



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

March 7, 2005

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Mr. A.K. (Ben) Sharma, P.E.
Vice President of Power Supply
Kissimmee Utility Authority
Post Office Box 423219
Kissimmee, FL 34742-3219

**RE: Kissimmee Utility Authority/Florida Municipal Power Agency Cane Island Power
Park
Modification to Conditions of Certification
DEP Case Number PA98-38C
OGC Case Number 05-0015**

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Sharma:

The Siting Board authorized the construction and operation of **Kissimmee Utility Authority/Florida Municipal Power Agency Cane Island Power Park** on November 23, 1999 (PA98-38). The Department has modified the Conditions of Certification by Final Order on 2 other occasions. The Department has issued a Final Title V Operation Permit that would constitute a change to the Conditions of Certification, necessitating a modification.

On or before January 14, 2005, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification. Additionally, on February 4, 2005, notice of the Department's intent to modify the Conditions of Certification for this facility was published on the Department's internet home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices." Pursuant to Section 403.516, Florida Statutes ("F.S."), and Rule 62-17.211, Florida Administrative Code ("F.A.C."), all parties to the certification proceeding have ~~45 days~~ from the issuance of notice by mail to such party's last address of record in which to file a written ~~objection to the modification~~; that any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification has 30 days from the date of publication of the public notice in the Florida Administrative Weekly to object in writing; that failure to act within the time frame constitutes a waiver of the right to become a party; and that the Department will

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issue an Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

No objections to the modification have been received by the Department. The Conditions of Certification for the Kissimmee Utility Authority/Florida Municipal Power Agency Cane Island Power Park are hereby modified as follows:

XIII. AIR

A-I. No Change

J. Cane Island Power Park Units 1 & 2 1, 2, & 3 Conditions

~~For Cane Island Power Park Units 1 & 2 operation shall be in compliance with existing PSD Permit No. FL 182 until the new air operating conditions for Unit 3 are incorporated in the overall Title V Air Operation Permit, Permit No. FL254 attached as Appendix I (Reserved).~~ Units 1, 2 & 3 shall operate in conformance with DEP Permit No. 0970043-010-AV attached as Appendix I.

Any party to the this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.

Hamilton S. Oven

Hamilton S. Oven, P.E.

Administrator, Siting Coordination Office

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.

Linda Korokos
Clerk

3/7/05
Date

cc:

Kissimmee Utility Authority/Florida Municipal Power Agency Cane Island Power Park
Order Modifying Conditions of Certification
DEP Case Number PA98-38
March 7, 2005

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