

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

M E M O R A N D U M

February 20, 1997

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

FROM: DIVISION OF APPEALS (BELLAK) *RB DS*
DIVISION OF RESEARCH & REGULATORY REVIEW (HEWITT) *BH R*
DIVISION OF ELECTRIC AND GAS (HAFF) *MSH*

RE: DOCKET NO. 960912-BI - PROPOSED REPEAL OF RULE 25-17.0833, PLANNING HEARINGS

AGENDA: MARCH 4, 1997 - - REGULAR AGENDA - RULE PROPOSAL - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL STATUS: NONE

SPECIAL INSTRUCTIONS: S:\PSC\APP\WP\960912RP.RCM

CASE BACKGROUND

The Commission and other state agencies were asked by the President of the Florida Senate to identify rules that are unnecessary, redundant, overlapping, or obsolete. In its response to that request, the Commission identified the rule¹ in this docket and stated that it would proceed with repealing it.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission propose for repeal Rule 25-17.0833, F.A.C.?

RECOMMENDATION: Yes.

STAFF ANALYSIS: Rule 25-17.0833 provides for planning hearings resulting in a Statewide Avoided Unit, but is unnecessary because

¹ Though staff initially included 25-17.001, 25-17.091 and 25-17.084 in its proposed repeal, objections considered valid by staff were noted as to the repeal of those rules both in comments submitted by parties as well as at the rule development workshop. Staff itself noted that 25-17.091 is referenced in recently enacted amendments to the cogeneration rules in Docket 931186.

DOCUMENT NUMBER/DATE

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FPSC-RECORDS/REPORTING

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utilities now identify individual avoided units pursuant to QF rules and Ten-Year Site Plan filings.

ISSUE 2: If no requests for hearing or comments are filed, should the rule repeal as proposed be filed for adoption with the Secretary of State and this docket closed?

RECOMMENDATION: Yes.

STAFF ANALYSIS: Unless comments or requests for hearing are filed, the rule repeal proposed may be filed with the Secretary of State without further Commission action. The docket may then be closed.

RCB
Attachment

1
2 25-17.0833 Planning Hearings.

3 ~~(1) Upon petition or on its own motion, the Commission~~
4 ~~shall periodically review optimal generation and transmission plans~~
5 ~~from a statewide and individual utility perspective. In connection~~
6 ~~with these proceedings, the Commission shall consider the need for~~
7 ~~capacity from both a statewide and individual utility perspective,~~
8 ~~the adequacy of the transmission grid, and other strategic planning~~
9 ~~concerns affecting the Florida electric grid.~~

10 ~~(2) Upon petition, or on its own motion, the~~
11 ~~Commission, as needed, shall review individual utility generation~~
12 ~~and expansion plans at any time.~~

13 Specific Authority: 366.05(8), 366.051, 350.127(2), F.S.

14 Law Implemented: 366.051, F.S.

15 History: New 10/25/90, Repealed.
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CODING: Words underlined are additions; words in
~~struck through~~ type are deletions from existing law.

M E M O R A N D U M

February 20, 1997

TO: DIVISION OF APPEALS (BELLAK)
FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (HEWITT) *PH in CH*
SUBJECT: REVISED STATEMENT OF ESTIMATED REGULATORY COSTS FOR DOCKET NO. 960912 ET AL.
PROPOSED REPEAL OF RULE 25-17.0833, PLANNING HEARINGS, FAC.

SUMMARY OF THE RULE

Rule 25-17.0833, FAC, provides for the Commission to conduct planning hearings to periodically review generation and transmission plans from a statewide and individual utility perspective, resulting in a Statewide Avoided Unit. The rule is no longer necessary, since utilities identify individual avoided units under the Qualifying Facilities (QF) rules and the Ten-Year Site Plan filings.

ESTIMATED NUMBER AND DESCRIPTION OF INDIVIDUALS AND ENTITIES REQUIRED TO COMPLY

There are five electric Investor Owned Utilities (IOUs), thirty-three municipal utilities, and sixteen cooperatives in Florida that are subject to the proposed revisions to Section 25-17, FAC.

DIRECT COSTS TO THE AGENCY AND OTHER STATE OR LOCAL GOVERNMENT ENTITIES

There should be no additional costs to the Commission other than the regulatory costs of repealing a rule.

ESTIMATED TRANSACTIONAL COSTS TO INDIVIDUALS AND ENTITIES REQUIRED TO COMPLY

The IOUs should not incur additional costs from the repeal of the above rules because the provisions are duplicative of other rules and statutes.

IMPACT ON SMALL BUSINESSES, SMALL COUNTIES, OR SMALL CITIES

No direct or indirect impact on small businesses is foreseen since none of the affected utilities qualify as a small business as defined by s. 288.703, F.S. No direct or indirect impact is foreseen on small counties and cities as defined in s. 120.52, F.S. Therefore, there would be no need for tiered rule requirements.

REASONABLE ALTERNATIVE METHODS

The only alternative to repeal would be to leave the rules on the books, but that would be contrary to statutory requirements to repeal unnecessary and duplicative rules.

CBH:tf/e-eirp13