



241108

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2013	.	
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The Committee on Communications, Energy, and Public Utilities (Simpson) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 82 - 153
and insert:

(3) (a) After a petition for determination of need is granted, a utility may petition the commission for cost recovery as permitted by this section and commission rules.

(b) During the time that a utility seeks to obtain a combined license from the Nuclear Regulatory Commission for a nuclear power plant or a certification for an integrated gasification combined cycle power plant, the utility may recover only costs related to, or necessary for, obtaining such license



241108

13 or certification.

14 (c) After a utility obtains a license or certification, it
15 must petition the commission for approval before proceeding with
16 preconstruction work.

17 1. The only costs that a utility that has obtained a
18 license or certification may recover before obtaining commission
19 approval are those that are previously approved or necessary to
20 maintain the license or certification.

21 2. In order for the commission to approve preconstruction
22 work on a plant, it must determine that:

23 a. There is still a need for the plant; and

24 b. The projected costs for the plant are reasonable and
25 prudent.

26 (d) After a utility obtains approval to proceed with post-
27 licensing or post-certification preconstruction work, it must
28 petition the commission for approval of any preconstruction
29 materials or equipment purchases exceeding 1 percent of the
30 total projected cost for the project.

31 (e) After a utility completes preconstruction work, it must
32 petition the commission for approval before beginning the
33 construction phase.

34 1. The only costs that a utility that has obtained
35 commission approval may recover before beginning construction
36 work are those that are previously approved or necessary to
37 maintain the license or certification.

38 2. In order for the commission to approve proceeding with
39 construction on a plant, it must determine that:

40 a. There is still a need for the plant; and

41 b. The projected costs for the plant are reasonable and



241108

42 prudent.

43 (f) If a utility has not begun construction of a plant
44 within:

45 1. Five years after the date on which it obtains the
46 license or certification, it must petition the commission to
47 preserve the opportunity for future recovery under this section
48 for costs relating to that plant. The commission must determine
49 whether the utility remains intent on building the plant.

50 a. If the commission finds that the utility remains intent
51 on building the plant, the utility may continue to recover
52 costs.

53 b. If the commission finds a lack of such intent, it may
54 enter an order prohibiting any future cost recovery relating to
55 the plant, notwithstanding any other provision of law.

56 2. Twenty years after the date on which it obtains the
57 combined license or certification, the utility may not recover
58 future costs relating to that plant under this or another
59 section, notwithstanding any other provision of law.

60 (6) If the utility does ~~elects~~ not to complete ~~or is~~
61 ~~precluded from completing~~ construction of the nuclear power
62 plant, including new, expanded, or relocated electrical
63 transmission lines or facilities necessary thereto, or of the
64 integrated gasification combined cycle power plant, the utility
65 may ~~shall be allowed to~~ recover all prudent preconstruction and
66 construction costs incurred following the commission's issuance
67 of a final order granting a determination of need for the
68 nuclear power plant and electrical transmission lines and
69 facilities necessary thereto or for the integrated gasification
70 combined cycle power plant. The utility shall recover such costs



241108

71 through the capacity cost recovery clause over a period equal to
72 the period during which the costs were incurred or 5 years,
73 whichever is greater. The unrecovered balance during the
74 recovery period will accrue interest at the utility's weighted
75 average cost of capital as reported in the commission's earnings
76 surveillance reporting requirement for the prior year. However,
77 if the utility elects not to complete construction of the
78 nuclear power plant, rather than being precluded from completing
79 such construction, the utility may not recover or retain any
80 rate of return. Any cost recovery after the date of the decision
81 not to complete construction of the plant may not include a rate
82 of return. A utility that elects not to complete construction
83 shall refund to its customers the costs recovered before the
84 date of the decision which are attributable to a recovery of a
85 rate of return.

86
87 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

88 And the directory clause is amended as follows:

89 Delete lines 20 - 21

90 and insert:

91 Section 1. Subsections (1), (2), (3), and (6) of section
92 366.93, Florida Statutes, are amended to read:

93
94 ===== T I T L E A M E N D M E N T =====

95 And the title is amended as follows:

96 Delete lines 7 - 15

97 and insert:

98 gasification combined cycle power plants; establishing
99 a procedure and requirements for cost recovery based



241108

100 on preconstruction and construction phases; providing
101 that a utility that elects not to complete
102 construction of a power plant may not recover or
103 retain any rate of return for such costs; providing an