

JUN-09-2000 02:34AM FROM:HOLLAND AND KNIGHT

18502228185

T-004 P.002/007 F-008

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

NANCY GRANT,

Petitioner,

vs.

OGC CASE NO. 00-1040

**GRANITE POWER PARTNERS II, L.P. and
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION.**

Respondents.

ORDER DISMISSING PETITION WITH LEAVE TO AMEND

On May 10, 2000, the Florida Department of Environmental Protection (Department) received a petition for hearing from Petitioner Nancy Grant. See Exhibit 1. The petition challenged the Department's decision to issue Permit No. 0490044-001-AC (PSD-281), to Granite Power Partners II, L.P. to construct three combustion turbine-electrical generators with 100-foot stacks, a natural gas fired heater, and one 1.5 million gallon fuel oil storage tank for the Hardee County Generation Facility in Hardee.

Section 120.54(5)(b)4 of the Florida Statutes (1999), Florida Administrative Code Rule 28-106.201(2), and the notice provided to Petitioner explain what must be included in a petition for a formal administrative proceeding. This petition does not comply with Rule 28-106.201(2) and therefore does not contain sufficient information to determine whether a formal administrative proceeding should be held. Specifically, the request does not include:

(a) An explanation of how the petitioner's substantial interests are or will be affected by the Department's decision;

(b) A statement of all issues of material fact disputed by the petitioner or a statement that there are no disputed facts;

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(c) A concise statement of the ultimate facts alleged, including a statement of the specific facts that the petitioner contends warrant reversal or modification of the Department's proposed decision; and

(d) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the Department's proposed decision.

Without this information, the petition must be dismissed as required by Florida Administrative Code Rule 28-106.201(4). Therefore, IT IS ORDERED:

The petition for hearing filed by Nancy Grant is **DISMISSED**, without prejudice to Nancy Grant to amend her petition to provide the information listed above. The amended petition must be filed (received) in the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within fifteen (15) days after the date set forth in the certificate of service on the last page of this Order. This Order constitutes final agency action of the Department unless a timely amended petition is filed in conformance with this Order.

Any party to this Order has the right to seek judicial review of the Order under Section 120.68 of the Florida Statutes by the filing of a notice of appeal under Rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 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.

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DONE AND ORDERED this 8th day of June, 2000, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Ted L. Donaldson
Ted L. Donaldson
General Counsel
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

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

Heather Chapman
CLERK DATE 6/8/00

CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed to:

Nancy Grant
Post Office Box 573
Arcadia, Florida 33865

Lawrence Sellers, Jr., Esq.
Holland & Knight
315 South Calhoun Street, Ste 600
Tallahassee, Florida 32301-1807

on this 8th day of June, 2000.

Joel Beason
W. DOUGLAS BEASON
Assistant General Counsel
3900 Commonwealth Boulevard
Mail Station 35
Tallahassee, Florida 32399-3000
Telephone: (850) 488-9314

JUN-08-2000 02:34AM FROM:HOLLAND AND KNIGHT

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T-004

P.005/007 F-008

~~MAX-18-05~~ Fax:850-922-6979

May 10 '00 12:52

P.03/06

May 10, 2000

Petition for Administrative Proceeding
under sections 120.549 and 120.57 of the Florida Statutes

D&P File No. 0490044-001-AC (PSD-FL-2B1)
Granite Power Partners II, L.P.
Hardee County Generation Station-Units 1-3

(a) Agency affected:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/488-6967

(b) Petitioner:

Nancy Grant
P.O. Box 573
Arcadia, Florida 34268
Telephone: 863/494-9696
Fax: 863/993-3700

(b) how the petitioner's substantial interests will be
affected by the agency determination:

As you have heard from petitions throughout the State of
Florida the substantial interests remain the same. The
health, well being, and quality of my life as well as
yours, my grandchildren and yours will be directly
felt by the decisions that you make. Contaminating the
air we breath and using the state guidelines for excu...
will be met with deadly results.

