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ROGER P. STEWART
EXECUTIVE DIRECTOR
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1900 - 9TH AVENUE
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TELEPHONE (813) 272-5960
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TELEPHONE (813) 272-5530
WASTE MANAGEMENT DIVISION
TELEPHONE (813) 272-5788
ECOSYSTEMS MANAGEMENT DIVISION
TELEPHONE (813) 272-7104

RECEIVED

DEC 2 1991

Division of Air
Resources Management

November 26, 1991

Ms. Cindy Phillips
Division of Air Resources Management
Florida Department of Environmental
Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Re: Standardized Specific Conditions for SIC Group 4911

Dear Ms. Phillips:

Enclosed are copies of the process description and the specific conditions for each of the sources requested (see attached list). Some of the permits are basically identical and these are noted on the attached list.

We would like to submit permit A029-203001 (TECO/Hookers Point Unit 1 or any of the TECO Hookers Point Units) and permit A029-171912 (TECO/Big Bend Unit 2) as EPC/HC's concept of what an ideal permit should contain.

Sincerely,

Darrel Graziani
Chief, Air Permitting Section

bm

Attachment

cc: J. Harry Kerns, P.E., FDER SW-District

4911.SIC

APIS NO.	FACILITY	SOURCE	PERMIT NO.
40HIL29003801	TECO/HOOKERS POINT	UNIT 1 ✓ enclosed	203001
40HIL29003802	TECO/HOOKERS POINT	UNIT 2 ✓ similar to unit 1	125686
40HIL29003803	TECO/HOOKERS POINT	UNIT 3 ✓ enclosed	125687
40HIL29003804	TECO/HOOKERS POINT	UNIT 4 ✓ similar to unit 2	125689
40HIL29003805	TECO/HOOKERS POINT	UNIT 5 ✓ similar to unit 2	125690
40HIL29003806	TECO/HOOKERS POINT	UNIT 6 ✓ enclosed	125691
40HIL29003901	TECO/BIG BEND	UNIT 1 ✓ enclosed	140721
40HIL29003902	TECO/BIG BEND	UNIT 2 ✓ enclosed	171912
40HIL29003903	TECO/BIG BEND	UNIT 3 ✓ enclosed	179911
40HIL29003904	TECO/BIG BEND	UNIT 4	PA79-12, PSD-40-
40HIL29003905	TECO/BIG BEND	TURBINE 2 ✓ enclosed	174596
40HIL29003906	TECO/BIG BEND	TURBINE 3 ✓ enclosed	174611
40HIL29003907	TECO/BIG BEND	TURBINE 1 ✓ enclosed	100257
40HIL29004001	TECO/GANNON	UNIT 1 ✓ enclosed	125315
40HIL29004002	TECO/GANNON	UNIT 2 ✓ enclosed	189206
40HIL29004003	TECO/GANNON	UNIT 3 ✓ enclosed	172179
40HIL29004004-19	TECO/GANNON	UNIT 4 E & W ✓ enclosed	160269
40HIL29004005	TECO/GANNON	UNIT 5 ✓ enclosed	125993
40HIL29004006	TECO/GANNON	UNIT 6 ✓ enclosed	125992
40HIL29004007	TECO/GANNON	TURBINE ✓ enclosed	160272



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To _____	Location _____
To _____	Location _____
To _____	Location _____
From _____	Date _____

Interoffice Memorandum

TO: District Air Program Administrators and Local Air Program Administrators

FROM: Clair Fancy, Chief, Bureau of Air Regulation *CAF*

SUBJECT: Standardized Specific Conditions for SIC Group 4911

DATE: November 13, 1991

When the Department receives delegation from EPA to implement the Title V operating permit program, all proposed major source operation source permits will be submitted to EPA for review through the Bureau of Air Regulation (BAR). To facilitate BAR's and EPA's review of these proposed permits and to ensure statewide consistency, the specific conditions for similar sources should be as standardized as possible. (Realistically each source may still have one or two specific conditions that apply uniquely to it and will have to be added to the end of the standardized list.)

The Florida Electric Power Coordinating Group (FCG) is currently lobbying to have the statutes revised to mandate that BAR process all FCG members' operation permits here in Tallahassee under the Title V program. They want to ensure statewide consistency in electric power plant permits. This is a valid concern, but BAR believes the District and Local Program offices are capable of processing these operation permits and can ensure statewide consistency by means of standardized specific conditions.

To accomplish this goal of standardized specific conditions we must first evaluate the specific conditions that are listed in existing operation permits. As Standard Industrial Classification (SIC) code group 4911 (electric services) is a major source of pollution in the state, and as the FCG has voiced concerns about statewide consistency, BAR will start by evaluating specific conditions in existing operation permits for electric services. In order to do so, BAR needs to obtain copies of the specific conditions and process descriptions from the operation permits for the sources on the attached list. This list was compiled by pulling sources from APIS with SIC code 4911 and SCC range 1-01-001-01 to 2-01-002-02.

By January 31, 1992 please submit to BAR (attn. Cindy Phillips) the following:

1. Copies of the process description (as shown on first page of permit) and the specific conditions for each of the sources on

the attached list. If some of the permits on the list are basically identical, only one of them needs to be submitted. If you don't have time to check to see whether they are identical or not, just send them all and we will sort them out here.

2. If you want to develop your own concept of what an ideal permit should look like for any of the SIC 4911 source types, please submit it.

