

AFFIDAVIT OF PUBLICATION

THE LEDGER

Lakeland, Polk County, Florida

RECEIVED

FEB 10 2006

Case No's:

STATE OF FLORIDA)
COUNTY OF POLK)

Before the undersigned authority personally appeared Maria Iannucci, who on oath says that she is Telephone Sales Supervisor of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

Notice of Intent

in the matter of Permit No. 1050221-009-AV

Concerning Calpine Corporation/Auburndale Energy Complex

was published in said newspaper in the issues of 2-2; 2006

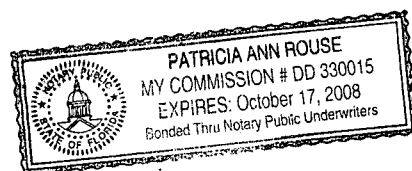
Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he 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.

Signed: Maria Iannucci
Maria Iannucci
Telephone Sales Supervisor
Who is personally known to me.

Sworn to and subscribed before me this 8TH

day of February A.D. 20 06

Patricia Ann Rouse
Notary Public



(Seal)

My Commission Expires.....

LC207250 P515

BUREAU OF AIR REGULATION

Attach Ad Here

In the Matter of an
Application for Permits by:
Calpine Corporation
Auburndale Energy Complex
2701 North Rocky Point Drive, Suite 1200
Tampa, FL 33607

DRAFT Title V Air Operation Permit Revision Project
No. 1050221-009-AV
Draft Air Construction Permit Modification No. 1050221-010-AC
Auburndale Energy Complex
Polk County

WRITTEN NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT REVISION

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue an air construction permit application specified above, for the reasons stated below.

The applicant, Calpine Corporation, applied on September 17, 2004, to the permitting authority for a Permit Revision for the Auburndale Energy Complex, 1501 and 1651 Derby Avenue, Auburndale, Polk County. On May 27, 2005, the applicant submitted an air construction application for permit modifications to three air construction permits.

The Air Construction Permit 1050221-010-AC is being issued for the modification of specific conditions to permits PSD-FL-185, 1050221-004-AC, and PSD-FL-287.

The Permit revision is being issued to allow continued commercial operation of the facility, as authorized by the initial Permit, No. 1050221-002-AV, and incorporate the terms of Air Construction Permits 1050221-010-AC, 1050334-006-AC and 1050334-007-AC.

The permitting authority has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-212, and 62-213. This source is not exempt from construction and Title V permitting procedures. The permitting authority has determined that an AC and a Permit revision are required to commence or continue operation of the described facility.

The permitting authority intends to issue the AC and the Permit revision based on the belief that reasonable assurances have been provided to indicate that the AC activity and operation of the source will not adversely impact air quality, and the source will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

Pursuant to Sections 403.815 and 403.087, F.S., and Rules 62-110.106 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT REVISION." The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the permitting authority at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax: 850/921-9533), within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permits pursuant to Rule 62-110.106, F.A.C.

The permitting authority will issue the AC and the PROPOSED Permit and subsequent FINAL Permit, in accordance with the conditions of the attached Draft AC and the DRAFT Permit, unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed AC issuance action for a period of 14 (fourteen) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT REVISION." Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft AC, the permitting authority shall issue a Revised Draft AC and require, if applicable, another Public Notice.

The Permitting Authority will accept written comments concerning the DRAFT Permit for a period of thirty (30) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT REVISION." Written comments must be post-marked and all facsimile comments must be received by the close of business (5:00 pm), on or before the end of this 30-day period, by the Permitting Authority at the above address or facsimile. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices at <http://thorogedep.state.fl.us/ow> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the DRAFT Permit, the Permitting Authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with 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 of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit revision applicant or any of the parties listed below must be filed within fourteen (14) 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), F.S., must be filed within fourteen (14) days of publication of the public notice or within fourteen (14) days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority for notice of agency action may file a petition within fourteen days of receipt of that 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 (hearing) under Sections 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, F.A.C.

A petition that disputes the material facts upon which the permitting authority's action is based must contain the following information:

- The name and address of each agency affected and each agency's file or identification number, if known;
- The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioners representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioners substantial interests will be affected by the agency determination;
- A statement of how and when each petitioner received notice of the agency action or proposed action;
- A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief;
- A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and
- 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 permitting authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the permitting authority's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the permitting authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation will not be available in this proceeding.

Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at: <http://www.epa.gov/region4/air/permits/Florida.htm>.

Executed in Tallahassee, Florida.
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION
Trina L. Vielhauer, Chief
Bureau of Air Regulation

P515 2-2: 2006

Classified/Marked

AFFIDAVIT OF PUBLICATION

THE LEDGER

Lakeland, Polk County, Florida

FEB 01 2005

BUREAU OF AIR REGULATION

Case No

STATE OF FLORIDA)
COUNTY OF POLK)

Before the undersigned authority personally appeared C. Morgan Miller, who on oath says that he is Display Advertising Manager of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being an

Notice of Intent to Issue Permit

in the matter of Draft Title V Major Source Air Operation Permit

Concerning Calpine Construction Finance Company, LP

was published in said newspaper in the issues of 12-28; 2004.....

Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he 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.

Signed.....

C. Morgan Miller
Display Advertising Manager
Who is personally known to me.

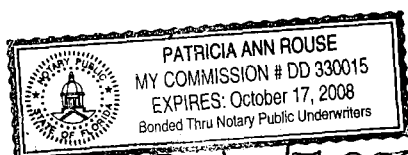
Sworn to and subscribed before me this.....

day of.....

