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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Joint Petition for )  
Determination of Need for an )  
Electrical Power Plant in Volusia )  
County by the Utilities Commission, )  
City of New Smyrna Beach, Florida, )  
and Duke Energy New Smyrna Beach )  
Power Company Ltd., L.L.P. )

DOCKET NO. 981042-EM  
FILED: JANUARY 5, 1999

JOINT PETITIONERS' SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE

The Utilities Commission, City of New Smyrna Beach, Florida ("UCNSB") and Duke Energy New Smyrna Beach Power Company Ltd., L.L.P. ("Duke New Smyrna"), (collectively referred to as "Joint Petitioners") pursuant to Sections 90.201 and 90.202, Florida Statutes, hereby request that the Florida Public Service Commission ("Commission") take notice of the following items:

1. Florida House of Representatives, Committee on Environmental Protection, Subcommittee on Permits, Transcript of March 27, 1973 Proceedings, Part I (transcribed by Capitol Services).
2. Florida House of Representatives, Committee on Environmental Protection, Subcommittee on Permits, Transcript of March 27, 1973 Proceedings, Part II (transcribed by C & N Reporters).

On December 17, 1998, Joint Petitioners requested that the Commission take judicial notice of the certified tape recordings

ACK \_\_\_\_\_ of the above-referenced proceedings of the Florida House of  
 AFA 1 \_\_\_\_\_  
 APP \_\_\_\_\_ Representatives, Committee on Environmental Protection,  
 CAF \_\_\_\_\_ Subcommittee on Permits. On December 18, 1998, Chairman Johnson  
 CMU \_\_\_\_\_ granted Joint Petitioners' request (Commission Transcript Vol. 13  
 CTR \_\_\_\_\_  
 EAG Fulwell (at 1677-78). In addition, Chairman Johnson granted Joint  
 LEG 2 \_\_\_\_\_ Petitioners leave to file with the Commission transcripts of the  
 LIN 5 \_\_\_\_\_  
 OPC \_\_\_\_\_ above-referenced proceedings, subject to allowing the parties an

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 SEC 1 \_\_\_\_\_  
 WAS \_\_\_\_\_  
 OTH \_\_\_\_\_

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opportunity to review the transcripts, and if necessary, to file supplemental materials to ensure the completeness of the transcripts. (Commission Transcript Vol. 13 at 1678).

Accordingly, by memorandum dated December 23, 1998, Joint Petitioners provided copies of the above-referenced transcripts to all parties of record in this docket. In the December 23, 1998 memorandum, Joint Petitioners requested that any party with a question or concern regarding the transcripts contact Joint Petitioners' counsel by December 31, 1998. As of the date of this filing, no party has raised an objection.

The above-referenced transcripts were prepared by licensed court reporters directly from certified copies of recordings of the Florida House of Representatives, Committee on Environmental Protection, Subcommittee on Permits and thus constitute legislative history of the Power Plant Siting Act. As such, the transcripts are records of official actions of the legislative department of the State of Florida, and thus are proper subjects for judicial recognition under Section 90.202(5), Florida Statutes.

WHEREFORE, Joint Petitioners request that the Commission take judicial notice of the transcripts described above and attached hereto. (Since Joint Petitioners have previously provided copies of the transcripts to the parties of record in this docket, the parties will not be served additional copies of the transcript as part of this filing.)

Respectfully submitted this 5th day of January, 1999.



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City of New Smyrna Beach, Florida,

and

Duke Energy New Smyrna Beach Power  
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**CERTIFICATE OF SERVICE**  
**DOCKET NO. 981042-EM**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (\*) or by United States Mail, postage prepaid, on the following individuals this 5th day of January, 1999:

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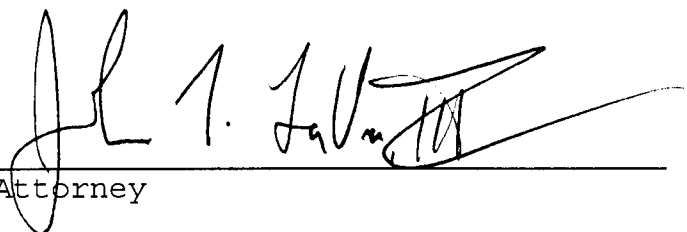
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THE FLORIDA HOUSE OF REPRESENTATIVES

IN RE: HOUSE BILL 149  
POWER PLANT SITING

TRANSCRIPT OF RECORD

Excerpts from Subcommittee Meeting of the  
House Environmental Protection Committee,  
Subcommittee on Permits,  
March 27, 1973

Prepared for:

Florida Information  
Associates, Inc.  
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Prepared by:

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1 Editor's Note No. 1: The following transcription is an  
2 excerpt of the Florida House of Representatives Environ-  
3 mental Protection Committee, Subcommittee on Permits,  
4 meeting of March 27, 1973, regarding House Bill 149 of the  
5 1973 Regular Session of the Florida Legislature, "Power  
6 Plant Siting." The Committee hearing on this Bill commences  
7 and finishes on Tape 1 of 1, Side B. The original tapes are  
8 in the Florida State Archives, Series 414, Box 77.

9 MARCH 27, 1973

10 WHEREUPON:

11 SECRETARY: . . . on Environmental Protection,  
12 Subcommittee on Permits, meeting on Tuesday, March 27th,  
13 1973, beginning at 10:00 a.m. in Room 415, House Office  
14 Building.

15 CHAIR (REP. ANDREWS): All right, we have a quorum  
16 present. The meeting will come to order. We'll take up  
17 House Bill 149. Representative Spicola will present the  
18 bill.

19 REP. SPICOLA: Mr. Chairman, since we originally  
20 discussed this bill, which is the power plant siting bill,  
21 we've tried to--took considerable time working with conser-  
22 vation interests and the . . . industry to try to improve  
23 its form. And we have--we have at this time prepared to  
24 submit a long series of amendments, and each member has a  
25 copy. What we propose to do is go through these amendments.  
26 Most of them are technical in nature, and see if we can

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1 adopt them, and then offer them to the full committee, or  
2 propose to the full committee that they incorporate them in  
3 a Committee Substitute. What I'd like to do, with your  
4 permission, is turn the matter to Mr. Lewis, and we'll go  
5 through each amendment and see if we can adopt it, and there  
6 may be others that others want to offer that we could  
7 discuss, and then, if we can come out with some kind of a  
8 final accepted form, we would propose to the full committee  
9 and ask that they adopt it as a Committee Substitute for the  
10 original bill. Jim, do you want to go through each amend-  
11 ment?

12 MR. JIM LEWIS [Director of Staff]: Each of you has  
13 a copy of all but one or two of the amendments, which were  
14 thought up after we put this together, and you have a copy  
15 of the bill with the locations of each of the amendments  
16 pointed out very clearly. The first three amendments are  
17 strictly drafting technical amendments. Do you want to  
18 adopt these as we go along?

19 CHAIR: Yeah, I think we'd better. I think if you can  
20 just show me as making the motion on each amendment, and if  
21 there's any discussion, just raise your hand and we'll talk  
22 about it.

23 MR. LEWIS: As I said, the first three amendments are  
24 strictly technical amendments, two of them are title  
25 amendments and one of them is on page 2, on line 4, adding  
26 "are created and." Amendment number 4 is an addition to the

1 intent section on page 2 of the bill. It's a new paragraph  
2 which, --

3 CHAIR: Do you want to --

4 MR. LEWIS: -- expresses the intent to simplify and  
5 streamline the permitting section in the state of Florida.

6 MR. SPICOLA: Mr. Chair, just to have it in order, I  
7 would move that we adopt amendments 1, 2, and 3.

8 CHAIR: Okay, move we adopt amendments 1, 2, and 3.  
9 All in favor say aye [ayes]; opposed no [none]. Amendments  
10 are adopted. Now go ahead.

11 MR. LEWIS: Amendment number 4, as I said, was a--is  
12 an amendment, a new paragraph in the intent section on page  
13 2, on approximately line 19, which is indicating the intent  
14 of the Legislature to streamline the permitting process in  
15 the state of Florida.

16 CHAIR: We have a number of people here who I assume  
17 are pretty interested. Do you all have any comments on any  
18 of the amendments, if you signal or stand up, we'll hear  
19 from you. Anybody want to comment on amendment number 4?

