



# DEPARTMENT OF ENVIRONMENTAL PROTECTION

Siting Coordination Office

## NOTICE OF CERTIFICATION HEARING FORM

### NOTICE OF CERTIFICATION HEARING ON PROPOSED ELECTRICAL TRANSMISSION LINE CORRIDOR

Application No. \_\_\_\_\_ for certification to authorize location of a transmission line corridor, construction, operation and maintenance of a \_\_\_\_ kilovolt electrical transmission line(s) commonly referred to as \_\_\_\_-\_\_\_\_ and maintenance of the transmission line right-of-way from, \_\_\_\_ Florida to \_\_\_\_, Florida was received by the Department of Environmental Protection on \_\_\_\_, 2\_\_\_\_. The case is pending before the Division of Administrative Hearings, Case No. \_\_\_\_, prior to action by the Governor and Cabinet (sitting as the Siting Board), or the Secretary of the Department of Environmental Protection, pursuant to the Florida Transmission Line Siting Act, Chapter 403, Part II, F.S. The proposed corridor passes through the following local government jurisdictions \_\_\_\_\_ and \_\_\_\_\_.

Pursuant to Section 403.527, F.S., unless one or more alternate corridors are proposed and accepted for consideration, the certification hearing will be held by the Division of Administrative Hearings commencing on \_\_\_\_, 2\_\_\_\_ at \_\_\_\_, in \_\_\_\_, Florida, at \_\_\_\_m. in order to take written or oral testimony on the effects of the proposed electrical transmission line. The purpose of this hearing is to determine whether the application should be approved in whole, approved with modifications and conditions, or denied. In making this determination, the administrative law judge, and ultimately the Governor and Cabinet, or, if no certification hearing is required, the Secretary of the Department of Environmental Protection, shall consider whether, and the extent to which, the location of the transmission line corridor, and the construction, operation, and maintenance of the transmission line will:

- (a) Ensure electric power system reliability and integrity;
- (b) Meet the electrical energy needs of the state in an orderly, economical, and timely fashion;
- (c) Comply with applicable nonprocedural requirements of agencies;
- (d) Be consistent with applicable provisions of local government comprehensive plans, if any; and
- (e) Effect a reasonable balance between the need for the transmission line as a means of providing reliable, economically efficient electric energy, as determined by the Florida Public Service Commission under Section 403.537, F.S., and the impact upon the public and the

environment resulting from the location of the transmission line corridor and the construction, operation, and maintenance of the transmission line(s).

Consideration of individual private property rights, equitable compensation for eminent domain proceedings which may be necessary to obtain access and use of the right-of-way, and the electrical need for the transmission line will not be heard at this hearing. Need for the transmission line is considered by the Florida Public Service Commission at a separate hearing and is not an issue at this hearing.

A public hearing where members of the public not a party to the certification hearing may testify under oath as to relevant facts and subject to cross-examination by all parties shall be held [If the time has been set for the public hearing by the administrative law judge, include here “on \_\_\_\_, 2\_\_\_\_ at \_\_\_\_,”] as part of the certification hearing. [Where public hearings have been requested by a local government, to be held within the boundaries of the county within which the local government is located and the time and location for such public hearing has been set by the administrative law judge before the notice is submitted to the newspaper for publication, the public notice for the particular county where such a local public hearing has been set shall also state]: As requested by [local governments' name(s)] a local public hearing where members of the public not a party to the certification hearing who reside within the jurisdiction of [local government's name(s)] may testify under oath as to relevant facts and subject to cross-examination by all parties shall also be held on \_\_\_\_, 2\_\_\_\_at \_\_\_\_, in \_\_\_\_, Florida.

Any person wishing to participate in the certification proceeding as a party must file an appropriate pleading with the Division of Administrative Hearings following the procedures in Chapter 28-106, F.A.C. and Section 403.527(2)(c), F.S., which provides that:

(1) Parties to the proceeding shall be: [list appropriate parties from 403.527(2)(a)]. Any of these parties, other than the Department of Environmental Protection and [name of the applicant], may waive its right to participate in these proceedings if the listed party fails to file a notice of intent to be a party on or before the deadline date indicated below.

