

Section 1 - Bureau of Records Completes

Docket No. 060225-EI Date Docketed: 03/13/2006 Title: Petition for determination of need for West County Units 1 and 2 electrical power plant in West Palm Beach County, by Florida Power & Light Company.

Company: Florida Power & Light Company

Official Filing Date: \_\_\_\_\_

Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to:

CCA CMP (ECR) GCL PIF RCA SCR SGA

(\*O) indicates OPR

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module B2(a)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff

0 Current CASR revision level

Due Dates Previous Current

Staff Counsel

OCRs

Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel Staff Hearing Staff

Date filed with CCA:

Initials OPR

Staff Counsel

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Table with columns: Commissioners (ALL, ED, DS, AR, CT, TW), Hrg Exam, Staff

Prehearing Officer

Table with columns: Commissioners (ED, DS, AR, CT, TW), ADM

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: Date:

DOCUMENT NUMBER-DATE

08890 SEP 27 08



# Case Scheduling/Rescheduling Advice

Last Revised 03/23/2006 at 11:34 a.m.

Page 1 of 1

**To:**

<input checked="" type="checkbox"/> Commissioner Deason	<input checked="" type="checkbox"/> Deputy Executive Director	<input checked="" type="checkbox"/> Economic Regulation
<input checked="" type="checkbox"/> Commissioner Arriaga	<input checked="" type="checkbox"/> General Counsel	<input checked="" type="checkbox"/> Court Reporter
<input checked="" type="checkbox"/> Commissioner Carter	<input type="checkbox"/> Strategic Analysis & Gov. Affairs	<input type="checkbox"/> Staff Contact
<input checked="" type="checkbox"/> Commissioner Tew	<input checked="" type="checkbox"/> Commission Clerk & ADM Services	
<input checked="" type="checkbox"/> Executive Director	<input checked="" type="checkbox"/> Competitive Markets/Enforcement	
<input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Reg. Compliance/Consumer Asst.	

**From:** Office of Chairman Lisa Edgar

**Docket Number:** 060225-EI -- Petition for determination of need for West County Units 1 and 2 electrical power plant in Palm Beach County, by Florida Power & Light Company.

**1. Schedule Information**

Event	Former Date	New Date	Location	Time
Prehearing Conference		05/23/2006	Tallahassee, Room 148	9:30 a. - 11:00 a.
Hearing		06/08/2006	Tallahassee, Room 148	9:30 a. - 5:00 p.

**2. Hearing/Prehearing Assignment Information**

Former Assignments

**Hearing Officers**

Commissioners						Hearing Exam.	Staff
ALL	ED	DS	AR	CT	TW		

Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	ED	DS	AR	CT	TW		
X							

**Prehearing Officer**

Commissioners					
ED	DS	AR	CT	TW	ADM

Commissioners					
ED	DS	AR	CT	TW	ADM
		X			

**Remarks:**

FPL Need Determination - OEP PSC-06-0245-PCO-EI, 3/23/06

Section 1 - Bureau of Records Complete

Docket No. 060225-EI Date Docketed: 03/13/2006 Title: Petition for determination of need for West County Units 1 and 2 electrical power plant in Palm Beach County, by Florida Power & Light Company.

Company: Florida Power & Light Company

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to:

("O" indicates OPR)

CCA	CMP	(ECR)	GCL	PIF	RCA	SCR	SGA
	X	X	X				

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module B2(a)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
IT IS TENTATIVE AND SUBJECT TO REVISION.  
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff M Haff, C Hewitt

J Kyle, P Lester

B McNulty, J McRoy

J Sickel, P Stallcup

Staff Counsel K Fleming

OCRs (CMP) S Brown, C Bulecza-Banks

Current CASR revision level

Due Dates  
Previous Current

1.	Notice of Prehearing and Hearing	SAME	04/13/2006
2.	Testimony - Intervenor	SAME	04/17/2006
3.	Publication of Newspaper Notice	SAME	04/24/2006
4.	Testimony - Staff	SAME	04/24/2006
5.	FAW Notice Filed - Prehearing and Hearing	SAME	04/25/2006
6.	Preliminary List of Issues and Positions	SAME	04/27/2006
7.	Testimony - Rebuttal	SAME	05/08/2006
8.	Prehearing Statements	SAME	05/15/2006
9.	Prehearing	SAME	05/23/2006
10.	Transcript of Prehearing Due	SAME	05/25/2006
11.	Prehearing Order	SAME	05/31/2006
12.	Hearing	SAME	06/08/2006
13.	Transcript of Hearing Due	SAME	06/09/2006
14.	Briefs Due	SAME	06/15/2006
15.	Staff Recommendation	SAME	07/06/2006
16.	Agenda	SAME	07/18/2006
17.	Standard Order	SAME	08/07/2006
18.	Close Docket or Revise CASR	SAME	09/07/2006
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Recommended assignments for hearing and/or deciding this case:

Full Commission  Commission Panel \_\_\_\_\_  
Hearing \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 03/24/2006

Initials OPR \_\_\_\_\_  
Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes

Assignments are as follows:

CSRA

Prehearing Officer

Commissioners						Hrg Exam	Staff
ALL	ED	DS	AR	CT	TW		
X							

Commissioners					ADM
ED	DS	AR	CT	TW	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.  
Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: EOI  
Date: 03/24/2006

Section 1 - Bureau of Records Completes

Docket No. 060225-EI Date Docketed: 03/13/2006 Title: Petition for determination of need for West County Units 1 and 2 electrical power plants in Palm Beach County, by Florida Power & Light Company.