20 REP. SPICOLA: Move we adopt amendment number 4.

21 CHAIR: Any committee members have a question on it?  
22 If not, all in favor say aye [ayes]; opposed no [none].

23 MR. LEWIS: Amendment 5 is a technical amendment.

24 MR. SPICOLA: Move we adopt amendment number 5.

25 CHAIR: Let me call for the vote.

26 MR. SPICOLA: Let's just see if there's objections.



1 CHAIR: All right. Number 5? Is there objection to  
2 number 5? If not, show it's adopted.

3 MR. LEWIS: Amendment number 6 is on page 3, line 5  
4 to 10, the re-writing again of the paragraph 2 of the intent  
5 section to express the legislative intent that we're trying  
6 to create a balance between the need for the electric power  
7 generating facility and the--and a healthy, clean environ-  
8 ment for the state of Florida.

9 CHAIR: All right, any comments on amendment number  
10 6?

11 MR. SPICOLA: Move we adopt number 6.

12 CHAIR: Any objections of the committee members? If  
13 not, show its adoption.

14 MR. LEWIS: Number 7 is a technical amendment.

15 MR. SPICOLA: Move we adopt 7.

16 CHAIR: Seven's adopted.

17 MR. LEWIS: Number 8, technical amendment.

18 MR. SPICOLA: Move it's adoption.

19 MR. LEWIS: Amendment number 9 is re-defining "site"  
20 to clarify that the certification will be needed for an  
21 alteration or an addition only when it was also an increase  
22 in generating capacity of the public facility. It was  
23 pointed out you could construe an addition as being some  
24 little supporting building already on the site.

25 CHAIR: Any discussion?

26 MR. SPICOLA: Move its adoption.

1 CHAIR: Any questions from the committee? Excep-  
2 tions? Show its adoption.

3 MR. LEWIS: Amendment number 10 is a re-definition of  
4 the term "certification" to spell out that the certification  
5 agreement will be a written order of the Board of the  
6 Department of Pollution Control, which shall state the terms  
7 of the certification itself.

8 MR. SPICOLA: Move its adoption.

9 CHAIR: Okay, any comments from anybody? Jim?

10 MR. WOODRUFF: Mr. Chairman, I'm Jim Woodruff from  
11 Tampa Electric Company. I've got just a statement, a  
12 typographical error on the second line here--it says  
13 "approving and application" and I think it should be  
14 "approving an application."

15 MR. LEWIS: And on the last line, "chapter" should be  
16 "act," excuse me.

17 REP. SPICOLA: We can just correct those.

18 CHAIR: Okay, any further comments?

19 MR. SPICOLA: Move its adoption.

20 CHAIR: Any questions of the committee? Show its  
21 adoption.

22 MR. LEWIS: Amendment number 11, which is on page 4,  
23 lines 15, 16, and 17, strikes "transmission lines" from the  
24 certification process, since the transmission lines, the--  
25 are covered in one way or another under the, the land use  
26 regulations under the Environmental Land and Water Manage-

1 ment Act.

2 CHAIR: Any comments from anybody?

3 MR. SPICOLA: Move its adoption.

4 CHAIR: Any questions from the committee? Any objec-  
5 tions? Now if you all got any questions about this, let us  
6 know. [inaudible] That's right, we want you to understand  
7 what we're doing.

8 CHAIR: Are you sure? All right, show it adopted.  
9 Amendment number 11's adopted.

10 MR. LEWIS: Amendment number 12 on page 4, strike the  
11 "." and this includes, adds transmission lines to the  
12 definition of electrical power plant, but it is only those  
13 transmission lines directly associated with the plant  
14 leading to the state's transmission grid running across the  
15 state.

16 CHAIR: So what we did is we got rid of it, the major  
17 transmission lines as far as this permitting is concerned,  
18 and just include those that, say are part of the plant and  
19 the permitting process. Any comments from anybody?

20 REP. SPICOLA: Move its adoption.

21 CHAIR: Any objections? So number 12 is adopted.

22 MR. LEWIS: Amendment number 13 is on page 5, lines  
23 5 through 12. It combines subsections one and two into one  
24 section and then renumbers the following subsections.  
25 Sections 1 and 2 were rather redundant.

26 CHAIR: All right, let me point out a technical

1 problem. The industry frankly didn't like number 2, which  
2 says to develop environmental and ecological guidelines, so  
3 under--there's no specific regulations where how you adopt  
4 guidelines, but they could make it rules and under Chapter  
5 120 so there's a certain amount of notice, and so what they  
6 want it to say, they want whatever they adopt to be called  
7 rules instead of guidelines so they would be subject to  
8 Chapter 120. Is there any comments? Mary?

9 REP: GRIZZLE: Yes, you have the word "rescind" in  
10 there, why do we need both the word amend and rescind? If  
11 you're going to change something, you amend--

12 CHAIR: All right, so that's probably redundant. I  
13 guess to adopt something repealing the previous act, that  
14 you're still adopting a rule instead of repealing--I don't  
15 think it hurts anything. Okay, any further comments, any  
16 objections by the committee? Do you want to amend that  
17 "rescind" out?

18 REP. GRIZZLE: I move we strike it.

19 CHAIR: All right, let's change it so adopt, promul-  
20 gate or--

21 REP. SPICOLA: Or amend.

22 CHAIR: --or amend.

23 REP. SPICOLA: The "or" amend is reasonable.

24 CHAIR: Okay, any objections to the amendment now?  
25 All right, show amendment 13 adopted.

26 MR. LEWIS: Amendment 14 was drafted primarily

1 because of a semantical difficulty. The Chapter 20, which  
2 is the Reorganization Act, creates the Department of  
3 Pollution Control and makes the head of the Department the  
4 Board, and there's a problem with the Department and the  
5 Board being synonymous. They're preparing written reports  
6 to themselves. So we just stuck with the Pollution Control  
7 Board.

8 CHAIR: Okay.. Any objection to amendment number 14?  
9 All right, show it adopted. Next amendment.

10 MR. LEWIS: Amendment 15 strikes all of lines 1  
11 through 15. The first one is to eliminate on line 1 the  
12 word "guidelines" in conformance with the earlier amendment.  
13 And the rest of the amendments are in line with the request  
14 of the power industry at the last meeting to clarify exactly  
15 what kinds of material they're going to have to comply with  
16 in the certification process.

17 REP. SPICOLA: Let me point out to the Committee that  
18 starting with "b" with the basic condition is that we would  
19 get a report from the Public Service Commission as to the  
20 need, and that report is not necessarily binding on the  
21 Department of Pollution Control as to the need, but they  
22 would have the Public Service Commission would be required  
23 to submit it. Section "c" is the same. And then there was  
24 a different notice requirement; 8 has been changed to 9, and  
25 9 has been changed to 8.

26 REP. SPICOLA: That just finishes the renumbering of

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1 the earlier section because, when you combine subsections 1  
2 and 2 --

3 CHAIR: Right, oh, I see. All right. Is there a  
4 comment? Yes, sir.

5 MR. WOODRUFF: You have renumbered on page 6, line  
6 number 9, or wait, line 8, item 9, to line number 8, page 6,  
7 line 8, the amendment says now subsection 8 in the amend-  
8 ment.

9 CHAIR: Right.

10 MR. WOODRUFF: It is my understanding that the  
11 Federal Water Act requires that the public also be notified  
12 in addition to local and state agencies. The particular  
13 amendment that I have just reads to notify the concerned  
14 state and local agencies, but it doesn't say anything about  
15 the public.

16 REP. SPICOLA: Is there somewhere where we can  
17 provide the public notice?

18 MR. \_\_\_\_\_: I think the proper place--

19 MR. LEWIS: That would be the proper place for that  
20 amendment, Chapter 403, which we are amending here, and  
21 other sections requires public notice that -- that appears  
22 -- the general pollution control laws require it.

23 REP. SPICOLA: I think we ought to notify the public.  
24 There's the one that I saw, in an appropriate manner to  
25 notify the public, so instead of just running one of these  
26 legal ads that nobody ever reads, you know.

1           MR. \_\_\_\_\_: Federal law requires that the Department  
2 send specific notices to any person who requires, or who  
3 requests beyond the notice list plus publication in a news-  
4 paper in the area of concern. The Department would be  
5 guided by the federal law. If you're going to insert  
6 "public," I suspect it ought to go after the word agencies  
7 in the first line up there in subsection 8.

