

STATE OF FLORIDA  
SITING BOARD

FILED

2006 APR 28 A 11:03

IN RE: FLORIDA POWER & LIGHT )  
ST. JOHNS-PELLICER-PRINGLE, 230 KV )  
PROJECT, TRANSMISSION LINE SITING )  
APPLICATION NO. TA05-13. )

OGC CASE NO. 05-1712 )  
DOAH CASE NO. 05-2478 )  
DIVISION OF ADMINISTRATIVE HEARINGS

FINAL ORDER APPROVING CERTIFICATION OF TRANSMISSION LINE

An administrative law judge with the Division of Administrative Hearings ("DOAH") submitted his Recommended Order in this administrative proceeding. The Recommended Order indicates that copies were served upon counsel for Florida Power & Light Company ("FPL"), Florida Department of Environmental Protection ("DEP" or "Department"), St. Johns County (the "County"), St. Johns River Water Management District (the "District"), and other designated state, regional, and local governmental agencies. A copy of the Recommended Order is attached as Exhibit A. The matter is now before the Governor and Cabinet, sitting as the "Siting Board," for final agency action under the Transmission Line Siting Act ("TLSA") embodied in §§ 403.52-403.5365, Florida Statutes.

BACKGROUND

On March 25, 2005, FPL submitted a Petition to Determine Need for the St. Johns-Pellicer-Pringle transmission line (the "SJPP Line") to the Florida Public Service Commission ("PSC"). The PSC issued Order No. PSC-05-0527-FOF-EI, dated May 13, 2005, determining the need for the SJPP Line project, pursuant to Section 403.537, Florida Statutes.

On July 5, 2005, FPL filed its Application for Corridor Certification for the SJPP Line ("Application") with DEP pursuant to the TLSA. The Application sought certification from the Siting Board for a new 230-kV overhead transmission line and related facilities connecting the

existing St. Johns substation near St. Augustine in St. Johns County to the proposed Pringle substation in the City of Palm Coast in Flagler County (the "Project"). The total length of the proposed transmission line corridor is approximately 26.1 miles, and it varies in width from approximately 100 to 2,000 feet. The SJPP Line will ultimately be constructed on a narrow right-of-way, when the necessary property interests are acquired. At that time, the boundaries of the SJPP Line corridor will shrink to a typical width varying from 15 to 60 feet.

The various reviewing agencies have submitted reports on the Project and have proposed Conditions of Certification. On December 9, 2005, DEP issued its Summary and Compilation of Agency Reports including Proposed Conditions of Certification for the Project. This DEP document incorporated the reports of the reviewing agencies and proposed a compiled set of Conditions of Certification.

#### DOAH PROCEEDINGS

On January 10, 2006, a certification hearing was held before Administrative Law Judge, Donald R. Alexander (the "ALJ"), in St. Augustine. Testimony and documentary evidence was presented at the certification hearing by FPL and DEP. The documentary evidence included a Revised Summary and Compilation of Agency Reports (Department Exhibit 1) dated December 29, 2005, containing a revised version of the proposed Conditions of Certification. No evidence was presented at the certification hearing by the County or the District or by any other reviewing agency. In addition, a public hearing was scheduled for 11:00 a.m. on January 10, 2006, for the purpose of allowing members of the public an opportunity to present evidence and testimony. However, the record reflects that no member of the public appeared at the scheduled time.

On March 6, 2006, the ALJ submitted his Recommended Order ("RO") in this TLISA certification proceeding. In the RO, the ALJ determined that, as proposed, the SJPP Line Project

will have minimal environmental impact and will comply with all applicable state, regional, and local non-procedural regulations, including the wetlands regulatory standards applicable to such projects. The ALJ also determined that the Project, as proposed, will comply with all the revised conditions of certification set forth in Department Exhibit 1. The ALJ ultimately recommended that the Siting Board enter a final order approving FPL's SJPP Line Project, subject to the revised Conditions of Certification.

### CONCLUSION

The record is devoid of any objections to certification of the SJPP Line Project by any state, regional, or local agency. Furthermore, no Exceptions to the ALJ's RO have been filed by any of the parties to this certification proceeding. Based on a review of the record and the applicable law, the Siting Board concludes that the Project, as proposed, complies with all applicable requirements, including the revised Conditions of Certification. The Siting Board further concludes that the Project, as proposed, will help meet the increasing electrical energy needs of the state with minimal adverse impact to the environment and will thus serve and protect the broad interests of the public.

It is therefore ORDERED:

A. The ALJ's Recommended Order (Exhibit A) is adopted in its entirety and incorporated by reference herein .

B. Certification of the location, construction, and continued operation of the SJPP Line Project, as described in FPL's Application and in the evidence presented at the certification hearing, is APPROVED, subject to the revised Conditions of Certification set forth in Department Exhibit 1 and incorporated by reference herein.

C. Authority to assure and enforce compliance by FPL and its agents with all of the revised Conditions of Certification imposed by this Final Order is hereby delegated to DEP.

Any party to this proceeding has the right to seek judicial review of the Final Order pursuant to 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 in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 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 30 days from the date this Final Order is filed with the clerk of the Department.

DONE AND ORDERED this 21<sup>st</sup> day of April, 2006, in Tallahassee, Florida, pursuant to a vote of the Governor and Cabinet, sitting as the Siting Board, at a duly noticed and constituted Cabinet meeting held on April 21<sup>st</sup>, 2006.

THE GOVERNOR AND CABINET  
SITTING AS THE SITING BOARD

  
\_\_\_\_\_  
THE HONORABLE JEB BUSH  
GOVERNOR

FILING IS ACKNOWLEDGED ON THIS DATE, PURSUANT TO § 120.52,  
FLORIDA STATUTES, WITH THE DESIGNATED DEPARTMENT CLERK,  
RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED.


  
\_\_\_\_\_  
CLERK

  
\_\_\_\_\_  
DATE

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Final Order has been sent by United States Postal Service to all parties on the attached service list this 27<sup>th</sup> day of April, 2006.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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