

Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

January 14, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Paul Plotkin
Plant Manager, Manatee Plant
Florida Power & Light Company
19050 State Road 62
Parrish, Florida 34219

RE: Florida Power and Light Manatee Unit 3
DEP Case Number PA02-44
(Post-certification Amendment dated December 10, 2009)

Dear Mr. Plotkin:

On December 11, 2009, the Florida Department of Environmental Protection's (DEP's) Siting Coordination Office (Department) received a request for a post certification amendment to the Site Certification Application for Florida Power & Light's (FPL's) Manatee Plant Unit 3 to modify the existing natural gas yard to include a blending station at the Manatee Plant. Additional information was submitted to the Department of Transportation on December 17, 2009 and to the DEP Southwest District Office on January 8, 2010.

Pursuant to Section 62-17.205(c), F.A.C., the Department has determined that this request is an amendment to the application that will not require modification to the Conditions of Certification (COC) for the facility.

As described in FPL's submittal, the existing gas yard currently regulates gas pressures to provide high pressure gas to Manatee Unit 3 and lower pressure gas to Manatee Units 1 and 2. Because FPL is contracting with Florida Gas Transmission to supply natural gas to the site, the existing gas yard needs to be modified to interconnect the new supply source and to blend the gas from the two supply lines.

Based on the review of your submittals by our Southwest District Office, the Department has determined that there are no wetland impacts proposed and the existing stormwater system appears to be able to handle the additional runoff.

The Department notes that under Florida Statutes (403.511(4), F.S.) nothing in this approval "affects the right of any local government to charge appropriate fees or require that construction be in compliance with applicable building construction codes".

Accordingly, the Department has no objections to the above requests as proposed in the December 11th and subsequent submittals.

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, Florida Statutes ("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), Florida Administrative Code ("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.

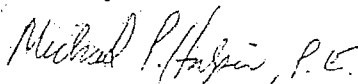
Judicial Review

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 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 Michael P. Halpin, P.E. at (850) 245-2002. 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.

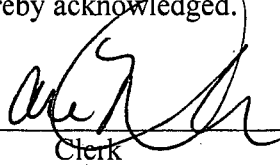
Sincerely,



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

1/14/10
Date

CC by email (return receipt requested):

Tedd N. Williams, Jr.
County Attorney
Manatee County
1112 Manatee Avenue West, Suite 969
Bradenton, FL 34206
tedd.williams@mymanatee.org

Peter C. Cunningham, Esq
Douglas S. Roberts, Esq
Hopping, Green and Sams, P.A.
POB 6526
Tallahassee, FL 32314-6526
peterc@hgslaw.com
dougr@hgslaw.com

Suzanne Cooper
Tampa Bay Regional Planning Council
4000 Gateway Centre Blvd. Suite 100
Pinellas Park, FL 33782
suzanne@tbrpc.org

Emily Norton, Esquire
Fish and Wildlife Conservation Commission
6230 South Meridian Street
Tallahassee, FL 32399-1600
emily.norton@fwc.state.fl.us

Martha A. Moore, Esquire
Southwest FL Water Management District
2379 Broad Street
Brooksville, FL 34604-6899
martha.moore@swfwmd.state.fl.us

ManaSota-88, Inc.
c/o Glenn Compton, Chairman
419 Rubens Drive
Nokomis, FL 34275
manasota88@comcast.net

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

Matthew Davis, Esquire
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
matthew.Davis@dca.state.fl.us

FPL Manatee Unit 3
January 14, 2010
Page 5 of 5

Jennifer Brubaker, Esquire
Florida Public Service Commission
Gerald Gunter Building
2450 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
jbrubake@psc.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

Nelson, Allena

From: Matthew.Davis@dca.state.fl.us
Sent: Thursday, January 14, 2010 9:05 AM
To: Nelson, Allena
Subject: Re: FPL Manatee Plant Amendment Approval
Attachments: FPL Manatee Amend Appr Gas Yard Expansion.pdf

Matthew Davis
Assistant General Counsel
Department of Community Affairs
Florida Communities Trust
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
(850) 922-1687
(850) 922-2679 (fax)

We are committed to maintaining the highest level of service and we value your feedback. Please complete our Customer Service Survey by visiting <http://www.dca.state.fl.us/CustomerServiceSurvey/>. However, if you require direct assistance or a response, please visit <http://www.dca.state.fl.us/contactus/>.

Affordable, quality health insurance coverage is now available for any uninsured Floridians ages 19-64. To learn more, visit www.CoverFloridaHealthCare.com.

Florida has a broad public records law and all correspondence, including email addresses, may be subject to disclosure.

