

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed rules 25-22.909) DOCKET NO. 931173-GP
and 25-22.091, F.A.C.,) ORDER NO. PSC-94-1412-NOR-GP
implementing Sections 403.9401) ISSUED: November 17, 1994
through 403.9425, F.S., Natural)
Gas Transmission Siting Act _)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to adopt Rules Nos. 25-22.090 and 25-22.091, Florida Administrative Code, relating to Natural Gas Transmission Siting Act.

The attached Notice of Rulemaking will appear in the November 28, 1994 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at the following time and place:

Florida Public Service Commission
9:30 a.m., June 21, 1995
Room 106, Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399-0870, no later than December 19, 1994.

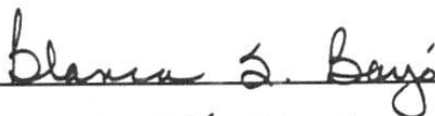
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FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 17th
day of November, 1994.



A handwritten signature in cursive script, reading "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 931173-GP

RULE TITLE: RULE NO.:

Natural Gas Transmission Pipeline 25-22.090

Permitting Proceedings

Contents of Petition 25-22.091

PURPOSE AND EFFECT: The purpose of these rules is to codify the procedures for filing and the required contents of a petition for determination of need for a natural gas transmission pipeline.

SUMMARY: The rules prescribe the notice requirements and the contents of a petition for need determination filed pursuant to the Natural Gas Transmission Pipeline Siting Act.

RULEMAKING AUTHORITY: 350.127(2), 403.9422(2), F.S.

LAW IMPLEMENTED: 403.94055, F.S., 403.9422, F.S.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

HEARING: 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., June 21, 1995.

PLACE: Room 106, 101 East Gaines Street, Tallahassee, Florida.

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

THE FULL TEXT OF THESE RULES ARE:

25-22.090 Natural Gas Transmission Pipeline Permitting Proceedings.

(1) Proceedings to determine the need for a proposed natural gas transmission pipeline pursuant to section 403.9422, Florida Statutes, shall begin with a petition filed by a new or existing natural gas transmission pipeline company or an order issued on the Commission's own motion and shall be disposed of as provided in Chapter 25-22, Florida Administrative Code, except that the time deadlines and notice requirements in section 403.9422, Florida Statutes, shall control. Proceedings may begin whether or not an application for corridor site certification of a proposed natural gas transmission pipeline pursuant to sections 403.9401 through 403.9425, Florida Statutes, is pending.

(a) In order for the Commission to have sufficient information to provide the 45 days notice of final hearing required by section 403.9422, Florida Statutes, a natural gas transmission pipeline company that intends to petition for a natural gas transmission pipeline need determination may file a Notice of Intent to File Petition for Natural Gas Transmission Pipeline Need Determination at least 30 days prior to the filing of a petition.

The notice of intent shall identify the proposed beginning and ending points of the natural gas transmission pipeline, and the counties, regional planning councils, and water management districts in whose jurisdiction the natural gas transmission pipeline could be placed. The notice of intent shall further specify the date on which the natural gas transmission pipeline company reasonably expects to file the petition for need determination.

(b) If the Commission does not receive a Notice of Intent to File Petition for Natural Gas Transmission Pipeline Need Determination at least 30 days prior to the filing of a petition, or does not receive the petition within 5 days after the date specified in the notice of intent, the Commission shall have good cause, pursuant to section 403.9422(3), Florida Statutes, to extend the time for conduct of the hearing for 30 days.

(2) Upon receipt of a Notice of Intent to File Petition for Natural Gas Transmission Pipeline Need Determination or a petition by a natural gas transmission pipeline company, whichever occurs first, or upon issuance of an order pursuant to subsection (1), the Commission shall schedule a hearing and shall give notice of the proceeding to:

(a) All interstate and intrastate natural gas transmission companies within Florida and all electric and natural gas utilities;

(b) The Department of Community Affairs, Division of Local Resource Management;

(c) The Department of Environmental Protection;

(d) Each person who has requested placement on the mailing list for receipt of such notice;

(e) The counties, water management districts, and regional planning councils in whose jurisdiction the natural gas transmission pipeline could be placed;

(f) The Game and Fresh Water Fish Commission;

(g) The Department of Transportation; and

(h) The Department of State, Division of Historical Resources.

(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 natural gas transmission pipeline company shall publish notice of the hearing at least 45 days before the hearing date in newspapers of general circulation in each county where the natural gas transmission pipeline may 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: 350.127(2), 403.9422(2), F.S.

Law Implemented: 403.9422, F.S.

History: New _____.

25-22.091 Contents of Petition. Petitions submitted to commence a determination of need proceeding or responses to the Commission's order commencing a proceeding shall comply with the other requirements of Chapter 25-22, Florida Administrative Code, as to form and style, and shall contain the following information:

(1) Identification of existing natural gas transmission pipelines including a general description and map of all existing, all Florida Public Service Commission (FPSC) or Federal Energy Regulatory Commission (FERC) approved but not yet in service and all proposed natural gas transmission pipelines, including laterals, within any Florida county in which the proposed project will be located.

