

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ORLANDO UTILITIES
COMMISSION, INC.

Petitioner,

vs.

OGC No. 09-3850
DEP Permit No. 0950137-027-AV

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

SETTLEMENT STIPULATION

Petitioner Orlando Utilities Commission, Inc. (OUC) and Respondent Department of Environmental Protection (Department), by and through their undersigned counsel, stipulate to the settlement of this case, and in support thereof, state:

1. On October 26, 2009, the Department issued its notice of intent to issue a renewal Title V air operation permit, Permit No. 0950137-027-AV, to OUC for its Stanton Energy Center, located in Orange County, Florida (draft permit).

2. On November 6, 2009, OUC timely submitted to the Department a request for an extension of time to file a petition for formal administrative hearing on the draft permit, which the Department granted through December 7, 2009. During this time extension, OUC submitted written comments on the draft permit for the Department's consideration. Before the parties could reach resolution on the proposed changes to the draft permit OUC raised through its written comments, OUC's time extension ran. OUC timely submitted a second request for extension of time to file a petition for formal administrative hearing on December 7, 2009.

3. The Department and OUC have reached agreement on the issues involved in this draft permit. The Department will make changes to the draft permit, as reflected in the Department's Final Determination, attached hereto and incorporated as Exhibit 1, and will issue OUC a final permit accordingly.

4. Conditional upon the Department completing the issuance of a final permit with the provisions outlined in Paragraph 3. of this Settlement Stipulation, OUC hereby withdraws its Request for Additional Extension of Time to file a petition for formal administrative hearing, dated December 7, 2009.

5. As outlined in Exhibit 1 and the permitting note below, OUC agrees to submit to the Department a substantially complete application for an air construction permit revision to address heat input limitations at the Stanton Energy Center by no later than April 1, 2010. If the parties do not reach agreement on heat input limitations by December 31, 2010, then the following heat input permitting note becomes null and void.

Permitting note: The heat input limitations have been placed in the permit to identify the capacity of each emissions unit for purposes of confirming that emissions testing is conducted within 90-100 percent of the emissions unit's rated capacity (or to limit future operation to 110 percent of the test load), to establish appropriate limits and to aid in determining future rule applicability. To address OUC's concerns related to the heat input limitations, OUC will submit an application for an Air Construction permit revision no later than April 1, 2010. A change in the heat input limitation and/or a change in the method of determining compliance with the heat input limitation will be established through the issuance of an Air Construction permit in the near future. As such, this permitting note will not be valid after a final Air Construction permit has been issued by the Department or December 31, 2010, whichever occurs sooner.

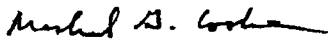
6. Each party shall be responsible for its own costs and attorney's fees and waives any right that it may have against any other party for costs and attorney's fees associated with this case.

7. All parties acknowledge that they have the right to seek judicial review under Section 120.68, Florida Statutes, by filing a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure. By executing this Settlement Stipulation, each party waives its right to such appeal and to any further notice of that right.

DATED this 22nd day of December, 2009.

ORLANDO UTILITIES
COMMISSION, INC.

DEPARTMENT OF ENVIRONMENTAL
PROTECTION



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Settlement Stipulation was furnished by electronic mail on this 22nd day of December, 2009, to:

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cc: Trina Vielhauer – DEP BAR Chief
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