8           CHAIR: I would rather amend it to say public --  
9 adequate public notice and to notify directly all concerned  
10 state and local agencies.

11           MR. \_\_\_\_\_: What was that . . .

12           CHAIR: To start off the sentence with "to give  
13 adequate public . . .

14           MR. ALLEN: Mr. Chairman? My name is Wade Allen of  
15 Gulf Power. Could you explain to me what this amendment is,  
16 number 15(b) . . . [inaudible].

17           CHAIR: Yeah, we just don't want you going out and  
18 building any power plants you don't need. We've been told,  
19 Mr. Allen, that we should balance--remember the thing we  
20 should balance the considerations of the need for additional  
21 power with the ecological considerations? So what we want  
22 them to make do, is to make a determination that there is in  
23 fact a need that has to be served, and then they balance the  
24 ecological considerations with that need. If we've got a  
25 need that's ten years from now, we may have some trouble,  
26 and that's a different balance than if we've got one that

1 says to me we've got a need, because if we don't have it  
2 we're going to black out next summer, and that's our point.  
3 So what we're asking the Public Service Commission to do is  
4 give us a report that there's this much generating capacity  
5 now, there's this much coming in, and there's going to be  
6 this much demand, and therefore, we've got to have so much  
7 more generating capacity to meet that demand.

8 MR. ALLEN: Doesn't necessarily answer then . . . the  
9 size of the plant. Where you need say 200 megawatts, you  
10 want to build a 800 megawatt plant, that's not striking out  
11 that part, there.

12 REP. SPICOLA: Well I think that there was the  
13 provision as far as permits are concerned, has to take into  
14 consideration the size, because if you need 200 megawatts  
15 and you want to build 800 megawatts, and you're going to  
16 kill all the fish in Escambia Bay, then I think they ought  
17 to restrict you to 200 megawatts. So I think that that's  
18 part of the balancing act is that we're going to--somebody  
19 in state government is going to establish a need for a power  
20 plant site in the area that you propose to locate, and you  
21 then balance it with the other considerations. That's the  
22 heart of the matter right there. Mr. Jones?

23 MR. JONES: I'm Dick Jones, Florida Power and Light.  
24 In many instances we requested a permit for a site that will  
25 actually provide the facility with more than one generating  
26 facility in the future. We might go in and ask for a site



1 that will allow an 800 megawatt, or 850 megawatt generator  
2 capacity now with the potential of perhaps in another five  
3 to ten years an additional 800 megawatts. So I hate to--  
4 the purpose of need is important not only for the state but  
5 for the industry to prove our point that we really in fact  
6 do need this and unless we can prove that, our permit proce-  
7 dure is . . . because if you can't prove your need and the  
8 reason for building the power plant, it's a difficult thing  
9 to sell any agency. I think we do that now. I think that  
10 the Public Service Commission has some facility to be the  
11 agency that can generate it. And I think that if we look  
12 into the future and we look in planning, and we look at our  
13 ten-year proposal, and we look at the size of the plants  
14 that we're building, and I think we can get a proper balance  
15 between need, ecology, and growth of the state. I think  
16 that's really what it's after.

17 CHAIR: Okay, any further comments?

18 REP. SPICOLA: The public notice amendment.

19 MR. LEWIS: To give adequate public notice and to  
20 notify all concerned state and local . . .

21 CHAIR: And to directly notify--

22 MR. LEWIS: And to directly notify -- and to directly  
23 notify all concerned agencies?

24 CHAIR: Is that all right with John?

25 MR. \_\_\_\_\_: Read that sentence again.

26 MR. LEWIS: "Give adequate public notice and to

1 directly notify all concerned state or local agencies and  
2 report any comments received to the state agencies, to the  
3 board, and the applicant."

4 CHAIR: In other words, I don't--I think we ought to  
5 write the concerned state or local agencies a letter and  
6 give them notice instead of running notice in the *Tallahas-*  
7 *see Democrat*.

8 REP. \_\_\_\_\_: The trouble is though, the way that's  
9 worded would it not, it would require direct notice to the  
10 public also, which would be--

11 CHAIR: No, it says "give adequate public notice and  
12 to directly notify state and local agencies. . . ." I'm  
13 trying to tell you that you can run an ad in the paper for--  
14 adequate public notice.

15 REP. \_\_\_\_\_: So adequate public notice--this is just  
16 the part he struck out.

17 MR. LEWIS: Wayne Stevenson, from the Department of  
18 Pollution Control is here, he can probably give you an idea  
19 of what their mailing list is, the public notice on the  
20 permit process now.

21 MR. STEVENSON: A couple thousand . . . and under the  
22 federal mandate, as it was pointed out, we're going to have  
23 to directly notify some citizens' groups or citizens who  
24 want to be anyway.

25 REP. SPICOLA: So this amendment wouldn't hurt you in  
26 any way at all.

1 MR. STEVENSON: No.

2 MR. \_\_\_\_\_: Mr. Chairman, there's no problem with  
3 the words "adequate" and "reasonable" as far as with what  
4 we're trying to do here. It's the same thing, you . . . the  
5 word reasonable as well as adequate.

6 CHAIR: I was just thinking the Public Service  
7 Commission has adopted a rule that would require adequate  
8 public notice, which is to get the message out, not just go  
9 through the motions, which is what I think it ought to be.

10 REP. \_\_\_\_\_: Mr. Chairman?

11 CHAIR: Yes?

12 MR. WOODRUFF: . . . Mr. Allen's question and . . .  
13 have been conferring back here concerning the need for  
14 electricity, and I think really what he was aiming at . . .  
15 would be, is not the need that he was questioning, but the  
16 need in the area. Of course Gulf Power is part of the  
17 Southern Covenant, and of course, all of the electric  
18 generating facilities within the state are inter-tied, as  
19 you know.

20 REP. SPICOLA: Well, that's one of our points, Mr.  
21 Woodruff, is we're not going to let Georgia build their  
22 plants down here and pollute us and send the power up to  
23 Georgia.

24 MR. WOODRUFF: Well--

25 REP. SPICOLA: I think we ought to have a need in the  
26 area.

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1 MR. WOODRUFF: Well let me--let me switch the  
2 situation to the peninsula of Florida that doesn't involve  
3 the Southern Covenant, but they involve Tampa Electric  
4 Company and the City of Maitland, and other investor-owned  
5 utilities and companies-- . . . Part of our building plan is  
6 to inter-space where one year we will build a plant and the  
7 next year maybe Florida Power Corporation will build a  
8 plant. Florida Power is here . . . In some intermediate--  
9 the City of Lakeland may build a plant. But these are three  
10 systems on the west coast of Florida that are inter-tied.  
11 And what it means is that each company doesn't have to have  
12 a particular amount of steady reserve over and an over-  
13 investment of capital, we can call one another, and where  
14 the City of Lakeland or Tampa Electric Company may not be  
15 able to justify the particular need in our area, that's just  
16 in the area served, we can justify it in the areas served by  
17 Florida Power Corporation, Lakeland, and . . . on an interim  
18 building schedule. Just a part of overall planning.

19 CHAIR: I know, I know what you're talking about,  
20 Cliff, involved in building, but what you do is you build a  
21 plant that's big enough to meet your future needs. If  
22 you've got some excess capacity which you sell off to  
23 somebody that needs some--

24 MR. WOODRUFF: Yes, that's correct.

25 CHAIR: But you anticipate that within about ten  
26 years your needs are going to outstrip this capacity, and so

1 the other people you've been selling to are going to build  
2 in the interim, and they'll have excess capacity that  
3 they'll sell back to you. Well, that's just simply need in  
4 the area, it's just at what point in time.

5 MR. WOODRUFF: Okay, if you feel that's broad enough  
6 to cover the entire area, as opposed to one particular  
7 company and service area--

8 CHAIR: This thing is so broad that I don't see how  
9 in the world even Gulf Power could say, look, we want to  
10 build this capacity plant, we're going to serve some part of  
11 Georgia, because I think sooner or later, Florida and  
12 Georgia are going to have to be concerned about their mutual  
13 welfare and we're not going to say you can't build one.  
14 That's going to be an area, and there's going to be a need  
15 in the area. I don't see how in the world this limits  
16 anybody to anything.

