

Commissioners
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DIVISION OF APPEALS
DAVID E. SMITH
DIRECTOR
(904) 413-6245

Public Service Commission

March 17, 1997

Mr. Carroll Webb
Joint Administrative Procedures
Committee
120 Holland Building
Tallahassee, Florida 32399

Re: Docket No. 960912-EI - Proposed Repeal of Rule 25-17.0833, Planning Hearing

Dear Mr. Webb:

Enclosed are an original and two copies of the following materials concerning the above referenced proposed rule:

1. A copy of the rule.
2. A copy of the F.A.W. notice.
3. A statement of facts and circumstances justifying the proposed rule.
4. A federal standards statement.
5. A statement of estimated regulatory costs.

If there are any questions with respect to this rule, please do not hesitate to call on me.

Sincerely,

Richard C. Bellak
Associate General Counsel

ACK _____
 AFA _____
 APP _____
 CAF _____
 CMU _____
 CTR _____
 EAG _____
 LEG _____
 LIN _____
 OPC _____
 RCH _____
 SEC _____
 WAS _____
 OTH _____

RPL033.MRD

Enclosures

cc: Division of Records & Reporting

DOCUMENT NUMBER-DATE

02703 MAR 14 6

1 25-17.0833 Planning Hearings.

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

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

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

13 Law Implemented: 366.051, F.S.

14 History: New 10/25/90, Repealed.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.

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 960912-EI

RULE TITLE:

RULE NO.:

Planning Hearings

25-17.0833

PURPOSE AND EFFECT: The purpose and effect is to repeal Rule 25-17.0833.

SUMMARY: Rule 25-17.0833 is repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Rule 25-17.0833 is no longer necessary and its repeal is not anticipated to result in additional costs to the Commission, investor-owned utilities or small businesses.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 366.05(8), 366.051, 350.127(2) FS.

LAW IMPLEMENTED: 366.051 FS.

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 TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., April 17, 1997

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade

Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Director of Appeals, Florida Public Service Commission, 2540
Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-17.0833 Planning Hearings.

Specific Authority 366.05(8), 366.051, 350.127(2) FS.

Law Implemented 366.051 FS.

History-New 10-25-90, Repealed.

NAME OF PERSON OIGINATING PROPOSED RULE: Michael Haff

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:

Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: March 4, 1997

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

December 6, 1996

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) 413-6770 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).

Rule 25-17.0833
Docket No. 960912-EI

**STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE**

Utilities now identify individual avoided units under the qualifying facilities (QF) rules and Ten-Year Site Plan filings. Therefore, Rule 25-17.0833, which provides for planning hearings to develop a statewide avoided unit, is no longer necessary and should be repealed.

STATEMENT ON FEDERAL STANDARDS

There is no federal standard on the same subject.

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) *PA in Bell*
SUBJECT: REVISED STATEMENT OF ESTIMATED REGULATORY COSTS FOR DOCKET NO. 960912-E1.
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