Certified Cassette Tapes of House of Representatives Committee on Environmental Protection, Subcommittee on Permits. Feb. 27 and March 27, 1973 (Two Tapes Total) 1 Filed 12/17/98 with Document no. 14134-98 Stored at The PSC

ACTO AL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Joint Petition for) Determination of Need for an) Electrical Power Plant in Volusia) County by the Utilities Commission,) City of New Smyrna Beach, Florida,) and Duke Energy New Smyrna Beach) Power Company Ltd., L.L.P.

JOINT PETITIONERS' REQUEST FOR JUDICIAL NOTICE

The Utilities Commission, City of New Smyrna Beach, Florida ("UCNSB") and Duke Energy New Smyrna Beach Power Company, Ltd., L.L.P. ("Duke New Smyrna"), (collectively referred to as "Joint Petitioners"), pursuant to Sections 90.201 and 90.202, Florida Statutes, hereby request that the Commission take notice of the following items:

1. Florida House of Representatives Bill 149 (1973);

2. Florida House of Representatives, Committee on Environmental Protection, Subcommittee on Permits, Summary of March 27, 1973 Proceedings, including attachments;

3. Florida House of Representatives, Committee on Environmental Protection, Subcommittee on Permits, certified copies of tape recordings of proceedings, February 27 and March 27, 1973.

AC 11	
AFT	Each of the foregoing items are official copies, obtained
$\mathbb{A}^{\mathrm{spr}}$	from the Secretary of State, Division of Archives, of portions of
C	
05.55 6711	said items constitute official actions of the legislative
	undepartment of the State of Florida, and thus are proper subjects
1.1	3 for judicial recognition under Section 90.202(5), Florida
	Statutes.
120	Copies of each item described above are attached hereto. In
	DOCUMENT STORED & FR.ED
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addition, Joint Petitioners have provided a copy of transcribed excerpts of portions of the tape recordings identified in item 3.¹

WHEREFORE, Joint Petitioners request that the Commission take judicial notice of each of the foregoing items.

Respectfully submitted this 17th day of December, 1998.

Robert Scheffel Wright Florida Bar No. 966721 John T. LaVia, III Florida Bar No. 853666 LANDERS & PARSONS, P.A. 310 West College Avenue (ZIP 32301) Post Office Box 271 Tallahassee, Florida 32302 Telephone (850) 681-0311 Telecopier (850) 224-5595

Attorneys for the Utilities Commission, City of New Smyrna Beach, Florida,

and

Duke Energy New Smyrna Beach Power Company Ltd., L.L.P.

¹Joint Petitioners have filed with the Commission one certified copy of the tape recordings referenced in item 3 above, and provided parties with transcribed excerpts of the tape recordings.

CERTIFICATE OF SERVICE DOCKET NO. 981042-EM

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (*) or by United States Mail, postage prepaid, on the following individuals this 17th day of December, 1998:

Leslie J. Paugh, Esquire* Florida Public Service Commission 2540 Shumard Oak Boulevard Gunter Building Tallahassee, FL 32399

Charles A. Guyton, Esquire* Steel Hector & Davis 215 South Monroe Street Suite 601 Tallahassee, FL 32301

William G. Walker, III Vice President, Regulatory Affairs Florida Power & Light Co. 9250 West Flagler St. Miami, FL 33174

William B. Willingham, Esquire Michelle Hershel, Esquire FL Electric Cooperatives Assoc., Inc. P.O. Box 590 Tallahassee, FL 32302

Susan D. Ritenour Asst. Secretary & Asst. Treasurer Gulf Power Company One Energy Place Pensacola, FL 32520-0780

Jeffrey A. Stone, Esquire Beggs & Lane P.O. Box 12950 Pensacola, FL 32576-2950

Jon Moyle, Jr. Moyle Flanigan Katz 210 South Monroe Street Tallahassee, FL 32301

Gail Kamaras, Esquire LEAF 1114 Thomasville Road Suite E Tallahassee, FL 32303-6290

Gary L. Sasso, Esquire Carlton, Fields et al P.O. Box 2861 St. Petersburg, FL 33733