(c) statement of how petitioner received notice of agency
action or proposed action:

I followed the trail from the leads of John
Ellis's (I.P.S. Powers, Avon Park Corporation) and
from the notice of intent from the Hardee paper.

EXHIBIT 1

JUN-09-2000 02:34AM FROM:HOLLAND AND KNIGHT

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T-004

P.005/007 F-008

MAX-FILE-EX
 Fax:850-922-6979

May 10 '00 12:52

P.03/05

May 10, 2000

Petition for Administrative Proceeding
 under sections 120.560 and 120.57 of the Florida Statutes

OGP File No. 0490044-001-AC (PSD-FL-281)
 Granite Power Partners II, L.P.
 Hardee County Generation Station-Units 1-3

(a) Agency affected:

Department of Environmental Protection
 Bureau of Air Regulation
 111 S. Magnolia Drive, Suite 4
 Tallahassee, Florida 32301
 Telephone: 850/488-0114
 Fax: 850/488-6967

(b) Petitioner:

Nancy Grant
 P.O. Box 573
 Arcadia, Florida 34265
 Telephone: 863/494-9696
 Fax: 863/993-3700

(b) How the petitioner's substantial interests will be affected by the agency determination:

As you have heard from petitions throughout the state of Florida the substantial interests remain the same. The health, well being, and quality of my life as well as yours, my grandchildren and yours will be directly felt by the decisions that you make. Contaminating the air we breath and using the state guidelines for excuses will be met with deadly results.

(c) statement of how petitioner received notice of agency action or proposed action:

I followed the trail from the leads of John Ellis's (I.P.S. Powers, Avon Park Corporation) and from the notice of intent from the Hardee paper.

EXHIBIT 1

JUN-09-2000 02:36AM FROM: HOLLAND AND KNIGHT

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T-004 P.006/007 F-006

MAY-10-00 FAX: 850-422-6979

May 10 '00 12:53 P.04/05

Petition: page 2

(d) statement of all disputed issues of material fact:

Our utilities, FPL has stated, would not build plants such as proposed outside our towns. These plants are not for any other purpose than lining the applicants' wallet. Excess pollution for this purpose is wrong.

This is a violation of our God given rights under the Constitution of the United States for clean air, pure water and sunshine.

The Clean Air Act of the United States has set standards that should ensure we as a people do not become ill or suffer disease because of the air we breathe from polluting, unnecessary, money making, plants that benefit no one except the narrow minded, money hungry, monsters that don't care about even the planet they live on. They would destroy even their own family to make that money. When is enough enough.

There are alot of material facts that will stand up in court and that is where this is going. Did any of you pay any attention at all to the Earth Day Rally in Washington DC just recently?

(e) statement of ultimate facts alleged and facts that warrant reversal:

The obvious fact is that you cannot permit unlimited polluting factories in an already polluted environment. The accumulated effect of all of these plants is going to have a destructive effect on Hardee County as well as the surrounding area. The taxes from these plants are what Little Backwoods Commissioners look at, that is what the Phosphate Industry calls them. This is a wake-up petition.

The entire Florida Statutes need to be updated to meet our desperate environmental needs before we have destroyed completely our home, planet Earth. Our elected officials will now be held accountable for their neglect. They haven't kept up with the times.

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Petitioner: page 2

(f) a statement of the specific rules or statutes the petitioner contends require reversal or modification

That is putting it mildly, these so called rules are dated 1977. They need to be updated as previously stated. The hand writing is on the wall. They don't address the problem that is facing this state, this nation AT ALL!

(g) statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take:

Do not permit any more merchant plants. It doesn't take a whole lot of common sense to see the problem. We as a nation are like a flock of sheep following these rules to our destruction. Permit all these plants that come your way and I'm afraid you are going to be held responsible for the damage they cause, the lives they take.

I am also requesting the Administrative hearing be held in Hardee County.

Nancy Grant
May 10, 2000