BAR is actively encouraging District and Local Program participation in this project and will circulate draft versions for comment as they are developed. We have also told the FCG that they are welcome to make format suggestions.

This project will not be easy but the end product will be well worth the effort.

CHF/CLP

4911.CLP

APIS NO.	FACILITY	SOURCE	PERMIT NO.
10PCY03001401	GULF POWER/LANSING	UNIT 1	134885
10PCY03001402	GULF POWER/LANSING	UNIT 2	134887
10PCY03001403	GULF POWER/LANSING	PEAKING TURBINES	166927
10PCY23000301	FPC/PORT ST. JOE	GAS TURBINE	144681
10PCY32001401	GULF POWER/SHOLZ	UNIT 1	134888
10PCY32001402	GULF POWER/SHOLZ	UNIT 2	134889
10PEN17004501-03	GULF POWER/CRIST	UNITS 1-3	166928
10PEN17004504	GULF POWER/CRIST	UNIT 4	134882
10PEN17004505	GULF POWER/CRIST	UNIT 5	134883
10PEN17004506	GULF POWER/CRIST	UNIT 6	171809
10PEN17004507	GULF POWER/CRIST	UNIT 7	171806
10TLH33000101	LFC/MONTICELLO	UNIT 1	186821
10TLH37000301	COTE/HOPKINS	UNIT 1	159965
10TLH37000302-03	COTE/HOPKINS	TURBINES 1 & 2	159963
10TLH37000304	COTE/HOPKINS	UNIT 2	PA74-03
10TLH65000101-02	COTE/PURDOM	UNITS 1 & 2	159968
10TLH65000103-04	COTE/PURDOM	UNITS 3 & 4	159969
10TLH65000105	COTE/PURDOM	UNIT 5	159970
10TLH65000106	COTE/PURDOM	UNIT 6	159971
10TLH65000107	COTE/PURDOM	UNIT 7	159972
10TLH65000108-09	COTE/PURDOM	PEAKING UNITS 1 & 2	159966
APIS NO.	FACILITY	SOURCE	PERMIT NO.
30ORG48001401	FPC/RIO PINAR	PEAKING UNIT	180356
30ORL05000601	FPL/CANAVERAL	UNIT 1	132054
30ORL05000602	FPL/CANAVERAL	UNIT 2	163421
30ORL05000801-03	OUC/INDIAN RIVER	UNITS 1-3	183384
30ORL31002901	VERO BEACH	UNIT 1	184320
30ORL31002902	VERO BEACH	UNIT 2	146711
30ORL31002903	VERO BEACH	UNIT 3	142513
30ORL31002904	VERO BEACH	UNIT 4	146712
30ORL48010901-03	REEDY CREEK/EPCOT	UNITS 1-3	144040
30ORL48013701	OUC/STANTON	UNIT 1	PA81-14, PSD 84
30ORL49001401-06	FPC/OSCEOLA	PEAKING UNITS 1-6	176549
30ORL64000404	NEW SMYRNA BEACH	PEAKING UNIT 7	180656
30ORL64000901	FPL/SANFORD	UNIT 3	131230
30ORL64000902	FPL/SANFORD	UNIT 4	132055
30ORL64000903	FPL/SANFORD	UNIT 5	132060
30ORL64002002-06	FPC/TURNER	UNITS 2, 3A, 3B, 4A, 4B	185095
30ORL64002801-02	FPC/DEBARY	OIL HEATERS 1 & 2	125826
30ORL64002803-14	FPC/DEBARY	TURBINES 1-6 A&B	129252

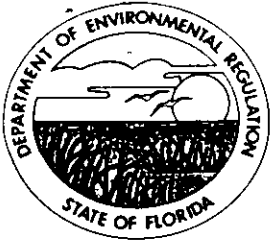
APIS NO.	FACILITY	SOURCE	PERMIT NO.
40HIL29003801	TECO/HOOKERS POINT	UNIT 1	203001
40HIL29003802	TECO/HOOKERS POINT	UNIT 2	125686
40HIL29003803	TECO/HOOKERS POINT	UNIT 3	125687
40HIL29003804	TECO/HOOKERS POINT	UNIT 4	125689
40HIL29003805	TECO/HOOKERS POINT	UNIT 5	125690
40HIL29003806	TECO/HOOKERS POINT	UNIT 6	125691
40HIL29003901	TECO/BIG BEND	UNIT 1	140721
40HIL29003902	TECO/BIG BEND	UNIT 2	171912
40HIL29003903	TECO/BIG BEND	UNIT 3	179911
40HIL29003904	TECO/BIG BEND	UNIT 4	PA79-12,PSD 40
40HIL29003905	TECO/BIG BEND	TURBINE 2	174596
40HIL29003906	TECO/BIG BEND	TURBINE 3	174611
40HIL29003907	TECO/BIG BEND	TURBINE 1	160257
40HIL29004001	TECO/GANNON	UNIT 1	125315
40HIL29004002	TECO/GANNON	UNIT	189206
40HIL29004003	TECO/GANNON	UNIT 3	172179
40HIL29004004-19	TECO/GANNON	UNIT 4 E & W	160269
40HIL29004005	TECO/GANNON	UNIT 5	125993
40HIL29004006	TECO/GANNON	UNIT 6	125992
40HIL29004007	TECO/GANNON	TURBINE	160272
APIS NO.	FACILITY	SOURCE	PERMIT NO.
40PNL52001101	FPC/BARTOW	UNIT 1	149126
40PNL52001102	FPC/BARTOW	UNIT 2	137121
40PNL52001103	FPC/BARTOW	UNIT 3	137123
40PNL52001104	FPC/BARTOW	PIPELINE HEATER	159575
40PNL52001105	FPC/BARTOW	PEAKING UNIT 1	167173
40PNL52001106	FPC/BARTOW	PEAKING UNIT 2	167174
40PNL52001107	FPC/BARTOW	PEAKING UNIT 3	167175
40PNL52001108	FPC/BARTOW	PEAKING UNIT 4	167172
40PNL52001201	FPC/HIGGINS	UNIT 1	137124
40PNL52001202	FPC/HIGGINS	UNIT 2	137125
40PNL52001203	FPC/HIGGINS	UNIT 3	137126
40PNL52001204	FPC/HIGGINS	PEAKING UNIT 1	137555
40PNL52001205	FPC/HIGGINS	PEAKING UNIT 2	137556
40PNL52001206	FPC/HIGGINS	PEAKING UNIT 3	137557
40PNL52001207	FPC/HIGGINS	PEAKING UNIT 4	137554
40PNL52001301	FPC/BAYBORO	PEAKING UNIT 1	167163
40PNL52001302	FPC/BAYBORO	PEAKING UNIT 2	167164
40PNL52001303	FPC/BAYBORO	PEAKING UNIT 3	167165
40PNL52001304	FPC/BAYBORO	PEAKING UNIT 4	167166

