



August 17, 2009

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: *Florida Power Corporation*, Docket No. OA08-22-____
Order No. 890 - Attachment K Compliance Filing

Dear Ms. Bose:

In compliance with the “Order Conditionally Accepting Compliance Filings, and Granting Safe Harbor Status,” issued June 18, 2009, in *Tampa Electric Co., et al.*, 127 FERC ¶ 61,277 (2009) (“Order”), Florida Power Corporation (“FPC”) hereby submits Substitute First Revised Sheet No. 259LL, in compliance with Ordering Paragraph (F) of the Order, for inclusion in its Open Access Transmission Tariff (“FPC OATT”). The substitute revised tariff sheet is provided in redline format (Appendix A) and in clean format (Appendix B). FPC also submits herein explanations of several matters as required by the Order. The revised tariff sheet and the explanations are discussed below in the order in which they arise in the Order.

As with prior filings involving Attachment K requirements, this compliance filing has been prepared in coordination with Tampa Electric Company and Florida Power & Light, which together with FPC comprise the “Florida Companies,” and with the Orlando Utilities Commission and JEA.

I. Openness

A. Commission Directive – Sector Voting

Paragraph 18 of the Order directs the Florida Companies to explain “... why a voting representative in the Investor-Owned Utility Sector may have 1.167 votes when voting representatives in any other sector in the Planning Committees (i.e., Suppliers, Non-Investor Owned Utility Wholesalers, Load Serving Entities, Generating Load Serving Entities and General) are limited to 1 vote.”

B. Explanation – Sector Voting

Voting on the Standing Committees by the voting representatives at the Florida Reliability Coordinating Council, Inc. (“FRCC”) reflects each representative’s share of its weighted sector vote. An FRCC task force, comprised of the sectors identified below, developed a balanced voting structure that divides a total of 13 votes among these six sectors: (1) Supplier, (2) Non-Investor Owned Utility Wholesale, (3) Load Serving Entity, (4) Generating Load Serving Entity, (5) Investor Owned Utility (“IOU”), and (6) General. This overall sector voting was developed in order to have a balanced FRCC voting structure while maintaining the principle that no two sectors could determine the outcome of a vote and no single sector could veto a matter. The voting representatives within each of the various sectors are each allowed one vote; however, the six sectors are weighted according to the weights assigned in the table below to achieve a total of 13 votes:

Sector Votes

(1)	Suppliers Sector	2.5 Votes
(2)	Non-Investor Owned Utility Wholesale Sector	2.0 Votes
(3)	Load Serving Entity Sector	
	Municipal	0.5 Votes
	Cooperative	0.5 Votes
(4)	Generating Load Serving Entity Sector	3.0 Votes
(5)	Investor Owned Utility Sector	3.5 Votes
(6)	General	1.0 Vote
	Total	13 Votes

The actual voting power by an individual voting representative is dependent upon the number of voting representatives within the sector. Therefore, a voting member may have a weighted vote that could be more or less than one vote.

The actual weighted vote by each IOU representative within the IOU sector is determined by applying this voting structure. This sector, representing over 80% of the total load in the FRCC, has 3.5 votes of the 13 total votes. There are three IOUs in the sector. Based on the three IOUs, the 3.5 votes for the IOU sector are divided equally among the three IOU voting members yielding a weighted vote of 1.167 per voting representative in this sector.

This voting provision was set forth in Section 5.8 of Exhibit B of the Delegation Agreement between North American Electric Reliability Corporation and Florida Reliability Coordinating Council (“Delegation Agreement”), filed November 29, 2006, in Docket No. RR06-1-000, *et al.*, and accepted by Commission Order in *North American Electric Reliability Council*, 119 FERC ¶ 61,060 (2007) (*see* Paragraph 548 and Ordering Paragraph B).

The foregoing discussion is applicable to “Regional Entity Activities” which generally involve the functions of the FRCC under the Delegation Agreement (“statutory activities”). The FRCC also performs “Member Services Activities” which generally involve the planning and operation of the bulk power system in the FRCC region (“non-statutory activities”). All FRCC Members that participate in the generation, marketing, transmission or purchase for resale of electric energy, ancillary services or capacity on, from or to the bulk power system in the FRCC region may choose to be “Services Members.” The voting structure for Member Services Activities is the same as for Regional Entity Activities except that there are no Voting Representatives currently represented in the General sector in the Member Services division and, consequently, the voting total is 12 instead of 13. The division of membership into the two categories was accepted by Commission Order in *North American Electric Reliability Council*, 122 FERC ¶ 61,245 (2008) (see Paragraphs 244 and 249 and Ordering Paragraph A).

C. Commission Directive – Voting Provisions

Paragraph 19 of the Order directs the Florida Companies to make a compliance filing: “... explaining what matters would be subject to vote of the standing committee; defining what services members and voting representatives mean in the context of the voting process; explaining how a proposal would be forwarded to the transmission provider if a majority vote is not obtained and how Florida Companies will ensure they receive all stakeholder input provided at stakeholder meetings for them to consider in the transmission planning process.”