17 MR. WOODRUFF: We understand that we're talking about  
18 a broad area and I hope that it will be interpreted that  
19 way, so we continue to do this economic type of building,  
20 where these companies do not have to build each year.

21 CHAIR: Mary?

22 REP. GRIZZLE: Mr. Chairman, on the, now say on the  
23 interstate, the interconnection system we have, does that  
24 have any effect on the basis that they can charge in  
25 Florida?

26 CHAIR: Well, that's a whole new can of worms. We

1 think it does, but Gulf Power says no it doesn't. But we  
2 think that in instances the customers' bill power are in  
3 fact financing some part of the capital outlay of the  
4 Southern Company, and that the company allocates costs as  
5 between the customers and not the Public Service Commission,  
6 but that's not what we're dealing with today. That was the  
7 subject of a great deal of controversy in the last session.  
8 Are there any other questions on amendment 15?

9 REP. SPICOLA: Move it adopted as amended.

10 CHAIR: All right. Are there any questions on the  
11 committee? Any objections? If not, show its adoption.

12 MR. LEWIS: Amendment number 16. On page 6, after  
13 line 15, is adding a new power to the Department, to after  
14 a public hearing, adopt rules for some kind of procedures to  
15 certify the locations of the transmission lines, through  
16 these other than those that are directly associated with the  
17 construction of the facility. The argument was made by the  
18 industry that there is no way to provide this much advance  
19 site planning for transmission lines, so the idea behind  
20 this amendment would be to allow the Department of Pollution  
21 Control to adopt rules which could exempt certain kinds of  
22 lines, but could provide for short-term certification of the  
23 power lines.

24 CHAIR: Is there any questions or comments? Jim?

25 MR. \_\_\_\_\_: Mr. Chairman, excuse me again, I am  
26 taking so much of your time. We have eliminated transmis-

1 sion lines under the provisions of this bill, by taking the  
2 definition out earlier, and as was noted, the transmission  
3 lines are now being covered by provision of planning. The  
4 developments of regional impact covers transmission lines,  
5 as across county lines, as presently drafted. But as you  
6 know, as legislators, you must visit that area again, good  
7 old section 29, which effective date is in October of '73,  
8 this year. The transmission lines as approached in this  
9 amendment is a separate area, and we feel it's a separate  
10 bill. This particular bill deals with electric plant  
11 siting, and those transmission lines directly associated  
12 with the plant siting--the transmission corridor, so to  
13 speak. When you hook the plant site up to the existing  
14 transmission system. Now your next amendment, which deals  
15 with associated transmission lines, I'd like to talk about  
16 it too at the appropriate time.

17 CHAIR: It's on the same page, so you might as well  
18 get them both at the same time.

19 MR. \_\_\_\_\_: All right, sir, if I may. Amendment  
20 number 17 requires that the associated transmission lines be  
21 included in the general ten-year plan. Now within the 10-  
22 year plan could be a great burden, almost an impossibility  
23 to include specific planned sites. We do that ten years  
24 ahead of time, the land prices on those particular sites  
25 have skyrocketed. Therefore, I propose, and I think rightly  
26 so, that general area to be served be included in the 10-

1 year plan. Now most companies do that right now in their  
2 ten-year report to the Public Service Commission. We will  
3 be submitting our megawatts of power in the particular area  
4 of the state, not a particular site, and that number 17  
5 amendment, if we tried to locate the associated transmission  
6 lines, by the process of elimination, anybody would be able  
7 to draw a line backwards into the plant, and there our land  
8 costs would skyrocket again.

9 CHAIR: Well I think you're being super-sensitive  
10 because it says the "general" location of the plants and  
11 directly associated transmission lines, but we can strike--  
12 actually we can leave the language like it is because we  
13 have included the directly associated transmission lines in  
14 the definitions of the proposed plant, so--

15 MR. \_\_\_\_\_: That's true.

16 CHAIR: --we're just saying what we've already said  
17 again. If it would make you happier, we'll --

18 MR. \_\_\_\_\_: Well, in amendment 17, I would feel a  
19 lot safer with directly associated transmission lines  
20 excluded.

21 CHAIR: All right, now the requirement is that we  
22 exclude exemption 17, is that you have to show the general  
23 location of the proposed plants--

24 MR. \_\_\_\_\_: And then define in that --

25 CHAIR: And so what's the difference?

26 MR. \_\_\_\_\_: The directly associated lines. We're



1 talking about land mass, land area there, and the generating  
2 capacity, as opposed to particular sites. It may be a slight  
3 argument, Mr. Chair, but if we can eliminate it in 17.

4 REP. SPICOLA: You just used up a few credits, but  
5 we're going to give it to you.

6 MR. \_\_\_\_\_: You've got all you're going to get now.

7 MR. \_\_\_\_\_: I should have stayed with the amendment.

8 CHAIR: Okay; let's go back to amendment 16.

9 MR. \_\_\_\_\_: Amendment 16 allows the Department now  
10 to set some rules as to what transmission lines should be  
11 serviced by the Department of Pollution Control. Right now,  
12 the only lines that are permitted by the Department of  
13 Pollution Control are those that broaden out at the water--  
14 the water quality type of purpose, which is required to  
15 certify to the Corps of Engineers, the federal government,  
16 that we can cross navigable waters. That is a very, very  
17 small percentage of the total transmission lines that we  
18 build, and in our opinion doesn't fit into a power plant  
19 siting regulation. It's something that is land use in  
20 nature, and it's currently covered by the land management  
21 act which will soon be implemented, and is currently covered  
22 by the proposed draft on developments of regional impact,  
23 which will soon be implemented. So we just don't think that  
24 the power plant siting bill, power plant as opposed to  
25 transmission lines not directly connected with the plant,  
26 that this is the proper vehicle for the area to cover this.

1 We would not be opposed to a separate piece of legislation  
2 which would cover transmission lines, but we don't think  
3 this is the way to cover it.

4 CHAIR: All right, Mr. Spicola?

5 REP. SPICOLA: If my understanding is correct, of  
6 course, if this amendment were adopted, then the effect of  
7 it would be to supersede--am I not correct?--to supersede  
8 any development of regional impact guidelines which, in  
9 effect, would get to the purpose, or one of the purposes of  
10 the bill, to have a single permitting agency. Without this,  
11 you will have instances, maybe limited, but you would have  
12 instances relating to water quality where we're again, in  
13 reference to these large transmission lines, you'll have a  
14 dual permitting system. I would think that the industry  
15 would be better off, assuming that the development of  
16 regional impact guidelines will be adopted in its--and  
17 there's a chance that they will--that they would be better  
18 off having a single agency, because with this then, this  
19 will supersede the developments of regional impact. I would  
20 hope that we could retain something along this line.

21 MR. \_\_\_\_\_: I think one of the problems with dealing  
22 with the two subjects--you're talking about power plants  
23 which perhaps would entail three permits a year, is that  
24 right? And you're talking about transmission lines that  
25 could get into multiplicity of permitting and a costly area  
26 that could affect perhaps the creation of a new division or

1 new department within the pollution control because it's a  
2 new ball game. And you're not talking about the same type  
3 thing. We feel that it's a separate issue, and one that  
4 should be handled under a separate bill. We appreciate Rep.  
5 Spicola's interest and concern and really we have some of  
6 that same concern in the area of transmission lines and the  
7 development of regional impact. But we think that the  
8 amendment, the position of a broad scope to the Department  
9 of Pollution Control with really no legislative guidelines  
10 or recommendations as to how to handle it. Transmission  
11 lines presently are not covered by any state agency unless  
12 we go in and its got water quality or we go across state  
13 land, and under the new developments of regional impact, we  
14 will hold public hearing, it could be a time consuming area  
15 that could cause some great delays. And that, Rep. Spicola,  
16 is a concern of our's too. But we feel that this is an  
17 issue that should be handled separately. We don't think  
18 that one amendment in a plant siting bill that would give a  
19 broad scope to the Department of Pollution Control, who only  
20 now handles perhaps maybe 10% of the transmission lines in  
21 the state of Florida. We think it's important enough that  
22 it should be handled in a separate piece of legislation.

