

RECEIVED

JUL 28 2003

BUREAU OF AIR REGULATION

July 25, 2003

Ms Trina L. Vielhauer
Bureau of Air Regulation
2600 Blair Stone Road
Mail Station 5505
Tallahassee, FL 32399-2400

Re: Air Construction Permit Modification
Peak Operation Mode for 1500 Megawatt Combined Cycle Combustion Turbines
DEP File No. 0710002-014-AC

Dear Ms Vielhauer;

Enclosed please find the affidavit of publication for the Air Construction Permit modification for the FPL Fort Myers Plant Combined Cycle Combustion Turbines as required under Rule 62-110.106(7)(b), F.A.C. The notice was published in the Fort Myers News-Press on Tuesday and 7/15/03.

If you have any questions please contact Bernie Tibble at (239) 693-4390

Beth Casey

Beth E. Casey
Fort Myers Plant

NEWS-PRESS
*Published every morning - Daily and
 Sunday*
 Fort Myers, Florida
Affidavit of Publication

STATE OF FLORIDA
 COUNTY OF LEE

Before the undersigned authority, personally appeared

Ellen M. Polanshek
who on oath says that he/she is the
Asst. Legal Clerk of the News-Press, a
 daily newspaper, published at Fort Myers, in Lee County,
 Florida; that the attached copy of advertisement, being a
notice of intent
 in the matter of
DEP Permit to Florida Power & Light
 in the Court was
 published in said newspaper in the issues of
July 15, 2003

Affiant further says that the said News-Press is a paper of general
 circulation daily in Lee, Charlotte, Collier, Glades and Hendry
 Counties and published at Fort Myers, in said Lee County,
 Florida and that said newspaper has heretofore been
 continuously published in said Lee County, Florida, each day,
 and has been entered as a second class mail matter at the post
 office in Fort Myers in said Lee County, Florida, for a period of
 one year next preceding the first publication of the attached copy
 of the advertisement; and affiant further says 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.

Ellen M. Polanshek

Sworn to and subscribed before me this

25th day of July, 2003 by


Ellen M. Polanshek
 personally known to me or who has produced

as identification, and who did or did not take an
 oath.

Notary Public *Brenda Leighton*

Print Name _____

My commission Expires:

 Brenda Leighton
 MY COMMISSION # DD169005 EXPIRES
 February 14, 2007

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT
 STATE OF FLORIDA
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 DEP File No. 0710002-014-AC
 Florida Power & Light
 Fort Myers Plant
 Peak Mode of Operation for the 1500 Megawatt Combined Cycle Combustion Turbines
 Lee County
 The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit to Florida Power & Light Company (FPL). The original permit (0710002-004-AC) issued on November 25, 1998, allowed the installation of six combined cycle units that replaced two (2) existing oil-fired steam generators at the Fort Myers Plant near Tice, Lee County. A Best Available Control Technology (BACT) determination was not required for the original permit and is not required for this project pursuant to Rule 62-212.400, F.A.C. The applicant's name and address are Florida Power & Light, Fort Myers Plant, Post Office Box 430, Fort Myers, Florida 33905.
 The permit is to allow peak operation mode up to 400 hours per year for each of the six combined cycle turbines. Peaking is expected to result in a short term NOx emissions from 9 to 15 ppmvd for each turbine and 51 TPY for all six turbines at higher temperatures during this mode. However, due to the substantial emissions decrease of this pollutant during the repowering project, this project will not result in a PSD significant net increase of NOx emissions or any other criteria pollutants. Therefore, an air quality impact analysis was not required. The Department will issue the FINAL permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.
 The Department will accept written comments concerning the proposed permit issuance action for a period of fourteen (14) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.
 This Fort Myers Project is not subject to review under Section 403.506 F.S. (Power Plant Siting Act), because it provides for no expansion in steam generating capacity.
 The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.
 A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 5900 Commonwealth Boulevard, Mail Station # 35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of this notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination on construction under Section 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.
 A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; and the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.
 A petition that does not dispute the material facts upon which the Department's action is based shall state that such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.
 Because the administrative hearing process is designed to formulate an agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding. In accordance with the requirements set forth above.
 A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Florida Department of Environmental Protection, Bureau of Air Regulation, 111 S. Magnolia Drive, Suite 4, Tallahassee, Florida, 32301 Telephone: (850) 488-0114 Fax: (850) 922-6979
 Florida Department of Environmental Protection, South District Office, 295 Victoria Avenue, Suite 364, Fort Myers, Florida 33902-2549 Telephone: (941) 332-6975 Fax: (941) 332-6969
 The complete project file includes the application, technical evaluations, Draft Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information. The Department's technical evaluations and Draft Permit can be viewed at www.dep.state.fl.us/air/permits.htm by clicking on Construction Permits.
 Jul 15 No. 39039

RECEIVED
 JUL 28 2003
 BUREAU OF AIR REGULATION

ions 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.
 A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; and the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.
 A petition that does not dispute the material facts upon which the Department's action is based shall state that such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.
 Because the administrative hearing process is designed to formulate an agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding. In accordance with the requirements set forth above.
 A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Florida Department of Environmental Protection, Bureau of Air Regulation, 111 S. Magnolia Drive, Suite 4, Tallahassee, Florida, 32301 Telephone: (850) 488-0114 Fax: (850) 922-6979
 Florida Department of Environmental Protection, South District Office, 295 Victoria Avenue, Suite 364, Fort Myers, Florida 33902-2549 Telephone: (941) 332-6975 Fax: (941) 332-6969
 The complete project file includes the application, technical evaluations, Draft Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information. The Department's technical evaluations and Draft Permit can be viewed at www.dep.state.fl.us/air/permits.htm by clicking on Construction Permits.
 Jul 15 No. 39039