Lee L. Willis, Esquire Ausley & McMullen P.O. Box 391 Tallahassee, FL 32302

Terry L. Kammer, COPE Director System Council U-4, IBEW 3944 Florida Blvd., Suite 202 Palm Beach Gardens, FL 33410

John Schantzen System Council U-4, IBEW 3944 Florida Blvd., Suite 202 Palm Beach Gardens, FL 33410

J. Roger Howe, Esquire Office of Public Counsel 111 W. Madison Ave., Room 812 Tallahassee, FL 32399-1400

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Attachment فسنع

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A bill to be entitled An Act relating to electrical power plant siting; creating the Florida electrical power plant siting act; Providing legislative intent; providing definitions; establishing powers of the department of pollution control; providing that this act shall apply to all steam electrical generating plants and associated transmission lines; providing procedures for certification; providing for an application fee; requiring the filing of a ten-year site plan by electric utilities; providing for studies and public hearings; providing that applications shall be acted upon within twelve months of application; providing that the regulation of electric utilities is preempted by the state; providing that certification by the pollution control board is final state approval

for the utility; providing for

for severability; providing an

for judicial review; providing for

enforcement and penalties; providing

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revocation of certification; providing

By Representative Spicola

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CODING: Words in arrest through type are deletions from existing law; words <u>underlined</u> are additions .

effective date.

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(Regular Session 1973)

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Be It Enacted by the Legislature of the State of Florida:

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Section 1. Sections 403.501 - 403.516 shall be known and cited as the Florida Electrical Power Plant Siting Act.

403.501 Legislative intent. -- The Legislature 7 finds that the present and predicted growth in B electric power demands in the state of Florida re-9 quires the development of a procedure for the 10 selection and utilization of sites for electrical 11 generating facilities and the identification of a 12 state position with respect to each proposed site. 13 14 The legislature recognizes that the selection of 15 sites and the routing of associated transmission lines will have a significant impact upon the welfare of 16 17 the population, the location and growth of industry 18 and the use of the natural resources of the state. 19 It is the policy of the state of Florida that, 20 while recognizing the pressing need for increased 21 power generation facilities, the state shall ensure 22 through available and reasonable methods, that the 23 location and operation of electrical power plants 24 will produce minimal adverse effects on human health, 25 the environment, the ecology of the land and its 26 wildlife, and the ecology of state waters and their

It is the intent to seek courses of action that will fully balance the increasing demands for electrical power plant location and operation with the broad interests of the public. Such action will operation safeguards are technically sufficient for their welfare and protection. (2) To preserve and protect the quality of the environment; to enhance the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; to promote air cleanliness; and to pursue beneficial changes in the environment.

(1) To assure the citizens of Florida that

(3) To provide abundant low-cost electrical energy.

403.502 Definitions.--

be based on these premises:

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(1) "Applicant" means any electric utility which makes application for a site location certification pursuant to the provisions of this chapter.

 (2) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter.

(3) "Person" means an indvidual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district or any other entity, public or private, however organized.

(4) "Electric utility" means cities and towns, counties, public utility districts, regulated electric companies, electric cooperatives and joint operating agencies, or combinations thereof, engaged in or authorized to engage in the business of

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aquatic life.

1 403.503 Department of Pollution Control; generating, transmitting or distributing electric powers enumerated. -- The department of pollution 2 energy. control shall have the following powers in relation 3 (5) "Site" means any proposed location whereto this act: 4 in a power plant, power plant alteration or addition, (1) With board approval, to adopt, promulgate, 5 related or supporting facilities, and transmission amend, or rescind suitable rules and regulations to 6 lines will be located, including offshore sites withcarry out the provisions of this chapter and the 7 in state jurisdiction. policies and practices in connection therewith; я (6) "Certification" means a binding agreement (2) To develop and apply environmental and 9 between an applicant and the state which shall emecological guidelines in relation to the location of 10 body compliance to the siting guidelines adopted electrical power plant sites and major transmission 11 pursuant to this act as conditions to be met prior line routes: 12 to or concurrent with the construction or operation 13 (3) To prescribe the form, content, and necof any electrical power plant coming under this essary supporting documentation for site certifica-14 chapter. tion; 15 (7) "Major transmission lines" means (4) To receive applications for final site 16 new transmission lines carrying 200,000 volts or locations and to investigate the sufficiency thereof; 17 more of electricity. (5) To make, and contract for, when 18 (8) "Electrical power plant" means for the applicable, studies of electrical power plant sites 19 purpose of certification, any steam electrical genand transmission line routes proposed by the appli-20 erating facility using any process or fuel, including cant; 21 nuclear materials. (6) To conduct hearings on the proposed 22 (9) "Department" means the Department of location of the electric power plant sites and, major 23 Pollution Control. transmission line routes; 24 (10) "Board" means the Florida Pollution 25 (7) To require an application fee not to Control Board. exceed \$25,000; such fee to be paid upon each 26 (11) "Division" means the Division of State application for certification. 27 Planning of the Department of Administration. 29 (8) To prepare written reports to the (12) "State comprehensive plan" means that pollution control board which shall include; 29 plan prepared in accordance with the provisions of 30 (a) a statement indicating whether the part I of chapter 23, Florida Statutos.

