

**STATE OF FLORIDA
BEFORE THE GOVERNOR AND CABINET
SITTING AS THE SITING BOARD**

IN RE: APPLICATION FOR)
POWER PLANT CERTIFICATION OF)
FLORIDA POWER CORPORATION)
POLK COUNTY SITE)
PA 92-33)
_____)

DOAH CASE NO. 92-5308 EPP
OGC CASE NO. 92-1494

FINAL ORDER APPROVING CERTIFICATION

On January 25, 1994, this matter came before the Governor and Cabinet, sitting as the Siting Board, pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Section 403.501 et seq., Florida Statutes (1993), for final agency action concerning a recommended order dated December 3, 1993, attached as Exhibit 1, which recommends site certification for the Florida Power Corporation Polk County site. By order dated February 26, 1993, the Board found the Polk site to be consistent and in compliance with existing land use plans and zoning ordinances. On February 25, 1993, the Public Service Commission certified the need for 470 MW of natural gas-fired combined cycle generating capacity at the site.

No party has filed exceptions to the Recommended Order. On January 5, 1994, Florida Power Corporation (FPC) filed an uncontested Motion for Correction of Scrivener's Error. FPC's motion suggests that an inadvertent omission of the word "steam" from proposed Condition II as recommended creates an arguable ambiguity concerning when supplemental site certification must be sought for expansion of the site's generating capacity.

Upon consideration, the motion is GRANTED. The Siting Board ORDERS that, in accordance with past practice, the word "steam" be inserted at the appropriate location in Condition II to avoid any future uncertainty as to the applicability of supplemental certification proceedings under Section 403.517, Florida Statutes. FPC shall be required to utilize the supplemental site certification procedure whenever, in accordance with Section 403.519, Florida Statutes, it desires permission to expand the steam electric generating capacity of the Polk site beyond that authorized by this Order.

Having reviewed the recommended order and otherwise being fully advised, it is ORDERED:

1. Pursuant to Section 120.57 (1)(b)(10), Florida Statutes (1993), the Recommended Order dated December 3, 1993, (Exhibit 1) is APPROVED and ADOPTED by the Board.

2. The Board APPROVES certification for the location, construction and operation of 470 MW of natural gas-fired combined cycle generating capacity at the FPC Polk County Site as proposed in the Site Certification Application, subject to the Conditions of Certification contained in Appendix A to Exhibit 1, as modified by this Order.

3. The FPC Polk County Site is certified for an ultimate site capacity of 3000 MW fueled by coal gas, natural gas, and fuel oil, subject to need determination by the Florida Public Service Commission as required by law, supplemental application review and approval by the Board pursuant to Section 403.517, Florida Statutes, and compliance with the Conditions of

Certification contained in Appendix A to Exhibit 1, as modified by this Order.

4. Condition of Certification II shall read as follows:

Any anticipated facility expansions beyond the certified initial nameplate capacity of 470 MW, production increases, or process modifications which may result in new, different, or increased discharges of pollutants, change in the type of fuel as described in XIII.A., or expansion in the steam electric generating capacity shall be reported by submission of a supplemental application pursuant to Chapter 403, F.S.

54. The Board DELEGATES to the Department of Environmental Protection the authority to assure and enforce compliance by Florida Power Corporation and its agents with all of the Conditions of Certification imposed by this Order.

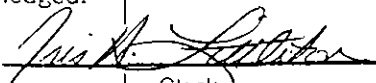
NOTICE OF RIGHTS

Any party to this certification proceeding has the right to seek judicial review of this Order under Section 120.68, Florida Statutes, by the filing of a notice of appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; and by filing a copy with the appropriate District Court of Appeal. The notice of appeal must be filed within 30 days from the date this Order is filed with the Clerk of the Siting Board.

DONE and ORDERED this 27th day of January, 1994, at Tallahassee, Florida, pursuant to a vote of the Governor and Cabinet sitting as the Siting Board, at a duly-noticed and constituted Cabinet meeting on January 25, 1994.

FILING AND ACKNOWLEDGEMENT

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


Clerk

1/27/94
Date

THE GOVERNOR AND CABINET
SITTING AS THE SITING BOARD

BY 
THE HONORABLE LAWTON CHILES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by U.S. Mail, to the following listed persons:

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Certificate of Service (continued)

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Joseph L. Valenti, Director
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this 27th day of January, 1994.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



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