



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

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SECRETARY

January 15, 2013

***Sent by Electronic Mail – Document Access Verification Requested***

Dan Hendricks  
Project Manager Transmission Siting  
Progress Energy Florida, Inc  
3300 Exchange Place  
Lake Mary, FL 32746

RE: Lake Agnes – Gifford 230 kV Joint Transmission Line Corridor  
Modification to Conditions of Certification  
DEP Case Number TA 07-16A  
OGC Case Number 12-1309

**FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION**

Dear Mr. Hendricks:

On February 5, 2009, the Florida Siting Board issued a Site Certification to Progress Energy Florida (PEF) and Tampa Electric Company (TECO) for the construction, operation, and maintenance of the Lake Agnes – Gifford 230 kV Joint Transmission line (LAG) in Polk, Osceola and Orange Counties. This is the first occasion that the Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) for the LAG line by Final Order.

The Department has reviewed PEF's petition dated July 6, 2012, for a modification to LAG's Conditions pursuant to Section 403.5315(2), Florida Statutes (F.S.), to alter the certified corridor in two areas along State Road (SR) 429. PEF has been working with the Florida Department of Transportation (FDOT) to extend the corridor around FDOT's SR429 retention ponds in order to allow for additional routing opportunities. PEF is also proposing various technical alterations relating to hardware and equipment.

Additionally, the Department has reviewed PEF's letter of January 14, 2013 in which PEF abandons the portion of the certified corridor outside the FDOT SR429 right-of-way (ROW) within the Oak Island Community residential development. Abandonment of this portion of the certified corridor precludes the placement of transmission line within that previously certified area unless a further modification of certification is issued.

By this Final Order, the Department is modifying the Conditions for LAG to include requirements associated with PEF's petition. The Department is also accepting the narrowing of the corridor to exclude the area abandoned by PEF. Herein the Department is also initiating

modifications pursuant to Section 403.516(1)(c), F.S., to incorporate a uniform set of general conditions consistent with recent site certifications and update antiquated specific conditions.

On November 30, 2012, all parties to the certification proceeding were provided notice of the Department's intent to modify the Conditions for LAG, along with a draft copy of the proposed order modifying the Conditions. On December 14, 2012 notice of the Department's intent to modify LAG's Conditions was also published in the Florida Administrative Registrar (FAR).

Pursuant to Section 403.5315, F.S., and Rule 62-17.680, 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 Section 403.5315, F.S., and Rule 62-17.680, 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 30 day time frame constitutes a waiver of the right to become a party. The Department will issue an order modifying the Conditions for this facility if no written objections are received by the Department.

These timeframes have expired and no objections to the modification have been received by the Department. Therefore, the Conditions for LAG are hereby modified as follows:

#### **Modifications Associated with PEF's Petition**

The corridor boundaries shown in Attachment A-1 to the Conditions of Certification (Certified Corridor maps) and attached to this Final Order are revised as discussed above, to widen the corridor to encompass the FDOT ponds in the vicinity of SR429 and to narrow the corridor to exclude a residential area within the Oak Island Community Owners Association.

The South Florida Water Management District and the Florida Department of Transportation have added the following new conditions shown in underline under the new Section B – Specific Conditions:

### **III. SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

In the area of Modification Area 2, the transmission ROW shall be located outside of the boundaries of the SFWMD Conservation Easement (Fowler Property 300 on 530 Trust).

### **IV. FLORIDA DEPARTMENT OF TRANSPORTATION**

#### ***A. Post-Certification Reviews of FDOT Matters***

##### **1. – 2. Remain Unchanged**

##### **3. Use of State of Florida Right-of-Way or Transportation Facilities:**

All usage and crossing of State of Florida right-of-way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, F.A.C.; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State

Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual. US27, State Road 429, and Interstate 4 (I-4) have been identified as a Florida Intrastate Highway System (FIHS) and an emerging Strategic Intermodal System's (SIS) facility. The placement of the transmission line should take into consideration the possible widening of this facility to the extent practicable. If future widening should be required, the cost of relocating or reconstructing the transmission line will be borne by Licensee to the extent required by Section 337.403, F.S., and Rule Chapter 14-46, F.A.C.

PEF-TECO will de-energize the transmission line and cure any interference that negatively impacts the Department's toll collection on SR 429 if the Department provides notice to PEF-TECO that the transmission lines are creating interference that negatively impacts the Department's toll collection. (See 47 CFR 15.3, 15.5, and 15.113.)

