

Bill No. SB 1202

Barcode 463192

CHAMBER ACTION

Senate

House

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Senator Bennett moved the following amendment:

Senate Amendment (with title amendment)

On page 5, line 1, through page 8, line 7, delete those lines

and insert:

Section 2. Subsection (4) of section 403.519, Florida Statutes, is amended to read:

403.519 Exclusive forum for determination of need.--

(4) In making its determination on a proposed electrical power plant using nuclear materials as fuel or an advanced technology coal power plant, the commission shall hold a hearing within 90 days after the filing of the petition to determine need and shall issue an order granting or denying the petition within 135 days after the date of the filing of the petition. The commission shall be the sole forum for the determination of this matter and the issues addressed in the petition, which accordingly shall not be reviewed in any other forum, or in the review of proceedings in such other forum. In making its determination to either grant or deny the petition,

Bill No. SB 1202

Barcode 463192

1 the commission shall consider the need for electric system
2 reliability and integrity, including fuel diversity, the need
3 for base-load generating capacity, and the need for adequate
4 electricity at a reasonable cost.

5 (a) The applicant's petition shall include:

6 1. A description of the need for the generation
7 capacity.

8 2. A description of how the proposed nuclear or
9 advanced technology coal power plant will enhance the
10 reliability of electric power production within the state by
11 improving the balance of power plant fuel diversity and
12 reducing Florida's dependence on fuel oil and natural gas.

13 3. A description of and a nonbinding estimate of the
14 cost of the nuclear or advanced technology coal power plant.

15 4. The annualized base revenue requirement for the
16 first 12 months of operation of the nuclear or advanced
17 technology coal power plant.

18 5. Information on whether there were any discussions
19 with any electric utilities regarding ownership of a portion
20 of the nuclear or advanced technology coal power plant by such
21 electric utilities.

22 (b) In making its determination, the commission shall
23 take into account matters within its jurisdiction, which it
24 deems relevant, including whether the nuclear or advanced
25 technology coal power plant will:

26 1. Provide needed base-load capacity.

27 2. Enhance the reliability of electric power
28 production within the state by improving the balance of power
29 plant fuel diversity and reducing Florida's dependence on fuel
30 oil and natural gas.

31 3. Provide the most cost-effective source of power,

Bill No. SB 1202

Barcode 463192

1 taking into account the need to improve the balance of fuel
2 diversity, reduce Florida's dependence on fuel oil and natural
3 gas, reduce air emission compliance costs, and contribute to
4 the long-term stability and reliability of the electric grid.

5 (c) No provision of rule 25-22.082, Florida
6 Administrative Code, shall be applicable to a nuclear or
7 advanced technology coal power plant sited under this act,
8 including provisions for cost recovery, and an applicant shall
9 not otherwise be required to secure competitive proposals for
10 power supply prior to making application under this act or
11 receiving a determination of need from the commission.

12 (d) The commission's determination of need for a
13 nuclear or advanced technology coal power plant shall create a
14 presumption of public need and necessity and shall serve as
15 the commission's report required by s. 403.507(4)(a). An order
16 entered pursuant to this section constitutes final agency
17 action. Any petition for reconsideration of a final order on a
18 petition for need determination shall be filed within 5 days
19 after the date of such order. The commission's final order,
20 including any order on reconsideration, shall be reviewable on
21 appeal in the Florida Supreme Court. Inasmuch as delay in the
22 determination of need will delay siting of a nuclear or
23 advanced technology coal power plant or diminish the
24 opportunity for savings to customers under the federal Energy
25 Policy Act of 2005, the Supreme Court shall proceed to hear
26 and determine the action as expeditiously as practicable and
27 give the action precedence over matters not accorded similar
28 precedence by law.

29 (e) After a petition for determination of need for a
30 nuclear or advanced technology coal power plant has been
31 granted, the right of a utility to recover any costs incurred

Bill No. SB 1202

Barcode 463192

1 prior to commercial operation, including, but not limited to,
 2 costs associated with the siting, design, licensing, or
 3 construction of the plant, shall not be subject to challenge
 4 unless and only to the extent the commission finds, based on a
 5 preponderance of the evidence adduced at a hearing before the
 6 commission under s. 120.57, that certain costs were
 7 imprudently incurred. Proceeding with the construction of the
 8 nuclear or advanced technology coal power plant following an
 9 order by the commission approving the need for the nuclear or
 10 advanced technology coal power plant under this act shall not
 11 constitute or be evidence of imprudence. Imprudence shall not
 12 include any cost increases due to events beyond the utility's
 13 control. Further, a utility's right to recover costs
 14 associated with a nuclear or advanced technology coal power
 15 plant may not be raised in any other forum or in the review of
 16 proceedings in such other forum. Costs incurred prior to
 17 commercial operation shall be recovered pursuant to chapter
 18 366.

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21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 On page 1, lines 10-15, delete those lines

24

25 and insert:

26 403.519, F.S., providing requirements and
 27 procedures for determination of need for
 28 advanced technology coal power plants;
 29 providing an exemption from purchased power
 30 supply bid rules under certain circumstances;
 31 providing an effective date.