4911.SIC

APIS NO.	FACILITY	SOURCE	PERMIT NO.
40MAN41001001	FPL/MANATEE	UNIT 1	127329
40MAN41001002	FPL/MANATEE	UNIT 2	140480
40TPA09000401	FPC/CRYSTAL RIVER	BOILER	169341,PSD 7
40TPA09000402	FPC/CRYSTAL RIVER	BOILER	191820,PSD 7
40TPA09000403	FPC/CRYSTAL RIVER	UNIT 5	PA77-09
40TPA09000404	FPC/CRYSTAL RIVER	UNIT 4	PA77-09
40TPA25000901	CITY OF WAUCHULA	PEAKING UNIT 1	154883
40TPA25000902	CITY OF WAUCHULA	PEAKING UNIT 2	154882
40TPA25000903	CITY OF WAUCHULA	PEAKING UNIT 3	154881
40TPA25000904	CITY OF WAUCHULA	PEAKING UNIT 4	154880
40TPA25000905	CITY OF WAUCHULA	PEAKING UNIT 5	154879
40TPA51001701	FPC/ANCLOTE	UNIT 1	160331
40TPA51001702	FPC/ANCLOTE	UNIT 2	94924
40TPA53000301	CITY OF LAKELAND/LARSON	UNIT 4	175869
40TPA53000302	CITY OF LAKELAND/LARSON	UNIT 5	175868
40TPA53000303	CITY OF LAKELAND/LARSON	UNIT 6	175871
40TPA53000304	CITY OF LAKELAND/LARSON	UNIT 7	175870
40TPA53000305-07	CITY OF LAKELAND/LARSON	PEAKING UNITS 1,2,3	150455
40TPA53000401	LAKELAND/MCINTOSH	UNIT 1	157652, PSD 8
40TPA53000402-03	LAKELAND/MCINTOSH	PEAKING UNITS 2 & 3	158429
40TPA53000404	LAKELAND/MCINTOSH	PEAKING UNIT 1	158431
40TPA53000405	LAKELAND/MCINTOSH	UNIT 2	174090
40TPA53000406	LAKELAND/MCINTOSH	UNIT 3	PA74-06
APIS NO.	FACILITY	SOURCE	PERMIT NO.
50BRO06003601	FPL/PORT EVERGLADES	UNIT 1	143214
50BRO06003602	FPL/PORT EVERGLADES	UNIT 2	143215
50BRO06003603	FPL/PORT EVERGLADES	UNIT 3	143217
50BRO06003604	FPL/PORT EVERGLADES	UNIT 4	143212
50BRO06003605-16	FPL/PORT EVERGLADES	GENERATORS 1-12	148762
50DAD13000103-04	FPL/CUTLER RIDGE	GENERATORS	71894
50DAD13000301	FPL/TURKEY POINT	UNIT 1	155467
50DAD13000302	FPL/TURKEY POINT	UNIT 2	155471
50DAD13001308-18	HOMESTEAD CITY UTILITIES	GENERATORS	147940
50DAD13047001	S.FL.COGEN ASSOC./DADE CO.	TURBINE	127283
50PMB50004203	FPL/RIVIERA	UNIT 3	128936
50PMB50004203	FPL/RIVIERA	UNIT4	128937
50WPB43000101	FPL/MARTIN	UNIT 1	170568
50WPB43000102	FPL/MARTIN	UNIT 2	170567
50WPB56000303	FT. PIERCE UTILITIES/KING	TURBINE	175955
50WPB56000304	FT. PIERCE UTILITIES/KING	UNIT 6	113534
50WPB56000307	FT. PIERCE UTILITIES/KING	UNIT 7	112679
50WPB56000308	FT. PIERCE UTILITIES/KING	UNIT 8	112678

