

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| IN RE: Amendment of 25-22.075, F.A.C.,) | DOCKET NO. 910465-EU |
| Transmission Line Permitting) | ORDER NO. 24690 |
| Proceedings.) | ISSUED: 6/21/91 |
| _____) | |

NOTICE OF RULEMAKING


NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-22.075, F.A.C., relating to transmission line permitting proceedings.

The attached Notice of Rulemaking will appear in the June 28, 1991, edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Thursday, September 5, 1991
 Room 122, Fletcher Building
 101 East Gaines Street
 Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rule must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399, no later than July 19, 1991.

By Direction of the Florida Public Service Commission, this
21st day of JUNE, 1991.



 STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910465-EU

RULE TITLE:

RULE NO.:

Transmission Line Permitting Proceedings

25-22.075

PURPOSE AND EFFECT: The purpose of revising Rule 25-22.075 is to implement the amendments to section 403.537(1), Florida Statutes (1990 Supp.), the electrical transmission line need determination statute, and to provide a procedure that will allow the Commission sufficient time to publish the notice required by the statute. The legislature amended section 403.537(1)(a) in 1990 to require that notice of the hearing be published at least 45 days before the hearing is held, rather than the 20 days previously required, but it did not change the requirement that the hearing be held within 45 days after the Commission receives a request.

To implement the statute, the proposed rule provides an option for utilities to notify the Commission 30 days in advance of their filing a petition for need determination. The 30-day advance notice will allow the Commission sufficient time to schedule the hearing, prepare and mail the notice to the parties listed in the statute, and have the notice of hearing published in the Florida Administrative Weekly. It will also provide the utility sufficient time to arrange for publication of the newspaper notice.

SUMMARY: The proposed rule provides an option for utilities to notify the Commission 30 days in advance of their filing a petition for electrical transmission line need determination. If a utility

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chooses not to file a notice of intent to file a petition, the Commission may extend the hearing date to provide the required notice, but only for a period of 30 days.

The rule is also revised to reflect other amendments made to the statute since the rule was adopted in 1980. Among these changes are requirements that the notice of hearing be published in newspapers of general circulation and that notice must be given to counties and regional planning councils in potentially affected jurisdictions. The rule provides that the Commission will be responsible for providing notice to all persons or entities except the newspaper notice, which will be the responsibility of the utility.

RULEMAKING AUTHORITY: 120.53(1)(c), 350.01(6), 403.537(2), F.S.

LAW IMPLEMENTED: 403.537. F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THIS RULE: No direct additional costs to the agency are anticipated from the proposed revisions to this rule because the rule codifies existing statutory requirements. The proposed rule changes the time of filing certain information by applicants for a transmission line need determination, but does not change the information required. The cost of providing the notice required by the rule is presently borne by the same parties under section 403.537, Florida Statutes, and Rule 25-22.0405, Florida Administrative Code.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21

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DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 9:30 A.M., September 5, 1991

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE RULE IS:

25-22.075 Transmission Line Permitting Proceedings.

(1) Proceedings to determine the need for a proposed transmission line as defined in Section 403.522(21)(3), F.S., shall begin with a petition by a utility or an order issued on the Commission's own motion and shall be disposed of as provided in Chapter 25-22, F.A.C., except that the time deadlines and notice requirements in Section 403.537 366.14, F.S., shall control. Proceedings may begin whether or not notwithstanding the fact that an application for corridor site certification of a proposed transmission line pursuant to sections 403.52 403.502 through 403.5365 403.535, F.S., is pending. A petition for reconsideration shall be filed within 5 days of the Commission's decision.

(a) A utility that intends to petition for a transmission line need determination may file a Notice of Intent to File Petition for Transmission Line Need Determination at least 30 days prior to the filing of a petition. The notice of intent shall

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identify the proposed beginning and ending points of the transmission line, and the counties and regional planning councils in whose jurisdiction the transmission line could be placed. The notice of intent shall further specify the date on which the utility reasonably expects to file the petition for need determination so that the Commission shall have sufficient information to provide the 45 days notice of final hearing required by Section 403.537, F.S.

(b) Failure to file a Notice of Intent to File Transmission Line Need Determination, or failure to file the petition within 5 days after the date specified in the notice of intent, shall constitute a 30-day waiver by the utility of the statutory deadline for conduct of the hearing.

(2) Upon receipt of a Notice of Intent to File Petition for Transmission Line Need Determination or a petition by a utility, whichever occurs first, or upon issuance of an order pursuant to subsection (1), the Commission shall schedule a hearing and shall give notice shall be given of the commencement of the proceeding to:

- (a) The affected utility or utilities, if appropriate;
- (b) The Department of Community Affairs, Division of Local Resource Management;
- (c) The Department of Environmental Regulation; and
- (d) Each person who has requested placement on the mailing list for receipt of such notice; and

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(e) The counties and regional planning councils in whose jurisdiction the transmission line could be placed.

(3) The Commission shall also publish notice of the hearing at least 45 days before the hearing date in the Florida Administrative Weekly.

(4) The utility shall publish notice of the hearing at least 45 days before the hearing date in newspapers of general circulation in the counties where the transmission line could be placed. Every notice published in a newspaper shall be at least one-quarter page in size. A copy of each newspaper notice, which includes the date of publication, shall be filed with the Division of Records and Reporting at least 30 days prior to the hearing date.

Specific Authority: 120.53(1)(c), 350.01(6), 403.537(2), F.S.

Law Implemented: 403.537, F.S.

History: New 12/2/80, Transferred 12/21/81, formerly 25-22.75,
Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan F. Clark, General
Counsel

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission

DATE PROPOSED RULE APPROVED: June 11, 1991

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must

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ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.