

Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No.: (850) 425-2376

October 15, 2015

RECEIVED

OCT 15 2015

DIVISION OF AIR
RESOURCE MANAGEMENT

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 are the Proofs of Publication for "Notice of Filing of Application for Electrical Power Plant Site Certification Florida Power & Light Company: Okeechobee Clean Energy Center." These Proofs of Publication are 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 Okeechobee News and in the Treasure Coast Newspapers on October 9, 2015.

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

Sincerely,



Brooke E. Lewis

cc: Benjamin Melnick, Esq. (without enclosure)

INDEPENDENT NEWSMEDIA INC. USA

Okeechobee News
107 SW 17th Street, Suite D
Okeechobee, Florida 34974
863-763-3134

STATE OF FLORIDA
COUNTY OF OKEECHOBEE

Before the undersigned authority personally appeared Katrina
Elsken, who on oath says she is the Publisher of the Okeechobee
News, a three times a week Newspaper published at Okeechobee,
in Okeechobee County, Florida, that the attached copy of
advertisement being a public notice

in the matter of electrical power plant site
certification

in the 19th Judicial District of the Circuit Court of Okeechobee
County, Florida, was published in said newspaper in the issues of

10/9/15

Affiant further says that the said Okeechobee News is a
newspaper published at Okeechobee, in said Okeechobee County,
Florida, and that said newspaper has heretofore been published
continuously in said Okeechobee County, Florida each week and
has been entered as second class mail matter at the post office in
Okeechobee, in said Okeechobee County, Florida, for a period of
one year next preceding the first publication of the attached copy
of advertisement, and affiant further says that she has neither
paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing this
advertisement for publication in the said newspaper.

Katrina Elsken

Katrina Elsken

Sworn to and subscribed before me this
9th day of October 2015 AD

Notary Public, State of Florida at Large

Angie Bridges



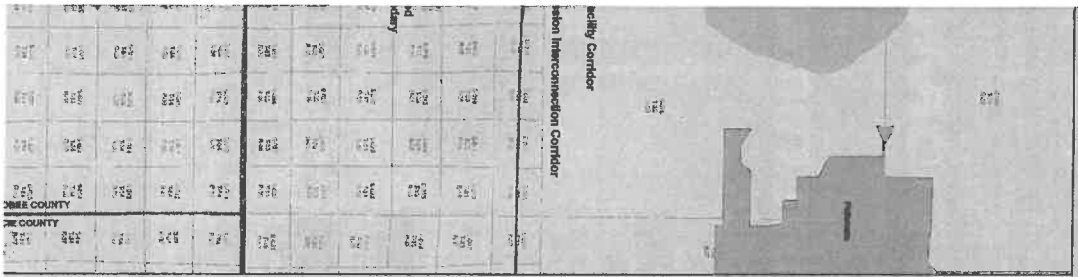
[illegible][illegible]

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

Continued from the previous page

- Application number PA15-58 for certification to authorize construction and operation of a 1,600 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 of site-associated facilities are shown on the accompanying map. The case is now pending before the Florida Division of Administrative Hearings (DOAH), Case No. 15-5540-EPF, prior to action by the Florida Secretary and Cabinet, acting as the Siting Board, or by the FDEP pursuant to the Florida Electrical Power Plant Siting Act (PEPSA), Chapter 403, Part II, Florida Statutes (F.S.). FPL is seeking certification of the Project under the PEPSA.
- 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 396 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.
- The PEPSA, 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(5)(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 notices 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 in response to the application, the recommendations 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:
- 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 Selzer 2800 Blair Stone Road, MS 5500 Tallahassee, FL 32399 (920-717-9113) http://www.dep.state.fl.us/siting/apps.htm	Florida Dept. of Environmental Protection Southeast District Office Local Coordinator: Paul Wierzbicki 3301 Sun Club Road West Palm Beach, FL 33406 (561-681-6800)	Florida Power & Light Company 700 University Blvd Juno Beach, FL 33408 (561-681-2820) Contact: Agnes S. Ramsey (772-770-6980)	Indian River County Library Brackett Library HSC Midland Campus 6155 College Lane Vero Beach, FL 32966 (888-763-3536)	Okeechobee County Public Library 206 Southwest 16th Street Okeechobee, FL 34974 (863-763-3536)
---	---	--	--	---
- 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 Selzer at the FPL's Office of Siting Coordination, 2800 Blair Stone Road, MS 5500, Tallahassee, FL 32399, (920-717-9113).
- 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 Development; 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 60th 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.
- 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:
 - Any agency not listed in paragraph (a) as to matters within its jurisdiction.
 - 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.
 - Any nonpartisan group or organization, in whole or in part, 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.
 - Any person who, in the proceeding,
 - (a) fails 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;
 - (b) Other parties may include any person, including those persons enumerated in paragraph (a) 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.
 - (c) Any agency, including those whose properties or works are being affected pursuant to Section 403.509(6), F.S., shall be made a party upon the request of FDEP or FPL.
- 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.
- 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, Florida 32309-3050, and must contain the following: references 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 FPL'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 28-105.105, 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 e-filing system.
- 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 departmental 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.
- 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 departmental licenses or permits required under any federally delegated or approved permit program.
- 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 variances 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.
- 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.
- FPL has also submitted an application to FDEP for a Permit 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 5 exploratory well and dual zone monitor well permit from FDEP.
- This public notice is also provided in compliance with the Federal Coastal Zone Management Act, as specified in 15 CFR Part 820, 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, MS. 47, Tallahassee, Florida 32389-3000.



