FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

RICK SCOTT
GOVERNOR

JENNIFER CARROLL
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

November 20, 2012

Sent by Electronic Mail – Document Access Verification Requested

Matthew Raffenberg
Director of Environmental Licensing
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408

RE: Cape Canaveral Energy Center (PA 08-53)
Amendment Request (AM12-040)
Replace Perimeter Wall

Dear Mr. Raffenberg:

On November 2, 2012, the Florida Department of Environmental Protection (Department), Siting Coordination Office received a request from Florida Power & Light Company (FPL) for a post-certification amendment to the Cape Canaveral Energy Center (CCEC) Site Certification Application (SCA). The amendment request is for the replacement of the perimeter wall surrounding the property.

Based on a review of the information submitted on November 2, 2012, the Department has determined that this proposal is a post-certification amendment to the CCEC SCA pursuant to subsection 62-17.205(1), Florida Administrative Code (F.A.C.). The Department has no objection to the proposed activity and herby approves the amendment request provided that FPL:

- Continues to comply with the existing Conditions of Certification for CCEC; and
- Pursuant to Specific Condition B.VIX.B, submits completed building permit forms to Brevard County for review at least 30 days prior to construction.

The Department's order shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, 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 post-certification 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, F.S., is not available.

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to subsection 62-110.106(4), 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, 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 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 Sections 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 certification number for the facility, 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, 3900 Commonwealth Boulevard, MS 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 thirty days after this order is filed with the clerk of the Department (see below).

Questions

Any questions regarding the Department's review of this amendment request should be directed to Jessica Dalton at (850) 245-2004. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2257. 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,

Cindy Mulkey
Administrator,
Siting Coordination Office

CC by email:

Jeff Prather, FDEP: Jeff.Prather@dep.state.fl.us
Caroline Shine, FDEP: Caroline.Shine@dep.state.fl.us
Stacy Foster, FPL: stacy.foster@fpl.com
Adrienne Charbonneau, FPL: Adrienne.Charbonneau@fpl.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.

Essie Turner
Clerk

11-20-12
Date

Service List: ***Sent by Electronic Mail – Document Access Verification Requested***

Toni Sturtevant, Esquire
Department of Environmental Protection
3900 Commonwealth Blvd., M.S. 35
Tallahassee, Florida 32399-3000
toni.sturtevant@dep.state.fl.us

Phil Laurien, Executive Director
East Central Florida Regional Planning Council
309 Cranes Roost Blvd., Suite 2000
Altamonte Springs, Florida 32701
plaurien@ecfrpc.org

Gail Hankinson, Asst. Gen. Cnsl.
St. Johns River Water Management District
4049 Reid St.
Palatka, FL 32177
ghankins@sjrwmd.com

Scott Sanders
FL Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600
scott.sanders@myfwc.com

Sherry Spiers, Esquire
Department of Economic Opportunity
107 East Madison St.
Tallahassee, Florida 32399-2100
sherry.spiers@deo.myflorida.com

Anthony Pinzino, Esquire
Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600
anthony.pinzino@myfwc.com

Kimberly Menchion, Assistant General Counsel
Department of Transportation
605 Suwannee Street, Mail Station 58
Tallahassee, FL 32399-0450
Kimberly.Menchion@dot.state.fl.us

Adam Teitzman, Attorney Supervisor
Florida Public Service Commission
2450 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
ateitzma@psc.state.fl.us

Christine Lepore
Brevard County Attorney
2725 Fran Jamieson Way Bldg C
Viera, FL 32940
christine.lepore@brevardcounty.us

Dwight Severs, City Attorney
Titusville City Attorney's Office
555 S Washington Ave
Titusville, Florida 32796
dwight.severs@titusville.com
cc: vanessa.hayes@titusville.com

Anthony Garganese, City Attorney
Cocoa City Attorney
Brown Garganese Weiss & D'Agresta P A
PO Box 2873
Orlando, Florida 32802
agarganese@orlandolaw.net