D. Explanation – Voting Provisions

Standing Committee Votes: The FRCC engages in two categories of activities: Regional Entity Activities and Member Services Activities. All voting members are eligible to vote on questions governing Regional Entity Activities which generally involve the functions of the FRCC under the Delegation Agreement. Voting members that are Services Members are eligible to vote on questions governing Member Services Activities. Member Services Activities generally involve the planning and operation of the bulk power system in the FRCC region.

Voting Representative: A voting representative is a person who has been authorized to vote for their FRCC voting member. A FRCC voting member may join as a voting member in only one FRCC voting sector (FRCC Bylaws, Section 1.8(b)).

Matters Subject to Voting: As it relates to Attachment K, matters typically requiring a vote of the Planning Committee (as a standing committee) include, but are not limited to, the following: Approval of meeting minutes, results from studies and assessments, and approval of regional transmission expansion.

Minority Opinions and Stakeholder Input: Stakeholder input is considered as part of the transmission planning process. Any minority opinion voiced at the standing committee is heard by all parties, including the transmission providers, and is documented as part of the meeting minutes provided to all standing committee members.

Specific sections of Attachment K document the foregoing:

- Section 1.1 states that transmission customers/users are “given an additional opportunity to raise any issues, concerns or minority opinions that they believe have not been adequately addressed by any Transmission Providers’ initial transmission plan submittal during the FRCC review process.” Section 1.1 also refers to the Dispute Resolution Process for unresolved issues (after the plan is submitted to the FRCC Board and the Florida Public Service Commission).
- Section 2.2 states that: “Moreover, at the FRCC regional level interested entities have an opportunity to raise any special requirements that they have and believe have not been addressed at the local level.” The transmission providers actively participate in the FRCC Transmission Planning Process and would hear all of the concerns raised in that process.

II. Economic Planning Studies

A. Commission Directive – Demand Resource Options

Paragraph 39 of the Order directs the Florida Companies to “... revise section 8 (Economic Planning Studies) of their Attachment Ks to clarify that members of the Florida Reliability Coordinating Council Planning Committee may also request specific economic analyses that would examine potential demand resource options.”

B. Revised Tariff Sheet – Demand Resource Options

In the substitute revised tariff sheet, Section 8.2 is revised to add the italicized words: “Members of the FRCC Planning Committee may also request specific economic analyses that would examine potential generation resource options, *demand resource options*, or other types of regional economic studies, and to the extent information is available, may request a study of the cost of congestion.”

III. Effective Date, Service and Communications

The substitute revised tariff sheet submitted herewith bears an October 7, 2008 effective date consistent with the date of acceptance of the prior compliance filing under Ordering Paragraph E of the Order.

Pursuant to 18 C.F.R. § 385.2010(f)(i) of the Commission's regulations, a copy of this filing is being served by electronic means on the Florida Public Service Commission and all customers taking service under the FPC OATT. Specifically, FPC will send an e-mail that notifies the state commission and the FPC OATT transmission customers that its filing is available from the following:

- Progress Energy's website at:

<http://www.progress-energy.com/aboutenergy/ferc/index.asp>

Please direct all communications concerning this filing to the undersigned.

Respectfully submitted,

/s/

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Enclosures (Appendices A and B)

CERTIFICATE OF SERVICE

I hereby certify that I have served this day copies of the foregoing on the Florida Public Service Commission and the OATT transmission customers of Florida Power Corporation in accordance with Rule 2010 of the Commission Rules of Practice and Procedure.

Dated in Raleigh, N.C. this 17th day of August 2009.

/s/

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Appendix A

FPC OATT

Redlined Sheet

1 qualifying study requests which meet the aforementioned criteria for an
2 economic planning study. Transmission customers agreeing to the
3 clustering must also agree: (i) to remain in the cluster throughout the
4 performance of the study; and (ii) to share equally in the cost of the
5 study, to the extent that there are such costs (i.e., for economic
6 planning study requests beyond the first five in any calendar year).

7 The Transmission Provider will consider an economic planning cluster
8 study under this section as a single study in the context of the number
9 of studies done at no cost each year.

10 8.2 The *FRCC Regional Transmission Planning Process* includes
11 both economic and congestion studies. One of the sensitivities may
12 include evaluating the FRCC Region with various generation
13 dispatches that test or stress the transmission system, including
14 economic dispatch from all generation (firm and non-firm) in the region.

15 Other sensitivities may include specific areas where a
16 combination/cluster of generation and load serving capability involving
17 various transmission providers/owners in the FRCC experiences or
18 may experience significant and recurring transmission congestion on
19 their transmission facilities. Members of the FRCC Planning
20 Committee may also request specific economic analyses that would
21 examine potential generation resource options, demand resource
22 options, or other types of regional economic studies, and to the extent
23 information is available,

Appendix B

FPC OATT

Clean Sheet

1 qualifying study requests which meet the aforementioned criteria for an
2 economic planning study. Transmission customers agreeing to the
3 clustering must also agree: (i) to remain in the cluster throughout the
4 performance of the study; and (ii) to share equally in the cost of the
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