23 CHAIR: Let me ask the gentleman from the Department.  
24 What are your permitting responsibilities with regard to  
25 transmission lines now?

26 MR. STEVENSON: I believe . . . be only those that we

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1 have to certify to the Corps that are in navigable waters.

2 MR. \_\_\_\_\_: The problems arise in those power lines  
3 that do cross navigable waters. For instance, a power line  
4 that crossed Tampa Bay, for instance. They'd have to get a  
5 permit from the Trustees of the Internal Improvement Fund  
6 for a dredge and fill program, they'd have to get a permit  
7 from, at the local level, they'd have to get a permit from  
8 the Port Authority, possibly the Pinellas County Water and  
9 Navigation Authority, I believe it's called. Then under  
10 federal law they'd have to get a permit, or a certification  
11 which is the same thing as a permit, from the Department of  
12 Pollution Control, and they would also probably have to come  
13 under the U.S. Environmental Quality Act, which would  
14 require A-95 certification, which is a rather complex  
15 process requiring submission of all kinds of materials to  
16 the Division of State Planning, the Trustees, the Game and  
17 Fresh Water Fish Commission, the Department of Natural  
18 Resources, and almost any other agency that you can imagine.  
19 Then of course, they have to go to the Corps of Engineers to  
20 get a federal dredge and fill permit, which this amendment  
21 wouldn't alter at all. This would eliminate from those  
22 cases when a transmission line goes across a navigable  
23 waterway, and it could be a tributary of a navigable  
24 waterway, would have to get permit or certification from a  
25 host of state agencies.

26 CHAIR: Well the only thing that bothers me is, I

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1 don't think this particular amendment would abolish all  
2 that. It just says after a public hearing adopt rules and  
3 procedures to certify the routes of major transmission lines  
4 to the exclusion of all other . . .

5 REP. SPICOLA: Except we have preemptive language at  
6 the back of the bill, that anything coming under this act,  
7 on page 12, line 8 -- subsection 2 --

8 CHAIR: . . . because you could do--because you could  
9 have procedures to certify, which would not necessarily be  
10 in conflict with the requirements of --

11 MR. \_\_\_\_\_: I don't think so; it's the same depart-  
12 ment.

13 MR. \_\_\_\_\_: Well, any rule or regulation promulgated  
14 thereunder, which this would be rules or regulations  
15 promulgated under this act, so it would preempt any of it.

16 CHAIR: Well, do any committee members have any  
17 comments?

18 REP. SPICOLA: The only thing I have, Mr. Chairman,  
19 is if I understand what we're saying here, if we leave it  
20 in, the different routes that you're talking about conceiv-  
21 ably from the language in the very back of the bill, would  
22 be eliminated. Is that right?

23 MR. \_\_\_\_\_: It would preempt the requirements for  
24 approval or permitting or certification or whatever you call  
25 it from other state agencies--under other state laws. Of  
26 course, it will do nothing to the federal laws.

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1 CHAIR: I see. All right. Ready to vote on the  
2 amendment? All in favor of the amendment say aye [AYES];  
3 opposed no [NONE]. That's two to nothing. Motion carries.

4 MR. LEWIS: Now amendment 17, which affects the ten-  
5 year site plan, strikes language on lines 28, 29, 30, 31,  
6 and on the next page, which says if a site is declared  
7 unsuitable, it shall be deleted from the plan. It continues  
8 the existing language, and I think there's been some  
9 argument on the associated transmission lines, whether it's  
10 been --

11 CHAIR: All right, let me suggest that we change this  
12 around so that where it says "all proposed plants" put "all  
13 proposed sites" general location of proposed power plants  
14 sites, which gets us back to the definition. And then  
15 strikes the words "associated transmission lines," . . .

16 REP. SPICOLA: Good.

17 CHAIR: Jim, is that all right?

18 MR. \_\_\_\_\_: Can't hear--woodpeckers at it again.

19 CHAIR: What we've done is struck plants and put  
20 sites in its stead and struck "and the directly associated  
21 transmission lines."

22 MR. \_\_\_\_\_: Yes, sir. I think that's -- Did you  
23 strike plants or did you say power plant sites?

24 CHAIR: Power plant sites--power plant sites. That's  
25 our--we've got that defined. Everybody understand the  
26 amendment? All in favor of the amendment say aye [AYES];

1 opposed no [NONE]. Amendment's carried. Take up amendment  
2 number 18.

3 MR. LEWIS: Amendment number 18 strikes the words  
4 "The Division may suggest,"--let's see, strikes the words  
5 "the electric company whose site has been declared unsuit-  
6 able offer substantial evidence." I believe it was pages 6  
7 and 7.

8 CHAIR: Right.

9 MR. LEWIS: Says the site shall be deleted from the  
10 plans. Strikes that language.

11 CHAIR: All of 27, . . . classified each --

12 MR. LEWIS: We have the tag ends of the sentences  
13 that are on those lines, but we strike everything in between  
14 those.

15 CHAIR: Actually what you've struck is from "unless"  
16 on line 28 until you get to "location" on line 2 on page 7,  
17 right?

18 MR. LEWIS: Right.

19 CHAIR: So what in effect we're doing is if they  
20 declare it unsuitable, they can elect whether or not to  
21 apply again.

22 REP. SPICOLA: They can take their chance.

23 CHAIR: Anybody have any comments on that? All  
24 right, is there any objection to the amendment? If not,  
25 show it adopted.

26 MR. LEWIS: Amendment number 19 changes the word

1 "may" on line 9, page 7, to "shall" which says "the Division  
2 shall study the following factors." "shall consider the  
3 following factors."

4 CHAIR: Let's take up 20 and 21 which amend the  
5 factors.

6 MR. LEWIS: Okay. Amendment number 20 inserts after  
7 the word "need" on line 11, "including the need as deter-  
8 mined by the Florida Public Service Commission." This ties  
9 in with an earlier amendment having the need be determined  
10 by, at least partially by the Public Service Commission.

11 CHAIR: Any comments? Questions from the committee?  
12 Any objections? All right, show the amendment adopted. All  
13 right, 21.

14 MR. LEWIS: Amendment number 21, strikes on line 12,  
15 the word "the proposed site" and just -- or "by the proposed  
16 site" and puts a period after served. Since the plan has  
17 been amended to be a very general location, we're not asking  
18 them to study a specific site. So it will read "the need  
19 for electrical power" and then the Public Service Commission  
20 language "in the area to be served." It does the same thing  
21 in paragraph b and in paragraph c. It takes out the  
22 specificity of the proposed site itself.

23 CHAIR: Is 22 another consideration? Yeah, let's  
24 take that. -- No, that's different.

25 MR. LEWIS: 22 is just a different . . . [machinery  
26 going, inaudible].



1 REP. SPICOLA: Mr. Chairman, has amendment 21 been  
2 adopted?

3 CHAIR: No, we're discussing those before we consider  
4 19. We're taking up 20 and 21, which were the criteria,  
5 before we discuss whether to make it a mandatory list of  
6 considerations. Now, do the members of the committee  
7 understand what we're doing as far as the criteria.  
8 Basically, we went in a previous amendment, we said that  
9 they would not have to give us the proposed site for  
10 approval, but just the general location. So, they don't  
11 have to go in and fight the speculators and say you're  
12 coming into this area, we're going to go up on the price.  
13 So we're now just adopting language which would in effect  
14 implement that particular decision all the way through. So  
15 instead of the need for the area to be served by the  
16 proposed site, it's saying the need for the power in the  
17 area to be served. And that's carried on through b and c.  
18 Are there any objections to those amendments? All right,  
19 show them adopted. That's 20 and 21. Now let's go back to  
20 19, which changes "may" to "shall." This makes it mandatory  
21 that they consider those four or five criteria. Need, the  
22 environmental impact, possible alternatives, views of the  
23 local, state, and federal agencies, and conformance with the  
24 State Comprehensive Plan. That's what -- in other words, if  
25 you're a lawyer, that's the standards you can appeal.  
26 Questions Mary?

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1 REP. GRIZZLE: Yes, I'd like to . . . "shall" . . .  
2 [inaudible]

3 CHAIR: Well, now let me be frank with you. This is  
4 the industry's amendment. They want to tie the hands of the  
5 Department. In other words, the whole idea is the Division  
6 may consider these, and then they may not consider them and  
7 they may consider something else.

