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STATE OF FLORIDA



KEITH C. HETRICK  
GENERAL COUNSEL  
(850) 413-6199

# Public Service Commission

August 6, 2024

Ms. Alexandra Leijon, Director  
Florida Department of State  
Administrative Code and Register Section  
Room 701, the Capitol  
Tallahassee, FL 32399-0250  
[RuleAdoptions@DOS.MyFlorida.com](mailto:RuleAdoptions@DOS.MyFlorida.com)

VIA E-MAIL

**Re: Rule Certification Packet for Rule 25-6.0183, F.A.C.**

Dear Ms. Leijon:

Enclosed for filing is a complete rule certification packet for Rule 25-6.0183, F.A.C., consisting of:

- (1) One copy of the signed rule certification form;
- (2) One copy of the signed designation of minor violation rule certification form required by Rule 1-1.010, F.A.C.;
- (3) One copy of the coded text of the rule, including the legal citations and history notes;
- (4) One copy of the summary of the rule;
- (5) One copy of the detailed written statement of the facts and circumstances justifying the rule;
- (6) One copy of the summary of the hearings held on the rule.
- (7) One copy of the certification form required by Rule 1-1.013, F.A.C., for the materials incorporated by reference that were filed electronically and one copy of the e-mail approval confirmation from the Department of State; and
- (8) One copy of the coded text of the rule in Word version.

Please let me know if you have any questions. The contact name and information for this rule are Jon Rubottom, Office of General Counsel, c/o Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6199, jrubotto@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'JR', with a long horizontal flourish extending to the right.

Jon Rubottom  
Senior Attorney

Enclosures: see above

cc: Office of the Commission Clerk (Docket No. 20240080-EI)

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION  
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the ombudsman in the Executive Office of the Governor.

The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No.

25-6.0183	
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Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective Date: \_\_\_\_\_

(month) (day) (year)



Signature Person Authorized to Certify Rules

Commission Clerk

Title

1  
Number of Pages Certified

**DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION  
CERTIFICATION**

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:


All rules covered by this certification are not rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rule No. 25-6.0183

Rules covered by this certification:

Rule No. 25-6.0183

  
\_\_\_\_\_

Signature of Agency Head

Chairman, Florida Public Service Commission

Title

### **SUMMARY OF THE RULE**

Rule 25-6.0183, Florida Administrative Code (F.A.C.), Electric Utility Procedures for Generating Capacity Shortage Emergencies, establishes the Florida Reliability Coordinating Council, Inc.'s (FRCC) Generating Capacity Shortage Plan (FRCC Plan) as the Commission's plan to address generating capacity shortage emergencies within Florida. The rule amendments incorporate by reference the most current Florida Reliability Coordinating Council (FRCC) Generating Capacity Shortage Plan, provide an additional means to obtain a copy of the incorporated material, and otherwise update the rule language for clarity and consistency.

### **WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE**

The Florida Reliability Coordinating Council (FRCC) updated its Generating Capacity Shortage Plan in November of 2023, necessitating an amendment to the rule to incorporate by reference the updated version of the FRCC Plan.

### **SUMMARY OF ANY HEARINGS HELD ON THE RULE**

No timely request for a hearing was received by the agency, and no hearing was held.

**25-6.0183 Electric Utility Procedures for Generating Capacity Shortage Emergencies.**

The Commission adopts the FRCC Generating Capacity Shortage Plan, FRCC-MS-OPRC-015, Effective Date: ~~November 1, 2023~~ ~~December 15, 2016~~, Version: ~~18~~ ~~8~~, which is adopted and hereby incorporated by reference into this rule and may be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref-16900> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-08155>~~, or by contacting the Commission's Division of Engineering, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, as the Commission's plan to address generating capacity shortage emergencies within Florida.

*Rulemaking Authority 350.127(2), 366.05 FS. Law Implemented 366.04(2)(c), (f), (5) FS. History—New 2-12-91, Amended 3-19-98, 4-27-03, 5-1-08, 5-9-17, \_\_\_\_\_.*

CERTIFICATION OF MATERIALS INCORPORATED

BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code, that materials incorporated by reference in Rule 25-6.0183 have been:

(1) Filed through the Department of State's e-rulemaking website at [www.flrules.org](http://www.flrules.org).

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials as described in option (1) above, a true and complete copy of the incorporated materials has been provided to the Department of State as outlined in paragraph 1-1.013(5)(c), F.A.C. Copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].

