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Attorneys and Counselors

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10/26/15

**Dept. of Environmental Protection
Siting Coordination Office**

October 26, 2015

Via Hand Delivery

Ann Seiler
Department of Environmental Protection
Siting Coordination Office
Bob Martinez Center
2600 Blair Stone Road, MS 5500
Tallahassee, FL 32399

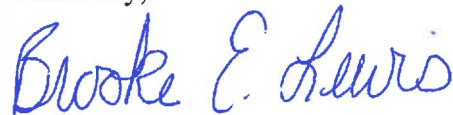
Re: Florida Power & Light Company Okeechobee Clean Energy Center, Power Plant
Siting Application No. PA15-58; DOAH Case No. 15-5540EPP; OGC Case No.
15-0607

Dear Ms. Seiler:

Enclosed is the Proof of Publication for "Notice of Filing of Application for Electrical Power Plant Site Certification Florida Power & Light Company: Okeechobee Clean Energy Center." This Proof of Publication is submitted to the Siting Coordination Office on behalf of Florida Power & Light Company and pursuant to Rule 62-17.281, Florida Administrative Code. Please note that the Notice of Filing of Application was published in the VeroNews/Sebastian River News on October 16, 2015.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Brooke E. Lewis

cc: Benjamin Melnick, Esq. (without enclosure)

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SEBASTIAN RIVER
NEWS

P.O. Box 1396 - Vero Beach, FL 32961 - Ph: 772-226-7925

I hereby confirm that the Notice of Filing of Application for Electrical Power Plant Site Certification Florida Power & Light Company:
Okeechobee Clean Energy Center ran in the October 16, 2015 issue of *VeroNews/Sebastian River News*.

Margaret P. Flinchum

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Accounting Office

NOTICE OF FILING OF APPLICATION FOR ELECTRICAL POWER PLANT SITE CERTIFICATION FLORIDA POWER & LIGHT COMPANY: OKEECHOBEE CLEAN ENERGY CENTER

1. Application number PA15-58 for certification to authorize construction and operation of a 1,500 megawatt (MW) (nominal) natural gas combined cycle electrical generating facility and associated facilities was filed by Florida Power & Light Company (FPL) with the Department of Environmental Protection (FDEP) on September 25, 2015. The Project is known as the Okeechobee Clean Energy Center (Project). The Project will be located on an approximately 2,341 acre site in northeastern Okeechobee County. The site includes the potential for approximately 200 MW of photovoltaic solar generation in the future that would bring the net ultimate site capacity up to 1,800 MW (nominal). The location of the Project Site and off-site associated facilities are shown on the accompanying map. The case is now pending before the Florida Division of Administrative Hearings (DOAH), Case No. 15-5540EPP, prior to action by the Florida Governor and Cabinet, acting as the Siting Board, or by the FDEP Secretary, pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Chapter 403, Part II, Florida Statutes (F.S.). FPL is seeking certification of the Project under the PPSA.

2. FPL's electrical generating facility and on-site associated facilities will be located in Okeechobee County, Florida. The site is approximately 24 miles west of Vero Beach and 27 miles north-northeast of Okeechobee on the border with Indian River County. In addition to the on-site electrical generating facilities and associated facilities, FPL's application also seeks certification to approve off-site linear facilities to be located in Indian River County. These off-site linear facilities include a transmission interconnection to connect the generating facilities to the existing transmission network within a corridor of approximately 395 feet in width and 535 feet in length, as well as improvements to an existing access roadway within a corridor of up to approximately 535 feet in width and one-mile in length.

3. The PPSA, under which the Project application has been filed, involves several procedural steps. Various state and local agencies are reviewing the application for site certification and preparing reports on the Project. Okeechobee County and Indian River County, the local governments where the Project will be located, will be issuing determinations on the consistency with land use plans and zoning ordinances, pursuant to Section 403.506(2), F.S. Additional public notice of the land use determinations will be provided. A land use and zoning hearing will be held if the land use determination is disputed and notice of the land use hearing will be published at least 15 days before the hearing. FDEP will prepare a Project Analysis Report which will contain reports prepared by the reviewing agencies. Inclusive of any studies necessary, the recommendation of FDEP as to the disposition of the application for site certification, and any proposed conditions of certification. A certification hearing will be held at a later date at a location in proximity to the Project Site unless the parties to this proceeding agree that there are no disputed issues of fact or law to be raised at the certification hearing. If a certification hearing is held:

- the certification hearing will be conducted by an Administrative Law Judge from DOAH;
- a notice stating the date, time, and location of the certification hearing will be published in this newspaper at least 65 days before the date set for the hearing;
- at the certification hearing, the Administrative Law Judge will receive testimony and evidence from the parties and the public. Members of the public may testify to relevant facts and will be subject to cross-examination. Public testimony may be rebutted by all parties; and after the hearing, the Administrative Law Judge will issue a recommended order for consideration by the Siting Board, consisting of Florida's Governor and Cabinet, which will render the final decision whether to grant certification for the Project under the PPSA.

If no certification hearing is necessary, final action on the application for site certification will be taken by the FDEP Secretary.

4. The application for certification is available for public inspection during normal business hours at the addresses listed below:

Florida Dept. of Environmental Protection
Siting Coordination Office
Ann Sailer
2800 Blair Stone Road, MS 5500
Tallahassee, FL 32399
(850-717-9113)
<http://www.dep.state.fl.us/siting/apps/rlm>

Florida Dept. of Environmental Protection
Southeast District Office
Local Coordinator: Paul Wierzbicki
5301 Gun Club Road
West Palm Beach, FL 33406
(561-681-6603)

Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408
(561-691-2820)
Contact: Agnes E. Ramsey

Indian River County Library
Brackett Library
RSC Mueller Campus
6155 College Lane
Vero Beach, FL 32966
(772-770-5060)

Okeechobee County Public Library
208 Southwest 16th Street
Okeechobee, FL 34974
(863-763-3538)

5. FDEP and other state and local agencies will be studying the application and preparing reports and recommendations on the Project. Interested persons should review the application and bring matters of concern to the attention of the appropriate agency and FPL as soon as possible. Information regarding the appropriate contact persons in the reviewing agencies may be obtained from Ann Sailer at the FDEP's Office of Siting Coordination, 2800 Blair Stone Road, MS 5500, Tallahassee, FL 32399, (850-717-9113).

6. Any person wishing to participate in the proceedings, either as a party or without party status, must follow either Section 403.508(3) or 403.508(4)(b), F.S. Section 403.508(3), F.S., establishes the parties to the certification proceeding, and provides:

(a) Parties to this proceeding shall be: FPL; the Public Service Commission; the Department of Economic Opportunity; the Fish and Wildlife Conservation Commission; the St. Johns River Water Management District; FDEP; Okeechobee County; Indian River County; and the Florida Department of Transportation (FDOT).

(b) Any statutory party listed in paragraph (a), other than FDEP or FPL, may waive its right to participate in these proceedings. If any listed party fails to file a notice of its intent to be a party on or before the 50th day before the certification hearing, the statutory party is deemed to have waived its right to be a party unless its participation would not prejudice the rights of any party to the proceeding.

(c) Notwithstanding the provisions of Chapter 120, F.S., upon the filing with the Administrative Law Judge of a notice of intent to be a party no later than 75 days after the application was filed on September 25, 2015, the following shall also be parties to the proceeding:

1. Any agency not listed in paragraph (a) as to matters within its jurisdiction.
2. Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located.

(d) Notwithstanding paragraph (c), failure of an agency described in subparagraph (c)(1) to file a notice of intent to be a party within the time provided herein shall constitute a waiver of the right of that agency to participate as a party in the proceeding.

(e) Other parties may include any person, including those persons enumerated in paragraph (c) above who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to Chapter 120, F.S., and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated Administrative Law Judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing.

(f) Any agency, including those whose properties or works are being affected pursuant to Section 403.509(5), F.S., shall be made a party upon the request of FDEP or FPL.

7. Pursuant to Section 403.508(4)(b), F.S., when appropriate, any person may be given an opportunity to present oral or written communications to the designated Administrative Law Judge. If the designated Administrative Law Judge proposes to consider such communications, then all parties shall be given an opportunity to cross-examine or challenge or rebut such communications.