> application is in compliance with the department's 31

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1	guidelines,			1	electric utility shall not thereafter apply for site	
2	(b) The need for electricity in the area to			2	approval at that location. All findings of the	
3	be served.			3	division shall be made available to the department	
4	(c) The environmental effects of the construc-			4	for its consideration at any subsequent certification	
5	tion and operation of the electrical power plant, and			5	proceedings. It is recognized that ten-year site	1
6	(d) a recommendation as to the disposition			6	plans submitted by an electric utility are tentative	
7	of the application.			7	information only and are subject to change at any	
8	(9) To notify all concerned state or local			B	time at the discretion of the utility. In its	
9	agencies, and report any comments received from said			9	preliminary study of each site, the division may	
10	agencies to the board.			10	consider:	
11	(10) To prescribe the means for monitoring			11	(a) The need for electrical power in the area	
12	the effects arising from the construction and the			12	to be served by the proposed site.	
13	operation of electrical power plants, and where			13	(b) The anticipated environmental impact at	
14	applicable, major transmission lines, to assure			14	the proposed site.	
15	continued compliance with terms of certification.			15	(c) Possible alternatives to the proposed	
16	403.505 Ten year site plans			16	site. •	
17	(1) Beginning January 1, 1974, each electric			17	(d) The views of appropriate local, state	
18	utility shall submit to the division of state			18	and federal agencies.	
19	planning a ten-year site plan which shall estimate			19	(e) Conformance with the state comprehensive	
20	the power generating needs and the general location			20	plan.	
21	of proposed plants and major transmission line sites			21	(2) To enable it to carry out its duties	
22	for the utility. The ten-year plan shall be reviewed	<u>.</u> :		22	under this section, the division may, after hearing,	
23	and submitted not less frequently than every two			23	establish a study fee which shall not exceed \$1,000	
24	years. Upon receipt of the plan it shall be the duty			24	for each proposed site studied.	
25	of the division to make a preliminary study of each			25	403.506 Applicability and certification	
26	plan within twelve months and to classify each			26	(1) Provisions of this chapter shall apply	
27	proposed site as "suitable" or "unsuitable". The		•	27	to any electrical power plant or major transmission	
28	division may suggest alternate sites. Unless the			2 6	line as defined herein. No construction of any	
29	electric company whose site has been declared unsuit-		•	29	new electrical power plant or expansion in steam	
30	able offers substantial evidence to the contrary,			30	generating capacity of any existing electrical	
31	such site shall be deleted from the plan and the			31	power plant may be undertaken	
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after July 1, 1973, without first obtaining certifi-1 2 cation in the manner as herein provided, except that this chapter shall not apply to any such electrical 3 power plant or major transmission line presently 5 operating, or under construction, or which has, upon the effective date of this act, applied for a 6 permit or certification under requirements in force 7 prior to the effective date of this act, or to any 8 new transmission lines constructed on existing trans-9 10 mission line rights of way.

(2) Applications for certification shall be 11 12 upon forms prescribed by the department and shall be 13 supported by such pertinent information and technical 14 studies as the department may require.

