



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

MARJORY STONEMAN DOUGLAS BUILDING
3900 COMMONWEALTH BOULEVARD
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT
GOVERNOR

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LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

March 6, 2013

Sent by Electronic Mail – Document Access Verification Requested

Farzie Shelton
City of Lakeland
Department of Electric Utilities
501 East Lemon Street
Lakeland, Florida 33801

RE: C. D. McIntosh Power Plant Units 3 & 5
Modification to Conditions of Certification
DEP Case Number PA 74-06R
OGC Case Number 13-0024

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Ms. Shelton:

The Florida Siting Board issued a Site Certification to Lakeland Electric for McIntosh Power Plant (McIntosh) Units 3 and 5 on December 11, 1978 and June 1, 2000, respectively. The Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) for McIntosh by Final Order on seventeen other occasions. Pursuant to Section 403.516(1)(c), Florida Statutes (F.S.), the Department has initiated a modification to McIntosh's Conditions to incorporate specific requirements in accordance with Consent Order 01-1498, and to update various conditions to reflect recent rule and General Condition language changes.

On January 23, 2013, all parties to the certification proceeding were provided notice of the Department's intent to modify the Conditions for McIntosh. On January 25, 2013, notice of the Department's intent to modify the Conditions for McIntosh was also published in the Florida Administrative Register (FAR).

Pursuant to Section 403.516, 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 in which to file a written objection to the modification. Pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C., 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 FAR to object in writing. Failure to act within the time frame constitutes a waiver of the right to become a party.

March 6, 2013

These timeframes have expired and no objections to the modification have been received by the Department. Therefore, the Conditions for McIntosh are hereby modified as described in the Department's Notice of Intent to Modify the Conditions of Certification dated January 23, 2013, which can be downloaded from the following file transfer protocol (ftp) site:

<http://publicfiles.dep.state.fl.us/Siting/Outgoing/McIntosh%20PA%2074-06/Mod%20R/>.

The final version of the modified Conditions (including attachments) can be viewed and obtained from the following website:

http://publicfiles.dep.state.fl.us/Siting/Outgoing/Web/Certification/pa74_06_2013_R.pdf.

Copies of the Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850) 245-2002.

Any party to the this Order has a right to seek judicial review of it pursuant to Section 120.68, F.S. 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 30 days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Sincerely,



Cindy Mulkey
Administrator,
Siting Coordination Office

CC by email:

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Doug Doerr, Lakeland Electric: doug.doerr@lakelandelectric.com

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

3/4/13
Date

Service List: *Sent by Electronic Mail – Received Receipt Requested*

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