8. Any notice of intent to be a party, motion to intervene, or other pleading must be sent to: Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3080; and must contain the following: reference to the application and DOAH case numbers (PA15-58/15-5540), and the name, address, and telephone number of the agency or person making the filing. A notice of intent to be a party or motion to intervene must contain allegations sufficient to demonstrate the agency or person is entitled to participate in the proceeding. The notice or motion must be sent by mail to FPL and to all parties. (A list of parties may be obtained from FDEP's Office of Siting Coordination at the address and telephone number listed above.) Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be qualified to appear in administrative proceedings pursuant to Chapter 120, F.S., or Rule 28-106.105, F.A.C. If a party is represented by an attorney, any notice of intent, motion to intervene or other pleading should be filed electronically with DOAH using the DOAH filing system.

9. Subject to the conditions set forth therein, any certification shall constitute the sole license of the State and any agency as to the approval of the location of the site and any associated facilities and the construction and operation of the proposed electrical power plant, except for the issuance of department licenses required under any federally delegated or approved permit program and except as otherwise provided in Section 403.511(4), F.S., which relates to certain powers of the Florida Public Service Commission and rights of local government.

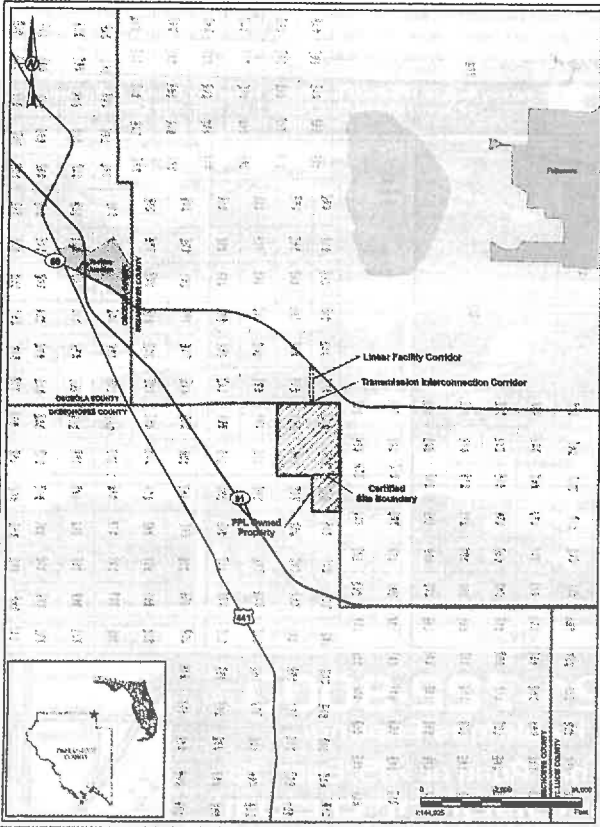
10. The certification shall authorize FPL to construct and operate the proposed electrical power plant, subject only to the conditions of certification set forth in such certification, and except for the issuance of department licenses or permits required under any federally delegated or approved permit program.

11. Certification may include conditions which constitute variances, exemptions, or exceptions from nonprocedural requirements of FDEP or any other state or local agency. Section 403.507(3), F.S., and Rule 62-17.133, F.A.C., require that agencies identify in their reports on the Project any needed variances or other relief from nonprocedural standards and requirements of the agencies. Failure to provide such notice shall be treated as a waiver from the nonprocedural requirements of FDEP or any other agency. However, no variance shall be granted from standards or regulations of the FDEP applicable under any federally delegated or approved permit program, except as expressly allowed in such program.

12. Issues relating to the use of, connection to, or the crossing of properties and work of agencies may be addressed under the certification, including connection to FDOT's State Road 60.

13. FPL has also submitted an application to FDEP for a Prevention of Significant Deterioration (PSD) permit. That application is included in the site certification application. That permit will be reviewed and issued by FDEP separately from any site certification. FPL has also applied for and received a Class V exploratory well and dual zone monitor well permit from FDEP.

14. The public notice is also provided in compliance with the Federal Coastal Zone Management Act, as specified in 15 CFR Part 930, Subpart D. Public comments on the Applicant's federal consistency certification should be directed to Coastal Program Administrator, Department of Environmental Protection, 3900 Commonwealth Boulevard, M.S. 47, Tallahassee, FL 32399-3000.



If you have any questions or comments related to the Okeechobee Clean Energy Center, please submit those via email to FPL@AffordableCleanEnergy.com. Current Project information can also be found on FPL's website located at www.FPL.com/AffordableCleanEnergy.