A.D. 20.....

Notary Public

(Seal)



My Commission Expires.....

LC169236 M004

Attach Ad Here

0001 Legals

0001 Legals

0001 Legals

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Department of Environmental Protection
Draft Title V Major Source Air Operation Permit No. 1050221-009-AV
Calpine Construction Finance Company, LP-Osprey Energy Center
Polk County

Applicant: The applicant for this project is Calpine Construction Finance Company, LP, Calpine Corporation, 2701 North Rocky Point Drive, Suite 1200, Tampa, FL 33607. The applicant's responsible official is Mr. Benjamin M. H. Borsch, P.E., Manager, Safety, Health and Environment.

Facility Location: The applicant owns the Osprey Energy Center and operated by the Auburndale Cogeneration Facility, which is located at 1651 Derby Avenue, in Auburndale, Polk County Florida. The Auburndale Cogeneration Facility consists of four collocated combustion turbines along with ancillary and supporting equipment and facilities. Auburndale Cogeneration Facility operates all of the units at the facility; however, there are three different owners for the combustion turbines. EU 001 is owned by Auburndale Power Partners, L.P. EU 006 is owned by Auburndale Peaker Energy Center, LLC (APEC). EUs 007 and 008 are the newly constructed units, and are owned by Calpine Construction Finance Company, L.P.

Project: The applicant submitted an application on September 17, 2004 for a Title V major source air operation permit revision. This permit will be a revision of the Title V air operation permit 1050221-007-AV. The applicant will incorporate the newly constructed Osprey Energy Center (Air Construction Project 1050334-001-AC) into the current Auburndale Cogeneration Facility permit (Facility ID No. 1050221). The Osprey Energy Center was initially constructed with the intention of being a stand alone facility. However, it is contiguous with the Auburndale Cogeneration Facility, and will be incorporated in the Auburndale Cogeneration Facility permit, Facility ID No. 1050221. The Permit revision is being issued to allow continued commercial operation of the facility, as authorized by the initial Permit, No. 1050221-007-AV, and incorporate the terms of Air Construction Permits 1050334-001-AC. All units will operate under Facility ID No. 1050221. The emissions units (EU 007 through EU 011) have been built and the initial performance test has been conducted and compliance demonstrated.

One turbine, the Auburndale Cogeneration unit, owned by Auburndale Power Partners, L.P. (APP) is a 156 (nominal) MW unit (EU 001) operated in combined cycle with an unfired heat recovery steam generator. This unit also generates steam for use by two adjacent manufacturing facilities. The second turbine, owned by Auburndale Peaker Energy Center, LLC (APEC) is a 104 (nominal) MW unit (EU 006) operated in simple cycle. Calpine Eastern Corporation operates both of these units. The third and fourth turbines (EU 007 and EU 008) are located at the Osprey Energy Center. EU 007 and 008 are owned by Calpine Construction Finance Company, L.P. These turbines are two (2) nominal 170-MW natural gas-fired combustion turbines with two (2) HRSG equipped with duct burners and one (1) common nominal 200-MW steam generator.

The new combined cycle combustion turbine (CT) cogeneration systems (EUs 007 and 008) with each combined cycle system consists of one 170 MW Siemens Westinghouse "F" Class (501FD) combustion turbine (CT) with one 200 MW steam turbine-generator, and one HRSG. Each CT is fired solely with pipeline natural gas and equipped with evaporative coolers on the inlet air system. Each system employs Selective Catalytic Reduction (SCR) to control NOx emission. Continuous Emissions Monitors systems are used to determine compliance with all NOx emission limits. CEMS serves as continuous compliance determination.

The two new Heat Recovery Steam Generators with 250MMBtu duct burners (EU 009 and 010) are for supplemental firing and to achieve peak output. The Duct Burner can only fire pipeline natural gas. Low NOx burners (LNB) are used to control NOx emissions.

Permitting Authority: Applications for Title V major source air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213, and 62-214 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to operate the facility. The Department's Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination regarding this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is: 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above or at the following email address: http://www.dep.state.fl.us/air/products/ards/. A copy of the complete project file is also available at the Southwest District Office at 3804 Coconut Palm Drive, Tampa, FL 33619-1352 (Telephone: 813/744-6100).

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue a Title V major source air operation permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the facility will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-210, 62-212, 62-213, 62-214, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Proposed Permit and subsequent Final Permit in accordance with the conditions of the Draft Permit unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

Permitting Authority:
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/921-9533

Affected District:
Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, Florida
Telephone: 813/744-6100
Fax: 813/744-6084

Comments: The Permitting Authority will accept written comments concerning the Draft Permit for a period of thirty (30) days from the date of publication of this Public Notice. Written comments must be provided to the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices (<http://flhraq.dep.state.fl.us/onw/>) and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within fourteen (14) days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within fourteen (14) days of receipt of that 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 (hearing) under Sections 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, F.A.C.

A petition that disputes the material facts on which the Permitting Authority'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; the name address and telephone number of 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 rights will be affected by the agency determination; (c) A statement of how and when the 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 state; (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 the 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 Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available for this proceeding.
Objections: In addition to the above right to petition, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within sixty (60) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V major source air operation permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the thirty (30) day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding objections, visit the EPA Region 4 web site at: www.epa.gov/region4/air/permits.

M004 12-28; 2004