8 REP. SPICOLA: The industry may appeal a decision.

9 CHAIR: Now somebody will say, these are the rules by  
10 which we're going to play, and that's definite and they  
11 can't be changed around after we get in the ball game. So  
12 they requested the "may" to "shall" so that the Division,  
13 the Department, is bound by these five considerations. Does  
14 that explain it to you? Okay. Any other questions?

15 REP. SPICOLA: Move its adoption.

16 CHAIR: Okay, any objections to the amendment? Show  
17 it adopted. All right, you're going to go to 23.

18 MR. LEWIS: Amendment number 22--

19 CHAIR: Amendment 22.

20 MR. \_\_\_\_\_: Before we proceed to 22, I'd like to  
21 have Mr. Lewis and I get into our discussion of semantics  
22 again about "need." The industry feels that maybe a  
23 subsection or a sub-subsection "f" might be beneficial to  
24 the bill, which would read that the Division must also  
25 consider the economic and social impact of a power plant on  
26 the area. "Need" to a planner means considering the

1 overall, but "need" to an industry man means the demand  
2 versus capacity, and it's a semantical difficulty over the  
3 word "need." And to clarify what the Division "shall" do in  
4 looking at the overall need, we would suggest that you add  
5 a subsection "f" there that says that they also should look  
6 at the economic and social impact of the power plant.

7 MR. \_\_\_\_\_: What is the social impact of the --

8 MR. \_\_\_\_\_: Well one of the groups that, you know,  
9 that are very concerned about the energy crisis, are those  
10 of the socioeconomic class which has not yet been able to  
11 air condition their homes, put the mix masters over their  
12 drainboards, and they have some fears, so I'm led to  
13 believe, is that once they arrive economically, the capacity  
14 may not be there on our parts so that they can have all  
15 their air conditioning. So this relates directly to the  
16 Governor's statements concerning thermostats, which are  
17 really taking you beyond -- look into in this particular  
18 building since the ladies in particular are freezing, but if  
19 it does any damage to the bill, we --

20 MR. \_\_\_\_\_: Needs, all of you think it should be.

21 CHAIR: You got your one. We're trying to make the  
22 consideration of need the broadest possible consideration,  
23 and I think sooner or later we're going to have to address  
24 ourselves to individual consumption of electricity, but I  
25 don't think that ought to be in this bill. That's going to  
26 be a separate consideration by somebody else, but we're

1 talking about where do you put it once you decide you need  
2 it. And that need is going to determined by the Public  
3 Service Commission, perhaps, I don't know who all else, but  
4 you feel there will be enough, in the sociological need of  
5 a power plant is going to have to be determined on some  
6 other basis than the ecological damage, I think.

7 MR. \_\_\_\_\_: All right, Mr. Chairman, . . . the  
8 committee feels the need to properly and broadly enough to  
9 define . . .

10 CHAIR: All right, let's --

11 MR. LEWIS: Amendment number 22, goes in between  
12 lines 24 and 25. It's a new subsection requiring the  
13 Division of Planning to adopt rules governing the method of  
14 the power industry submitting its ten-year plans and how  
15 they are going to review the plans. The industry has  
16 suggested that the effective dates be changed--that the date  
17 be changed to October 1, 1973, so that they have some time  
18 to know what the ground rules are before they have to submit  
19 the plan--

20 CHAIR: Right.

21 MR. LEWIS: --because the plans have to be submitted  
22 on January 1, 1974 as well.

23 REP. SPICOLA: I would move that we amend the  
24 amendment to make it October 1, '73. I think we need to set  
25 the ground rules down before they have to submit the plan.  
26 So I think we --

1 MR. LEWIS: By or prior to October 1?

2 CHAIR: By . . .

3 MR. \_\_\_\_\_: Or before--

4 CHAIR: Okay, does everybody understand that amend-  
5 ment? That's specifically telling the Department to figure  
6 out the application forms they're going to have and what are  
7 the attachments and so forth, what information . . .

8 MR. \_\_\_\_\_: Mr. Chairman, also at the top of that  
9 page, we discussed that other date of July of 1973, I  
10 recommend an October 1st date --

11 [OFF MIKE] REP. SPICOLA: I think that's a good  
12 idea--]

13 MR. \_\_\_\_\_: That would coincide and give us the  
14 Department proper time in order to set its guidelines and  
15 rules --

16 REP. SPICOLA: That's on page 8.

17 CHAIR: Let's take up 22 first. Is there any  
18 objections to that amendment? If not, show it adopted.  
19 Let's see, 23 is just a technical omitting major transmis-  
20 sion lines, which we've addressed ourselves to before. So  
21 is there any objection to that? If not show it adopted.

22 MR. LEWIS: Now I have prepared an amendment which is  
23 not in your package which is 23a, I guess, striking on page  
24 8, line 1, July 1, 1973, and putting in October 1, 1973.

25 CHAIR: This would make it conform to having your  
26 guidelines set, give the Department --

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1 MR. \_\_\_\_\_: What we're doing is extending it three  
2 more months before power plants come under the --

3 REP. SPICOLA: That's probably the time it would take  
4 the Department to come up with rules and regulations under  
5 this -- The bill becomes effective --

6 CHAIR: That's . . . that's not who it applies to --

7 MR. \_\_\_\_\_: It gives them time to get set up with  
8 rules of the game--

9 CHAIR: Any objection to this amendment? If not,  
10 show its adoption. Now we'll take up 24.

11 MR. LEWIS: Amendment number 24 strikes transmission  
12 lines again.

13 CHAIR: No objection to that, take up 25.

14 MR. LEWIS: In line 25 strikes the provisions in 15  
15 to 22 providing for the submission of these three years  
16 prior to the date of construction, and one year prior to the  
17 exercise of the right to eminent domain. One major reason  
18 is the question--is the question the municipal utilities  
19 had, and they do not have eminent domain powers outside of  
20 their boundaries, and if they had to build a plant outside  
21 of their municipal boundaries, they would throw the price of  
22 whack. They've got a year in this certification process, as  
23 it is I think --

24 CHAIR: Also, they've got to have a permit before  
25 they can start construction so the three years doesn't  
26 really serve a purpose. All right, is there any further

1 questions? Any objections to the amendment? If not show  
2 it's adoption. 26.

3 MR. LEWIS: Amendment number 26, re-words subsection  
4 1, beginning on line 24, to include the requirements that  
5 the Department notify the Public Service Commission when an  
6 application for certification is made, and requires the  
7 Public Service Commission to report within six months. It  
8 doesn't change the requirements for the Division of State  
9 Planning. It adds the Public Service Commission require-  
10 ments.

11 CHAIR: Is there a representative of the Public  
12 Service Commission here? Any discussion of this amendment?

13 MR. \_\_\_\_\_: Let me point one thing out. The  
14 Division of State Planning is talking . . . they have a  
15 time limit now of 45 days . . . that they have received an  
16 answer. And really I would think that if in this period of  
17 time could be cut to three months rather than six months.  
18 You should give adequate time, that's double the time . . .  
19 and I you should be able to do it in three months . . .

20 CHAIR: Well, they're certifying the need --

21 MR. LEWIS: Three for both of them--three for the  
22 Planning and Public Service Commission? We'll be changing  
23 that to three on lines 1, 2, 3, 4, 5, 6, down, and 10th  
24 line.

25 CHAIR: All right, now, any objections to the  
26 amendment? If not, show its adoption. . . . 27.

1 MR. LEWIS: Amendment number 27 stands upon subsec-  
2 tion 3 by including a series of site--site criteria, the  
3 same series of site criteria that was presented to the  
4 subcommittee the last time it met by the power industry, and  
5 it gives very good guidelines, I believe, as to what kinds  
6 of criteria the Department of Pollution Control will look  
7 at.

8 CHAIR: Have you looked at these guidelines?

9 MR. \_\_\_\_\_: [inaudible]

10 CHAIR: Let's see, this is mandatory that they  
11 consider this, right? "Shall" be . . . including, but not  
12 limited to, all right. All right, any questions on this?

13 REP. SPICOLA: Should that be commas or semicolons  
14 after that?

15 CHAIR: Semicolons . . . .

16 REP. SPICOLA: Semicolons after . . . .

17 CHAIR: Except in the next to the last one. All  
18 right, if there's no objection to this amendment we'll show  
19 it adopted.