(2) Description of proposed natural gas transmission pipeline, ownership and financial information including:

(a) Project name and ownership, including all company officers, their addresses and phone numbers, and all corporate affiliations.

(b) Copies of the annual reports to shareholders and 10K Reports to the Securities and Exchange Commission for the last three years for each of the principal companies involved in the project. If annual reports for any of the companies are not

prepared, audited financial statements for those entities for the last three years shall be provided.

(c) Copies of all rating agency and security analyst reports for the last two years for each of the principal companies involved in the project.

(d) Copies of all presentations related to the project given by the principal companies involved in the project to, or prepared for, banks and other lenders, security analysts, and rating agencies for the last two years.

(e) A description of the project, including all main or trunk pipelines and all laterals from origination to terminus of each mainline or lateral. The description shall include starting and ending points of each line, initial design capacity and operating pressures, estimated total cost and projected in-service date or dates of the project. The description shall also include the diameter of all pipelines in the proposed project, projected initial operating pressures for all pipelines, and the type and horsepower of all compressor stations. If the pipeline includes phased implementation such that extensions or expansions are to be installed at times later than the time of the initial installation's operational date, similar but separate detailed descriptions as provided for the initial installation shall be provided.

(f) Maps on the scale of 1 inch equals 50 miles of the preferred route and any planned alternate routes, planned locations of compressor stations and other affiliated facilities. Detailed maps of all laterals up to and including individual terminus points shall be provided.

(3) Evidence of the safety and integrity of the proposed project which shall include a statement that the engineering, construction and operation of the project will comply with all provisions of sections 368.01 through 368.061, Florida Statutes, The Gas Safety Law of 1967, Chapter 25-12, Florida Administrative Code, and 49 CFR, Parts 190 through 199, Pipeline Safety Regulations of the United States Department of Transportation, and codes and standards incorporated therein.

(4) Evidence of need for natural gas transmission capacity in the market area including:

(a) A statement of the specific situations, conditions, contingencies, or other factors that indicate that need exists for the proposed natural gas transmission pipeline or pipelines, including the approximate time when the additional natural gas transmission capacity will be needed.

(b) Evidence of need for natural gas delivery capability up to initial design capacity including supporting contracts, precedent agreements, binding letters of intent, or other forms of

evidence the applicant believes sufficient to meet its burden of proof that need exists.

(c) Evidence of need for natural gas delivery capability beyond initial design capacity if future expansion capability is built into the pipeline through use of larger diameter pipeline than needed for planned initial throughput. The petitioner shall provide market area load forecasts by customer type, region of state, expected dates of added load, and other information necessary to support projected future load growth, including region specific natural gas load forecasts supporting each phase of the proposed pipeline installation, taking into account existing and FPSC or FERC approved regional pipeline capacity. Detailed cost information to permit analysis of the cost-effectiveness of using such larger diameter pipeline shall also be provided.

(5) Evidence of access to gas supplies and adequacy of upstream natural gas transmission pipeline capacity to the supply areas including the following:

(a) As initial evidence of reliability of access to gas supplies: identification of sources of gas or access to gas supply areas for the project pipeline and for upstream pipelines.

(b) As evidence of reliability of natural gas transmission pipeline capacity to the point of origination of the proposed project: detailed information on currently available firm or interruptible capacity on upstream pipelines and identification of

all additions required to enable upstream pipelines to supply gas in volumes sufficient to meet throughput design capacity of the project. The petitioner shall also provide all available contracts, precedent agreements or binding letters of intent as evidence of adequate capacity on upstream pipelines.

(c) As additional evidence of reliability of natural gas transmission pipeline capacity to the point of origination of the project: information on any federal requirements that must be met by any upstream pipeline before it can provide natural gas transmission service to supply the project. Information on timing of any necessary expansions of upstream pipeline, including proposed federal filing dates and projected in-service dates of additions shall also be provided.

(6) Specific reasons for the proposed natural gas transmission pipeline including whether the proposed pipeline will:

(a) Improve or maintain deliverability, reliability, safety, and integrity of natural gas transmission within Florida;

(b) Accommodate load growth;

(c) Improve the economics of natural gas transmission within Florida to assure the economic well-being of the public;

(d) Conserve or displace oil;

(e) Serve any other useful purpose.

(7) A statement of adverse consequences to the public that will result if the project is delayed or if the Commission denies

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the application. The petitioner shall specifically address any adverse consequences to the economic well-being of the public due to delay or denial of approval of the project.

Specific Authority: 350.127(2), F.S., 403.9422(2), F.S.

Law Implemented: 403.94055, 403.9422, F.S.

History: New _____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Joe McCormick, Chief of Natural Gas Regulation.

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

DATE PROPOSED RULES APPROVED: November 8, 1994.

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 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.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 488-8371 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).