

1 A bill to be entitled
 2 An act relating to advanced cost recovery; amending s.
 3 366.93, F.S.; prohibiting the Florida Public Service
 4 Commission from authorizing the use of advanced cost
 5 recovery by any utility for more than one plant at any
 6 one time; requiring the commission to conduct periodic
 7 reviews of utilities that collect advanced costs for
 8 certain plants; requiring the commission to order
 9 refunds of moneys collected by a utility using
 10 advanced cost recovery under specified circumstances;
 11 providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Paragraphs (a) and (f) of subsection (3) and
 16 subsection (6) of section 366.93, Florida Statutes, are amended
 17 to read:

18 366.93 Cost recovery for the siting, design, licensing,
 19 and construction of nuclear and integrated gasification combined
 20 cycle power plants.—

21 (3) (a) After a petition for determination of need is
 22 granted, a utility may petition the commission for cost recovery
 23 as permitted by this section and commission rules. The
 24 commission may not approve a utility's petition for advanced
 25 cost recovery for more than one power plant at any one time.
 26 Once approved, the commission shall conduct quarterly reviews to

27 ensure continued progress toward the siting, design, licensing,
28 or construction of the power plant.

29 (f)1. If a utility has not initiated ~~begun~~ construction of
30 a plant within a reasonable time, as determined by the
31 commission, but not later than:

32 a. Ten years after the date on which the utility obtains a
33 combined license from the Nuclear Regulatory Commission for a
34 nuclear power plant or a certification for an integrated
35 gasification combined cycle power plant, the utility must
36 petition the commission to preserve the opportunity for future
37 recovery under this section for costs relating to that plant.
38 The commission must determine whether the utility remains intent
39 on building the plant.

40 (I) If the commission finds that the utility remains
41 intent on building the plant, the utility may continue to
42 recover costs under this section, subject to quarterly reviews
43 by the commission.

44 (II) If the commission finds a lack of such intent, it
45 shall ~~may~~ enter an order prohibiting recovery of any future
46 costs relating to the plant under this section.

47 (III) If the commission finds a lack of such intent, it
48 shall enter an order requiring a refund to the customers of all
49 costs previously charged and collected pursuant to this section.
50 The commission shall determine the timeframe for and manner of
51 refunding such amounts.

52 b. Twenty years after the date on which the utility

53 obtains a combined license from the Nuclear Regulatory
54 Commission for a nuclear power plant or a certification for an
55 integrated gasification combined cycle power plant, the utility
56 may not, under this section, recover future costs relating to
57 that plant. The commission shall enter an order requiring a
58 refund to the customers of all costs previously charged and
59 collected pursuant to this section. The commission shall
60 determine the timeframe for and manner of refunding such
61 amounts.

62 2. Consistent with subsection (4), nothing in this section
63 shall preclude a utility from recovering the full revenue
64 requirements of the nuclear power plant or integrated
65 gasification combined cycle power plant in base rates upon the
66 commercial in-service date.

67 3. Beginning January 1, 2014, in making its determination
68 for any cost recovery under this paragraph, the commission may
69 find that a utility intends to construct a nuclear or integrated
70 gasification combined cycle power plant only if the utility
71 proves by a preponderance of the evidence that it has committed
72 sufficient, meaningful, and available resources to enable the
73 project to be completed and that its intent is realistic and
74 practical.

75 (6) If the utility elects not to complete or is precluded
76 from completing construction of the nuclear power plant,
77 including new, expanded, or relocated electrical transmission
78 lines or facilities necessary thereto, or of the integrated

79 | gasification combined cycle power plant, the utility shall
80 | immediately inform the commission and the commission shall enter
81 | an order requiring a refund to the customers of all costs
82 | previously charged and collected pursuant to this section,
83 | including the electrical transmission lines and facilities
84 | necessary thereto. The commission shall determine the timeframe
85 | for and manner of refunding such amounts ~~utility shall be~~
86 | ~~allowed to recover all prudent preconstruction and construction~~
87 | ~~costs incurred following the commission's issuance of a final~~
88 | ~~order granting a determination of need for the nuclear power~~
89 | ~~plant and electrical transmission lines and facilities necessary~~
90 | ~~thereto or for the integrated gasification combined cycle power~~
91 | ~~plant. The utility shall recover such costs through the capacity~~
92 | ~~cost recovery clause over a period equal to the period during~~
93 | ~~which the costs were incurred or 5 years, whichever is greater.~~
94 | ~~The unrecovered balance during the recovery period will accrue~~
95 | ~~interest at the utility's weighted average cost of capital as~~
96 | ~~reported in the commission's earnings surveillance reporting~~
97 | ~~requirement for the prior year.~~

98 | Section 2. This act shall take effect July 1, 2015.