

1 A bill to be entitled
 2 An act relating to the repeal of nuclear cost
 3 recovery; repealing s. 366.93, F.S., relating to cost
 4 recovery mechanisms for the siting, design, licensing,
 5 and construction of nuclear and integrated
 6 gasification combined cycle power plants, including
 7 mechanisms that promote utility investment in, and
 8 allow for recovery in electric utility rates of
 9 certain costs of, such plants; repealing s. 366.95,
 10 F.S., relating to financing for certain nuclear
 11 generating asset retirement or abandonment costs;
 12 amending s. 403.519, F.S.; deleting provisions
 13 limiting challenges to a utility's right to recover
 14 costs incurred before commercial operation of certain
 15 plants; providing an effective date.

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

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 19 Section 1. Sections 366.93 and 366.95, Florida Statutes,
 20 are repealed.

21 Section 2. Paragraph (e) of subsection (4) of section
 22 403.519, Florida Statutes, is amended to read:

23 403.519 Exclusive forum for determination of need.—

24 (4) In making its determination on a proposed electrical
 25 power plant using nuclear materials or synthesis gas produced by

26 | integrated gasification combined cycle power plant as fuel, the
27 | commission shall hold a hearing within 90 days after the filing
28 | of the petition to determine need and shall issue an order
29 | granting or denying the petition within 135 days after the date
30 | of the filing of the petition. The commission shall be the sole
31 | forum for the determination of this matter and the issues
32 | addressed in the petition, which accordingly shall not be
33 | reviewed in any other forum, or in the review of proceedings in
34 | such other forum. In making its determination to either grant or
35 | deny the petition, the commission shall consider the need for
36 | electric system reliability and integrity, including fuel
37 | diversity, the need for base-load generating capacity, the need
38 | for adequate electricity at a reasonable cost, and whether
39 | renewable energy sources and technologies, as well as
40 | conservation measures, are utilized to the extent reasonably
41 | available.

42 | ~~(c) After a petition for determination of need for a~~
43 | ~~nuclear or integrated gasification combined cycle power plant~~
44 | ~~has been granted, the right of a utility to recover any costs~~
45 | ~~incurred prior to commercial operation, including, but not~~
46 | ~~limited to, costs associated with the siting, design, licensing,~~
47 | ~~or construction of the plant and new, expanded, or relocated~~
48 | ~~electrical transmission lines or facilities of any size that are~~
49 | ~~necessary to serve the nuclear power plant, shall not be subject~~
50 | ~~to challenge unless and only to the extent the commission finds,~~

51 ~~based on a preponderance of the evidence adduced at a hearing~~
52 ~~before the commission under s. 120.57, that certain costs were~~
53 ~~imprudently incurred. Proceeding with the construction of the~~
54 ~~nuclear or integrated gasification combined cycle power plant~~
55 ~~following an order by the commission approving the need for the~~
56 ~~nuclear or integrated gasification combined cycle power plant~~
57 ~~under this act shall not constitute or be evidence of~~
58 ~~imprudence. Imprudence shall not include any cost increases due~~
59 ~~to events beyond the utility's control. Further, a utility's~~
60 ~~right to recover costs associated with a nuclear or integrated~~
61 ~~gasification combined cycle power plant may not be raised in any~~
62 ~~other forum or in the review of proceedings in such other forum.~~
63 ~~Costs incurred prior to commercial operation shall be recovered~~
64 ~~pursuant to chapter 366.~~

65 Section 3. This act shall take effect July 1, 2018.