

By Senator Rodriguez

37-00903-18

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1 A bill to be entitled
2 An act relating to nuclear cost recovery; repealing s.
3 366.93, F.S., relating to cost recovery mechanisms for
4 the siting, design, licensing, and construction of
5 nuclear and integrated gasification combined cycle
6 power plants, including mechanisms that promote
7 utility investment in, and allow for recovery in
8 electric utility rates of certain costs of, such
9 plants; repealing s. 366.95, F.S., relating to
10 financing for certain nuclear generating asset
11 retirement or abandonment costs; amending s. 403.519,
12 F.S.; deleting provisions limiting challenges to a
13 utility's right to recover costs incurred before
14 commercial operation of certain plants; providing an
15 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20 are repealed.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

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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~~

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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.