Company: Florida Power & Light Company

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to:

CCA CMP (ECR) GCL PIF RCA SCR SGA

(“O”) indicates OPR

	X	X	X				
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Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module B2(a)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
IT IS TENTATIVE AND SUBJECT TO REVISION.  
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

Due Dates

Staff Assignments		Current CASR revision level	Previous	Current
<u>OPR Staff</u>	<u>M Haff, C Hewitt</u>	<input checked="" type="checkbox"/> 2		
	<u>J Kyle, P Lester</u>			
	<u>B McNulty, J McRoy</u>	1.	SAME	04/17/2006
	<u>R Redemann, J Sickel</u>	2.	08/07/2006	06/28/2006
	<u>P Stallcup</u>	3.	09/07/2006	07/28/2006
		4.		
		5.		
		6.		
		7.		
<u>Staff Counsel</u>	<u>K Fleming</u>	8.		
		9.		
		10.		
<u>OCRs (CMP)</u>	<u>S Brown, C Bulecza-Banks</u>	11.		
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Recommended assignments for hearing and/or deciding this case:

Full Commission  Commission Panel \_\_\_\_\_  
Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 06/22/2006

Initials OPR \_\_\_\_\_  
Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	ED	DS	AR	CT	TW		
X							

Prehearing Officer

Commissioners					ADM
ED	DS	AR	CT	TW	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman:  
the identical panel decides the case.  
Where one Commissioner, a Hearing Examiner or a Staff Member is  
assigned the full Commission decides the case.

Approved: \_\_\_\_\_  
Date: 06/22/2006

STATE OF FLORIDA

COMMISSIONERS:  
LISA POLAK EDGAR, CHAIRMAN  
J. TERRY DEASON  
ISILIO ARRIAGA  
MATTHEW M. CARTER II  
KATRINA J. TEW



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

March 14, 2006

R. Wade Litchfield, Esquire  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420

Re: Docket No. 060225-EI

Dear Mr. Litchfield:

This will acknowledge receipt of a petition for determination of need for West County Units 1 and 2 electrical power plant in West Palm Beach County, by Florida Power & Light Company, was filed in this office on March 13, 2006, and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Bureau of Records

I:\Records\sacklet-no-app2.doc

DOCUMENT NUMBER - DATE

08890 SEP 27 06

FPSC-COMMISSION CLERK

Matilda Sanders

**From:** Janice Banka  
**Sent:** Thursday, March 16, 2006 3:29 PM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

2

**Date and Time:** 3/16/2006 3:24:00 PM  
**Docket Number:** 060225-EI  
**Filename / Path:** 2006/060225/060225notice.kef.doc

*ces ✓*

NOTICE OF COMMENCEMENT OF PROCEEDING FOR DETERMINATION OF NEED FOR PROPOSED ELECTRICAL POWER PLANT.

Number of pages in Notice - 2.

Thanks "J"

Janice R. Banka  
Deputy Clerk  
Florida Public Service Commission  
Office of the General Counsel  
Economic Regulation Section  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
850-413-6210 (voice)  
850-413-6211 (fax)  
jbanka@psc.state.fl.us

*94/7*

DOCUMENT NO  
08890-06

Matilda Sanders

75C-06-0245-PC0 RECEIVED-PPSC

From: Patti Zellner  
Sent: Thursday, March 23, 2006 10:15 AM  
To: CCA - Orders / Notices  
Subject: Order / Notice Submitted

MAR 23 AM 10:52

11

COMMISSION  
CLERK

Date and Time: 3/23/2006 10:14:00 AM  
Docket Number: 060225-EI  
Filename / Path: 060225-oeP.kef.doc  
Order Type: Signed / Hand Deliver

*attach's online*

**ORDER ESTABLISHING PROCEDURE**

**(Original will be sent to you soon)**

210



Matilda Sanders

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**From:** Janice Banka  
**Sent:** Wednesday, April 12, 2006 3:55 PM  
**To:** CCA - Orders / Notices; Kay Flynn; Sandy Moses  
**Subject:** Order / Notice Submitted

*4 pg.*

**Date and Time:** 4/12/2006 3:53:00 PM  
**Docket Number:** 060225-EI  
**Filename / Path:** 2006/060225/060225-notice of ph and hearing.kef.doc  
**Notice Type:** Prehearing/Hearing

*CCS ✓*

Notice of Commission Hearing and Prehearing.