20 MR. LEWIS: Amendment number 28 is just renumbering  
21 the sections in conformance with an amendment we made  
22 earlier.

23 CHAIR: . . . . Number 29.

24 MR. LEWIS: Again, number 29 is required because of  
25 a amendment we made to the ten-year plan, where --

26 CHAIR: . . . .



1 MR. LEWIS: Yeah.

2 CHAIR: This --

3 MR. LEWIS: Putting a period after --

4 CHAIR: In other words, they can't submit it again if  
5 it's been denied, and we're saying they can submit it at any  
6 time they want to. Is there any objection to that amend-  
7 ment? If not, show it adopted. Number 30.

8 MR. LEWIS: 30 inserts after the word "approving" on  
9 line 24, page 11, the word "in whole or with such modifica-  
10 tions as the Board may deem appropriate." It's just  
11 allowing the Pollution Control Board to either approve the  
12 application as written or to put modifications into the  
13 order of certification.

14 CHAIR: Put conditions on approval, sort of like  
15 zoning, . . . site plan's approved, but you've got to have  
16 certain conditions . . . Any comments from anybody? If no  
17 objections, show it amended.

18 MR. LEWIS: Amendment number 31. In subsection 4 on  
19 page 12, lines 1-5, were made unnecessary when we redefined  
20 the term certification to include the written order for --

21 CHAIR: If no objections, show it adopted. 32.

22 REP. SPICOLA: Technical

23 MR. LEWIS: Number 32 inserts "districts" after the  
24 words "commissions" to ensure that the flood control or the  
25 drainage districts and the like are affected by this act as  
26 well.

1 CHAIR: . . . get notice, right?

2 MR. LEWIS: They get notice and when this is . . .

3 CHAIR: Shall bind--

4 MR. LEWIS: . . . binding all other state agencies--

5 CHAIR: Any questions on that? If not, show its  
6 adoption. 33.

7 MR. LEWIS: 33, since we have taken off this time  
8 limit of--three-year advance time limit, taking out language  
9 that certification is what's needed to have a power company  
10 acquire the site.

11 CHAIR: In other words, they can purchase it ahead of  
12 time if they want to--

13 MR. LEWIS: If they wanted to gamble.

14 MR. \_\_\_\_\_: . . . . acquired the necessary site --

15 REP. SPICOLA: By and, yes.

16 CHAIR: Add "and."

17 REP. SPICOLA: Add "and" in.

18 CHAIR: What it would be is, certification shall  
19 authorize the electric utility to construct, right? All  
20 right?

21 REP. SPICOLA: Uh-huh [indicating yes].

22 MR. LEWIS: I have an amendment 33a, which you do not  
23 have on your--your list, which adds on page 12, line 31,  
24 after the word construct, we insert "and operate," because  
25 that was the intent that certification would allow the  
26 facility to construct and operate, so.

1 CHAIR: Any discussion? Any objection, if not show  
2 its adoption. 34.

3 MR. LEWIS: 34. Amendment number 34, on page 13,  
4 there's another amendment striking transmission lines.

5 CHAIR: Show its adoption.

6 MR. \_\_\_\_\_: Let's turn back to 32 for a moment.  
7 Let's look at page 12 on the bill, we have "and major  
8 transmission lines" still in there at that point. Would  
9 that still be appropriate?

10 REP. SPICOLA: No, we ought to strike -- need an  
11 amendment.

12 MR. LEWIS: Page 12, line 28, strike "and major  
13 transmission lines" and put a period after "plant."

14 MR. \_\_\_\_\_: Where were we?

15 CHAIR: Number 34, I believe it is, no 35.

16 MR. LEWIS: 34 was transmission lines. 35 again  
17 inserts "district" into the section that says "The act  
18 authorizes the utility to construct and operate --

19 CHAIR: [Inaudible] permit issued by . . .

20 MR. LEWIS: That's right, yeah. Okay, on line 7,  
21 . . . includes the word district.

22 CHAIR: All right, with no objection show that  
23 amendment passed.

24 MR. LEWIS: Amendment number 36. On page 13, line 8,  
25 and "and specifies" it says including but not limited to  
26 various other permitting chapters. It includes 253, 380,

1 387, 381, 378, 371.61. We have a list at the bottom of the  
2 amendment which tells you what kind of permit.

3 REP. SPICOLA: We have to add--

4 MR. LEWIS: We have to add Chapter 373 and Chapter  
5 298, which are flood control districts and drainage dis-  
6 tricts, respectively . . . .

7 END OF TAPE

8  
9 WHEREUPON the Subcommittee meeting relating to House  
10 Bill 149 was concluded.

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CERTIFICATE OF TRANSCRIBER

I, KATHLEEN J. HILL, Notary Public, State of Florida  
at Large

DO HEREBY CERTIFY that the foregoing transcription,  
consisting of thirty-nine (39) pages, to the best of my  
ability, knowledge, and belief, is a true and accurate  
transcription of excerpts of the tapes provided on April 17,  
1998, by Mr. Edward J. Tribble, Florida Information  
Associates, P.O. Box 11144, Tallahassee, Florida 32302,  
Telephone: (850) 878-0188, which tapes are copies of the  
original tapes of the meeting of The Florida House of  
Representatives Environmental Protection Committee, Subcom-  
mittee on Permits, held March 27, 1973.

DATED this 1st day of May, 1998.

  
KATHLEEN J. HILL, CLA  
NOTARY PUBLIC, STATE OF FLORIDA  
AT LARGE  
My Commission Expires: 9/26/2001



Kathleen J. Hill  
MY COMMISSION # CC#13513 EXPIRES  
September 26, 2001  
BONDED THRU TROY FARM INSURANCE INC

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THE FLORIDA HOUSE OF REPRESENTATIVES

IN RE: HOUSE BILL 149  
POWER PLANT SITING

EXCERPT OF  
TRANSCRIPT OF RECORD

Excerpts from Subcommittee Meeting of the  
House Environmental Protection Committee,  
Subcommittee on Permits,  
March 27, 1973

Transcribed by:  
CATHY H. WEBSTER, RPR  
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PART 2

EXCERPT OF PROCEEDINGS

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(The following transcription is an excerpt of the Florida House of Representatives Environmental Protection Committee, Subcommittee on Permits, meeting of March 27, 1973, regarding House Bill 149 of the 1973 Regular Session of the Florida Legislature, "Power Plant Siting.")

This reporter transcribed a portion beginning on Side A of Series 414, Box 99 relating to House Bill 149).

\* \* \*

VOICE: That's what they used in their guideline.

CHAIRMAN ANDREWS: All right. So we're going to unadopt 34 and everybody understand the motion to reconsider ad lib amendment number --

VOICE: X.

CHAIRMAN ANDREWS: Yeah, X, No. 34. Let's put the language in there "And major transmission lines is excessive 230" -- Is that KV?

VOICE: The language we had gotten --

VOICE: It's in here.

VOICE: Such rule shall exempt transmission lines, abuts transmission lines (inaudible).

CHAIRMAN ANDREWS: I see. We can just say (inaudible).

1 All right. Any objection? There was a motion to  
2 reconsider those two amendments.

3 Joann, you're getting all this down?

4 All right. No objection, show it adopted.

5 VOICE: It was in the last of the amendments that  
6 we asked prepared, the -- Mr. Williams, Director of  
7 the Division of Archives, came into my office  
8 yesterday and asked that three amendments be  
9 considered.

10 Is Mr. Williams still here or did he have to  
11 leave?

12 I guess he left.

13 Apparently under federal, the Federal  
14 Environmental Protection Act --

15 CHAIRMAN ANDREWS: Well, give us the amendment.

16 VOICE: Okay. Well, it's on page 2, line 27;  
17 strike the period following the word "aquatic life,"  
18 which is at the end of the sentence, end of the line  
19 there, and insert "and the non-regenerative coastal  
20 resources that are relevant to the heritage of this  
21 state."

22 Apparently -- These amendments all follow this  
23 same line. Apparently the Division of Archives is  
24 involved in the environmental impact statement process  
25 under federal law.