4911.SIC

APIS NO.	FACILITY	SOURCE	PERMIT NO.
52FTM28000303-04	FPC/AVON PARK	PEAKING UNITS 1 & 2	202500
52FTM28000401	TECO/SEBRING	BOILER	139806
52FTM28001801	TECO/SEBRING AIRPORT	GENERATOR 1	154204
52FTM28001802	TECO/SEBRING AIRPORT	GENERATOR 2	154205
52FTM28002801	SEBRING UTILITIES	GENERATOR 2	125885
52FTM28002802	SEBRING UTILITIES	GENERATOR 3	125886
52FTM28002803	SEBRING UTILITIES	GENERATOR 4	125888
52FTM28002804	SEBRING UTILITIES	GENERATOR 6	125889
52FTM28002805	SEBRING UTILITIES	GENERATOR 7	125890
52FTM28002806	SEBRING UTILITIES	GENERATOR 8	125891
52FTM28002807	SEBRING UTILITIES	GENERATOR 9	125893
52FTM36000201	FPL/FT. MYERS	UNIT 1	143155
52FTM36000202	FPL/FT. MYERS	UNIT 2	143156
52FTM36000203	FPL/FT. MYERS	PEAKING UNITS 1-12	145172
52FTM36001301	FPL/BOCA GRANDE	BOILER	188595
52FTM44000206	KEY WEST/TRUMBO	GENERATOR	147179
52FTM44000301	KEY WEST/STOCK ISLAND	TURBINE	162684
52FTM44000302-04	KEY WEST/STOCK ISLAND	PEAKING UNITS 1,2,3	175804
52FTM44000401,2,6,7	FL. KYS. EL. COOP/MARATHON	GENERATORS	167945
52FTM44000403	FL. KYS. EL. COOP/MARATHON	GENERATOR 3	147446
52FTM44000404	FL. KYS. EL. COOP/MARATHON	GENERATOR 4	147447
52FTM44000405	FL. KYS. EL. COOP/MARATHON	GENERATOR 5	147448
52FTM44001301-02	CITY ELEC SYSTEM/CUDJOE	GENERATORS 2 & 3	175803



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

August 9, 1991

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. R. E. Ludwig, President
TECO Power Services Corporation
Post Office Box 111
Tampa, Florida 33601

Dear Mr. Ludwig:

Re: Transfer of Construction Permit PSD-FL-140
Hardee Power Station

The Department is in receipt of your Application for Transfer of Permit requesting the permit to construct the referenced air pollution source be transferred from TECO Power Services Corporation to Hardee Power Partners, Limited. This request is acceptable and our records for construction permit No. PSD-FL-140 have been changed to show that the new owner/operator is:

Mr. G. D. Jennings, Jr., Vice President
Hardee Power Partners, Limited,
a Florida Limited Partnership
702 N. Franklin Street
Tampa, Florida 33602

Hardee Power Partners, Limited will be responsible for the operation of the referenced facility. A copy of this letter must be filed with the referenced construction permit and shall become a part of that permit.

Sincerely,

for Howard L. Rhodes
Carol M. Browner
Secretary

CMB/plm

Attachment: Application for Transfer of Permit

c: G. D. Jennings, Jr.
Jewell Harper, EPA
W. C. Thomas, SW Dist.
Larry Curtin
Richard Donelan, O&C

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Mr. R. E. Ludwig, President
TECO Power Services Corporation
Post Office Box 111
Tampa, FL 33601

4a. Article Number
P 832 538 672

4b. Service Type
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery
AUG 15 1991


5. Signature (Addressee)
Division of Air Resources Management

6. Signature (Agent)
Carl S. [Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, October 1990 *U.S. GPO: 1990-273-861 **DOMESTIC RETURN RECEIPT**

P 832 538 672

 **Certified Mail Receipt**
 No Insurance Coverage Provided
 Do not use for International Mail
 (See Reverse)

UNITED STATES POSTAL SERVICE

Sent to	
Mr. R. E. Ludwig, TECO Power Services	
Street & No	
P. O. Box 111	
P.O., State & ZIP Code	
Tampa, FL 33601	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$
Postmark or Date	
Mailed: 8-12-91	
Permit: PSD-FL-140	

PS Form 3800, June 1990



STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION
APPLICATION FOR TRANSFER OF PERMIT

Permit No. PSD-FL140 Date Issued January 7, 1991 Date Expires _____

NOTIFICATION OF SALE OR LEGAL TRANSFER

Source Name: Hardee Power Station County: Polk/Hardee
Source Location: Polk and Hardee County, Florida City: _____
Permittee Name: TECO Power Services Corporation Title: _____
Mailing Address: P.O. Box 111, Tampa, FL 33601

The undersigned hereby notifies the department of the sale or legal transfer of this pollution source. He further agrees to assign his rights as permittee to the applicant in the event the department agrees to the transfer of permit.

Sworn to and subscribed before me at Tampa, Florida _____
County: Hillsborough Signature of Permittee _____
Title: President
this 6th day of June 19 91 Date: 6/6/91
Notary Public: Jan Hoffman Title _____
My Commission Expires: 6/18/91

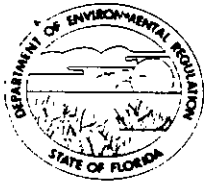
REQUEST FOR TRANSFER OF PERMIT

Source Name: Hardee Power Station
Applicant Name: Hardee Power Partners, Limited, a Florida limited partnership Title: _____
Mailing Address: 702 North Franklin St.
Tampa, FL 33602 Telephone: 813, 228-1301
Project Engineer Name: Kevin E. Fleming
Mailing Address: 702 North Franklin St.
Tampa, FL 33602 Telephone: 813, 228-1301

The undersigned hereby notifies the department of his having acquired title to this pollution source. He further states that he has examined the application and documents submitted by the current permittee the basis on which Permit No. _____ was issued by the department, and states that they accurately and completely describe the permitted activity or project. He further states that he is familiar with the permit, agrees to comply with its terms and conditions, and agrees to assume the rights and liabilities contained therein. He also agrees to promptly notify the department of any future change in ownership of, or responsibility for, the permitted activity or project.

