

Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi Drew
Secretary

November 30, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

James O. Vick
Environmental Affairs, Director
Gulf Power Company
One Energy Place
Pensacola, FL 32520

RE: Lansing Smith Plant Unit 3 (PA 99-40)
Amendment Request for a Temporary Underground Power Line

Dear Mr. Vick:

On November 4, 2010, the Florida Department of Environmental Protection's (Department) Siting Coordination Office received a request from Gulf Power Company for an amendment to their Lansing Smith Plant's Site Certification Application. The amendment request is for the installation of a temporary underground power line for the proposed Underground Injection Control project at the Lansing Site.

Pursuant to subsection 62-17.205(1), Florida Administrative Code ("F.A.C."), the Department has determined that this proposal is an amendment to the application that will not require modification to the Conditions of Certification (COCs) for the Facility.

Based on a review of the information submitted on November 4, 2010, the Department has determined that the impacts resulting from the project would be minimal and would not normally require any permitting action. Therefore, the Department has no objections to the proposed project and hereby approves the amendment request, provided that Gulf Power continues to comply with all terms and conditions of the existing COCs for the Facility.

The Department's Order shall become final unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, Florida Statutes ("F.S."), within **21** days of receipt of this Order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this Order have the following options:

If you choose to accept the above decision by the Department concerning the postcertification amendment you do not have to do anything. This Order is final and effective as of the date on the top of the first page of this Order.

If you disagree with the decision, you may do one of the following:

1. File a petition for administrative hearing with the Department's Office of General Counsel within **21** days of receipt of this Order; or
2. File a request for an extension of time to file a petition for hearing with the Department's Office of General Counsel within **21** days of receipt of this Order. Such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing.

Please be advised that mediation of this decision pursuant to section 120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from the addressee, shall mail a copy of the request to the addressee at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from the addressee, shall mail a copy of the petition to the addressee at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under sections 120.569 and 120.57, F.S.

Pursuant to subsections 120.54(5)(b)4 and 120.569(2), F.S. and rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- a) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner's representative, if any, the site owner's name and address, if different from the petitioner, the DEP facility number, and the name and address of the facility;
- b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- d) A statement of the material facts disputed by the petitioner, or a statement that there are no disputed facts;
- e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department's action or proposed action; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This Order is final and effective as of the date on the top of the first page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.

Judicial Review

Any party to this Order has the right to seek judicial review of it under section 120.68, F.S., by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the

November 30, 2010

appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department (see below).

Questions

Any questions regarding the Department's review of your postcertification amendment should be directed to Jessica Dalton at 850/245-2004. Questions regarding legal issues should be referred to the Department's Office of General Counsel at 850/245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

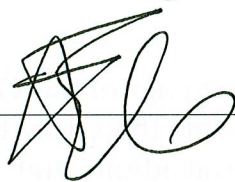
Sincerely,



Michael P. Halpin, 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.

Clerk 

11/30/10
Date

Service List CC by email (return receipt requested):

Kelly Samek, Esquire
Fish and Wildlife Conservation Commission
6230 South Meridian Street
Tallahassee, FL 32399-1600
kelly.samek@myfwc.com

Matthew G. Davis, Assistant General Counsel
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
matthew.davis@dca.state.fl.us

Kimberly Menchion, Esquire
Department of Transportation
Haydon Burns Building
605 Suwannee Street
Mail Station 58
Tallahassee, FL 32399-0450
Kimberly.Menchion@dot.state.fl.us

Toni Sturtevant, Esquire
Department of Environmental Protection
3900 Commonwealth Blvd.
Mail Station 35
Tallahassee, FL 32399-3000
toni.sturtevant@dep.state.fl.us

Jennifer Brubaker, Esquire
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Blvd.
jbrubake@psc.state.fl.us

Douglas Barr, Executive Director
Northwest Florida Water Management District
81 Water Management Drive
Havana, FL 32333
Douglas.Barr@nwfwmd.state.fl.us

Doug Roberts, Esquire
Hopping Green & Sams, P.A.
P.O Box 6526
Tallahassee, Florida 32317
droberts@hgslaw.com

Kevin X. Crowley, Esquire
Pennington Moore Wilkinson Bell & Dunbar, for
Northwest Florida Water Management District
P.O. Box 10095
Tallahassee, FL 32302-2095
kcrow@penningtonlaw.com

Ed Smith, County Manager
Bay County
Post Office Box 1818
Panama City, Florida 32402-1818
esmith@baycountyfl.gov

Terry Joseph, Executive Director
West Florida Regional Planning Council
Post Office Box 11399
Pensacola, FL 32524-1399
josepht@wfrpc.dst.fl.us

Barbara Lenczewski
State Planning Initiatives Administrator
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
barbara.lenczewski@dca.state.fl.us

Also cc:
darryl.boudreau@dep.state.fl.us
rick.bradburn@dep.state.fl.us