Siting Coordinator

Indian River County Library

Indian River County Library

Indian River County Library

TREASURE COAST NEWSPAPERS

1939 SE Federal Highway, Stuart, Florida 34994

Affidavit of Publication

TREASURE COAST NEWSPAPERS

FPL/MACHADO GARCIA-SERRA

1790 CORAL WAY

MIAMI FL 33145

REFERENCE: 438241

717969

LEGAL FPL

STATE OF FLORIDA

COUNTY OF MARTIN, ST. LUCIE and INDIAN RIVER

Before the undersigned authority personally appeared and who on oath says that he/she is the Acct Adv Clerk of Treasure Coast Newspapers which publishes 3 daily newspapers in Martin Cnty: The Stuart News; St Lucie Cnty: St Lucie News Tribune: and Indian River Cnty: The Indian River Press Journal. Affiant further states that these newspapers are published daily, with offices and paid circulation in said counties, and distributed in said counties for one year preceding the first publication of the attached copy of advertisement; and affiant further states that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s). These newspapers have been entered as second class matter at the post office of Martin, St. Lucie and Indian River counties and have been for a period of one year preceding the first publication of the attached copy of advertisement.

PUBLISHED ON:

10/09/15

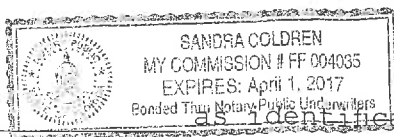
AD SPACE: 90.0 INCHES

FILED ON: 10/09/15

Sworn to and subscribed before me this day of OCT 9 2015, by Monika Lepore, who is

☒ personally known to me or
☐ who has produced

Notary: Sandra Coldren



as identification.

My Commission Expires: 4/1/17

HORNS
from 1A

voice their opposition in letters to All Aboard Florida.

"They're loud and they transmit noise up the streets instead of down the tracks," said Michael Busha, executive director of the Treasure Coast Regional Planning Council, of track-mounted horns. "The preference for noise mitigation for most local governments, if there aren't going to be quiet zones, is train horns."

At the very least, track-mounted horns merit further review, according to Frank Watanabe, Sebastian community development director and engineer.

As part of its \$3 billion, Miami-to-Orlando passenger-rail project, All Aboard Florida would install track-mounted horns at six of Sebastian's seven crossings, according to the environmental report released Aug. 4.

Barber Street would be the city's only crossing excluded, according to the report.

"The city will need to review these wayside horns with final 90 percent design plans," Watanabe said about draft engineering plans provided by All Aboard Florida to local governments. Those plans would show tentative locations of the horns and other proposed crossing-safety measures.

St. Lucie County also needs more information before making a decision, according to county Administrator Howard Tipton.

"We're still evaluating but I imagine we will take a position shortly," Tipton said.

The news of continued blasts from the existing Florida East Coast Railway freight trains and future noise from All Aboard Florida's planned 16 daily round trips could come as an unpleasant surprise to locals who have asked the government help reduce train noise.

Quieting the horns of existing trains has become a pressing issue since last December, when Florida East Coast added new locomotives to its fleet with horns that have generated a slew of noise complaints.

Implementing quiet zones — crossings where safety upgrades negate the need for a train to sound its horn — has been the preferred alternative for communities from Miami to West Palm Beach, where track construction already is underway.

All Aboard Florida has sweetened the allure of noise reduction by offering to install safety upgrades beyond what is required by law, which would reduce quiet-zone costs for local governments. The company is installing the safety features concurrently with track construction.

All Aboard Florida has offered Treasure Coast governments the same deal, but some local officials are hesitant to accept the funding. Local governments worry they would be responsible for quiet zones' future maintenance and possibly liable for accidents within them.

to work through those issues — which are significant — I would imagine the interest in quiet zones would grow considerably," Tipton said.

Should local counties and municipalities decide to pursue quiet zones, they would work with their

respective metropolitan planning organizations, the Treasure Coast Regional Planning Council and state and federal officials, said Kim DeLaney, planning council strategy director.

The planning council has contacted the railroad

administration's grade-crossing attorney and plans to set up a teleconference, according to Busha.