Sworn to and subscribed before me at Tampa, Florida _____
County: Hillsborough Signature of Applicant: A. D. Jennings Jr.
Title: Vice President, Operations & Development
this 6th day of June 19 91 Date: 6/6/91
Notary Public: Jan Hoffman Title _____
My Commission Expires: 6/18/91

*Attach letter of authorization if other than owner or corporate officer.



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To: _____	Location: _____
To: _____	Location: _____
To: _____	Location: _____
From: _____	Date: _____

Interoffice Memorandum

TO: Howard Rhodes
FROM: Clair Fancy *CHF*
DATE: August 9, 1991
SUBJ: Hardee Power Station, PSD-FL-140
Transfer of Permit

Attached for your approval and signature is a letter that will transfer the permit for the above referenced facility to Hardee Power Partners, Limited. Although this permit is currently under appeal, the Office of General Counsel has no objections to the transfer.

I recommend your signature.

CHF/kt

attachment

**HOLLAND & KNIGHT
Law Offices
FAX COVER PAGE**

Bradenton, FL 34206
(813) 747-5550
Fax: (813) 748-6945

Fl. Lauderdale, FL 33302
(305) 525-1000
Fax: (305) 463-2030

Lakeland, FL 33802
(813) 682-1161
Fax: (813) 688-1186

Miami, FL 33101
(305) 374-8500
Fax: (305) 374-1164

Orlando, FL 32802
(407) 425-8500
Fax: (407) 423-3397

Tallahassee, FL 32302
(904) 224-7000
Fax: (904) 222-8185

Tampa, FL 33601
(813) 227-8500
Fax: (813) 229-0134

Jacksonville, FL 32202
(904) 353-2000
Fax: (904) 358-1872

Washington, DC 20006
(202) 955-5550
Fax: (202) 955-5564

REPLY TO: P.O. Drawer 810
TALLAHASSEE, FL 32302

TO: Clair Fancy

FROM: LAWRENCE N. C...

CITY: _____

MESSAGE: _____

URGENCY OF FAX: SUPER RUSH (Immediate) RUSH (Within 1 hour)

EMPLOYEE NAME: RHONDA TIDWELL LOCATION: TALLAHASSEE Ext. 5677

Client Initial	Number	Matter	Area Code	Fax #	Time	Zone
T	15359	42		922-6979		
Atty. #	No. of Pages (Inc. Cover)	Other Att.	Area Code	Telephone #	Date (DD/MM/YY)	
96	9				8/8/91	

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

LAN OFFICES

HOLLAND & KNIGHT

31 MANATEE AVENUE WEST
P.O. BOX 1341
TAMPA, FLORIDA 33601
(813) 747-5550
FAX (813) 747-0840

20 INDEPENDENT SQUARE
P.O. BOX 28007
MIAMI, FLORIDA 33101
(305) 353-2000
FAX (305) 358-1878

400 NORTH ASHLEY
P.O. BOX 1266
TAMPA, FLORIDA 33601
(813) 227-6500
FAX (813) 227-0134

25 LAKE WINDY DRIVE
P.O. BOX 22742
MIAMI, FLORIDA 33101
(305) 353-1000
FAX (305) 353-1150

CABLE ADDRESS
H&K H&K
TELETYPE 227-6500

1500 BRICKELL AVENUE
P.O. BOX 10044
MIAMI, FLORIDA 33101
(305) 371-0000
FAX (305) 371-0000

PLEASE REPLY TO

600 NORTH WINDY LAKE AVENUE
P.O. BOX 10000
MIAMI, FLORIDA 33101
(305) 452-6000
FAX (305) 452-3300

Tallahassee
July 1, 1991

100 EAST BROWARD BLVD
P.O. BOX 10070
FORT LAUDERDALE, FLORIDA 33301
(305) 935-1000
FAX (305) 400-0000

307 SOUTH GULFVIEW BLVD
TALLAHASSEE, FLORIDA 32301
(904) 224-0000
FAX (904) 224-1800

600 SEVENTEENTH STREET, 10TH
FLOOR, S.W.
WASHINGTON, D.C. 20004
(202) 558-0000
FAX (202) 558-0000

VIA HAND DELIVERY

Mr. Steve Smallwood, P.E.
Director, Division of Air
Resources Management
Florida Department of Environmental
Regulation
2600 Blau. Stone Road
Twin Towers Office Building
Tallahassee, Florida 32399-2400

Request for Additional Information re:
Transfer of PSD Construction Permit PSD-
FL140

Dear Mr. Smallwood:

This is in response to your letter of June 20, 1991, concerning the referenced permit transfer application. By way of background, Hardee Power Partners, Limited is an entity that was formed for the purpose of undertaking power generation projects. The entity is owned by TECO Power Services, which is wholly owned by TECO Energy, Inc. TECO Energy, Inc. is also the parent corporation of Tampa Electric Company.

With respect to your four areas of inquiry, we submit the following:

1. R. E. Ludwig is President of TECO Power Services Corporation. G. D. Jennings, Jr., is Vice President of Hardee Power Partners, Limited. Mr. Jennings also is an officer of TECO Power Services Corporation.

2. The Hardee Power Station is the first project to be undertaken by Hardee Power Partners, Limited. General Electric has been retained to construct the project on a turnkey basis. An experienced project management team will supervise the activities of the construction contractors that were identified during the certification process. The

Mr. Steve Smallwood
July 1, 1991
Page 2

contractors' personnel are aware of the requirements of the Conditions of Certification, the PSD permit, and the NPDES permit, and are contractually bound to comply with those terms. The project management team from Hardee Power Partners, Limited will supervise the construction activities to ensure that compliance occurs. During the operation phase, experienced personnel will be responsible for the operation of the Hardee Power Station, again in accordance with the testimony provided in the site certification proceedings. The operations will be under the supervision of Charles Black, Vice President of Engineering and Construction, who is familiar with the operation of air pollution sources and particularly electrical power plants. W. T. Whale has been hired as the General Manager for the facility. Mr. Whale has over eleven years of experience operating electrical generating facilities.

3. The approximately \$250,000,000 facility will be financed with a mix of debt and equity. During the construction period, expenditures will be financed solely through debt. After completion of the construction, the construction debt will be funded partly by the sale of long-term debt securities and partly with equity capital. The asset financing will be provided by a syndicate of commercial banks and the financing is scheduled to close in July. Interim funding has been provided by TECO Energy. Nearly \$80,000,000 has been expended on the project to date. For your information, the Florida Public Service Commission has reviewed the assignments of rights and obligations to Hardee Power Partners, Limited and has approved the transaction. A copy of the Commission's action is enclosed for your review.

4. As stated above, the transaction has been structured in a manner that will enable the facility to be financed on a project basis. This requires that the permits be transferred to Hardee Power Partners, Limited. Hardee Power Partners is contractually bound to comply with the conditions of the permits, as reflected in the assignment agreement that previously was submitted to the Department. Of course, to the extent that those conditions are modified as a result of the pending appeal in case no. 91-300, Hardee Power Partners expects to receive the benefit of those modifications. If the appeal is unsuccessful, Hardee Power Partners will abide by the conditions as stated in the permit currently in effect. As we discussed during the certification phase, the design has been modified to accommodate the installation of the SCR technology should it become necessary in the future.

Mr. Steve Smallwood
July 1, 1991
Page 3


It is my understanding based upon conversations with you that there has been some concern in the legal department that the transfer of the PSD permit may somehow disadvantage the Department in the appeal. This will confirm that Hardee Power Partners, Limited, to the extent it becomes the permittee under the PSD permit, seeks only to succeed to the rights and obligations of TECO Power Services under the permit and the appeal. We do not intend to utilize the transaction as a way to gain any advantage over the Department in the appeal, and we do not wish to be disadvantaged in the appeal as a result of the transaction. As stated above, to the extent the appeal is successful, we would expect that the PSD permit would be modified to reflect that the SCR technology would have to be installed when the capacity factor exceeds a cumulative lifetime average of 60%, as is currently reflected in the Conditions of Certification. If the appeal is unsuccessful, we would expect the Conditions of Certification to be modified to reflect that SCR technology would have to be installed when the capacity factor exceeds 25%. In either case, as reflected above, the facility has been designed to accommodate the installation of the technology within the time frame specified in the Conditions of Certification and the permit.

With respect to the issue of ultimate enforcement, we would point out that Tampa Electric Company and Seminole Electric Cooperative, Inc., remain permittees under the Conditions of Certification that has been issued. Despite the fact that the PSD permit is issued in the name of the Hardee Power Partners, Limited, upon the transfer, the Conditions of Certification, we assume, will be made consistent with that PSD permit. As noted above, Hardee Power Partners, Limited, is wholly owned by TECO Energy, Inc. We do not believe that enforceability is an issue.

I hope that this satisfies the concerns as expressed in your letter. Please let me know if additional information is required.

Sincerely,

HOLLAND & KNIGHT


Lawrence N. Curtis

Mr. Steve Smallwood
July 1, 1991
Page 4

LNC/rt
Enclosure
15359-42 ltr62791:311

FRI 16:02

AUSLEY LAW FIRM

FAX NO. 1904227952

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Notification of changes)
to power sales contracts by Tampa)
Electric Company, Seminole)
Electric Cooperative, Inc. and)
Hardee Power I, Inc. formerly)
known as TECO Power Services)
Corporation)

DOCKET NO. 910631-EU
ORDER NO. 24692-A
ISSUED: 6/28/91

The following Commissioners participated in the disposition of this matter:

- THOMAS M. BEARD, Chairman
- J. TERRY DEASON
- BETTY KASLEY
- GERALD L. GUNTER
- MICHAEL MCK. WILSON

AMENDATORY ORDER

Order No. 24692 Order Accepting Notification of Changes to Power Sales Agreements was improvidently issued as a Notice of Proposed Agency Action on June 21, 1991. That Order is amended by the substitution of the following Order:

ORDER ACCEPTING NOTIFICATION OF CHANGES TO POWER SALES AGREEMENTS AND ASSIGNMENT OF INTEREST

BY THE COMMISSION:

Order No. 22335, Final Order on Need Determination, issued December 22, 1989, requires Tampa Electric Company, Seminole Electric Cooperative, Inc. and TECO Power Services, Inc. to notify this Commission of any changes to the power sales agreements so that appropriate action may be taken.

On April 23, 1991 the parties notified this Commission of amendments to the power sales agreements and the assignment by TECO Power Services, Inc. of its rights and obligations under the agreements to Hardee Power Partners, Ltd.

On December 21, 1990, TECO Power Services filed an application pursuant to Section 203 of the Federal Power Act to transfer the power service agreements to Hardee Power Partners Limited and revise the revenue credit provisions of the Rate Schedules.

DOCUMENT NUMBER-DATE

06521 JUN 28 1991

ALL RECORDS KEPT AT

FRI 16:02

AUSLEY LAW FIRM

FAX NO. 19042227952

ORDER NO. 24692-A
DOCKET NO. 910633-EU
PAGE NO. 3

The Federal Energy Regulatory Commission (FERC) has reviewed and accepted the rates contained in the power sales agreements. TECO Power Services states that the transfer of the power sales agreements to Hardee Power will not affect the rates, terms, or conditions of the agreement.

In the FERC's previous Order Granting Intervention, Denying Rehearing and Accepting Proposed Agreements, issued on November 19, 1990 in FERC Docket No. ER90-164-001, the Commission directed TECO Power Services to revise the revenue credit provisions of these rate schedules.

The revenue credit provisions of these rate schedules originally had provided that the revenues from sales to other utilities would be divided among the parties as follows:

Power Services, 15%; Tampa Electric Company (Tampa Electric), 35%; and Seminole Electric Cooperative, Inc. (Seminole), 50%.

In conformity with the FERC's November 19th order, Power Services revised its Rate Schedules FERC Nos. 1 and 2, respectively, to allocate such revenues as follows:

Tampa Electric, 40%, and Seminole, 60%.

The effect of the above changes from the standpoint of Tampa Electric's Customers is a beneficial one in that Tampa Electric's share of revenues from certain sales to other utilities has been increased from 35% to 40%. Seminole's share has also increased and the 15% share originally allocated to Power Services has been eliminated.

In addition to the revisions to the revenue allocation called for in the FERC Order, which were made in the Second Amendments to the Agreements, some other changes were made to the contracts to correct minor errors, none of which were substantive in nature.

In Order No. 496002, Docket No. EC 91-3-000 the FERC concluded that the proposed transfer of the power sales agreements to the Partnership will be consistent with the public interest. Additionally, a condition of the FERC order states...

"The foregoing authorization is without prejudice to the authority of the Commission or any other regulatory body with respect to rates, services, accounts, valuation, estimates, determinations of cost or any other matter whatsoever now pending or which may

ORDER NO. 24692-A
DOCKET NO. 910633-EU
PAGE NO. 3

come before this Commission or any other regulatory body in the future."


We accept notification of the changes to the power sales agreements pursuant to the requirement of Order No. 22335. We accept notification of the assignment by TECO Power Services, Inc. of its interests to Hardee Power Partners, Ltd pursuant to the requirement of Order No 22335,

Based on the foregoing it is

ORDERED by the Florida Public Service Commission that Tampa Electric Company, Seminole Electric Cooperative, Inc. and TECO Power Services Corporation have complied with the requirement of Order No. 22335 and notified the Commission of changes to the power sales contracts, including the assignment and assumption agreement between TECO Power Services, Inc. and Hardee Power Partners, Ltd. and the revenue credit provisions of the rate schedules. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 28th day of JUNE, 1991.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

R V E

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

ORDER NO. 24692-A
DOCKET NO. 910633-EU
PAGE NO. 4

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.000, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.100, Florida's Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida's Rules of Appellate Procedure.



State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee	
To: _____	Location: _____
To: _____	Location: _____
To: _____	Location: _____
From: _____	Date: _____

Interoffice Memorandum

TO: Steve Smallwood, P.E.
Director, Division of Air Resources Management

FROM: Richard T. Donelan, Jr.
Assistant General Counsel *RTD*

DATE: July 18, 1991

SUBJECT: Hardee Power Station Permit Transfer

I am responding to your memorandum dated July 11, 1991. I apologize if my memo to you of July 3, 1991, has generated any confusion as to the Hardee matter.

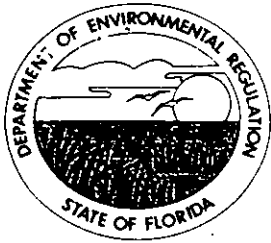
Larry Curtin has told me, allegedly based on conversations with you, that you do not have any substantive problem allowing the transfer of the permit as requested. If this is your policy determination, then the permit should be transferred without further ado.

Curtin has also told me, and it is also reflected in his letter responding to the July 1 completeness questions, that you have raised with him the OGC's concerns as to impact of the transfer on the pending appeal. I would appreciate it if you did not discuss issues like this with opposing counsel in cases of mine. There is no impact on the appeal, which is fully briefed. However, any conversations between you and I as to legal strategy or tactics relative to active permit challenge cases should remain confidential at all times in accordance with the Godfather's first rule: "Never tell anyone outside of the family what you are thinking." I apparently did not make this point effectively in my July 3 memo.

The point of my brief memo was to indicate that there was no legal impediment to the transfer of the Hardee Power Station PSD permit. There is only this policy question: whether the Department should facilitate TECO's Hardee Power Station financing scheme by transferring the PSD permit to another TECO entity when we know that the company does not want to apply SCR NO_x controls and is currently suing us to escape the EPA-dictated SCR requirements of the permit in question.

RTD/kjr

cc: Carol Forthman, Esquire
Buck Oven, P.E.
Clair Fancy, P.E.



