

DOCKET NO. 980570-EU

CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

(2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

(a) Are filed not more than 90 days after the notice;

or

(b) Are filed not more than 90 days after the notice

ACK not including days an administrative determination was pending;

AFA

APP or

CAF (c) Are filed more than 90 days after the notice, but

CMU not less than 21 days nor more than 45 days from the date

CTR publication of the notice of change; or

EAG (d) Are filed more than 90 days after the notice, but

LEG not less than 14 nor more than 45 days after the adjournment

LIN

OPC

RCH

SEC 1

WAS

OTH

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
99 MAR - 6 AM 8:53
FILED

DOCUMENT NUMBER-DATE

02921 MAR-58

FPSC-RECORDS/REPORTING

the final public hearing on the rule; or

 / (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

 / (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

 / (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

 / (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

 / (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No.

25-6.0185

Under the provision of subparagraph 120.54(3)(e)6., F.S.,
the rules take effect 20 days from the date filed with the
Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



BLANCA S. BAYÓ, Director
Division of Records & Reporting

Number of Pages Certified

(S E A L)

RCB

99 MAR -4 AM 10:53
FILED
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

1 25-6.0185 Electric Utility Procedures for Long-Term Energy
2 Emergencies.

3 ~~(1) The Commission has reviewed the Florida Electric Power~~
4 ~~Coordinating Group's Emergency Procedure for Long Term Energy~~
5 ~~Emergencies, Fuel Supply Shortage Plan dated August 3, 1981 and~~
6 ~~adopts said plan, as amended below, as the Fuel Supply Shortage~~
7 ~~Element of the Florida Electrical Emergency Contingency Plan,~~
8 ~~under Section 377.703, Florida Statutes.~~

9 (1)(2)(a) By December 1, 1982, each electric utility in
10 Florida that owns or controls electric generation facilities must
11 have on file with shall develop and submit to the Commission a
12 long-term energy emergency plan to establish a systematic and
13 effective means of anticipating, assessing, and responding to a
14 long-term emergency caused by a fuel supply shortage for fuel
15 shortages. A long-term utility energy emergency exists when the
16 fuel supplies of an individual utility are decreasing or are
17 anticipated to decrease below a level adequate to provide
18 continuous, uninterrupted service to its customers. Each
19 utility's plan shall be consistent with the requirements of the
20 Fuel Supply Shortage Element of the Florida Electrical Emergency
21 Contingency Plan. The plan shall also provide for the full
22 reimbursement by an electric utility receiving energy or fuel
23 during an energy emergency. Full reimbursement shall be all of
24 the supplying utility's cost of replacing such energy or fuel
25 with the same or alternate fuel or energy.

CODING: Words underlined are additions; words ~~in~~
~~struck-through~~ type are deletions from existing

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
59 MAR -4 AM 10:53
FILED

1 (a) Identifies specific actions to be taken by the utility
2 upon the Governor's declaration of a fuel supply emergency;

3 (b) Addresses interchange of energy and the physical
4 sharing of fuel stocks or fuel deliveries or both;

5 (c) Sets priorities for customer interruptions; and

6 (d) Establishes objective criteria for notifying the
7 Chairman of the FRCC Reliability Assessment Group (RAG) ~~FCG~~
8 ~~Technical Advisory Group~~ of the existence of a long-term energy
9 emergency on the system of the utility.

10 (5) In reviewing individual utility plans of electric
11 utilities serving areas west of the Apalachicola River, whose
12 electric facilities and emergency contingency plans are
13 coordinated with utilities outside of Florida, the Commission
14 ~~will~~ may take into account such ~~special considerations as may be~~
15 ~~just and reasonable in light of such~~ utilities' geographical
16 location and interconnections with utilities outside of Florida.

17 (6)~~3~~ Plans not approved by the Commission shall be
18 revised and resubmitted to the Commission pursuant to Commission
19 order and within the time specified in the order.

