

STATE OF FLORIDA
SITING BOARD

DEPARTMENT OF
ENVIRONMENTAL PROTECTION
JUN 06 2001

SITING COORDINATION

IN RE: FLORIDA POWER CORPORATION)
HINES ENERGY COMPLEX (POWER)
BLOCK 2) POWER PLANT SITING)
APPLICATION PA 92-33SA)

OGC CASE NO. 99-0081
DOAH CASE NO. 00-3125EPP

FINAL ORDER APPROVING CERTIFICATION

On April 5, 2001, an administrative law judge with the Division of Administrative Hearings ("DOAH") submitted his Recommended Order in this certification proceeding. The Recommended Order indicates that copies were served upon counsel for Florida Power Corporation ("FPC") and the Department of Environmental Protection ("DEP"). The Recommended Order also reflects service upon counsel for other designated state, regional and local agencies. A copy of the Recommended Order is attached as Exhibit A. The matter is now before the Governor and Cabinet, sitting as the "Siting Board," for final action under the Florida Electrical Power Plant Siting Act ("PPSA") embodied in §§ 403.501-403.518, Florida Statutes.

BACKGROUND

FPC is an investor-owned utility company providing electric service to about 1.4 million Florida customers in a 32-county region extending from the central Florida Panhandle south to the Tampa Bay area and east into Orlando. In July of 2000, FPC filed an application with DEP for supplemental site certification for the Hines Power Block 2 project ("Power Block 2" or "Project"). On January 5, 2001, the Florida Public Service Commission (PSC) issued a determination of need for the Project pursuant to § 403.519, Florida Statutes. On February 1, 2001, DEP issued its written Staff Analysis of the Project as required by § 403.507(4), Florida Statutes. The Staff Analysis contains reports from other agencies, along with proposed Conditions of Certification for the Project

The site of the Power Block 2 unit is the Hines Energy Complex located in Polk County, Florida. The Hines Energy Complex contains approximately 8,226 acres located in an unincorporated area of southern Polk County, about 40 miles east of Tampa and three miles south of Bartow. In January of 1994, the Governor and Cabinet, acting as the Siting Board, certified the Hines Energy Complex site for the construction of an initial 470 megawatt

combined cycle unit and for an ultimate site power generation capacity of 3,000 megawatts. The initial 490 megawatt unit, referred to as "Power Block 1", is a combined cycle unit almost identical to the proposed Power Block 2 unit.

Power Block 2 consists of a 530 megawatt (nominal) combined cycle electrical generating plant. The term "combined cycle" refers to the combination of fuel combustion and steam electric generation technologies. The Project includes two 170 megawatt (nominal) combustion turbines, two heat recovery steam generators and a single 190 megawatt steam turbine generator. The actual generating equipment will occupy a five-acre parcel, which is currently an open grass field immediately to the west of existing Power Block 1. As with Power Block 1, the Power Block 2 unit will be fired by natural gas with fuel oil as a backup. Construction of Power Block 2 is planned to be mechanically complete by September 1, 2003. Commercial operation of this new unit is projected to begin by November 30, 2003.

A certification hearing was held in this proceeding by Administrative Law Judge, William F. Quattlebaum ("ALJ"), on March 6, 2001, as required by § 403.508 of the PPSA. The purpose of the hearing was to receive evidence on the issue of whether the Project is entitled to certification pursuant to the criteria set forth in § 403.502, Florida Statutes. Testimony and exhibits were presented by FPC and DEP at the hearing. No other agencies or parties or members of the public appeared or testified at the certification hearing.

RECOMMENDED ORDER

The ALJ entered a Recommended Order in this case on April 5, 2001. The ALJ concluded that the proposed Power Block 2 unit (if constructed, maintained, and operated in accordance with the Conditions of Certification imposed by DEP) will produce minimal adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic life. The ALJ also concluded that certification of Power Block 2 is consistent with the statutory goal of the PPSA to achieve a reasonable balance between the need for the Project as determined by the PSC and the environmental impacts that may result from its construction and operation. The ALJ ultimately recommended that the Siting Board grant supplemental site certification of the Project, subject to DEP's Conditions of Certification.

CONCLUSION

No exceptions have been filed in these proceedings challenging any of the ALJ's factual findings or legal conclusions in the Recommended Order. Furthermore, the record is devoid of any recommendation of denial of supplemental site certification of this Project by a state, regional, or local agency. Based on a review of the record and the provisions of the PPSA, the Siting Board concludes that supplemental site certification of FPC's proposed Power Block 2 unit serves and protects the broad interests of the public and should be approved.

It is therefore ORDERED that:

A. The ALJ's Recommended Order is adopted in its entirety and is incorporated by reference into this Final Order.

B. Supplemental site certification of the Project as proposed in FPC's application, is hereby APPROVED, subject to the Conditions of Certification set forth in DEP's Exhibit No. 2 as corrected by Joint Exhibit No. 3, which corrected Conditions of Certification are incorporated by reference herein.

C. Authority to assure and enforce compliance by FPC and its agents with the Conditions of Certification imposed by this Final Order is delegated to DEP, except that any proposed modification to burn a fuel other than natural gas or fuel oil shall be reviewed by the Siting Board.

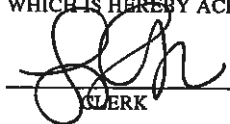
Any party to this proceeding has the right to seek judicial review of this Final Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of 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 30 days from the date this Final Order is filed with the Clerk of the Department.

DONE AND ORDERED this 4th day of JUNE, 2001, in Tallahassee,
Florida, pursuant to a vote of the Governor and Cabinet, sitting as the Siting Board, at a duly
noticed and constituted Cabinet meeting held on MAY 30, 2001.

THE HONORABLE JEB BUSH
GOVERNOR

A handwritten signature of Jeb Bush in cursive script, written over a horizontal line.

FILING IS ACKNOWLEDGED ON THIS
DATE, PURSUANT TO § 120.52 FLORIDA
STATUTES, WITH THE DESIGNATED
DEPARTMENT CLERK, RECEIPT OF
WHICH IS HEREBY ACKNOWLEDGED

A handwritten signature of the clerk in cursive script, written over a horizontal line.
CLERK

6/4/01
DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Final Order has been sent by United States Postal Service to:

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Florida Power Corporation
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Central Florida Regional Planning
Council
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Bartow, FL 33930

Ann Cole, Clerk and
William F. Quattlebaum, Administrative Law Judge
Division of Administrative Hearings
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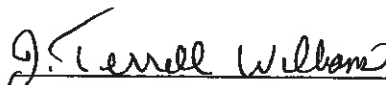
and by hand delivery to:

Hamilton Oven, Administrator
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Office of Siting Coordination
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Tallahassee, FL 32399-2400

Scott A. Goorland, Esquire
Department of Environmental
Protection
3900 Commonwealth Blvd.
Mail Station 35
Tallahassee, FL 32399-3000

this 5th day of June, 2001.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


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