15 (3) After July 1, 1974, all applications 16 shall bb filed with the department at least three 17 years prior to the proposed beginning of construction and one year prior to the exercise of the right of 18 eminent domain in connection therewith. The depart-19 20 ment may, in its discretion, waive the time require-21 ment upon a showing by the applicant that an emergency 22 exists.

403.507 Detailed studies to be conducted .--(1) It shall be the duty of the department to notify the division of state planning within 10 days of receipt of an application for site certification. The division shall review and update the studies on the site made under provisions of section 403.505 and shall present its recommendations to the department within six months of receipt of notification; provided that if the

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application is for a site which was not studied under provisions of section 403.505, the division shall immediately institute such studies and shall make its recommendations to the department within twelve months of its receipt of notification of the application for certification.

(2) It shall be the duty of the department to conduct its own independent study of the need for and the probable effects of the proposed power 10 generating facility upon the environment.

11 (3) All reasonable expenses associated 12 with the studies required by paragraphs (1) and (2) 13 of this section shall be paid from the application 14 fee required by section 403.503(7).

403.508 Public hearings .--

16 (1) The department shall conduct an initial 17 public hearing in the county of the proposed site 18 within sixty days of receipt of an application for 19 site certification; provided that the place of such 20 public hearing shall be as close as possible to the 21 proposed site.

22 (2) The department must determine at the 23 initial public hearing whether or not the proposed 24 site is consistent and in compliance with existing 25 land use plans and zoning ordinances. If it is 26 determined that the proposed site does conform with 27 existing land use plans and zoning ordinances in 28 effect as of the date of the application, the 29 responsible zoning authority, or planning authority 30 shall not thereafter change such land use plans or 31 9

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zoning ordinances so as to affect the proposed 1 site. If it is determined that the proposed site 2 does not conform, it shall be the responsibility of 3 the applicant to make the necessary application for 4 rezoning. No further action may be taken by the 5 department until the proposed site conforms to 6 existing land use plans or zoning ordinances. The 7 initial hearing may consider any other matter ß appropriate to consideration of the site. 9

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(3) At least one additional public hearing shall be held by the department in the exercise of its functions under this chapter, prior to acting upon the application.

(4) (a) The parties to a certification hearing shall include: •

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1. The applicant.

2. The public service commission and the division of state planning, each county and municipal government and any other state agency which may have an interest in the proposed site that have filed with the department, not less than ten days prior to the date set for hearing, a notice of intent to be a party.

3. Any domestic comprofit corporation or association formed in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote consumer interests, to represent commercial or industrial groups, or to promote orderly development

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of the area in which the site is located, that has filed with the department, not less than ten days prior to the date set for hearing, a notice of intent to be a party.

4. Such other persons as the department or hearing officer may at any time deem appropriate.

(b) Any person may present written or oral testimony relative to the need for, or the effects of, the proposed electrical power plant.

403.509 Recommendations to pollution control board.--

12 (1) The department shall consider all evidence presented at the hearings as well as infor-14 mation gathered in any studies, and shall report to 15 the board its recommendations for the disposition of 16 an application for certification no later than twelve 17 months after receipt of such an application, or such 18 later time as is mutually agreed by the department 19 and the applicant; provided that if the site had not 20 been considered under provisions of section 403.505, 21 the department may extend the time to 18 months.

(2) Within sixty days of receipt of the department's report the board shall act upon the application by written order approving or denying the issuance of a certificate and stating the reasons for issuance or denial.

(3) The issuance or denial of the certification by the board shall be the final administrative action required as to that application.

(4) Upon approval by the board of the application for certification the chairman of the board shall within thirty days compose and submit a certification agreement for execution by the board and the applicant.

403.510 Superseded laws, regulations and certification power.--

8 (1) If any provision of this act is in conflict with any other provision, limitation or 10 restriction which is now in effect under any law or 11 ordinance of this state or any political subdivision 12 or municipality, or any rule or regulation promut-13 gated thereunder, this act shall govern and control 14 and such other law, ordinance, rule or regulation 15 promulgated thereunder shall be deemed superseded 16 for the purposes of this act.

(2) The state hereby preempts the regulation and certification of electrical power plant sites and electrical power plants as defined in this act. 403.511 Effect of certification .--

(1) Subject to the conditions set forth therein, any certification agreement signed by the chairman of the pollution control board shall bind the state or any of its departments, agencies, divisions, bureaus, commissions or boards as to the approval of the site and the construction and operation of the proposed electrical power plant and major transmission lines.