20 ~~(d) Upon approval of an individual utility's plan,~~
21 ~~such plan shall be incorporated as a supplement to the Fuel~~
22 ~~Supply Shortage Element of the Florida Electrical Emergency~~
23 ~~Contingency Plan.~~

24 ~~(3) Where the plan or this rule refers to the Florida~~
25 ~~Electric Power Coordinating Group (FCG), or any committee, group~~

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 ~~or individual that is a part of FCG, the reference means FCG or~~
2 ~~part thereof, or any other entity which the utilities subject to~~
3 ~~the Commission's jurisdiction under 5377.703 F.G., agree to have~~
4 ~~perform the functions outlined in this rule or plan.~~

5 ~~(4) The Florida Electric Power Coordinating Groups~~
6 ~~Emergency Procedure for Long Term Energy Emergencies, Fuel Supply~~
7 ~~Shortage Plan dated August 3, 1981 is amended as follows:~~

8 ~~(a) On page 3, the following definition is substituted for~~
9 ~~the definition in the Plan:~~

10 ~~II. DEFINITION~~

11 ~~An electric energy emergency exists when Florida has~~
12 ~~inadequate energy generating capability by reason of a~~
13 ~~fuel supply shortage and is thereby prevented from~~
14 ~~operating at required levels to supply its energy~~
15 ~~obligations. An energy emergency differs from a~~
16 ~~short term capacity emergency in that energy~~
17 ~~requirements cannot be met over an extended period.~~
18 ~~The period of advance warning and expected duration of~~
19 ~~an energy emergency is usually measured in terms of~~
20 ~~weeks or months, as opposed to minutes or hours for a~~
21 ~~short term capacity deficiency.~~

22 ~~(b) On page 4, the following paragraph is substituted for~~
23 ~~the last paragraph on page 4:~~

24 ~~The Fuel Supply Shortage Plan is oriented toward energy~~
25 ~~emergencies caused by a fuel supply shortage. As such,~~

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 ~~the actions specified herein are primarily oriented~~
2 ~~toward those to be taken by the generating utilities in~~
3 ~~Peninsular Florida. Peninsular Florida is defined as~~
4 ~~the area east of the Apalachicola River. The emergency~~
5 ~~plans and procedures of utilities receiving partial or~~
6 ~~full requirements service are concomitant with those of~~
7 ~~their wholesale suppliers and shall be coordinated and~~
8 ~~be consistent with the suppliers' individual utility~~
9 ~~plans. The actions of other generating utilities~~
10 ~~outside of peninsular Florida, such as Gulf Power~~
11 ~~Company, will be coordinated through liaison with~~
12 ~~appropriate emergency personnel. Gulf Power Company,~~
13 ~~while operating under its own plan as a result of its~~
14 ~~geographical location in the State and its~~
15 ~~interconnections to the Southern Electric System, will~~
16 ~~coordinate its activities and participate where~~
17 ~~feasible and practical with the Fuel Supply Shortage~~
18 ~~Plan.~~

19 ~~(c) On page 7, the following paragraph A is substituted for~~
20 ~~paragraph A:~~

21 ~~A. DESIGNATION~~

22 ~~A long term utility energy emergency exists when the~~
23 ~~fuel supplies of an individual electric utility are~~
24 ~~decreasing or are anticipated to decrease below a level~~
25 ~~adequate to provide for continuous, uninterrupted~~

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 ~~service to its customers. If such a long term energy~~
2 ~~emergency exists on the system of the utility, if that~~
3 ~~individual utility's plan includes the elements as~~
4 ~~prescribed by Section IV, and if implementation of~~
5 ~~these actions has been or is anticipated to be~~
6 ~~inadequate to mitigate the energy emergency on its~~
7 ~~system, then the utility will notify the Chairman of~~
8 ~~the FCG Technical Advisory Group (TAG) of this~~
9 ~~impending emergency. The Chairman of TAG, after~~
10 ~~consultation with and concurrence by the Chairman of~~
11 ~~the FCG Executive Committee, will notify the Florida~~
12 ~~Public Service Commission and request the initiation of~~
13 ~~a Fuel Supply Alert. The initiation of a Fuel Supply~~
14 ~~Alert by the Commission will trigger the actions~~
15 ~~indicated below.~~

16 ~~(d) On page 8, the following paragraphs 4, 5, and 6 are~~
17 ~~substituted for paragraphs 4, 5, and 6 of the plan:~~

18 ~~4. TAG will request that the data be collected and~~
19 ~~that the remaining days of fuel supply, expressed~~
20 ~~in terms of Days Burn, for Florida be calculated~~
21 ~~by the procedures detailed in Appendix G,~~
22 ~~"Determination of Remaining Fuel Supply."~~