Number of pages in Notice - 4.

Thanks "J"

Janice R. Banka  
Deputy Clerk  
Florida Public Service Commission  
Office of the General Counsel  
Economic Regulation Section  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
850-413-6210 (voice)  
850-413-6211 (fax)  
jbanka@psc.state.fl.us

*49/7.*

*269 Public off.*

MEMORANDUM

April 26, 2006

TO: *CCA* COMMISSIONER ISILIO R. ARRIAGA, AS PREHEARING OFFICER  
FROM: OFFICE OF THE GENERAL COUNSEL (FLEMING) *KEF*  
RE: DOCKET NO. 060225-EI – PETITION FOR DETERMINATION OF NEED  
FOR WEST COUNTY UNITS 1 AND 2 ELECTRICAL POWER PLANTS IN  
PALM BEACH COUNTY, BY FLORIDA POWER & LIGHT COMPANY.

---

Attached is an ORDER GRANTING CONFIDENTIAL TREATMENT with attachments, which is ready for your review and signature. Please call Janice Banka (413-6210) or Katherine Fleming (413-6218) when it has been signed. (Number of pages in order - 5)

KEF/jb  
Attachment  
I:\2006\060225\02158co.kef.mem.doc

*Order filed with CCA on 5-18-06*

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

---

**DATE:** 5.12.06  
**TO:** Natalie Smith  
**FROM:** Timolyn Henry, Staff Assistant, Division of the Commission Clerk & Administrative Services  
**RE:** **Acknowledgment of Receipt of Confidential Filing**

---

04182-06

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No. 060225-E1 or (if filed in an undocketed matter) concerning H req. for POD #9, and filed on behalf of FPL/Smith,. The document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

I:\Confid\ackconf.doc

**Marguerite Lockard**

**PSC-06-0419-CFO-EI**

**From:** Janice Banka  
**Sent:** Thursday, May 18, 2006 11:45 AM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

RECEIVED-FPSC

05 MAY 18 PM 1:45

**Date and Time:** 5/18/2006 11:42:00 AM  
**Docket Number:** 060225-EI  
**Filename / Path:** 2006/060225/02158co.kef.doc  
**Order Type:** Signed / Hand Deliver

COMMISSION  
CLERK

Order Granting Confidential Treatment, with attachments.

Number of pages in order - 5.

Thanks "J"

Janice R. Banka  
Deputy Clerk  
Florida Public Service Commission  
Office of the General Counsel  
Economic Regulation Section  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
850-413-6210 (voice)  
850-413-6211 (fax)  
jbanka@psc.state.fl.us

210

Matilda Sanders

PSC-06-0456-PHO-EI

**From:** Janice Banka  
**Sent:** Wednesday, May 24, 2006 10:44 AM  
**To:** CCA - Orders / Notices; Jane Faurot; Sandy Moses; Katherine Fleming  
**Subject:** Order / Notice Submitted

5/24/2006 11:08

COMMISSION  
CLERK

**Date and Time:** 5/24/2006 10:40:00 AM  
**Docket Number:** 060225-EI  
**Filename / Path:** 2006/060225/060225phorder.kef.doc  
**Order Type:** Signed / Hand Deliver

Prehearing Order.

Number of pages in order - ~~19~~

20

Thanks "J"

Janice R. Banka  
Deputy Clerk  
Florida Public Service Commission  
Office of the General Counsel  
Economic Regulation Section  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
850-413-6210 (voice)  
850-413-6211 (fax)  
jbanka@psc.state.fl.us

2/0

COMMISSIONERS:  
LISA POLAK EDGAR, CHAIRMAN  
J. TERRY DEASON  
ISILIO ARRIAGA  
MATTHEW M. CARTER II  
KATRINA J. TEW

STATE OF FLORIDA



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

## Public Service Commission

June 2, 2006

(CERTIFIED MAIL NO. 7004-1160-0004-5751-1886)

Natalie F. Smith, Esquire  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420

**Re: Return of Confidential Document to the Source, Docket No. 060225-EI**

Dear Ms. Smith:

Commission staff have advised that confidential Document No. 04182-06, filed on behalf of Florida Power & Light Company, can be returned to the source. The document is enclosed.

