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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. **960111-EU**

RULE TITLE:	RULE NO.:
Ten-Year Site Plans - Definitions	25-22.070
Submission and Review of the Ten-Year Site Plans	25-22.071
Contents of Ten-Year Site Plans	25-22.072

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

PURPOSE AND EFFECT: The purpose and effect of the rule is to implement section 186.801, Florida Statutes, which requires electric utilities to file ten-year site plans with the Commission, the Commission to review each plan, the Commission to classify each plan as suitable or unsuitable, and the Commission to report all findings to the Department of Environmental Protection.

SUMMARY: The rules define terms and provide the method for submitting and study of electric utility ten-year site plans.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Investor-owned electric utilities estimated the additional costs anticipated to comply with the rules will range from negligible to substantial. In addition to the cost associated with the new data requested by the rules, several of these utilities expect indirect competitive costs due to disclosure of certain information or increased direct costs as a result of the need to file requests for confidentiality. Of the municipal electric utilities that submitted estimates of additional rule compliance costs, the estimates ranged from a low of \$1,000 to a high of \$5,600.

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FPSC-RECORDS/REPORTING

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), 186.801(4) FS.

LAW IMPLEMENTED: 186.801, 366.04(5), 366.05(7) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., August 19, 1997

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THESE PROPOSED RULES IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862.

THE FULL TEXT OF THESE PROPOSED RULES ARE:

25-22.070 Ten-Year Site Plans - Definitions.

(1) "Electric Utility" means any municipal electric utility, investor-owned electric utility, rural electric cooperative, public utility district, joint operating agency, or combinations thereof, that owns, maintains, or operates an electric generation, transmission, or distribution system within the

state.

(2) "Power Plant" means any electrical generating facility using any process or fuel, including nuclear materials, and shall include those directly associated transmission lines required to connect to an existing transmission network.

(3) "Directly Associated Transmission Lines" means only new corridors and transmission lines from the power plant to the first structure on an existing transmission system.

(4) "Potential Sites" are sites within the state that an electric utility is considering for possible location of a power plant, a power plant alteration, or an addition resulting in an increase in generating capacity.

(5) "Preferred Sites" are sites within the state on which an electric utility intends to construct a power plant, a power plant alteration, or an addition resulting in an increase in generating capacity.

Specific Authority: 350.127(2), 186.801(4) F.S.

Law Implemented: 186.801, 366.04(5), F.S.

History: New _____.

25-22.071 Submission and Review of the Ten-Year Site Plans.

(1) Filing Requirements:

(a) All electric utilities in the State of Florida with existing generating capacity of 250 mW or greater shall prepare a ten-year site plan, and submit 25 copies to the Florida Public Service Commission's Division of Records and Reporting on the

first working day of April of each year, unless extended. The plan shall date from December 31 of the prior calendar year.

(b) Any electric utility, other than those filing ten-year site plans pursuant to (1)(a), that elects to construct an additional generating facility exceeding 75 mW gross generating capacity shall prepare a ten-year site plan, and submit 25 copies to the Public Service Commission's Division of Records and Reporting in the year the decision to construct is made or at least three years prior to application for site certification, and every year thereafter until the facility becomes fully operational.

(2) The Commission will provide a copy of the ten-year site plans to appropriate federal, state, and local agencies, water management districts, and regional planning councils.

(3) The Commission will solicit comments from various federal, state, and local agencies, water management districts, and regional planning councils regarding the individual utility ten-year site plans. Any written comments shall be filed with the Commission within 60 days from the date of receipt of the plans. The state agencies from which comments will be solicited will include:

(a) The Department of Environmental Protection.

(b) The Department of Transportation.

(c) The Department of Agriculture and Consumer Services.

(d) The Department of Health.

(e) The Game and Fresh Water Fish Commission.

(f) The Board of Trustees of the Internal Improvement Trust Fund.

(g) The Department of Community Affairs.

(4) The Commission will complete its review of the plans within nine months following submission and will report its findings, along with any comments or recommendations, to the Florida Department of Environmental Protection and the utilities filing a plan. Other agencies to which the Commission sent the plan for review, and other entities may request a copy of the review from the Division of Electric and Gas, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399.

(5) Plans that have been previously classified by the Commission as unsuitable may be classified suitable based on additional data.

(6) The electric utilities in Florida shall compile aggregate statewide and peninsular Florida (the area east of the Apalachicola River) data derived from the individual electric utility base case ten-year site plans and shall submit this data to the Commission by July 1 of each year.

Specific Authority: 350.127(2), 186.801(4) F.S.

Law Implemented: 186.801, 366.04(5), 366.05(7) F.S.

History: New _____.

25-22.072 Contents of Ten-year Site Plans.

(1) Individual electric utility ten-year site plans required

by Rule 25-22.071 shall include at a minimum the information listed in Form PSC/EAG 43, Form PSC/EAG 43 (/97), entitled "Electric Utility Ten-Year Site Plan Information and Data Requirements," is incorporated by reference into this rule and is available from the Division of Electric and Gas.

(2) When an application for certification of a preferred site for a proposed facility has been filed with the Department of Environmental Protection, no further environmental or land use data shall be submitted to the Commission for that site.

Specific Authority: 350.127(2), 186.801(4) F.S.

Law Implemented: 186.801, 366.04(5), 366.05(7) F.S.

History: New _____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Mark Futrell

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULES:

Florida Public Service Commission.

DATE PROPOSED RULES APPROVED: JUNE 10, 1997

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

DECEMBER 20, 1996

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 Records and Reporting at (904) 413-6770 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

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5 that owns, maintains, or operates an electric generation,
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8 using any process or fuel, including nuclear materials, and shall
9 include those directly associated transmission lines required to
10 connect to an existing transmission network.

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12 corridors and transmission lines from the power plant to the first
13 structure on an existing transmission system.

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15 electric utility is considering for possible location of a power
16 plant, a power plant alteration, or an addition resulting in an
17 increase in generating capacity.

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19 electric utility intends to construct a power plant, a power plant
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22 Specific Authority: 350.127(2), 186.801(4) F.S.

23 Law Implemented: 186.801, 366.04(5), F.S.

24 History: New _____.

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CODING: Words underlined are additions; words in
~~struck through~~ type are deletions from existing law.

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4 existing generating capacity of 250 mW or greater shall prepare a
5 ten-year site plan, and submit 25 copies to the Florida Public
6 Service Commission's Division of Records and Reporting on the first
7 working day of April of each year, unless extended. The plan shall
8 date from December 31 of the prior calendar year.

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10 site plans pursuant to (1)(a), that elects to construct an
11 additional generating facility exceeding 75 mW gross generating
12 capacity shall prepare a ten-year site plan, and submit 25 copies
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14 Reporting in the year the decision to construct is made or at least
15 three years prior to application for site certification, and every
16 year thereafter until the facility becomes fully operational.

17 (2) The Commission will provide a copy of the ten-year site
18 plans to appropriate federal, state, and local agencies, water
19 management districts, and regional planning councils.

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21 federal, state, and local agencies, water management districts, and
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1 include:

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