

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

UNDOCKETED

IN RE: RULE NO. 25-22.081, CONTENTS OF PETITION

NOTICE OF PROPOSED RULE DEVELOPMENT

TO ALL INTERESTED PERSONS

ISSUED: September 21, 2006

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated the development of Rule 25-22.081, Florida Administrative Code, to amend provisions relating to contents of petition.

The attached Notice of Proposed Rule Development will appear in the September 29, 2006, edition of the Florida Administrative Weekly. A rule development workshop will be held at the following time and place:

Florida Public Service Commission  
9:30 a.m. October 18, 2006  
Betty Easley Conference Center  
Room 140, 4075 Esplanade Way  
Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

DOCUMENT NUMBER-DATE

08693 SEP 21 8

FPSC-COMMISSION CLERK

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By DIRECTION of the Florida Public Service Commission, this 21st day of September,  
2006.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

(SEAL)

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FLORIDA PUBLIC SERVICE COMMISSION

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RULE TITLE: RULE NO.:

Contents of the Petition 25-22.081

PURPOSE AND EFFECT: To implement Section 43, Chapter 2006-230, Laws of Florida, amending Section 403.519(4), Florida Statutes, requiring the Commission to consider certain factors when determining the need for a nuclear power plant.

SUBJECT AREA TO BE ADDRESSED: Need determination proceedings for nuclear plants.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1), FS

LAW IMPLEMENTED: 403.519(4), FS

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: Wednesday, October 18, 2006 – 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 140, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE

DEVELOPMENT IS: James McRoy, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850) 413-7009.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-22.081 Contents of Petition.

(1) Petition for Fossil or Nuclear Fuel Electric Plants.

Petitions submitted to commence a proceeding to determine the need for a proposed fossil or nuclear fuel electrical power plant or responses to the Commission's order commencing such a proceeding shall comply with the other requirements of Chapter 25-22, F.A.C., as to form and style except that a utility may, at its option, submit its petition in the same format and style as its application for site certification pursuant to Sections 403.501 through 403.517, Florida Statutes, so long as the informational requirements of this rule and Chapter 25-22, F.A.C., are satisfied.

The petition, to allow the Commission to take into account the need for electric system reliability and integrity, the need for adequate reasonable cost electricity, the need for fuel diversity and supply reliability, and the need to determine whether the proposed plant is the most cost effective alternative available, shall contain the following information:

(a1) A general description of the utility or utilities primarily affected, including the load and electrical characteristics, generating capability, and interconnections.

(b2) A general description of the proposed electrical power plant, including the size, number of units, fuel type and supply modes, the approximate costs, and projected in-service date or dates.

(c3) A statement of the specific conditions, contingencies or other factors which indicate a need for the proposed electrical power plant including the general time within which the generating units will be needed. Documentation shall include historical and forecasted summer and winter peaks, number of customers, net energy for load, and load factors with a discussion of the more critical operating conditions. Load forecasts shall identify the model or models on which they

were based and shall include sufficient detail to permit analysis of the model or models. If a determination is sought on some basis in addition to or in lieu of capacity needs, such as fuel diversity ~~oil blackout~~, then detailed analysis and supporting documentation of the costs and benefits is required.

(d4) A summary discussion of the major available generating alternatives which were examined and evaluated in arriving at the decision to pursue the proposed generating unit. The discussion shall include a general description of the generating unit alternatives, including purchases where appropriate; and an evaluation of each alternative in terms of economics, reliability, long-term flexibility and usefulness and any other relevant factors. These major generating technologies generally available and potentially appropriate for the timing of the proposed plant and other conditions specific to it shall be discussed. In addition, each investor-owned utility shall include a detailed description of the selection process used and a detailed description of the generating unit alternatives proposed by each finalist, if any, selected to participate in subsequent contract negotiations pursuant to Rule 25-22.082, F.A.C. No provision of Rule 25-22.082, Florida Administrative Code, shall be applicable to a nuclear power plant sited after June 19, 2006.

(e5) A discussion of viable nongenerating alternatives including an evaluation of the nature and extent of reductions in the growth rates of peak demand, KWH consumption and oil consumption resulting from the goals and programs adopted pursuant to the Florida Energy Efficiency and Conservation Act both historically and prospectively and the effects on the timing and size of the proposed plant.

(f6) An evaluation of the adverse consequences which will result if the proposed electrical power plant is not added in the approximate size sought or in the approximate time sought.

(g7) If the generation addition is the result of a purchased power agreement between an investor-

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owned utility and a nonutility generator, the petition shall include a discussion of the potential for increases or decreases in the utility's cost of capital, the effect of the seller's financing arrangements on the utility's system reliability, any competitive advantage the financing arrangements may give the seller and the seller's fuel supply adequacy.

(2) In addition to complying with (1)(a) through (g) above, a nuclear plant petition shall contain the following information:

(a) A description of how the proposed nuclear power plant will enhance the reliability of electric power production within the state by improving the balance of power plant fuel diversity and reducing Florida's dependence on fuel oil and natural gas.

(b) A description of and a nonbinding estimate of the cost of the nuclear power plant.

(c) The annualized base revenue requirement for the first 12 months of operation of the nuclear power plant.

Specific Authority: 350.127(2), 366.05(1) FS.

Law Implemented: 403.519 FS.

History—New 12-22-81, Formerly 25-2.133, 25-22.81, Amended 1-10-94, \_\_\_\_\_.