1 VOICE: We just discovered another agency that's  
2 involved.

3 VOICE: This is a brand new one to me yesterday,  
4 but apparently when it comes, when a federal permit is  
5 applied for, the Division of Archives is on the  
6 distribution list to make comments to insure that such  
7 things as historical and archeological sites are not  
8 affected by whatever is being sought by the federal  
9 permit.

10 I tried --

11 CHAIRMAN ANDREWS: Let me make a suggestion.

12 VOICE: I tried to say that our bill doesn't  
13 affect federal law and they're going to be involved in  
14 it notwithstanding.

15 CHAIRMAN ANDREWS: We told Mr. Williams we'd  
16 consider this, but, frankly, there's nothing we can do  
17 in this bill that will affect federal law anyway. And  
18 it's a -- I just, you know, really see no need to put  
19 this type of language in the bill.

20 VOICE: It's interesting that the Division of  
21 Archives is involved in environmental permit process.

22 CHAIRMAN ANDREWS: We may want to preempt them.

23 VOICE: No, we can't. They're not involved under  
24 any state law. They're just involved in the federal  
25 law.

1 CHAIRMAN ANDREWS: I don't think there is really  
2 anything we can do, but we said we'd consider them.  
3 So I think we've considered them.

4 VOICE: The second amendment -- Do you want to --  
5 Do you want to hear what the other amendments he -- He  
6 adds the definition of "cultural" to our definitions.

7 VOICE: Cultural resources means those  
8 environmental elements that were put in Graham's past  
9 (phonetic) and improved and enhanced the State's  
10 heritage and include but are not limited to  
11 significant archeological, historical, and  
12 architectural sites (inaudible).

13 Anybody want to move these amendments?

14 CHAIRMAN ANDREWS: Anybody want to move them?

15 VOICE: See if there are any other amendments.

16 CHAIRMAN ANDREWS: Any other amendments?

17 You gentlemen got any amendments you want  
18 proposed?

19 Wade.

20 VOICE: The only thing I still don't like --

21 VOICE: Area?

22 VOICE: -- the area deal. If it hadn't been for  
23 Georgia Power this year, the State of Florida would  
24 have been out (inaudible).

25 VOICE: Well, let me -- The southeastern United

1 States is an area.

2 VOICE: But we're not involved. I agree with you  
3 today, but in six months.

4 VOICE: Have you got a proposed amendment?

5 VOICE: Yes. I'd just defer then to Mr. Scott  
6 for the last half of the (inaudible); I'd just defer  
7 to the industry representatives if they've got any  
8 secret process; is there anything they might want  
9 protections for.

10 VOICE: That's not necessary.

11 VOICE: I found something that might do it.

12 CHAIRMAN ANDREWS: All right. Let's take it up.

13 On page 14, line 8. Strike all of section 403 and  
14 515, which says, "Except for information relating to  
15 secret processes, methods of manufacture of production  
16 protection under Section 403, section .111, the  
17 Department shall make available for public inspection  
18 and copying during regular office hours at the expense  
19 of any person requesting a copy any information filed  
20 pursuant or submitted pursuant to this Chapter."

21 So all it does is accept secret processes,  
22 methods of manufacture.

23 VOICE: This is a provision that's in the State  
24 Pollution Control Act now and it relates in that Act  
25 to the effluent materials coming out of a facility,

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which some say, and it probably is true, that a chemist could study the effluents of a factory and discover to some degree at least what processes are going on inside there for a patented process or some other type.

I don't know of any instance where this would affect the power industry.

VOICE: Have any problem there?

VOICE: I don't know of any. He brought this up at the meeting and I think Mr. Gardner made the statement that he didn't know of any need.

CHAIRMAN ANDREWS: Well, if it's not needed --

VOICE: If they don't need protection.

VOICE: They don't want it sometimes.

CHAIRMAN ANDREWS: All right. Are there any other amendments?

VOICE: (Inaudible) I was denied. On page 11, line 26 of the bill.

CHAIRMAN ANDREWS: Have you got it in writing?

VOICE: Yes. I'll hand it over.

This was the area within the board/departments shall act in the application, after the period start a new sentence and say, "If the certificate is denied or approved with modifications, the Board shall set forth in writing the action the applicant would have to take

1 to secure the Board's approval of the action  
2 application."

3 What in fact it does, it cements in a problem  
4 that is created in permitting. Many times the State,  
5 they'll deny a permit and say to do one thing and then  
6 you come back and do it and then they'll say we need  
7 you to do something else. And this in fact cements  
8 what's needed to be done to secure the permit. If you  
9 can meet the standards of what they ask, fine; if not,  
10 it's fine, too. But it will give you something in  
11 black and white to go by.

12 VOICE: I'll move that amendment.

13 CHAIRMAN ANDREWS: Let me read the amendment so  
14 everybody can have -- All right. If you look at your  
15 bill on page 11, line 26, after the end of the  
16 sentence insert the following: "If the certificate is  
17 denied or approved with modifications, the Board shall  
18 set forth in writing the action the applicant would  
19 have to take to secure the Board's approval of the  
20 application."

21 VOICE: Or amendment approved, I'm sure there are  
22 modifications.

23 VOICE: Mr. Chairman?

24 CHAIRMAN ANDREWS: Jimmy.

25 VOICE: If I might relate to that point. I don't

1 think that does a bit of damage to the bill. We're  
2 not going to be regulating any less, but it will sure  
3 speed up the time process if somebody will put in  
4 writing what they want. I've just been through one of  
5 these where I waited three months for a letter telling  
6 my company what they should do. I would heartily  
7 recommend that amendment.

8 VOICE: And architect, that's the most  
9 frustrating thing in the world, to be denied and not  
10 know . . .

11 CHAIRMAN ANDREWS: All right. Is there any  
12 further discussion?

13 Representative Rude offers a thought, amendment;  
14 he just read it.

15 All in favor of the amendment say aye.

16 COMMITTEE MEMBERS: Aye.

17 CHAIRMAN ANDREWS: Opposed no.

18 It carries.

19 That's yours.

20 Any others?

21 VOICE: Mr. Chairman, I would move now that we  
22 offer the bill as amended to the full committee and  
23 recommend that they adopt a committee substitute  
24 incorporating all of these amendments so we'll have  
25 one piece of legislation to deal with.

1 CHAIRMAN ANDREWS: Now I'd like to make a  
2 suggestion. Instead of us going through this process  
3 again with the full committee, because that's what the  
4 sub-committee is for is to tie-up language, that we  
5 just ask the staff to engross in a bill --

6 VOICE: Right.

7 CHAIRMAN ANDREWS: -- and we present it as a  
8 total substitute.

9 VOICE: And then the full committee will have the  
10 complete package of this in one bill, the complete  
11 amended package.

12 And I would like to comment briefly and commend  
13 the sub-committee and the staff for an excellent job.  
14 I think in my opinion this is the finest power plant  
15 siting bill that's come through and we can adopt it.  
16 It's a real good piece of work and ya'll have done a  
17 good job.

18 VOICE: Joann, can you get it out by the next  
19 meeting?

20 CHAIRMAN ANDREWS: Aren't we going to take it up  
21 this afternoon?

22 VOICE: Yes.

23 CHAIRMAN ANDREWS: It's close.

24 VOICE: We've got most of these. We made an  
25 assumption and we (inaudible) the changes that we have

1 made.

2 CHAIRMAN ANDREWS: Okay. Is there anybody that  
3 wants to speak on or for or against the bill?

4 Anybody that hasn't?

5 All right. The motion is that amendments be  
6 engrossed in the bill and that the bill as amended be  
7 proposed to the full committee as a committee  
8 substitute for House Bill 149.

9 All in favor of the motion say aye.

10 COMMITTEE MEMBERS: Aye.

11 CHAIRMAN ANDREWS: Opposed no.

12 Motion carries.

13 All right. We'll take up House Bill No. 232.  
14 You should have a staff report attached to it.

15 (End of discussion re House Bill 149).  
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C E R T I F I C A T E

STATE OF FLORIDA )

COUNTY OF LEON )

I hereby certify that the foregoing transcript is of a tape-recording transcribed by the undersigned, and the information contained herein was reduced to typewriting under my direction;

That the foregoing pages 2 through 11 represent a true, correct, and complete transcript of the tape-recording to the best of my ability;

And I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

Dated this 22nd day of December, 1998.

  
Cathy H. Webster  
Registered Professional Reporter