

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: April 19, 2017
TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk
FROM: Pamela H. Page, Office of the General Counsel *PHP*
RE: Docket No. 170022-EI

Please file the attached rule certification packet for Rule 25-6.0183, F.A.C., in the docket file listed above.

Thank you.

Attachment

RECEIVED-FPSC
2017 APR 19 PM 1:14
COMMISSION
CLERK

COMMISSIONERS:
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ART GRAHAM
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JIMMY PATRONIS

STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
KEITH C. HETRICK
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

April 19, 2017

Mr. Ernest Reddick
Florida Department of State
Administrative Code and Register Section
Room 701, the Capitol
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

Re: Rule Certification Packet for Rule 25-6.0183, F.A.C.

Dear Mr. Reddick:

Enclosed for filing is a complete rule certification packet for Rule 25-6.0183, F.A.C., consisting of:

- (1) One compact disc containing the coded text of the rule;
- (2) One original and two copies of the e-mail approval confirmation with the certification form required by Rule 1-1.013, F.A.C., for the materials incorporated by reference that were filed electronically;
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rule, including the legal citations and history notes;
- (5) One original and two copies of the summary of the rule;
- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rule; and
- (7) One original and two copies of the summary of the hearings held on the rule.

FILED
2017 APR 19 AM 11:30
TALLAHASSEE, FLORIDA

Please note that the title of the material incorporated by reference has been conformed to match the title of the document incorporated into the rule. Please also let me know if you have any questions. The contact name and information for this rule are Pamela H. Page, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6214, phpage@psc.state.fl.us.

Sincerely,


Pamela H. Page
Senior Attorney

Enclosures

Julie Phillips

From: FL-Rules@dos.state.fl.us
Sent: Friday, April 14, 2017 2:08 PM
To: Julie Phillips
Cc: flrules@dos.state.fl.us
Subject: 25-6.0183 Reference Material for Rule Adoption Approved

Dear JPhillips:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 25-6.0183

Reference Number: Ref-08155; Reference Name: FRCC Generating Capacity Shortage Plan, FRCC-MS-OPRC-015, Effective Date: December 15, 2016, Version: 8

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

CERTIFICATION OF MATERIALS INCORPORATED

BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code:

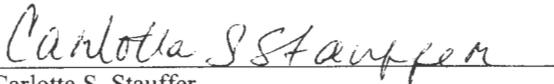
(1) That materials incorporated by reference in Rule 25-6.0183 have been electronically filed with the Department of State.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials described below electronically, a true and complete paper copy of the incorporated materials are attached to this certification for filing. Paper copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].

List title of document below:

FRCC Generating Capacity Shortage Plan FRCC-MS-OPRC-015, Effective December 15, 2016, Version: 8

Under the provisions of Section 120.54(3)(e)6., F. S., the attached material(s) take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.


Carlotta S. Stauffer

Commission Clerk

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-6.0183

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)

Carlotta S Stauffer
CARLOTTA S. STAUFFER

Commission Clerk _____
Title _____
Number of Pages Certified _____

25-6.0183 Electric Utility Procedures for Generating Capacity Shortage Emergencies.

The Commission adopts the FRCC Generating Capacity Shortage Plan, FRCC-MS-OPRC-015, Effective Date: December 15, 2016, Version: 8 Florida Reliability Coordinating Council's Generating Capacity Shortage Plan, July 2007, which is hereby incorporated by reference into this rule and may be accessed at <http://www.flrules.org/Gateway/reference.asp?No=Ref-08155> as the Commission's plan to address generating capacity shortage emergencies within Florida. A copy of the Generating Capacity Shortage Plan may be obtained from the Director, Division of Engineering, Florida Public Service Commission.

Rulemaking Authority 350.127(2), 366.05 FS. Law Implemented 366.04(2)(c), (f), (5) FS. History—New 2-12-91, Amended 3-19-98, 4-27-03, 5-1-08, _____.

SUMMARY OF THE RULE

The rule informs the Florida Emergency Operations Center and electric utilities of the Florida Reliability Coordinating Council's Generating Capacity Shortage Plan. The Florida Reliability Coordinating Council is a nonprofit company incorporated in the state of Florida promoting and assuring the reliability of the bulk power system. The plan establishes guidelines and summarizes procedures to be used by Florida's electric utilities and governmental agencies in response to generating capacity shortages that impact or threaten to impact significant numbers of customers.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

As a result of regulatory changes as well as other developments within the Florida Reliability Coordinating Council, the existing July 2007 Plan has been updated effective December 15, 2016. The revisions in the December 15, 2016 version align the plan with current terminology and federal reliability standards that address capacity issues. The December 15, 2016 Plan is incorporated by reference into the rule and a technical change was made to the rule to reflect the correct title of the Plan.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.