

Seiler, Ann**From:** Seiler, Ann**Sent:** Monday, August 20, 2007 3:25 PM

To: Darst Paul (paul.darst@dca.state.fl.us); Barbara Lenczewski; Kelly Martinson (kelly.martinson@dca.state.fl.us); Yu Sheauching (sheauching.yu@dot.state.fl.us); 'Mark Scruby'; 'ddj@circuit8.org'; 'pgilligan@ocalalaw.com'; ~~Charles F. Justice (justice@ncfrpc.org);~~ **Scott Koons** ~~ronald_williams@columbiacountyfla.com~~; Thomas Wright (tom.wright@marioncountyfl.org); James Antista (james.antista@fwc.state.fl.us); Martha Carter Brown (mbrown@psc.state.fl.us); Vance Kidder (vkidder@sjrwm.com)

Cc: Halpin, Mike; Korokous, Landa**Subject:** SECI Seminole Generating Station Unit 3 Fee Reimbursement

TO: Agencies (other than DEP and DOAH) who have worked on the application for the SECI Seminole Generating Station Unit 3- PA78-10A2

SUBJECT: SECI Seminole Generating Station Unit 3 Fee Reimbursement

The final order for the SECI Seminole Generating Station Unit 3 application (PA78-10A2) has been signed by the Secretary of DEP on August 17, 2007. The provisions of s403.518(2)(c) of the Power Plant Siting Act state that "upon written request with proper itemized accounting within 90 days after final agency action, the agencies that prepared reports pursuant to s403.507 may submit a written request to the department for reimbursement of expenses incurred during the certification proceedings".

The reimbursement request must be made in writing and must be accompanied by an itemization of the time and expenses incurred in accordance with state auditing procedures. To facilitate matters, when itemizing the hours expended, please provide a general identification of what tasks were being done, the person working on the application (an hour-by-hour accounting is not required), and the salary rate (may include "direct" charges only) for the person whose hours are being charged. Make sure that the case number (PA78-10A2) is referenced.

The request may be for:

- Time spent reviewing the application;
- Preparation of any studies required of the agencies by this act;
- Agency travel;
- Contracts that had been previously reviewed and approved by the department; and,
- Provision of notice of public meetings or hearings by any agency or local government that was required as a result of the application for certification.

The affected agencies must submit the invoices for reimbursement to the department's Siting Coordination Office for a validity review prior to processing by the department's Bureau of Finance & Accounting. The invoices must be submitted no later than 45 days after issuance of the final order, thus **October 1, 2007**. Invoices received after the deadline will not be deemed eligible for reimbursement unless good cause is demonstrated to the department. The reimbursement will be made within 90 days of final order, or no later than November 15, 2007.

Thank you for your prompt attention to this matter.

Applicable Statute and Rule Provisions

S. 403.518, F.S. Fees; disposition.-- The department shall charge the applicant the following fees, as appropriate, which, unless otherwise specified, shall be paid into the Florida Permit Fee Trust Fund:

(2) An application fee, which shall not exceed \$200,000. The fee shall be fixed by rule on a sliding scale related to the size, type, ultimate site capacity, or increase in electrical generating capacity proposed by the application.

(a) Sixty percent of the fee shall go to the department to cover any costs associated with coordinating the review and acting upon the application, to cover any field services associated with monitoring construction and operation of the facility, and to cover the costs of the public notices published by the department.

(b) The following percentages shall be transferred to the Administrative Trust Fund of the Division of

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Administrative Hearings of the Department of Management Services:

1. Five percent to compensate expenses from the initial exercise of duties associated with the filing of an application.

2. An additional 5 percent if a land use hearing is held pursuant to s. 403.508.

3. An additional 10 percent if a certification hearing is held pursuant to s. 403.508.

(c)1. Upon written request with proper itemized accounting within 90 days after final agency action by the board or withdrawal of the application, the agencies that prepared reports pursuant to s. 403.507 or participated in a hearing pursuant to s. 403.508 may submit a written request to the department for reimbursement of expenses incurred during the certification proceedings. The request shall contain an accounting of expenses incurred which may include time spent reviewing the application, preparation of any studies required of the agencies by this act, agency travel and per diem to attend any hearing held pursuant to this act, and for any agency or local government's provision of notice of public meetings or hearings required as a result of the application for certification. The department shall review the request and verify that the expenses are valid. Valid expenses shall be reimbursed; however, in the event the amount of funds available for reimbursement is insufficient to provide for full compensation to the agencies requesting reimbursement, reimbursement shall be on a prorated basis.

2. If the application review is held in abeyance for more than 1 year, the agencies may submit a request for reimbursement.

(d) If any sums are remaining, the department shall retain them for its use in the same manner as is otherwise authorized by this act; provided, however, that if the certification application is withdrawn, the remaining sums shall be refunded to the applicant within 90 days after withdrawal.

Rule 62-17.293, F.A.C - Fees, Disbursement of Funds, Contracts. (proposed)

(2) The following applies to management of the fees:

(c) In order to receive reimbursement for participation in the proceedings, the affected agencies must submit invoices for reimbursement to the Department's Siting Coordination Office for a validity review prior to processing by the Department's Bureau of Finance & Accounting. The invoices must be submitted no later than 45 days after final action by the Siting Board or after notification of withdrawal of the application. Invoices received after the deadline shall not be deemed eligible for reimbursement unless good cause is demonstrated to the department. Each invoice must be accompanied by an itemization of the time and expenses incurred in accordance with state auditing procedures.

(d) Authorized agency expenses for DEP and other affected agencies may only include direct costs for those items identified in s. 403.518(2)(c)1.

(e) All contracts must be directly related to the evaluation of the application. Any agency intending to incur an expense for a contract for studies pursuant to Section 403.507, F.S., must first obtain approval from the department for the amount and purpose of such expenditure. All such studies must be related to the jurisdiction of the agencies and must be directly related to the evaluation of the application. Any such contract must specify that:

1. Receipt of the final results must be available in time for agency report submittals.
2. The studies shall be finalized in writing.
3. Final reimbursement to the contractor shall not occur unless complete results are submitted such that the schedule of subparagraph 1. can be met.
4. The contractor agrees to be available to act as a witness in certification proceedings.

Ann Seiler
Florida Energy and Siting Office
2600 Blair Stone Rd.
Tallahassee, FL 32399
(850) 245-8008
ann.seiler@dep.state.fl.us