Local governments also want All Aboard Florida to provide more detail on the types and locations of the safety upgrades it would

fund.

The plan outlined in the final environmental report is more extensive than what is required by railroad administration guidelines for high-speed rail, according to Busha.

"Local governments want to ensure all

appropriate costs of grade crossing infrastructure are paid by AAF, with the highest degree of safety infrastructure at grade crossings," Busha said.

Officials also want to ensure "no costs are inappropriately passed on to local governments," he said.

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 1,500 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 396 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 403.508(5)(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
2500 Blair Stone Road, MS 8500
Tallahassee, FL 32399
(850-717-9113)
<http://www.dep.state.fl.us/siting/copro.htm>

Florida Dept. of Environmental Protection
Southeast District Office
Local Coordinator: Paul Wierzbicki
3301 San Club Road
West Palm Beach, FL 33406
(561-851-9600)

Florida Power & Light Company
700 University Blvd.
Juno Beach, FL 33408
(861-691-2820)
Contact: Agnes S. Ramsey

Indian River County Library
Branch Library
1830 Mueller Campus
6156 College Lane
Vero Beach, FL 32906
(772-770-5998)

Okeechobee County Public Library
208 Southwest 18th Street
Okeechobee, FL 34974
(888-783-3538)

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, 2500 Blair Stone Road, MS 8500, 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(2) or 403.508(4)(b), F.S. Section 403.508(2), 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 90th 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 (a), 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 purposes 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.

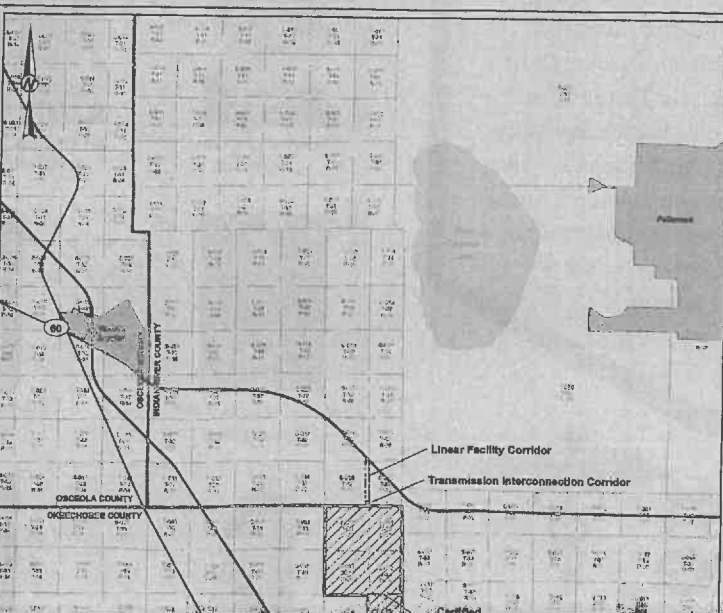
7. Pursuant to Section 403.508(4)(b), F.S., when appropriate, any person may be given an opportunity to present oral or written communications to the designated Administrative Law Judge. If the designated Administrative Law Judge proposes to consider such communications, then all parties shall be given 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, Florida 32399-3090; 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 28-106.106, 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 e-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 this agency. 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 otherwise provided in such permit.



GOVERNMENT DEPT. REDUCE Train noise.

Quieting the horns of existing trains has become a pressing issue since last December, when Florida East Coast added new locomotives to its fleet with horns that have generated a slew of noise complaints.

Implementing quiet zones — crossings where safety upgrades negate the need for a train to sound its horn — has been the preferred alternative for commuters from Miami to West Palm Beach, where track construction already is underway.

All Aboard Florida has sweetened the allure of noise reduction by offering to install safety upgrades beyond what is required by law, which would reduce quiet-zone costs for local governments. The company is installing the safety features concurrently with track construction.

All Aboard Florida has offered Treasure Coast governments the same deal, but some local officials are hesitant to accept the funding. Local governments worry they would be responsible for quiet zones' future maintenance and possibly liable for accidents within them.

New grade-crossing agreements, recently sent out by All Aboard Florida, seem to confirm those fears. The agreements require local governments to "take liability for grade crossings" if they establish quiet zones, officials said at the meeting with the railroad administration.

However, according to the railroad administration, under federal code, "there is no ability for AAF to 'transfer' liability." But she said in a recap of the

(7) Any agency, including those whose properties or works are being affected pursuant to Section 403.509(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 Applewhite Parkway, Tallahassee, Florida 32399-3050, and must contain the following: reference to the application and DOAH case numbers (PA15-5815-5540), 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 Storing 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 28-106-106, 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 62-17133, 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 data zone relocator well permit from FDEP.

14. This 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 Administration, Department of Environmental Protection, 3900 Commonwealth Boulevard, M.S. 47, Tallahassee, Florida 32399-3000.