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

June 20, 1991

Lawrence N. Curtin, Esquire
Holland & Knight
P.O. Drawer 810
Tallahassee, Florida 32302

Re: Request for Additional Information re: Transfer of
PSD Construction Permit PSD-FL140

Dear Mr. Curtin:

This letter acknowledges the Department's receipt on June 11, 1991, of DER Form 17-1.201(1), Application for Transfer of Permit, submitted on behalf of TECO Power Services Corporation and Hardee Power Partners Limited, seeking transfer of Permit Number PSD-FL140, issued January 7, 1991, to TECO Power Services Corporation. Pursuant to Rule 17-4.120(3), F.A.C., this letter is official notification to TECO Power Services Corporation and Hardee Power Partners Limited that additional information is necessary for an adequate review of this transfer request. Information is required regarding the following four areas:

1. Please clarify the corporate authority of the signatories to the Form 1.201(1). Is R.E. Ludwig President of TECO Power Services Corporation? Is G.D. Jennings, Jr., Vice President of Hardee Power Partners Limited?
2. Does Hardee Power Partners Limited currently own or operate any electric power generating facilities? Has Hardee Power Partners Limited ever been responsible for the construction and operation of a major air pollution source? If the answer to either of these questions is no, please identify the person or legal entity on whom Hardee Power Partners Limited intends to rely to ensure that Hardee Power Station is constructed and operated in compliance with the terms of the permit.

Lawrence N. Curtin, Esquire
June 20, 1991
Page Two

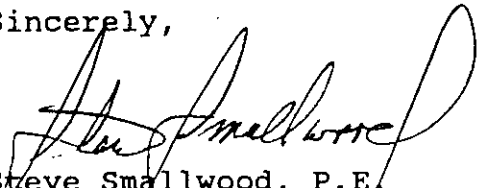
3. On what source of funds will Hardee Power Partners Limited rely to fund construction of the Hardee Power Station in accordance with the terms of the permit? Pursuant to Rule 17-4.110, F.A.C., please submit proof of financial responsibility on the part of Hardee Power Partners Limited to fulfill the permit conditions.

4. Currently pending before the First District Court of Appeal is TECO Power Services Corporation's appeal of the construction permit in question. TECO Power Services Corp. v. Dept. of Environmental Regulation, First DCA Case Number 91-300. In order to determine whether Hardee Power Partners Limited can provide reasonable assurance that it will fulfill the conditions of PSD-FL140, it is necessary for an authorized agent of Hardee Power Partners Limited to state in writing whether Hardee Power Partners intends to abide by the conditions of the permit as issued, including conditions related to the utilization when appropriate of NO_x control measures such as selective catalytic reduction (SCR). Please provide such a statement.

Please submit your responses, if any, to the questions contained in this letter as soon as practicable. Pursuant to Rule 17-4.120(3), F.A.C., the Department will take no further action on the transfer request until the requested additional information is received and reviewed.

Please communicate with me or Richard Donelan if there are any questions regarding this request for additional information.

Sincerely,



Steve Smallwood, P.E.
Director
Division of Air Resources
Management

SS/rdk

cc: Richard Donelan, Esquire, OGC

HOLLAND & KNIGHT

1401 MANATEE AVENUE WEST
P. O. Box 241
BRADENTON, FLORIDA 34206
(813) 747-5550
FAX (813) 748-6945

2000 INDEPENDENT SQUARE
P. O. Box 52687
JACKSONVILLE, FLORIDA 32201
(904) 353-2000
FAX (904) 358-1872

400 NORTH ASHLEY
P. O. Box 1288
TAMPA, FLORIDA 33601
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92 LAKE WIRE DRIVE
P. O. Box 32092
LAKELAND, FLORIDA 33802
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FAX (813) 686-1186

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TELEX 52-2233 MIAMI

1200 BRICKELL AVENUE
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MIAMI, FLORIDA 33101
(305) 374-8500
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PLEASE REPLY TO:

800 NORTH MAGNOLIA AVENUE
P. O. Box 1526
ORLANDO, FLORIDA 32802
(407) 425-8500
FAX (407) 423-3397

Tallahassee
June 11, 1991

ONE EAST BROWARD BLVD.
P. O. Box 14070
FORT LAUDERDALE, FLORIDA 33302
(305) 525-1000
FAX (305) 463-2030

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888 SEVENTEENTH STREET, N.W.
SUITE 900
WASHINGTON, D.C. 20006
(202) 955-5550
FAX (202) 955-5564

VIA HAND DELIVERY

Richard Donelan, Esquire
Department of Environmental Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Hardee Power Station

RECEIVED
JUN 11 1991

Dept. of Environmental Reg.
Office of General Counsel

Dear Richard:

Enclosed for processing is the application for transfer of the Hardee Power Station PSD permit. The transfer would be from TECO Power Services Corporation to Hardee Power Partners, Limited, a Florida limited partnership. As we have discussed, the financing transaction is scheduled to close in the very near future and we would appreciate any consideration you can give us in expediting this transfer.

Although the permit is currently in effect, there is an appeal pending in the Florida First District Court of Appeal, as you know. After the transfer is completed, Hardee Power Partners, Limited, will be responsible for complying with all terms and conditions of the permit as currently in effect. However, we will continue to pursue the appeal and any future modifications that may result from that, and the request for the transfer is subject to the appeal.

Thank you for your assistance in this matter.

Sincerely,

HOLLAND & KNIGHT

Lawrence N. Curtin
Lawrence N. Curtin

LNC/rt
15359-42 ltr61191:311