) setting a number of public meetings to discuss specific items in the SMD proposal. FERC noted that there are a number of concerns expressed by the public, and expressed a desire "to work through them individually and in detail." It thus is not known at this time how SMD may develop or how it will differ from the GridFlorida market design proposal.**

Nonetheless, as the GridFlorida Companies explained in their September 19, 2002 Petition, they believe that any market design structure implemented in peninsular Florida should be specifically tailored to meet the needs of Florida's retail customers, should be equitable to market participants, and should recognize the current structure of the peninsular Florida electricity markets. Thus, for example, the GridFlorida Companies' proposed market design principles include resource adequacy requirements that will be consistent with Commission-approved standards; an allocation of financial transmission rights to existing users, including for load growth; a sharing with retail customers of the gains on sales in the GridFlorida energy markets; and market power monitoring and mitigation provisions tailored to Florida's circumstances. The testimony of Messrs. Rossi, Mennes, Schuster and Ramon explain why each of the market design principles described by the GridFlorida Companies should be adopted for Florida and implemented through detailed market design rules, irrespective of the outcome of FERC's SMD rulemaking.

A F F I D A V I T

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

Before me, the undersigned authority, personally appeared Gregory J. Ramon, who first being duly sworn, deposes and states:

My name is Gregory J. Ramon. I am employed by Tampa Electric Company (TEC) as Director, Transmission Policy & Analysis. I sponsor the Joint GridFlorida Companies' response to Interrogatory No. 1 included in Seminole Electric Cooperative, Inc.'s 1st Set of Interrogatories to Florida Power & Light Company, Florida Power Corporation, and Tampa Electric Company in Docket No. 020233-EI.

This interrogatory response is true and correct to the best of my knowledge and belief.

Gregory J. Ramon

The forgoing affidavit was acknowledged before me this 10th day of October, 2002 by Gregory J. Ramon, who is personally known to me or who has produced _____ as identification.

Brenda L. Irizarry

Notary Public
State of Florida
Commission or Serial No.
My Commission Expires:

