

ORIGINAL

NOTICE OF PROPOSED RULEMAKING

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 060755-EU

RULE TITLE: RULE NO.:

Contents of Petition 25-22.081

PURPOSE AND EFFECT: The main purpose and effect of this proposed rule change is to make it consistent with Section 403.519(4), F.S., effective June 19, 2006.

SUMMARY: This rule governs the procedures for filing a petition with the Commission to determine the need for a proposed nuclear fuel electrical power plant.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The additional costs to utilities should be minimal.

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: 350.127(2), 366.05(1), FS

LAW IMPLEMENTED: 403.519, FS

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE

- CMP** _____ SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND
- COM** _____
- CTR** _____ ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR
- ECR** _____ INCLUSION IN THE RECORD OF THE PROCEEDING.
- GCL** _____
- OPC** _____ IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL
- RCA** _____ BE SCHEDULED AND ANNOUNCED IN THE FAW.
- SCR** _____
- SGA** _____
- SEC** 1
- OTH** _____

DOCUMENT NUMBER-DATE

11603 DEC 20 08

FPSC-COMMISSION CLERK

THE PERSON TO BE CONTACTED REGARDING THE THESE PROPOSED RULE IS:
Christiana T. Moore, Office of General Counsel, Florida Public Service Commission, 2540
Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850) 413-6098.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-22.081 Contents of Petition.

(1) Petition for Fossil or Nuclear Fuel Electric Plants. Petitions submitted to commence a proceeding to determine the need for a proposed fossil or nuclear fuel electrical power plant or responses to the Commission's order commencing such a proceeding shall comply with the other requirements of Chapter 25-22, F.A.C., as to form and style except that a utility may, at its option, submit its petition in the same format and style as its application for site certification pursuant to Sections 403.501 through 403.517, Florida Statutes, so long as the informational requirements of this rule and Chapter 25-22, F.A.C., are satisfied. The petition, to allow the Commission to take into account the need for electric system reliability and integrity, the need for adequate reasonable cost electricity, the need for fuel diversity and supply reliability, and the need to determine whether the proposed plant is the most cost effective alternative available, shall contain the following information:

~~(a)~~ Numbers (1) and (2) renumbered to (a) and (b). No Change.

~~(c)~~ A statement of the specific conditions, contingencies or other factors which indicate a need for the proposed electrical power plant including the general time within which the generating units will be needed. Documentation shall include historical and forecasted summer and winter peaks, number of customers, net energy for load, and load factors with a discussion of the more critical operating conditions. Load forecasts shall identify the model or models on which they were based and shall include sufficient detail to permit analysis of the model or models. If a determination is sought on some basis in addition to or in lieu of capacity needs,

such as fuel diversity ~~oil blackout~~, then detailed analysis and supporting documentation of the projected costs and benefits is required. Where a determination is sought for a nuclear power plant, the nonbinding estimate provided for in paragraph (2)(b) below shall be considered to be sufficient for purposes of this paragraph.

(d4) A summary discussion of the major available generating alternatives which were examined and evaluated in arriving at the decision to pursue the proposed generating unit. The discussion shall include a general description of the generating unit alternatives, including purchases where appropriate; and an evaluation of each alternative in terms of economics, reliability, long-term flexibility and usefulness and any other relevant factors such as fuel diversity and fuel supply reliability. These major generating technologies generally available and potentially appropriate for the timing of the proposed plant and other conditions specific to it shall be discussed. In addition, each investor-owned utility shall include a detailed description of the selection process used and a detailed description of the generating unit alternatives proposed by each finalist, if any, selected to participate in subsequent contract negotiations pursuant to Rule 25-22.082, F.A.C. No provision of Rule 25-22.082, F.A.C., shall be applicable to a nuclear power plant sited after June 19, 2006.

(e5) Numbers (5) – (7) renumbered to (e) – (g). No Change.

(2) In addition to complying with (1)(a) through (g) above, a nuclear power plant petition shall contain the following information:

(a) The description required by section 403.519(4)(a)2, F.S., including a discussion about how the proposed nuclear power plant will enhance the electric supply reliability by reducing the exposure to fossil fuel supply disruptions;

(b) A description of and a nonbinding estimate of the cost of the proposed nuclear power plant, including associated transmission facilities;

(c) The annualized base revenue requirement for the first 12 months of operation of the proposed nuclear power plant, based on the nonbinding estimate of the cost provided pursuant to (2)(b) above; and

(d) A summary of any discussions with other electric utilities regarding ownership of a portion of the plant by such electric utilities.

Specific Authority 350.127(2), 366.05(1) FS.

Law Implemented 403.519 FS.

History—New 12-22-81, Formerly 25-2.133, 25-22.81, Amended 1-10-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James McRoy

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE:

Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: December 19, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 32, Number 39, September 29, 2006

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 the Commission Clerk and Administrative Services at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

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Submit FAW Notices

Step 5:

Acknowledgement of Submittal

The Administrative Code and Weekly Unit has received your notice for publication in the FAW.

A confirmation number has been provided below which may be used to reference this submittal in any communications with the Unit. Use the your browser *'Print'* button or the *'Print this Acknowledgement'* button at the bottom of this page to generate a receipt for your records. A record of this transmittal will be maintained for approximately 30 days and may be accessed from the 'Submittal Listing' item in the FAW Online menu on the left of this page.

Confirmation No	Proposed3688
Submitted On	12/20/2006 9:20:29 AM
FAW Pub Date	12/29/2006
Volume/Number	32/52
Notice Section	Proposed Rules
Payment Method	Blanket Purchase Order
PO #	600037
Department	Public Service Commission
Division	
Organization	
SAMAS Account	
Billing Address	2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850
Contact	Rose Thompson/Hong Wang 850-413-6770/413-6762 rthompso@psc.state.fl.us/hwang@psc.state.fl.us
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