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LEGISLATIVE ACTION

Senate	.	House
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Senator Bennett moved the following:

**Senate Amendment to Amendment (926992)**

Delete lines 167 - 251

and insert:

do not exceed 2 megawatts in capacity. Costs incurred by a provider in 2010 for Florida renewable energy resources for which construction is commenced or for renewable energy purchased on or after the effective date of this act shall be counted toward and included in the calculation of the cost cap. Costs for renewable energy resources approved by the commission for cost recovery through the environmental cost-recovery clause before the effective date of this act shall not be subject to or included in the calculation of the cost cap. Any unused portion



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14 of the available cost cap funds in a specific year shall be  
15 carried forward and added to the cost cap for the following  
16 year. In addition, a utility may elect to carry forward costs  
17 incurred for Florida renewable energy resources which exceed the  
18 cost cap in a specific year and apply such costs to the cost cap  
19 in the following year.

20 (b) If a provider pays costs for purchased power above the  
21 limitations set out in s. 366.051, the seller shall surrender to  
22 the provider all renewable attributes of the energy being  
23 purchased by the provider.

24 (c) Revenues derived from any renewable energy credit,  
25 carbon credit, or other mechanism that attributes value to the  
26 production of renewable energy or reduction of carbon emissions,  
27 either existing or hereafter devised, received by a provider by  
28 virtue of the production or purchase of renewable energy or  
29 other production of energy for which cost recovery is approved  
30 shall be shared with the provider's ratepayers such that the  
31 ratepayers are credited no less than 90 percent of such  
32 revenues. However, through July 1, 2015, ten percent of revenues  
33 derived from renewable energy credits related to non-solar  
34 renewable energy purchases is to be credited to ratepayers.

35 (5) Each municipal electric utility and rural electric  
36 cooperative shall develop standards for the promotion,  
37 encouragement, and expansion of the use of renewable energy  
38 resources and energy conservation and efficiency measures. On or  
39 before April 1, 2009, and annually thereafter, each municipal  
40 electric utility and electric cooperative shall submit to the  
41 commission a report that identifies such standards.

42 (6) All prudently incurred costs of renewable energy shall



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43 be recoverable under s. 366.8255.

44 (7) A provider must acquire commission approval before the  
45 construction, licensing, and operation of a facility producing  
46 such resources or the purchase of capacity or energy from a  
47 facility producing such resources.

48 (a) In determining whether to approve the petition, the  
49 commission shall consider whether the:

50 1. Proposal for the facility requires the use of reasonable  
51 and customary industry practices in the design, engineering,  
52 procurement, and construction of the project in a cost-effective  
53 manner appropriate to the proposed technology and location of  
54 the facility.

55 2. Entity, including a provider, which would engineer,  
56 design, and construct the proposed facility has the requisite  
57 technical and financial qualifications, expertise, and  
58 capability.

59 3. Entity, including a provider, which would operate the  
60 proposed facility has the requisite technical qualifications,  
61 expertise, and capability.

62 4. Projected costs for the project are less than or equal  
63 to the levelized cost of electricity of comparable solar energy  
64 facilities previously approved by the commission.

65 (b) For purchase of renewable energy from third-party  
66 generating facilities in the state, any petition for approval of  
67 a purchased power agreement that is filed with the commission  
68 before April 2, 2010, and remains pending on the effective date  
69 of this act shall be considered to have been filed in accordance  
70 with and subject to this section.

71 (c) The commission's final order approving a facility shall



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72 include express authorization for annual cost recovery pursuant  
73 to ss. 366.8255 and 366.92 of the costs determined under this  
74 section.

75 (8) The provider shall report to the commission as part of  
76 the cost-recovery proceedings the construction costs, in-service  
77 costs, operating and maintenance costs, hourly energy production  
78 of the renewable energy project, and any other information  
79 deemed relevant by the commission.

80 (9) The commission shall allow full cost recovery over the  
81 entire useful life of the Florida renewable energy resource of  
82 all reasonable and prudent costs incurred by the provider  
83 related to or resulting from activities under this section,  
84 including, but not limited to, the following:  
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