(2) The certification agreement shall authorize the electric utility named therein to acquire the necessary site and to construct the proposed

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electrical power plant and major transmission lines. subject only to the conditions set forth in such certification.

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(3) The issuance of a site certification shall be in lieu of any permit, certificate or similar document required by any other department, agency, division, bureau, commission or board of this state, or any local agency, but shall not affect in any way the rate-making powers of the public service commission under chapter 366, Florida Statutes.

403.512 Revocation or suspension of certification .-- Any certification may be revoked or suspended:

(1) For any material false statement in the application or in the supplemental or additional statements of fact or studies required of the applicant when a true answer would have warranted the board's refusal to recommend a certification in the first instance: or

(2) For failure to comply with the terms or 21 conditions of the original certification; or 22

(3) For violation of the provisions of this chapter, or regulations or orders issued hereunder.

403.513 Review.--

(1) The approval or rejection of an application for certification by the pollution control board shall be subject to judicial review.

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(2) Any rules and regulations adopted by the
department pursuant to this act shall be subject to
judicial review.

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403.514 Enforcement of compliance.--Violations of this act shall be enforced as provided in sections 403.121, 403.131, 403.141, and 430.161, Florida Statutes.

403.515 Availability of information. -- The 8 9 department shall make available for public inspection 10 and copying during regular office hours at the 11 expense of any person requesting copies, any infor-12 mation filed or submitted pursuant to this chapter. 13 403.516 Severability.--If any provision 14 of this act, or its application to any person or 15 circumstance is held invalid, the remainder of the act, or the application of the provisions to other 16 persons or circumstances, is not affected. 17 18 Section 2. WThis act shall take effect 19 July 1, 1973.

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LEGISLATIVE SUMMARY

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Creates the Florida Electrical Power Plant Siting Act, to provide a procedure for the selection and utilization of sites for electrical generating facilities. Authorizes the Department of Pollution Control, with the approval of the Florida Pollution Control Board, to adopt rules and procedures relating to the locating of such facilities. Requires that each electric utility shall submit a 10 year site plan estimating its needs and the general location of proposed plant and major transmission line sites. This plan will be reviewed and submitted not less frequently than every two years. Prohibits the construction of electrical facilities without a site plan and certification after study of the proposal, if acceptable. Costs of the site studies will be covered by application expenses, not to exceed \$25,000. Requires a public hearing. Provides that this act supercedes any conflicting state or local law. Provides for state preemption in the regulation of electrical utilities. Allows for revocation or suspension of certification. Provides for judicial review. Provides that the enforcement sections of the Florida Air and Water Pollution Control Act may be applied, which include criminal sanctions, injunction and damages.

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FLORIDA HOUSE OF REPRESENTATIVES

TALLAHASSEE

COMMITTEE ON ENVIRONMENTAL PROTECTION

Guy W. Spioola, Chairman Jack Shreve, Vice Chairman

James K. Lewis Director of Staff The Capitol Tallahassee, Florida 32304

<u>S U M M A R Y</u>

Committee on Environmental Protection

Tuesday, March 27, 1973

The Committee on Environmental Protection met on Tuesday, March 27, 1973, in Room 415 House Office Building at 2:30 p.m., with the following members in attendance:

> Rep. Spicola Rep. Andrews Rep. Becker Rep. Brown Rep. Dyer Rep. Grizzle Rep. Hair Rep. James Rep. Lockward

Rep. Malloy Rep. Poole Rep. Poorbaugh Rep. G. Robinson Rep. Rude Rep. Shreve Rep. Tolton Rep. Tubbs Rep. Young

A quorum was present.

The Chairman called the meeting to order and asked for a Subcommittee report from Rep. Andrews on House Bill 149. Rep. Andrews moved that HB 149 be considered as a committee substitute, which was the wish of the Permits Subcommittee. Three amendments were adopted by the Committee. Rep. Lockward offered an amendment on page 14, line 11, to strike the period and insert "; provided, however, this act shall not affect the right of any local government to charge an appropriate fee such as would be required under any local building code." Amendment was adopted. Dr. Tubbs offered an amendment on page 5, line 4, to add after the word "steam", "or solar". Amendment was adopted. Dr. Tubbs offered an amendment on page 11 and 12 to change the commas to semicolons after the words "values", "sites", "interests" "groups". Motion was adopted.

