

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to initiate rulemaking to adopt Rule 25-6.0186, F.A.C., Bulk Power System Reliability Standards, by Florida Reliability Coordinating Council, Inc.

DOCKET NO. 050531-EU  
ORDER NO. PSC-07-0742-FOF-EU  
ISSUED: September 17, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman  
MATTHEW M. CARTER II  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

ORDER ACKNOWLEDGING NOTICE OF WITHDRAWAL OF  
PETITION TO INITIATE RULEMAKING

BY THE COMMISSION:

Background

On August 4, 2005, the Florida Reliability Coordinating Council, Inc. (FRCC) filed a Petition to initiate rulemaking to adopt Rule 25-6.0186, Florida Administrative Code (F.A.C.), Bulk Power System Reliability Standards. Our staff filed a recommendation to grant FRCC's petition and hold a rule development workshop to determine whether to go forward with the proposed rule in the form requested by FRCC. We approved our staff's recommendation on August 30, 2005. Notice of a proposed rule development workshop was published in the Florida Administrative Weekly (F.A.W.) on September 16, 2005.

On September 19, 2005, the FRCC notified our staff that it would be proposing changes to the proposed rule to bring it into compliance with the Electricity Modernization Act of 2005 (Title XII of the Energy Policy Act of 2005), which became law on August 8, 2005. The Act requires the Federal Energy Regulatory Commission (FERC) to establish mandatory and enforceable reliability standards for all users of the bulk power system.

We held a rule development workshop on October 6, 2005. Representatives of the Office of Public Counsel and the Florida Municipal Power Association attended the workshop, in addition to FRCC. There was discussion of the recently passed Electricity Modernization Act of 2005 and how it might impact the rule proposed by the FRCC. At the time the workshop was held, FERC's reliability standards rule had not yet been promulgated. The FERC adopted a final reliability standards rule on February 2, 2006. FERC's final reliability standard rule clarified that regional entities may propose regional standards or variances to the national reliability organization charged with standards development, the Electric Reliability Organization (ERO). The ERO may then propose that the FERC adopt those regional standards.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Withdrawal of Petition

On July 2, 2007, the FRCC filed a Notice of Withdrawal of Petition to Initiate Rulemaking. The FRCC originally filed its petition for rulemaking to ensure that there would be a process for establishing mandatory reliability standards in Florida. However, through the Energy Policy Act of 2005, the FERC has been granted the authority to set and enforce North American mandatory reliability standards. The FERC's final rule issued February 2, 2006, established a process for developing reliability standards that permits regional variances to reliability standards, provided such a regional variance is not less stringent than the national standard. This standards development process does not affect our authority to ensure electric system reliability as established in Chapter 366, Florida Statutes. Through the Regional Entity Delegation Agreement the FERC approved on April 19, 2007, the FRCC now has a process to set and enforce mandatory regional (Peninsular Florida) standards. Therefore, we find that rulemaking to establish such a process is no longer needed and we acknowledge FRCC's Notice of Withdrawal of Petition to Initiate Rulemaking.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Florida Reliability Coordinating Council, Inc.'s Notice of Withdrawal of Petition to Initiate Rulemaking is hereby acknowledged. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 17th day of September, 2007.



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ANN COLE  
Commission Clerk

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request:

- 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or
- 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.