

1 Draft Proposed Certificate Expiration (“Build Window”) Rule

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3 **463-XX-XXX**

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5 **1) Introduction**

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7 This rule describes the expiration rules for Site Certificates.

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9 **2) Site Certificate Expiration Rules**

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11 a) If the Certificate Holder does not begin construction within ten years from the
12 effective date of the Site Certification Agreement, the Site Certificate shall expire.

13 “Begin construction” means: the start of construction of a unit's major components,
14 excluding site preparation, upon a schedule and with the intention of completing
15 construction within twenty-seven months after commencement.

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17 b) During the first five years after the effective date of the Site Certification
18 Agreement, the Certificate Holder shall identify to the Council (at least six months and
19 no more than nine months before beginning construction) any substantial changes, or
20 certify the lack of substantial changes, in environmental, legal and technological
21 conditions relating to the Site Certificate.

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23 c) During the second five years after the effective date of the Site Certification
24 Agreement, the Certificate Holder shall certify to the Council (at least six months and no
25 more than nine months before beginning construction) that the representations of the
26 Application, including without limitation the environmental, legal and technological
27 conditions relating to the Site Certificate are the same. If such conditions are not the
28 same, the Certificate Holder shall identify the changed conditions to the Council and if
29 appropriate, propose changes in the Site Certification Agreement to address the changed
30 conditions.

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32 d) When c, above, applies, construction may begin only upon prior Council
33 authorization. Such authorization may include the Council’s finding that no changes to
34 the Site Certification Agreement are necessary or appropriate, or that the Site
35 Certification Agreement has been amended to the extent necessary to address the changed
36 conditions.

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38 e) The provisions of subsections b, c, and d, above, shall not apply when a
39 Certificate Holder begins construction less than six months after the execution of the Site
40 Certificate Agreement.