#### **4. – 6. Remain Unchanged**

##### ***B. Remains Unchanged***

##### ***C. ROW Location Within FDOT Limited-Access ROW***

1. Portions of the proposed transmission line will be located within FDOT limited access ROW pursuant to FDOT Order Granting Request for Waiver (FDOT Case No. 98-0154). PEF-TECO shall submit a complete FDOT utility permit application in compliance with the FDOT Utility Accommodation Manual and FDOT Order Granting Request for Waiver for those portions of the proposed transmission line located in FDOT limited access ROW pursuant to the FDOT Order, prior to working in FDOT ROW.

2. With at least 60 days advance notice from FDOT to PEF, PEF shall agree to de-energize the transmission lines located within FDOT limited-access ROW to accommodate the FDOT's maintenance, improvement, extension, or expansion projects, so long as:

a. The requested de-energization occurs within March, April, May, September October, or other periods as available based on weather and electrical load conditions; and

b. The duration of the requested de-energization will be dependent on the electrical load conditions and will be coordinated at the time of the requested de-energization, but will be no less than two weeks unless a shorter period of time is agreeable to FDOT; and

c. FDOT will provide at the time of its request for de-energization engineering drawings of the maintenance, improvement, extension, or expansion project to be located within the vicinity of the transmission facilities;

d. FDOT will coordinate with PEF's construction maintenance supervisor during the construction activities in the vicinity of the transmission facilities; and

e. Upon request by PEF, FDOT will allow the re-energization of the transmission lines within 24 hours if emergency conditions require it; and

3. Any work undertaken by FDOT, or its contractors or agents, comply with the following safety clearances when working in the vicinity of de-energized transmission lines:

a. No cranes or equipment within five (5) feet of the conductors; and

b. Providing a minimum of ten (10) feet from poles for construction set-up and staging; and

c. Providing that all work within twenty (20) feet of facilities should be reviewed by the PEF construction maintenance supervisor to ensure crew and facility safety.

[Chapters 14-26, 14-46, 14-86, 14-94, 14-96, and 14-97, F.A.C.; Chapter 316, F.S. (2007); Sections 337.401-404, F.S. (2007); 14 C.F.R. Part 77.]

### **Modifications Associated with General and Agency Specific Condition Updates**

The modified Conditions TA 07-14A (Attachment A) replace the existing Conditions TA 07-14 (Attachment B) in its entirety. Several existing conditions have been deleted or updated and incorporated into a more uniform set of general conditions. Many existing conditions have been moved to different sections of the document.

Adobe Portable Document Format (PDFs) of the modified (Attachment A) and existing (Attachment B) Conditions showing these proposed changes can be downloaded from the following file transfer service (fts) site:

[http://publicfiles.dep.state.fl.us/Siting/Outgoing/TECO\\_PEF%20Lake%20Agnes%20TA07-16/Modification/Mod\\_A\\_SR429/](http://publicfiles.dep.state.fl.us/Siting/Outgoing/TECO_PEF%20Lake%20Agnes%20TA07-16/Modification/Mod_A_SR429/). The existing Conditions (Attachment B) contain cross references, which have been electronically linked to the corresponding conditions in the modified Conditions (Attachment A) and vice versa, appearing in red following each section of the documents. In order to toggle between the two documents on your screen, copy both files (Attachments A & B) from the fts site above and paste them into a single folder and then open both files. (If you open the documents from the ftp site and “Save As” using a different file name, the links will not work. You must copy and paste with the same file names.) Clicking on a link in Attachment B will take you directly to the corresponding condition in Attachment A and vice versa.

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

[http://publicfiles.dep.state.fl.us/Siting/Outgoing/Web/Certification/ta07\\_16\\_2012\\_A.pdf](http://publicfiles.dep.state.fl.us/Siting/Outgoing/Web/Certification/ta07_16_2012_A.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.

Pursuant to Section 120.68, F.S., any party to the this order has a right to seek judicial review, 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.

January 15, 2013

Sincerely,



Cindy Mulkey  
Administrator  
Siting Coordination Office

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Attachments: Attachment A

#### FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52  
Florida Statutes, with the designated  
Department Clerk, receipt of which is  
hereby acknowledged.

Esmer Turner      1-15-13  
Clerk                                      Date

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