

MINUTES OF JANUARY 3, 2003
SPECIAL COMMISSION CONFERENCE

COMMENCED: 9:40 a.m.
ADJOURNED: 3:20 p.m.

COMMISSIONERS PARTICIPATING: Chairman Jaber
Commissioner Deason
Commissioner Baez
Commissioner Palecki
Commissioner Bradley

1Docket No. 020398-EQ - Proposed revisions to Rule 25-22.082,
F.A.C., Selection of Generating Capacity.

Critical Date(s): None

Rule Status: Adoption

Commissioners Assigned: Full Commission
Prehearing Officer: Baez

Staff: GCL: Brubaker, Harris, Helton
CMP: Futrell
ECR: Ballinger, Hewitt

ISSUE 1: Should the Commission adopt changes to Rule 25-22.082, Florida Administrative Code, Selection of Generating Capacity?

RECOMMENDATION: Yes. The Commission should adopt changes to the rule as shown in Attachment A of staff's December 23, 2002 memorandum. These changes should improve the transparency of information available to potential participants in the RFP process. These changes ultimately should benefit the ratepayer by improving the process to ensure that the most cost-effective generating option is selected.

DECISION: A general motion to adopt the rule consistent with the following changes made at the conference was approved. The Commission recognized that staff will renumber the subsections as appropriate. (Commissioner Bradley dissented.)

ITEM NO.

CASE

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(Continued from previous page)

- Subsection (5): Add as the first sentence, No term of the RFP shall be unfair, unduly discriminatory, onerous, or commercially infeasible. (Commissioner Bradley dissented.)
- Subsection (5) (e) ~~(d)~~: Insert the words criteria and the before "methodology."
- Subsection (6): Following the word "attribute," insert , criterion, delete the phrase "pursuant to Subsections (5) (d) and (e)," and delete the word "expressly."
- Reinstate old Subsection 14 with modification to the second sentence, i.e., delete the word "any" preceding the word "costs." In the last sentence, after the word "incurred," insert the phrase and due to extraordinary circumstances and delete the remainder of the sentence. (Commissioner Bradley dissented.)
- New Subsection (14): After the first sentence, add the following: The public utility may modify the construction costs and/or performance parameters affecting revenue requirements in its next planned generating unit that it included in the RFP. However, if it chooses to do so, it must inform participants of its intent, and provide the participants (limited to remaining finalists) a corresponding opportunity to revise their bids. (Commissioner Bradley dissented.)
- Create a new Subsection (17) regarding the possibility of an auction process with current waiver language being renumbered as Subsection 18.

ISSUE 2: Should the rule as approved by the Commission be filed for adoption with the Secretary of State and the docket closed?

RECOMMENDATION: Yes. The rule as approved by the Commission should be filed for adoption with the Secretary of State after the changes are published in the Florida Administrative Weekly.

DECISION: The recommendation was approved.

Commissioners participating: Jaber, Deason, Baez, Palecki, Bradley