Rep. James offered an amendment on page 7, lines 5 - 10 to strike entire subsection (10), dealing with transmission lines. His amendment failed 9 to 9. Dr. Tubbs moved to reconsider the vote by which Rep. James' amendment failed. Motion was adopted by a vote of 10-8. After hearing from Richard Jones, Florida Power Corporation and Jim Woodroffe, Tampa Electric Company, a vote on Rep. James' original amendment was taken with a result of 8 yeas and 10 nays.

Rep. Andrews moved the adoption of HB 149 as a Committee Substitute with the 3 approved amendments incorporated. The bill was reported favorable by the committee by a vote of 18 to 0.

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There being no further time, Rep. Hair moved that the committee adjourn. Meeting adjourned at 4:35 p.m.

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UNIFORM COMMITTEE ATTENDANCE ROLL CALL House of Representatives

File with Clerk

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The Committee on Environmental Protection met at 2:30'clock

___,19__, with the following attendance

NAME	PRESENT	ABSENT*	EXCUSED
Rep. Spicola			
Rep. Andrews	V		
Rep. Becker	\checkmark		
Rep. Brown	V		
Rep. Dyer			
Rep. Grizzle			·
Rep. Hair	\checkmark		
Rep. James	~		
Rep. Lockward			
Rep. Malloy	Jate /		
Rep. Pool	V		
Rep. Poorbaugh	\checkmark		
Rep. Robinson, G. C.	V		
Rep. Rude	V		
Rep. Shreve	V		
Rep. Tolton	Late V		
Rep. Tubbs	Late /		
Rep. Young	Later		
			
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(signed by Chairman)

* Indicate if absence was excused by Chairman. A Member answering roll call is presumed "present" thereafter.

H-52



Attachment 2

FLORIDA HOUSE OF REPRESENTATIVES

TALLAHASSEE

COMMITTEE ON ENVIRONMENTAL PROTECTION

Guy W. Spicola, Chairman Jack Shreve, Vice Chairman James K. Lewis Director of Staff

The Capitol Tallahassee, Florida 32304

<u>S U M M A R Y</u>

Subcommittee on Permits

Tuesday, March 27, 1973



reproduced by FLORIDA STATE ARCHIVES DEFARTMENT OF STATE R. A. GRAY BUILDING Tallahassee, FL 32399-0250 Series 19 Carton 2222

The Subcommittee on Permits met on Tuesday, March 27, 1973, at 10:00 a.m., in Room 415 House Office Building, with the following members in attendance:

> Rep. Andrews Rep. Grizzle Rep. Rude

Rep. Tolton Rep. Young Rep. Spicola

A quorum was present.

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The Chairman called on Representative Spicola, sponsor of HB 149, relating to power plant siting, to discuss the bill. He briefly outlined the bill and then asked Jim Lewis, Director of Staff, to go over the proposed amendments, some 39 plus amendments. Rep. Spicola moved the adoption of each amendment. The amendments were taken in order as proposed; numbers 1 through 13 with a change in number 13 to strike the word "rescind" were reported favorably. Number 14 was reported favorably. A change in #15 to "give adequate public notice and to dfrectly" notify state agencies was incorporated and adopted. Number 16 was adopted. Amendment #17, the words "power plant sites" was included and the words "and the directly associated transmission lines" was deleted and then reported favorably. Amendments #18 - 21 were adopted favorably. In amendment #22, January 1, 1974, was changed to "October 1, 1973" and so adopted. Amendment #23, 24 and 25 were adopted. In amendment #26, six months was changed to three months and adopted. In amendment #27, the commas were changed to semicolons and adopted. Amendment #28 was approved as were 29-32. In amendment #33, the words "and operate" were included after the word construct. Amendment #34 was unfavorable.