23 ~~5. The FCG Staff will calculate and publish the Days~~
24 ~~Burn for Florida.~~

25 ~~6. TAG will advise the Executive Committee and the~~

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 ~~Commission regarding the status of the Florida~~
2 ~~fuel supply situation.~~

3 ~~(e) On page 9, the following paragraphs A, B and C are~~
4 ~~substituted for paragraph A, B, and C of the plan.~~

5 ~~A.~~DESIGNATION

6 ~~Following the designation of a Fuel Supply Alert, the~~
7 ~~remaining days of fuel supply (Days Burn) will be~~
8 ~~determined and the FCG Executive Committee, upon advice~~
9 ~~from TAG, may request that the Governor of the State of~~
10 ~~Florida declare a Fuel Supply Emergency in Florida~~
11 ~~pursuant to §377.703, F.S. or other appropriate~~
12 ~~statutory authority.~~

13 ~~B.~~RESPONSIBILITY

14 ~~Upon the declaration of a Fuel Supply Emergency by the~~
15 ~~Governor, the Technical Advisory Group will assume~~
16 ~~emergency responsibility for coordinating the~~
17 ~~initiation and termination of all Fuel Supply Emergency~~
18 ~~actions, monitoring of the fuel supply situation and~~
19 ~~continuing appraisal of the appropriate governmental~~
20 ~~agencies (see Appendix D, "Energy Management and~~
21 ~~Allocation Procedures").~~

22 ~~C.~~ACTIONS

23 ~~Upon the declaration of a Fuel Supply Emergency by the~~
24 ~~Governor, all participating utilities shall take the~~
25 ~~actions indicated in the following steps as deemed to~~

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 ~~participating utility.~~

2 ~~(i) On page 20, the following paragraphs (e) and (e) are~~
3 ~~substituted for paragraphs (e) and (e) in the plan.~~

4 ~~(e) PIC will notify the Florida wire services as soon~~
5 ~~as possible after initiation of the emergency and~~
6 ~~shall prepare the appropriate press releases and~~
7 ~~status reports on the Florida situation throughout~~
8 ~~the duration of the emergency. PIC shall~~
9 ~~coordinate all appeals for reduction of~~
10 ~~consumption and conservation coinciding with the~~
11 ~~Fuel Supply Emergency actions contained in Section~~
12 ~~VI of this plan. Issuance of any information by~~
13 ~~PIC shall be at the direction of TAG and uniformly~~
14 ~~administered throughout Florida by the individual~~
15 ~~participants.~~

16 ~~(e) TAG will establish a liaison with the appropriate~~
17 ~~emergency organization of other generating~~
18 ~~utilities contiguous to Florida.~~

19 ~~(j) On page 21, the following paragraph (e) is substituted~~
20 ~~for paragraph (e) in the plan.~~

21 ~~(e) The FCG staff will calculate the remaining days of~~
22 ~~fuel supply, expressed in terms of Days Burn, for~~
23 ~~Florida. The Days Burn for Florida shall be the~~
24 ~~weighted average, based on energy source~~
25 ~~requirements, of the individual participants' Days~~

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

1 | ~~in short supply with due consideration for the~~
2 | ~~economic operation of Florida's generation~~
3 | ~~resources.~~

4 | Specific Authority: 350.127(2), 366.05(1), F.S.

5 | Law Implemented: 366.04(5 ~~3~~), 366.05(7) ~~377.703~~, F.S.

6 | History: New 6/28/82, formerly 25-6.185, Amended _____.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

SUMMARY OF RULE

Requires each electric utility in Florida that owns or controls electric generating facilities to have on file with the Commission a long-term energy emergency plan to anticipate, assess and respond to long-term emergencies due to a fuel supply shortage, and to review and report on the status of the plan every three years to the Commission.

SUMMARY OF HEARINGS ON THE RULE

No hearing was requested and none was held.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

In 1996, Section 377.703, F.S. was amended to vest responsibility for full emergency plans solely in the Department of Community Affairs (DCA). Therefore, the rule referencing FPSC responsibility required amendment to remove the reference. Moreover, the industry coordinating group changed from the Florida Coordinating Council (FRCC). References in the rule have been mended to reflect this change. The reporting requirement was needed to ensure that emergency plans remain adequate in changing conditions.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
99 MAR -4 AM 10:53
FILED