Please do not hesitate to contact me if you have any questions concerning return of this material.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn  
Chief of Records

KF:mhl  
Enclosure

cc: Cheryl Bulecza-Banks, Division of Competitive Markets and Enforcement  
Mike Haff, Division of Economic Regulation  
Katherine Fleming, Office of the General Counsel

COMMISSIONERS:  
 LISA POLAK EDGAR, CHAIRMAN  
 J. TERRY DEASON  
 ISILIO ARRIAGA  
 MATTHEW M. CARTER II  
 KATRINA J. TEW

STATE OF FLORIDA



DIVISION OF THE COMMISSION CLERK &  
 ADMINISTRATIVE SERVICES  
 BLANCA S. BAYÓ  
 DIRECTOR  
 (850) 413-6770 (CLERK)  
 (850) 413-6330 (ADMIN)

Public Service Commission

June 2, 2006

(CERTIFIED MAIL NO. 7004-1160-0004-5751-1886)

Natalie F. Smith, Esquire  
 Florida Power & Light Company  
 700 Universe Boulevard  
 Juno Beach, Florida 33408-0420

FPSC, CLK - CORRESPONDENCE		
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO 08890-06		
DISTRIBUTION: CMP; ECR; GCL		

Re: Return of Confidential Document to the Source, Docket No. 060225-EI

Dear Ms. Smith:

Commission staff  
 Florida Power & Light Co.  
 Please do not hesitate to return this material.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Received by (Please Print Clearly) <b>G ADAMS</b> B. Date of Delivery <b>6-6</b>	
1. Article Addressed to: <b>04182-06</b> <b>NATALIE F SMITH ESQUIRE</b> <b>FLORIDA POWER &amp; LIGHT CO</b> <b>700 UNIVERSE BLVD</b> <b>JUNO BEACH FL 33408-0420</b>		C. Signature <b>G Adams</b> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
2. Article Number (Transfer from service label) <b>7004 1160 0004 5751 1886</b>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

KF:mhl  
 Enclosure

cc: Cheryl Bulecza-Banks, Division of Competitive Markets and Enforcement  
 Mike Haff, Division of Economic Regulation  
 Katherine Fleming, Office of the General Counsel

DOCUMENT NO. DATE

08890-06 6/2/06  
 FPSC - COMMISSION CLERK

Kay Flynn

060225

**From:** Donna Jones  
**Sent:** Thursday, June 08, 2006 4:14 PM  
**To:** Commissioners & Staffs; All PSC Staff  
**Subject:** PSC Approves New FPL Plants, But Adds Requirements

A news release was distributed to the daily newspapers this afternoon, 6/08/06, and is now available on the PSC web site:

<http://www.psc.state.fl.us/general/news/pressrelease.cfm?release=95>





State of Florida  
**Public Service Commission**  
**NEWS RELEASE**

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June 8, 2006

Contact: 850-413-6482

---

**PSC Approves New FPL Plants, But Adds Requirements**

**TALLAHASSEE** — The Florida Public Service Commission (PSC) granted Florida Power and Light's (FPL) request for two natural gas plants on Thursday, but only after the utility agreed to new conservation and fuel diversity programs.

FPL asked the PSC to approve two gas-fired generating units of 1219 MW each in western Palm Beach County. FPL says it will be able to build natural gas powered units more quickly than other technologies.

In approving the request, the five-member commission directed FPL to do the following:

- Diversify its fuel sources by accelerating construction of coal-fired facilities
- Increase demand-side management and conservation programs
- Expand the pricing options for renewable energy producers

The approved plants in Palm Beach County are expected to begin operating in 2009 and 2010.

###

Website - <http://www.floridapsc.com>  
Kevin Bloom, Director, Office of Public Information  
Additional Press Contact: Todd Brown  
2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

State of Florida



# Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

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**DATE:** June 12, 2006

**TO:** Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services

**FROM:** Jane Faurot, Chief, Office of Hearing Reporter Section, Division of the Commission Clerk and Administrative Services

**RE:** DOCKET NO. 060225-EI, HEARING HELD 06/08/06.

---

Re: PETITION FOR DETERMINATION OF NEED FOR WEST COUNTY UNITS 1 AND 2 ELECTRICAL POWER PLANTS IN PALM BEACH COUNTY, BY FLORIDA POWER & LIGHT COMPANY.

DOCUMENT No: 05010-06, 06/09/06

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, ECR

Acknowledged by:

A handwritten signature in black ink, appearing to be "JF", written over a horizontal line.

JF/rjm

State of Florida



## Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

---

**DATE:** June 12, 2006

**TO:** Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services

**FROM:** Jane Faurot, Chief, Office of Hearing Reporter Section, Division of the Commission Clerk and Administrative Services

**RE:** DOCKET NO. 060225-EI, PREHEARING HELD 05/23/06.

---

Re: PETITION FOR DETERMINATION OF NEED FOR WEST COUNTY UNITS 1 AND 2 ELECTRICAL POWER PLANTS IN PALM BEACH COUNTY, BY FLORIDA POWER & LIGHT COMPANY.

DOCUMENT No: 04550-06, 05/25/06

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, ECR

Acknowledged by:

A handwritten signature in black ink, appearing to be "JF", written over a horizontal line.

