



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

June 19, 2009

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Barbara P. Linkiewicz
Director, Environmental Licensing
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408

RE: Florida Power & Light West County Energy Center
DEP Case Number PA05-47
(Post-certification Amendment dated May 12, 2009)

Dear Ms. Linkiewicz:

On May 21, 2009, the Florida Department of Environmental Protection's Siting Office (Department) received a request for a post certification amendment to the Site Certification Application for Florida Power & Light's (FPL) West County Energy Center for the addition of two hurricane shelters and two propane fired, 30 kilowatt emergency generators at the site.

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.

According to FPL's submittal, the proposed 40 ft x 8 ft International Disaster Service Hurricane shelters will be custom built ISO 8323 freight containers with applicable accessories. The shelters are designed to withstand a Category 5 Hurricane, and are for the purpose of sustaining team members at the site in the event of a hurricane or other significant weather event. Based on review of the May 21, 2009 submittal (cover letter dated May 12, 2009), the Department has determined that the placement of the shelters and emergency generators within the certified area of the site does not necessitate modification of the existing stormwater management system. As stated by FPL, the shelters and associated emergency propane generators will be placed adjacent to the control room in a currently impervious area.

Accordingly, the Department has no objections to the above requests as proposed in the May 21, 2009 submittal, provided:

1. FPL shall continue to comply with all existing requirements of Site Certification PA 05-47, particularly in accordance with Condition of Certification XXXV.:
"The Licensee shall comply with the requirements contained within Development Order Resolution Number R-2002-0009, as amended via Resolution Number R-2004-0401 and Resolution number R-2007-2144"; and
2. FPL is responsible for any applicable Palm Beach County building permit fees, must submit plans for county review, and must make appropriate arrangements for inspections to insure compliance with applicable county building construction codes, consistent with Chapter 403.511(4), Florida Statutes:

"This act shall not affect in any way the ratemaking powers of the Public Service Commission under chapter 366; nor shall this act in any way affect the right of any local government to charge appropriate fees or require that construction be in compliance with applicable building construction codes."

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.

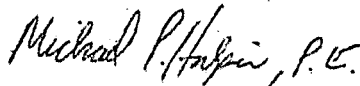
Judicial Review

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 Cindy Mulkey at (850) 245-2175. 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.

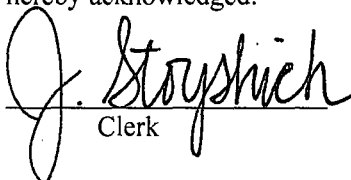
Sincerely,



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.

 6/19/09
Clerk Date

7006 2150 0005 5264 1004

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Total Paid: **Ms. Barbara Linkiewicz**
Director, Environmental Licensing
Florida Power & Light Company
Sent To: **700 Universe Blvd.**
Street, Apt. or PO Box: **Juno Beach, FL 33408**
City, State:

CC by certified mail or email (return receipt requested):

Emily Norton, Esquire
Fish and Wildlife Conservation Commission
6230 South Meridian Street
Tallahassee, FL 32399-1600
emily.norton@myfwc.com

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

Menchion, Kimberly, Assistant General Counsel
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, Attorney Supervisor
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Blvd.
jbrubake@psc.state.fl.us

Ruth Holmes
General Counsel
South Florida Water Mgmt. District
P.O. Box 24680
West Palm Beach, Florida 33416-4680
rholfmes@sfwmd.gov

Peter Cunningham
Hopping Green & Sams, P.A.
P.O Box 6526
Tallahassee, Florida 32317
pcunningham@hgslaw.com

Roger Saberson, Esquire
Treasure Coast Regional Planning Council
70 SE 4th Avenue
Delray Beach, Florida 32399-0450
ssroger@bellsouth.net

Laura Kammerer
Bureau of Historic Preservation
R.A. Gray Building
500 South Bronough
Tallahassee, FL 32399
lkammerer@dos.state.fl.us

Robert P. Banks
Assistant County Attorney
Palm Beach County Attorney's Office
301 N. Olive Avenue, Suite 601
West Palm Beach, FL 33401
rbanks@pbcgov.org

Patricia Anderson, Chief
Bureau of Water
Department of Health
4042 Bald Cypress Way
Tallahassee, Florida 32399-1742
patti_anderson@doh.state.fl.us

Forrest Watson
Department of Agriculture & Consumer Services
Division of Forestry
3125 Conner Boulevard
Tallahassee, FL 32399-1650
watsonf@doacs.state.fl.us

Barbara Lenczewski
State Planning Initiatives Administrator
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399-2100
barbara.lenczewski@dca.state.fl.us