Amendment #35 was adopted. In amendment #36, chapters 373 and 298 were included, and adopted. Amendments #37 and 38 were adopted. Amendment #39, the word "commission" was changed to "agency", and approved. Representative Rude offered an amendment on page 11, line 26 to insert a new sentence to read: "If the certificate is denied or approved with modifications, the board shall set forth in writing the action the applicant would have to take to secure the board's approval of the application." His amendment was adopted.

After going through the numerous amendments, the subcommittee voted to report the bill as amended to the full committee with the recommendation that the bill be considered as a committee substitute. Motion was adopted.

House Bill 232, by Representative Spicola, relating to monitors, was discussed. Rep. Rude offered an amendment to change the effective date of the bill to October 1, 1973. Motion was adopted. The bill as amended was reported favorably by the subcommittee.

There being no further business before the subcommittee at that time, Representative Grizzle moved that the meeting adjourn. Motion was adopted. Meeting adjourned at 11:45 a.m.

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met at <u>/0.00</u>0'clock

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,1923, with the following attendance

NAME	PRESENT	ABSENT*	EXCUSE
Rep. Andrews		1	
Rep. Grizzle	V		
Rep. Rude	v Lat		
Rep. Tolton			
Rep. Young			
Rep. Spicola			
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(signed by Chairman)

001699

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H-52

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DU NUT USE FELT HF FER (will not show on carbons) ני 1.2 Typewrite, if possible. If ball point pen used, press HARD for carbons kude far. Representative s 149 HB_ offered the following amendment: SB 4.2 ÷. 26 112 MXXX after On page_ line $c_{\rm est} = c_{\rm est}$ 15 the period (.) : - <u>(</u> í. ٠. ٠. Ϊ. ς. 1971 Y ÷ ... ģ, . . . ٠x. lan. . 1 . . 4.764 - 21 - 17.4 - 1.4 A and insert the following: 4.0 1111 If the certificate is denied or approved with modifications, the Board shall forth in writing the action the applicant would have to take to secure set 120 ć, the Board's approval of the application. . 1.14 19 1 4 3 . 1 Sec. Sec. 1 ÷ 4 1 12.27 A ϵ^{-1} . × . ۰. $f^{(1)}$ 3. * ۴, ŵ, 11 5 1100 . ." 111 <u>,</u> and the second sec 1.11 Â. . 1. S. 1.50 ٠. . Mr moved the adoption of the amendment, . Š

which failed of adoption.

001700

which was adopted.

Representative	s/The Committee on	· · · · · · · · · · · · · · · · · · ·		
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Representative s/ The Committee on .		
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Representative s/The Com	mittee on		·· · · ·	
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		(46)		HB <u>149</u>
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Representative 8 The Committee on			
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Representative s The Committee on	
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offered the following amendment:	SE
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Form 11-62

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	rules. (b) The mode for electricity in the area to be sorved, in- cluding the report from the public service commission required by section 403.507. (c) The environmental effects of the construction and operation of the electrical power plant, and (d) A recommendation as to the electrical power plant of the application
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Mr. ______nuoved the adoption of the amendment,

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(10) after a public hearing, adopt rules for procedures to	On page 6 afterne 15 , strike		V
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Form H-62		

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(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative 5/ The Committee on _____

ered the following amendment:	426	HB <u>110</u> SE
On page <u>8-9</u> , line <u>2 24-6</u> ,	۲) strike	Lav'
<u>ell of lipss 24-21 or poge</u>	9 line 1-	-6 page 9
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(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s/ The Committee on _____ HB_119 offered the following amendment: SE ____ Un page 9 , line 8-10 dor __, strike all of lines 8-10 . and insert the following: to conduct, or contract for, a study of the proposed power generating ି । facility, including but not limited to the following site criteria: (s) Goolfer system requirements. (b) Provinity to lond century. (c) Proximity to payigable water and other transportation systems. (a) Joil and foundation conditions. (z)availability of outer. ____ <u>(a) Accessibility to tentsrission, upl</u>(in) Controlantial Ampaot. _____moved the adoption of the amendment, Mr. _____

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		HB1+9
offered the following amen	dment: $(\chi \chi^2)$	SB
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Representative s/ The Committee on		
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Mr. _____moved the adoption of the amendment,

which was adopted.

which failed of adoption.