JF/rlm

State of Florida



Public Service Commission  
-M-E-M-O-R-A-N-D-U-M-

---

**DATE:** July 7, 2006  
**TO:** Blanca Bayó, Director, Commission Clerk and Administrative Services  
**FROM:** Jane Faurot, Chief, Office of Hearing Reporter Services  
**RE:** DOCKET NO. 060225-EI, HEARING HELD 06/08/06.

---

Attached for filing are Exhibits 1 through 75 representing a complete filing of the exhibits identified and admitted into the record during the proceedings held in the above docket.

Acknowledged BY:

A handwritten signature in cursive script, appearing to read "Ruth + M", written over a horizontal line.

JF/rlm

COMMISSIONERS:  
LISA POLAK EDGAR, CHAIRMAN  
J. TERRY DEASON  
ISILIO ARRIAGA  
MATTHEW M. CARTER II  
KATRINA J. TEW

STATE OF FLORIDA



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

August 24, 2006

Natalie F. Smith, Esquire  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420

Attn: Lynn Adams – Tallahassee Office

**Re: Return of Confidential Document to the Source, Docket No. 060225-EI**

Dear Ms. Smith:

Commission staff have advised that confidential Document No. 02158-06, filed on behalf of Florida Power & Light Company, can be returned to the source. The document is enclosed in three boxes.

Please do not hesitate to contact me if you have any questions concerning return of this material.

Sincerely,

A handwritten signature in black ink, appearing to read "Kay Flynn".

Kay Flynn  
Chief of Records

KF:mhl  
Enclosure

cc: Mike Haff, Division of Environmental Regulation  
Katherine Fleming, Office of the General Counsel

RECEIVED

A handwritten signature in black ink, appearing to read "Lynn Adams".

DATE:

A handwritten date in black ink, appearing to read "8/24/06".

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

An Affirmative Action / Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

ORIGINAL



CHARLIE CRIST  
GOVERNOR

STATE OF FLORIDA  
**Office of the Governor**

Citizen Services  
THE CAPITOL  
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com  
850-488-4441  
850-487-0801 fax

RECEIVED PSC  
07 APR -6 AM 10:47  
COMMISSION  
CLERK



March 28, 2007

Ms. Alexandria Larson  
16933 West Harlena Drive  
Loxahatchee, Florida 33470

*for  
Pocket  
060225-EE*

Dear Ms. Larson:

Thank you for writing to Governor Charlie Crist. The Governor appreciates your concerns about a proposed power plant in Loxahatchee, Florida and asked me to respond on his behalf.

The agency that regulates public utilities is the Public Service Commission (PSC), which is an arm of the legislative branch of government and therefore, not under the administrative authority of the Governor's office. Within the Public Service Commission, there is a Division of Regulatory Compliance and Consumer Assistance, which I believe may be able to assist you.

I contacted PSC staff, and forwarded a copy of your letter to them. Someone in Division Director Dan Hoppe's office will be glad to respond to your inquiry. If you want to contact the Division of Regulatory Compliance and Consumer Assistance directly, please call 1-800-342-3552.

Thank you again for contacting the Governor's office. For information about the Governor's initiatives, please visit our website at [www.flgov.com](http://www.flgov.com).

Sincerely,

Warren Davis  
Office of Citizen Services

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR  \_\_\_\_\_
- GCL  \_\_\_\_\_
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH \_\_\_\_\_

WD/cas

cc/enc: Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

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Florida Public Service Commission  
Division of RCA

#635988 Larson, Alexandria  
Recd: 3/8/2007 DEO: CXH  
To: CAS-N/A - PLEASE HANDLE  
Due: 3/22/2007

Environmental  
CAS  
OFFICE OF THE GOVERNOR  
CITIZEN SERVICES  
07 MAR -6 AM 10:37

Dear Governor Crist,

I Am writing today to Request that you please Revisit the FPL WCEC Power Plant in Loxahatchee, Fla. The proposed plant location is without a doubt a disaster in the making. The Arthur Marshall is 147,000 acres of what is left of open untouched land in Palm Beach County. This plant is 1000 ft north and 1/2 mile south of the 60,000 acre J. W. Corbett. Governor you can drink the water from the Corbett. When you put lives & wildlife in danger without thought to the consequences it is a crime and FPL is going to commit it to place 12.6 million gallons of diesel & at 35 mile 900psi natural gas pipeline within feet not miles of daily blasting is insane. There must be an alternate area where this can be placed without endangering lives. The map in FPL's application did not show the 45,000 residents of Loxahatchee & the acreage. Our lives should be worth something. I want you to ask FPL what their actuaries came up with as compensation for the disaster that is about to happen.

