

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to approve transaction for accelerated decommissioning services at CR3 facility, transfer of title to spent fuel and associated assets, and assumption of operations of CR3 facility pursuant to the NRC license, and request for waiver from future application of Rule 25-6.04365, F.A.C. for nuclear decommissioning study, by Duke Energy Florida, LLC.

DOCKET NO. 20190140-EI  
ORDER NO. PSC-2019-0384-PCO-EI  
ISSUED: September 20, 2019

FIRST ORDER MODIFYING ORDER ESTABLISHING PROCEDURE  
AND GRANTING MOTION TO HOLD HEARING SCHEDULE IN ABEYANCE

On July 10, 2019, Duke Energy Florida, LLC (DEF) filed a petition to approve Duke Energy Florida, LLC's (DEF) proposed transaction with Accelerated Decommissioning Partners, LLC (ADP) and its subsidiaries for ADP or its subsidiaries to: (1) complete all decommissioning activities at the Crystal River nuclear power plant (CR3), (2) acquire ownership of the Independent Spent Fuel Storage Installation assets from DEF, (3) assume DEF's contract with the Department of Energy, and (4) assume DEF's obligations as a licensed operator of CR3. On July 15, 2019, the Office of Public Counsel (OPC) filed a Notice of Intervention which was acknowledged by Order No. PSC-2019-0282-PCO-EI, issued on July 16, 2019. Order No. PSC-2019-0320-PCO-EI, the Order Establishing Procedure (OEP), was issued on August 2, 2019. There have been no other persons or entities that have filed for intervention in this docket.

On September 16, 2019, OPC filed an Unopposed Motion to Hold the Hearing Schedule in Abeyance by which it has requested that the procedural schedule set out in Section VIII of the OEP be suspended pending the issuance of the Nuclear Regulatory Commission's (NRC) order regarding transfer of DEF's nuclear license. DEF filed its request for nuclear license transfer with the NRC on June 14, 2019. The NRC has indicated that its decision on DEF's license transfer application will not likely take place until the first or second quarter of 2020. OPC argues that administrative efficiency would be best served by abating the scheduled January 2020 hearing scheduled in this docket until after the issuance of the NRC's order. OPC represents that DEF takes no position on this motion.

After a review of DEF's filings in this docket and at the NRC, it appears that the NRC's rulings on DEF's nuclear license transfer application may affect the issues this Commission is being requested to rule upon. Therefore, in order to promote administrative efficiency, I find that the current filing and hearing schedule set forth in Section VIII of the OEP should be cancelled. Upon the issuance of an order by the NRC on the nuclear license transfer a new filing and hearing schedule will be determined. All other provisions of the OEP not directly affected by this order shall remain in full force and effect. Notwithstanding the cancellation of the filing and hearing dates, all parties shall continue to conduct discovery in a timely fashion so that testimony

can be filed on an expedited schedule should the NRC issue an order that is consistent with the relief that DEF has requested from that agency.


Based on the foregoing, it is

ORDERED by Donald J. Polmann, Prehearing Officer, that the Office of Public Counsel's Unopposed Motion to Hold the Hearing Schedule in Abeyance is hereby granted. It is further

ORDERED that Section VIII, of Order No. PSC-2019-0320-PCO-EI, Order Establishing Procedure, is hereby suspended. A separate order establishing new controlling dates will be issued at an appropriate date. It is further

ORDERED that all other provisions of Order No. PSC-2019-0320-PCO-EI not directly affected by this order shall remain in full force and effect.

By ORDER of Commissioner Donald J. Polmann, as Prehearing Officer, this 20th day of August, 2019.

  
DONALD J. POLMANN, Ph.D., P.E.  
Commissioner and Prehearing Officer  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, 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 or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.