List form number and form title, or title of document below:

FRCC Generating Capacity Shortage Plan FRCC-MS-OPRC-015

Under the provisions of Section 120.54(3)(c)6., F.S., the attached material takes effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

  
\_\_\_\_\_  
Signature, Person Authorized to Certify Rules  
*Commission Clerk*  
\_\_\_\_\_  
Title



## Jon Rubottom

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**From:** Janet Cayson  
**Sent:** Wednesday, July 31, 2024 12:59 PM  
**To:** Jon Rubottom  
**Subject:** 25-6.0183 Reference Material for Rule Adoption Approved

**From:** FL-Rules@dos.state.fl.us <FL-Rules@dos.state.fl.us>  
**Sent:** Wednesday, July 31, 2024 12:56 PM  
**To:** Janet Cayson <JCayson@psc.state.fl.us>  
**Cc:** flrules@dos.state.fl.us  
**Subject:** 25-6.0183 Reference Material for Rule Adoption Approved

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear JCayson:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-6.0183

Reference Number: Ref-16900; Reference Name: FRCC Generating Capacity Shortage Plan FRCC-MS-OPRC-015

Click [here](#) to log in.

Administrative Code and Register Staff  
Florida Department of State



**FLORIDA DEPARTMENT *of* STATE**

**RON DESANTIS**

Governor

**CORD BYRD**

Secretary of State

August 6, 2024

Jon Rubottom, Esq.  
Senior Attorney  
Florida Public Service Commission  
2450 Shumard Oak Blvd.  
Tallahassee, FL 32399

Dear Jon Rubottom:

Your adoption package for Rule 25-6.0183, F.A.C. was received, electronically, by the Florida Department of State, Administrative Code and Register at 9:42 a.m. on August 6, 2024. After review, it appears that the package meets statutory requirements and those of Rule 1-1.010, F.A.C. and is deemed filed for adoption at the time received, as indicated above. The effective date is August 26, 2024.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

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**From:** [Jon Rubottom](#)  
**To:** [RuleAdoptions](#)  
**Cc:** [Samantha Cibula](#); [Janet Cayson](#)  
**Subject:** Rule Certification Packet for Rule 25-6.0183, F.A.C.  
**Date:** Tuesday, August 6, 2024 9:42:36 AM  
**Attachments:** [Copy of Rule 25-6.0183 Coded Text in Word file.docx](#)  
[DOS Rule Certification Packet \[25-6.0183\].pdf](#)

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EMAIL RECEIVED FROM EXTERNAL  
SOURCE

The attachments/links in this message have been scanned by Proofpoint.

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Good morning:

Please see the rule certification materials for Rule 25-6.0183, F.A.C., attached to this email. The PDF file contains the complete Rule Certification Packet, and the Word document is a copy of the coded text of the rule. I await your email confirming receipt of these documents.

Thank you,

**Jon Rubottom**

Senior Attorney

Appeals, Rules & Ethics Section

Office of the General Counsel

Florida Public Service Commission

Email: [JRubotto@psc.state.fl.us](mailto:JRubotto@psc.state.fl.us)

Phone: (850) 413-6191



**PLEASE NOTE:** Florida has broad public records laws. Written communications to or from the Florida Public Service Commission may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.

KATHLEEN PASSIDOMO  
President

PAUL RENNER  
Speaker



THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**



Senator Blaise Ingoglia, Chair  
Representative Tobin Rogers "Toby" Overdorf, Vice Chair  
Senator Colleen Burton  
Senator Erin Grall  
Senator Rosalind Osgood  
Senator Darryl Ervin Rouson  
Representative Shane G. Abbott  
Representative Jervonte "Tae" Edmonds  
Representative Alina Garcia  
Representative Yvonne Hayes Hinson  
Representative Joel Rudman, M.D.

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COORDINATOR  
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Tallahassee, Florida 32399-1400  
Telephone (850) 488-9110  
Fax (850) 922-6934  
www.japc.state.fl.us  
japc@leg.state.fl.us

**CERTIFICATION**

**Department:** Public Service Commission  
**Agency:**  
**Rule No(s):** 25-6.0183  
**File Control No:** 193217

As required by subparagraph 120.54(3)(e)4 F.S., the Joint Administrative Procedures Committee hereby certifies that:

- There were no material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rule; or
- The adopting agency has responded in writing to all material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rules; or
- The adopting agency has not responded in writing to all material and timely written comments or written inquiries made on behalf of the Committee regarding the above listed rules.

Certification Date: 8/5/2024

This certification expires after: 8/12/2024

Certifying Attorney: Jamie Jackson

**NOTE:**

- The above certified rules include materials incorporated by reference.*
- The above certified rules do not include materials incorporated by reference.*