(2) Notwithstanding the provisions of Chapter 120, F.S., to the contrary, upon the filing with the administrative law judge of a notice of intent to be a party by an agency, corporation, or association described in subparagraphs (a) and (b) below or a petition for intervention by a person described in subparagraph (c) below, no later than the deadline date indicated below, the following shall also be parties to the proceeding:

(a) Any agency not listed in subparagraph (1) above, as to matters within its jurisdiction.

(b) Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation of natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed transmission line or corridor is to be located.

(c) Any person whose substantial interests are affected and being determined by the proceeding.

For further information and requirements, please see:

[http://www.dep.state.fl.us/siting/rules\\_statutes.htm](http://www.dep.state.fl.us/siting/rules_statutes.htm)

Persons not wishing to participate in the proceedings as a party may nevertheless offer sworn testimony during the public hearing portion of the certification hearing, if a certification hearing is needed.

Any notice of intent to be a party or motion to intervene must be submitted by [date] and sent to: Re: DOAH Case No. \_\_\_\_\_, Division of Administrative Hearings, [current address], Tallahassee, Florida, \_\_\_\_\_, and must contain the following: reference to the application number; the name, address, and telephone number of the agency or person; and allegations sufficient to demonstrate the agency or person is entitled to participate in the proceeding. The notice or motion must be sent by mail to the applicant and to all parties. (A list of parties may be obtained from the Department's Siting Coordination Office at the physical address above.)

Consideration may be given in this proceeding to corridors alternate to the corridor(s) preferred by [the applicant]. Persons other than the applicant may propose alternate corridors for portions of or all of the corridor(s) proposed by the applicant. To propose an alternate corridor, persons must request to become a party to the proceedings, and then must file a notice of proposed alternate corridor with the administrative law judge pursuant to Section 403.5271(1), F.S., all parties, and any local governments in the jurisdiction of which the alternate is proposed, by no later than [specify date: 45 days prior to the originally scheduled certification hearing]. The filing must include the most recent United States Geological Survey 1:24000 quadrangle maps with the alternate corridor boundaries specifically delineated on it, a description of the proposed alternate corridor, and a statement of the reasons the proposed alternate corridor should be certified. Each party proposing an alternate corridor shall have the burden to provide the data necessary for the agencies listed in Section 403.526, F.S., to prepare a supplementary report, to provide public notice in accordance with Section 403.5363(2), F.S., and the burden of proof on the certifiability of the alternate corridor at the certification hearing. See Section 403.5271, F.S., and Florida

Administrative Code Rule 62-17.543 for further information about proposing an alternate corridor. [http://www.dep.state.fl.us/siting/rules\\_statutes.htm](http://www.dep.state.fl.us/siting/rules_statutes.htm)

Pursuant to Section 403.527(6), F.S., the certification hearing may be cancelled if, no later than [specific date - 29 days before the certification hearing], all parties to the proceeding stipulate that there are no disputed issues of material fact or law to be raised, and the Department of Environmental Protection or the applicant requests that the administrative law judge cancel the certification hearing. If the administrative law judge grants the request, the Department of Environmental Protection shall prepare and issue a final order in accordance with Section 403.529(1)(a).

The Siting Board, or the Department if the certification hearing is cancelled, may certify all or portions of one or more corridors proper for certification.

This notice is in lieu of other notices, including those relating to variances, changes to zoning ordinances and local governments' comprehensive plans (if any are required), or any other non-federal government license or permit.

A term or condition of the certification, if granted, may provide for the subsequent submittal of information necessary for agencies to monitor the effects arising from the location of the transmission line corridor and the construction, operation and maintenance of the transmission line to assure continued compliance with state water quality requirements or compliance with other agency non-procedural rules and standards, particularly with regards to wetlands resource protection activities. A person whose substantial interest may be affected by such submittals or monitoring must petition to become a party to this proceeding if they desire an administrative determination relative to the postcertification monitoring process. This certification proceeding provides such a person with the opportunity for a hearing as required by Chapter 120, F.S., and the Act. Failure to petition to become a party within the time frames set forth in this notice constitutes a waiver to an administrative determination (or hearing) pursuant to Chapter 120 and the Act on the postcertification review and monitoring.

MAP of the proposed corridor(s) location