	The Committee on		
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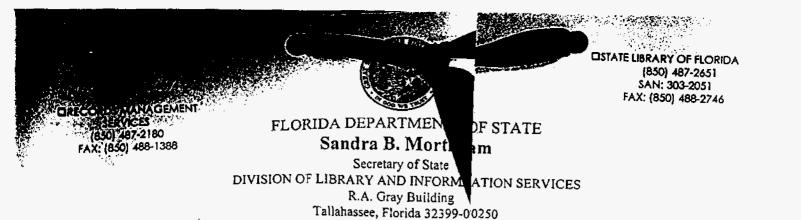
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which failed of adoption.

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which was adopted.



I, Jim Berberich, Chief, Bureau of Archives and Reccords Management, Division of Library and Information Services, Florida Department of State, hereby certify that the 1973 records of the Florida Legislature have been transferred to the custody of the Florida State Archives pursuant to the provisions of Chapter 257, Florida Statutes, and that I am, by the terms of that transfer, the official custodian of the records.

I further certify that the staff of the Florida State Archives duplicated the cassette tape(s) of the House Environmental Protection, Environmental Protection Subcommittee, and House Environmental Committee, Permits and Environmental Quality Subcommittee dated March 27, 1973 and labeled the duplicate(s) as a copy from the Florida State Archives. The original tapes are located in Series 414, Box 99.

S MY SIGNATURE, this ninth day of December, 1998.

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JIM BERBERICH, Chief Bureau of Archives and Records Management

> Attachment 3 001739

TRANSCRIBED EXCERPT OF MARCH 27, 1973 MEETING OF THE HOUSE COMMITTEE ON ENVIRONMENTAL PROTECTION/SUBCOMMITTEE ON PERMITS

- Woodruff: Mr. Chairman, I understand Mr. Alan's question ... to be ... first need for electricity and I think really what he was aiming at is the right kind of ... was not the need that he was questioning, but the need in the area. Of course, Gulf Power is part of the Southern Company and of course all of the electric generating facilities within the state are intertied as you know.
- Rep. Spicola: That's one of our points, Mr. Woodruff, is we're not going to let Georgia build their plants down here and pollute us and run the power up to Georgia. I think we ought to have a need in the area.
- Woodruff: Let me switch the situation. In peninsular Florida where it doesn't involve the Southern company; but say it involves Tampa Electric Company, City of Lakeland the other industrial utilities ... part of our building plan is to interspace where one year we will build a plant and next year maybe Florida Power Corporation will build a plant ... some intermediate period, the City of Lakeland may build a plant. These are three systems on the west coast of Florida that are intertied. What it means is that each company doesn't have to have a particular amount of steady reserve over investment of capital. We can call on one another and where the City of Lakeland or Tampa Electric Company may not be able to justify the particular need in our area (this is in the area served); we can justify that in the area served by Florida Power Corporation, Lakeland and TECO on an interim building schedule. This is part of overall planning.
- Rep. Spicola: I know what you are talking about flipfloping building but what you do is that you build a plant big enough to meet your future needs and you got some excess capacity which you sell off to somebody that needs some.
- Woodruff: That's correct.
- Rep. Spicola: But you anticipate that within about 10 years your needs are going to outstrip this capacity and so the other people you have been selling to are going to build in the interim and they will have excess capacity that they will sell back to you. That's the simple need in the area. It's just what point and time.
- Woodruff: Ok, if you feel that's broad enough to cover the entire area as opposed to one particular company's service area ...
- Rep. Spicola: This thing is so broad that I don't see how in the world even Gulf Power could say look we want to build this capacity plant --we're going to serve some part of Georgia because I think sooner or later Florida and Georgia are going to have to be concerned about their mutual welfare and we're not going to say you can't build one. That's going to be an area, you know. And, there's going to be a need in the area. And, I don't see how in the world this limits anybody to anything.

TRANSCRIBED EXCERPT OF MARCH 27, 1973 MEETING OF THE HOUSE COMMITTEE ON ENVIRONMENTAL PROTECTION/SUBCOMMITTEE ON PERMITS

Woodruff: We understand that we are talking about a broad area and I hope that it will be interpreted that way so that we can continue to do this economic type of building so that each company doesn't have to build each year.