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Public Service Commission  
Division of ECA

FPL knows the answer but doesn't care  
The financial windfall is just too great.  
There are monthly if not weekly incidents  
of explosions & leaks of pipelines. If we  
can avoid tragedy we should at all costs  
This plant is one of those disasters. I can  
ask anyone if you put 12.6 million gallons  
of diesel and a 900psi natural gas pipeline  
between two blasting operations what do  
you get? The answer 100 percent of the  
time kaboom, a nightmare, a disaster.  
Believe me I ask everyone and they see it  
Why couldn't he sitting Board? Please  
I'm begging you as our Governor and  
as a lawyer to know that this plant will  
destroy lives and the Everglades that we  
the taxpayers are spending 12 Billion  
dollars to save. The fact that we paid  
212 million dollars to Enrique Tomeu  
for 1272 Acres of water storage for  
the CERFP project at the Pits is nuts.  
And to see the FPL plant using it for  
a waterfront view is a travesty. The  
potential for contamination is enormous  
This plant is a Molotov cocktail in the making  
Please Review the enclosed package: it  
includes the facts - please save some of

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FEB 02 2007

Public Service Commissioner



our Commissioner Tony Masiotti  
which clearly states that Enrique Tome  
owner of The Palm Beach Aggregates Pits  
paid the Commissioner and probably  
others on the PBC Commission to place  
this plant at this location. All I ask  
is a review and place on hold all construc-  
tion until all questions can be answered  
& our minds can be assured. Please  
respond & act before one shovel of  
dirt is turned.

Thank You  
Alexandra Larson  
16933 W. Harklea Dr  
Loxahatchee, Fla.  
33470

561-791-0875

P.S. Governor I gave up my job 4 years  
ago to try and save what is left of  
Palm Beach County I am not paid by  
anyone. My activism as a preservationist  
has come at a great personal cost.

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APR 09 2007

Florida Public Service Commission  
Division of RCA

Printed in the  
April 8, 2006 Issue of Wellington Town  
Crier

### **FPL Power Plant Plan A Problem**

In reference to Matt Auerbach's FPL article last week (*FPL: Power Plant Needed Due To Palm Beach County's Growth*, April 1), I think a few facts were overlooked.

This FPL plant is a Molotov cocktail in the making, and here's the recipe: 1) A natural gas pipeline, 2) 12.6 million gallons of diesel fuel to be stored on site, and 3) Last but not least, Palm Beach Aggregates has a blasting permit good until 2032.

I'm glad to see this is of no major concern of the Palm Beach County commissioners or the Indian Trail Improvement District or anyone else for that matter. This was illustrated when the commissioners voted to build Highland Dunes (the more appropriate name is *Highlands Booms*) right at the base of this power plant. Right now, the DEP is taking public comment through April 9 on issuing a permit for the WCEC FPL Plant in which they neglected to list the residents of the Loxahatchee/Acreage area who are within 3,000 feet of this lovely addition. They said the closest municipality was Wellington (five miles away) they even sent letters to the mayor of Royal Palm Beach and Wellington, but did not extend the same courtesy to the people who will be directly affected by impacts of a power plant bigger than the Turkey Point and Treasure Coast plants combined. The stacks alone are 149 feet high and there will be 12 of them spitting out some lovely emissions, such as 40 tons of sulfuric acid mist, 220 tons of particle matter, etc... This is something that we have not been exposed to before, and I certainly do not want to be exposed to now.

The fact of the matter is we were never supposed to have a power plant in our

area. The 1989 Comprehensive Plan said, so but the commissioners saw things differently and changed the rules. This is done quite frequently. The funny thing is the Port St. Lucie County commissioners voted against building an FPL plant just recently. They ran the meeting until 5 a.m. I wish our commissioners had that foresight and intelligence to say no to this one. The FPL plant in Riviera Beach is the most polluted in the State of Florida and here we are letting them (FPL) continue to pollute our area without question or concern for the safety, health and well being of the residents. This facility will not be of benefit to us. This is for new units (660,000 to be exact), not to help us when our lights are off for 12 days after a hurricane or to make it more efficient for existing customers. We're even letting FPL use the rock pits we paid \$212 million allegedly for the Everglades project in December 2004, care of the South Florida Water Management District.

We are so generous. Elected officials come up with a plan, and Jane and John Q. Taxpayer foot the bill. We need to take a stand, and the time is right now. I wonder where the City of West Palm Beach is on this one? Their drinking water comes from the M-Canal, that is connected to the pits through the L-8, and I doubt we really would want this water going through the canals such as the M-Canal or C-18 and the M-2 system for that matter. Go online to DEP and read the permits — this is excellent reading. Also, I'll list the phone number in Tallahassee: 1-850-921-9523. Start yelling. By the way, where is our commissioner?

