

ORIGINAL

DOCKET NO. 060755-EU

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

COMMISSION  
CLERK

07 FEB - 1 PM 2:00

RECEIVED FPSC

I do hereby certify:

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

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

/x/ (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;

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

// (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

CMP \_\_\_\_\_ // (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

COM \_\_\_\_\_  
CTR \_\_\_\_\_  
IECR \_\_\_\_\_ // (d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
RCA \_\_\_\_\_ // (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

SGA \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

01118 FEB-1 0

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// (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.

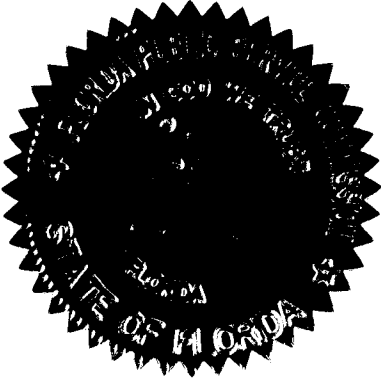
Rule No.

25-22.081

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. Bayo*  
BLANCA S. BAYO, Director  
Division of the Commission Clerk  
and Administrative Services



DES

\_\_\_\_\_  
Number of Pages Certified

1           **25-22.081 Contents of Petition.**

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

13           (a) A general description of the utility or utilities primarily affected, including the  
14 load and electrical characteristics, generating capability, and interconnections.

15           (b) A general description of the proposed electrical power plant, including the size,  
16 number of units, fuel type and supply modes, the approximate costs, and projected in-service  
17 date or dates.

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

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1 documentation of the projected costs and benefits is required. Where a determination is  
2 sought for a nuclear power plant, the nonbinding estimate provided for in paragraph (2)(b)  
3 below shall be considered to be sufficient for purposes of this paragraph.

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

16 (e5) A discussion of viable nongenerating alternatives including an evaluation of the  
17 nature and extent of reductions in the growth rates of peak demand, KWH consumption and  
18 oil consumption resulting from the goals and programs adopted pursuant to the Florida Energy  
19 Efficiency and Conservation Act both historically and prospectively and the effects on the  
20 timing and size of the proposed plant.

21 (f6) An evaluation of the adverse consequences which will result if the proposed  
22 electrical power plant is not added in the approximate size sought or in the approximate time  
23 sought.

24 (g7) If the generation addition is the result of a purchased power agreement between an  
25 investor-owned utility and a nonutility generator, the petition shall include a discussion of the

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1 potential for increases or decreases in the utility's cost of capital, the effect of the seller's  
2 financing arrangements on the utility's system reliability, any competitive advantage the  
3 financing arrangements may give the seller and the seller's fuel supply adequacy.

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

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

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

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

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

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

17 Law Implemented 403.519 FS.

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

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## SUMMARY OF RULE

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 HEARINGS ON THE RULE

No hearing was requested and none was held.

## FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

To implement Section 43, Chapter 2006-230, Laws of Florida, specifically addressing petitions to determine need for nuclear electrical power plants. Section 403.519, Florida Statutes, governing electrical power plant need determinations, was amended by Section 43, Chapter 2006-230, Laws of Florida (Senate Bill 888) to specifically address need determination proceedings for nuclear power plants. A new subsection (4) requires the Commission to “consider the need for electric system reliability and integrity, including fuel diversity, the need for base-load generating capacity, and the need for adequate electricity at a reasonable cost” when determining whether to grant or deny a petition to determine the need for a nuclear power plant. Section 403.519(4)(a) specifies what must be included in the petition to determine the need for a nuclear power plant. Section 403.519(4)(b) requires the Commission to take into account matters within its jurisdiction that it deems relevant in making its determination, including whether the nuclear plant will provide base load capacity, enhance reliability by improving fuel diversity, and provide the most cost-effective alternative taking into account the need to improve the balance of fuel diversity, reduce dependence on fuel oil and natural gas, reduce air emission compliance costs, and contribute to the long-term stability and reliability of the grid. The new section also exempts any utility from the requirement to issue a request for proposals pursuant to Rule 25-22.082, Florida Administrative Code, for a new nuclear power plant.

Rule 25-22.081, Florida Administrative Code, is the Commission's existing rule that prescribes the contents of a petition to determine the need for a proposed electrical power plant. The amendments make the rule applicable to petitions for both fossil and nuclear fuel electrical power plants, add requirements specific to nuclear power plant petitions, and otherwise conform the rule to the statute as revised by Chapter 2006-230, Laws of Florida.