

**AGENDA
SITING BOARD
DEPARTMENT OF ENVIRONMENTAL PROTECTION
JANUARY 27, 2009**

Item 1 Minutes

Submittal of the Minutes from the October 28, 2008 Cabinet Meeting.

(See Attachment 1, Pages 1-4)

RECOMMEND APPROVAL

**Item 2 Tampa Electric Company/Progress Energy Florida/Final Order of Certification/
Lake Agnes-Gifford Transmission Line Project**

REQUEST: Consideration of a Final Order, to be executed by the Siting Board, adopting the Administrative Law Judge's Recommended Order recommending that the Siting Board grant full and final certification to Tampa Electric Company and Progress Energy Florida, under Section 403, Part II, F.S., for the location, construction and operation of the Lake Agnes-Gifford 230kV Transmission Line Project pursuant to subsections 403.529(1)(b), and 403.531(1), F.S.

COUNTIES: Polk, Orange and Osceola

APPLICANTS: Tampa Electric Company (TECO) and Progress Energy Florida (PEF)

LOCATION: The transmission line will originate at TECO's existing Lake Agnes substation near Auburndale and end at the PEF planned Gifford substation near Tangelo Park. The overall length of the preferred corridor is 27.5 miles.

STAFF REMARKS: On December 12, 2007, TECO and PEF submitted a Site Certification Application (SCA) to the Department of Environmental Protection (DEP) for certification of their jointly proposed Lake Agnes-Gifford 230 kilovolt (kV) transmission line project pursuant to the Florida Electrical Transmission Line Siting Act, sections 403.52 through 403.539, F.S. The SCA proposes the construction and operation of a new 230kV transmission line extending from the existing TECO Lake Agnes substation in Polk County to PEF's planned Gifford substation in Orange County.

The Florida Public Service Commission (PSC) issued Final Order PSC-07-0393-FOF-EI approving the Petition for Determination of Need for the transmission line on September 26, 2007. All reviewing agencies (DEP, Department of Transportation, Fish and Wildlife Conservation Commission, Southwest Florida Water Management District, South Florida Water Management District, Orange County, Osceola County, and East Central Florida Regional Planning Council) recommended certification of the original proposed TECO and PEF corridor and recommended conditions of certification to minimize adverse impacts and to insure compliance with local policies and applicable regulatory standards.

**Siting Board
Department of Environmental Protection
Agenda - January 27, 2009
Page Two**

Item 2, cont.

On April 4, 2008, a proposed alternate corridor was filed by the Oak Island Cove Community Owners Association (OIC). TECO, PEF and DEP accepted the alternate corridor for consideration on April 9, 2008. The OIC alternate corridor is designed to avoid the western edge of the OIC development in Osceola County.

A certification hearing was held August 19 and 20, 2008, before an Administrative Law Judge (ALJ). A public hearing was held before the ALJ on August 20, 2008, to allow oral and written comments from the public.

TECO and PEF engaged in an extensive public outreach program, which was integrated with the corridor selection for the application. The public outreach program included a series of direct mailings, surveys, open houses, extensive communications with regulatory agency officials and local elected officials, project web pages by TECO, PEF and DEP, a toll-free telephone number, and newsprint advertisements. There were two direct mailings as a part of the public outreach program. The first mailing went to approximately 7,900 customers and included a map of the project area, a fact sheet, and an invitation to one of three open houses to be held. One open house was conducted in Polk County, while two open houses were conducted in Lake County in close proximity to the project area. Following the completion of the open house process, a second mailing was sent to approximately 6,000 customers identifying the preferred corridor chosen during the evaluation process.

TECO and PEF have agreed to adjust the eastern corridor boundary in the area south of Funie Steed Road/Oak Island Road and north of the southern boundary of the OIC residential development to be 55 feet east of the edge of the SR 429 Right-Of-Way (ROW), rather than the originally-proposed 100 feet east of the edge of the SR 429 ROW. This adjustment was made at the hearing in response to concerns raised by OIC. By making this adjustment, the impact on the homes in the OIC community will be substantially diminished.

DEP found the alternate corridor suitable to be certified but did not recommend approval because of potential wetland impacts, as well as the fact that the majority of the alternate corridor passes through a conservation easement held by the South Florida Water Management District. The conservation easement expressly prohibits the construction or placing of utilities or structures on or above the ground, and prohibits the removal of trees, shrubs or other vegetation. In its Supplemental Written Analysis, DEP stated:

Given the alternate corridor is likely to have a higher impact on the environment, as well as additional cost, DEP does not find the alternate corridor to be superior to the preferred corridor, although either corridor is ultimately certifiable.

**Siting Board
Department of Environmental Protection
Agenda - January 27, 2009
Page Three**

Item 2, cont.

The ALJ found that the preferred TECO and PEF corridor best met the criteria for certification considering the extent to which the location of the transmission line corridor and the construction, operation, and maintenance of the transmission line will:

- (a) ensure electric power system reliability and integrity;
- (b) meet the electrical energy needs of the state in an orderly, economical, and timely fashion;
- (c) comply with applicable nonprocedural requirements of agencies;
- (d) be consistent with applicable provisions of local government comprehensive plans, if any; and
- (e) effect a reasonable balance between the need for the transmission line as a means of providing reliable, economically efficient electric energy, as determined by PSC, under subsection 403.537, and the impact upon the public and the environment resulting from the location of the transmission line corridor and the construction, operation, and maintenance of the transmission lines.

DEP is recommending certification of the preferred corridor.

The line is scheduled to be in service by June 2011.

(See Attachment 2, Pages 1-119)

RECOMMEND APPROVAL