Alexandria Larson  
Loxahatchee

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Florida Public Service Commission  
Division of RCA

FPL

EX RZ-20

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Florida Public Service Commission  
Division of RCA

1242 Area

CEFT

WATER

Boiler  
is

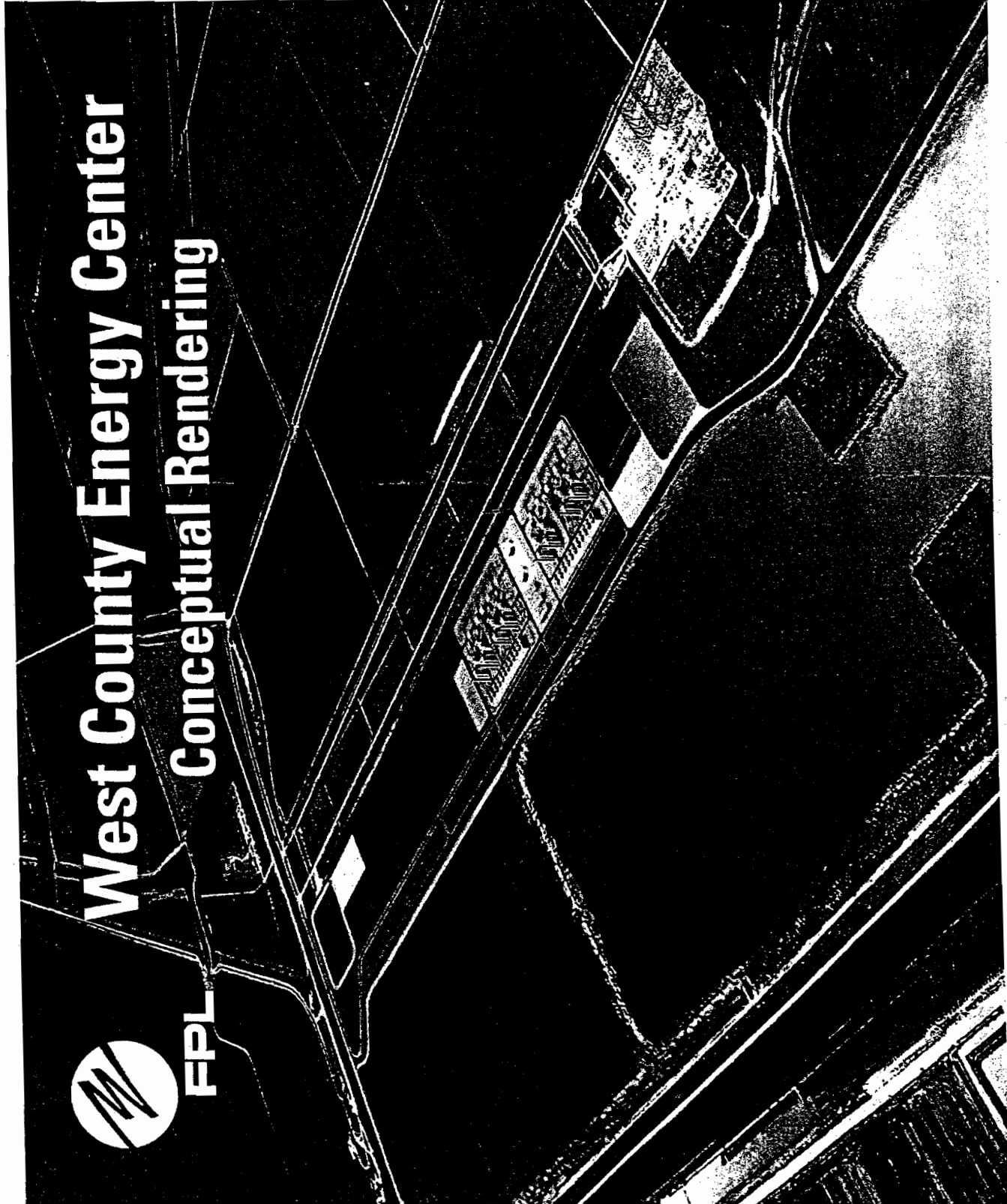
The water  
front  
view for

FPL PLANT.

# West County Energy Center Conceptual Rendering



FPL



\$100,000 and allowed the purchase of 60 acres of land for \$1.8 million. This option was never recorded with the Palm Beach County Clerk of Court. Anthony Masilotti and Paul Masilotti decided to form a trust, the ARM Family Land Trust, that would list Paul Masilotti as the sole beneficiary, but in reality would be used to hide Anthony Masilotti's concealed partnership interest with Paul Masilotti in the option agreement.