"Nelson, Allena" <Allena.Nelson@dep.state.fl.us>

01/14/2010 09:01 AM

To "tedd.williams@mymanatee.org" <tedd.williams@mymanatee.org>, "peterc@hgslaw.com" <peterc@hgslaw.com>, "dougr@hgslaw.com" <dougr@hgslaw.com>, "suzanne@tbrpc.org" <suzanne@tbrpc.org>, "emily.norton@myfwc.com" <emily.norton@myfwc.com>, "martha.moore@swfwmd.state.fl.us" <martha.moore@swfwmd.state.fl.us>, "manasota88@comcast.net" <manasota88@comcast.net>, "Sturtevant, Toni" <Toni.Sturtevant@dep.state.fl.us>, "matthew.davis@dca.state.fl.us" <matthew.davis@dca.state.fl.us>, "jbrubake@psc.state.fl.us" <jbrubake@psc.state.fl.us>, "kimberly.menchion@dot.state.fl.us" <kimberly.menchion@dot.state.fl.us>

cc "Mulkey, Cindy" <Cindy.Mulkey@dep.state.fl.us>, "Halpin, Mike" <Mike.Halpin@dep.state.fl.us>

Subject FPL Manatee Plant Amendment Approval

Dear Sir/Madam:

Please send a "reply" message verifying receipt of the attached document(s); this may be done by selecting "Reply" on the menu bar of your e-mail software and then selecting "Send". We must receive verification of receipt and your reply will preclude subsequent e-mail transmissions to verify receipt of the document(s).

The document(s) may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible.

The document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site:

<http://www.adobe.com/products/acrobat/readstep.html>.

The Siting Coordination Office is issuing electronic documents for modifications and other correspondence in lieu of hard copies through the United States Postal System to provide greater service to the applicant, agencies and other parties. Please advise this office of any changes to your e-mail address.

Thank you,

Allena Nelson

Dept. of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, Florida 32399-3000
Ph: (850) 245-2162
Fx: (850) 245-2020

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.

Nelson, Allena

From: Jennifer Brubaker [JBrubake@PSC.STATE.FL.US]
Sent: Thursday, January 14, 2010 9:12 AM
To: Nelson, Allena
Subject: RE: FPL Manatee Plant Amendment Approval

From: Nelson, Allena [mailto:Allena.Nelson@dep.state.fl.us]
Sent: Thursday, January 14, 2010 9:02 AM
To: tedd.williams@mymanatee.org; peterc@hgslaw.com; dougr@hgslaw.com; suzanne@tbrpc.org; emily.norton@myfwc.com; martha.moore@swfwmd.state.fl.us; manasota88@comcast.net; Sturtevant, Toni; matthew.davis@dca.state.fl.us; Jennifer Brubaker; kimberly.menchion@dot.state.fl.us
Cc: Mulkey, Cindy; Halpin, Mike
Subject: FPL Manatee Plant Amendment Approval

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Nelson, Allena

From: Menchion, Kimberly [Kimberly.Menchion@dot.state.fl.us]
Sent: Thursday, January 14, 2010 9:19 AM
To: Nelson, Allena
Subject: RE: FPL Manatee Plant Amendment Approval

From: Nelson, Allena [mailto:Allena.Nelson@dep.state.fl.us]
Sent: Thursday, January 14, 2010 9:02 AM
To: tedd.williams@mymanatee.org; peterc@hgslaw.com; dougr@hgslaw.com; suzanne@tbrpc.org; emily.norton@myfwc.com; martha.moore@swfwmd.state.fl.us; manasota88@comcast.net; Sturtevant, Toni; matthew.davis@dca.state.fl.us; jbrubake@psc.state.fl.us; Menchion, Kimberly
Cc: Mulkey, Cindy; Halpin, Mike
Subject: FPL Manatee Plant Amendment Approval

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Nelson, Allena

From: Marti Moore [Martha.Moore@swfwmd.state.fl.us]
Sent: Thursday, January 14, 2010 10:09 AM
To: Nelson, Allena
Subject: RE: FPL Manatee Plant Amendment Approval

From: Nelson, Allena [mailto:Allena.Nelson@dep.state.fl.us]
Sent: Thursday, January 14, 2010 9:02 AM
To: tedd.williams@mymanatee.org; peterc@hgslaw.com; dougr@hgslaw.com; suzanne@tbrpc.org; emily.norton@myfwc.com; Marti Moore; manasota88@comcast.net; Sturtevant, Toni; matthew.davis@dca.state.fl.us; jbrubake@psc.state.fl.us; kimberly.menchion@dot.state.fl.us
Cc: Mulkey, Cindy; Halpin, Mike
Subject: FPL Manatee Plant Amendment Approval

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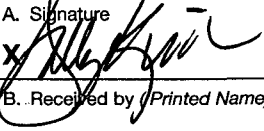
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Postage \$ Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$	Postmark Here
Mr. Paul Plotkin Plant Manager, Manatee Plant Florida Power & Light Company 19050 State Road 62 Parrish, Florida 34219	
For Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature  ☐ Agent ☐ Addressee B. Received by (Printed Name) C. Date of Delivery 1-21-10 D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
1. Article Addressed to: Mr. Paul Plotkin Plant Manager, Manatee Plant Florida Power & Light Company 19050 State Road 62 Parrish, Florida 34219	PA02-44 Post Cert Amendment 3. Service Type ☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes

7009 2820 0004 2184 4252