16. Shortly after receiving this option, Masilotti first voted before the Board of County Commissioners to allow Aggregates to have Florida Power and Light build a power plant on a different portion of Aggregates property within Palm Beach County. Masilotti voted on this measure in February 2004 without disclosing to the public that he and his brother Paul Masilotti had a concealed financial interest in the Aggregates property holdings.
17. Next, Anthony Masilotti appeared as a County Commissioner at a meeting of the Village Council for the Village of Wellington, and advocated for the annexation of the Palm Beach Aggregates' 1,200 acre parcel by the Village of Wellington. Masilotti knew at the time that such annexation would allow for residential development of the 1,200 acres of land owned by the Aggregates, and that accordingly the value of the 1,200 acres would greatly increase. Masilotti was aware that the Wellington Village Council voted to table the proposal to annex the Aggregates land.
18. Less than two weeks after the Wellington Village Council tabled the annexation proposal, Masilotti participated in a meeting of the Palm Beach County Commission where a discussion ensued regarding the possibility of giving Palm Beach Aggregates the same residential development rights as might be granted by Wellington, but only if the Aggregates agreed to stay in unincorporated Palm Beach County. During this discussion and the meeting of the Commission held on April 22, 2004, Masilotti intentionally failed to disclose that he held a concealed financial interest in the 1,200 acres of land being considered.
19. In the Fall of 2004, Masilotti traveled with Paul Masilotti and David Lee to Micco, Brevard County to look at certain undeveloped real property. Masilotti saw a 300 acre tract lying north of Micco Road and west of U.S. 1. Subsequently, Anthony Masilotti looked at the same property with Lee and Tomeu. Shortly thereafter, the Aggregates purchased that property through Micco Eastern Holdings, LLC ("Micco Eastern") in February 2005 for approximately \$7.7 million. In March 2005, Lennar Homes signed a contract for the purchase of the 1,200 acres from Palm Beach Aggregates for \$300 million.
20. In April 2005, the ARM Family Land Trust agreed to release its option to buy 60 acres of land inside the 1,200 tract. In exchange for the release of the option, Palm Beach Aggregates, as the sole member of Micco Eastern Holdings LLC, agreed to transfer 100% beneficial control and ownership of Micco Eastern to the ARM Family Land Trust. No deed was recorded in Brevard County to reflect this change in beneficial ownership. As a result of this transfer and exchange, Anthony Masilotti's interest remained concealed at all times, and that for payment of \$100,000, Anthony Masilotti and Paul Masilotti controlled property

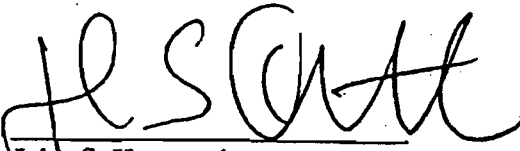
through Micco Eastern worth approximately \$8 million.

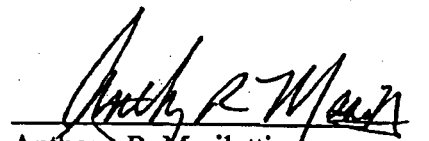
21. As to Masilotti's federal personal income taxes, Masilotti and Miteff impaired and impeded the lawful function of the Internal Revenue Service in the ascertainment, assessment and collection of federal personal income taxes due and owing by Anthony Masilotti for calendar year 2004, by failing to report the approximate \$50,000 payoff from Daniel Miteff and also by deducting as business expenses approximately \$29,000 in gambling debts. The total tax due and owing by Masilotti for 2004 is approximately \$28,512.00.

Respectfully submitted,

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By:

  
John S. Kastrenakes  
Assistant U.S. Attorney

  
Anthony R. Masilotti  
Defendant

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Florida Public Service Commission  
Division of P&A

Federal Energy Regulatory Commission  
Office of Energy Projects  
Division of Gas – Environment & Engineering  
Gas Branch 3

January 29, 2007

Mrs. Larson  
16933 West Harlena Drive  
Loxahatchee, FL 33470

RE: Gulfstream Phase III Project in Martin and Palm Beach Counties, FL

Dear Mrs. Larson:

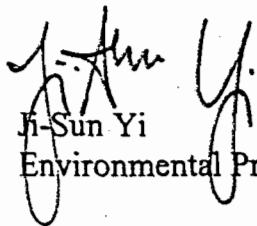
Enclosed are the hard copies of the materials you requested and that are available as public record under FERC's eLibrary. Specifically, they include:

- Notice of Intent
- Comments from development firms Lake Point, LLC and Mayaca, LLC
- Response to above comments from Gulfstream Natural Gas System, LLC
- Agency comments from the Florida Department of Transportation

On page 5 through 7 of the Notice of Intent, you will find instructions on how to file comments on this project. Please direct all future comments to the Secretary, in order that they may be filed and responded to appropriately. Future requests of hard copy materials and other information may be directed to the Office of External Affairs, at 1-866-208-FERC (3372).

Unfortunately, we do not have a record of names of those who attended the site visit/public meeting in late September 2006. Also, since we do not have jurisdiction over the Florida Power & Light Company's construction of the West County Energy Center, we do not have the blasting requirements that you inquired about.

Sincerely,

  
Ji-Sun Yi  
Environmental Project Manager

Spoke to  
Mark Hires & Field  
March 2, 2007.

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Florida Public Service Commission  
TALLAHASSEE, FL



The Audubon Society  
of the  
Everglades

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Florida Public Service Commission  
Division of RCA

Nathaniel P. Reed  
Hole Sound, Fl. 33475

Feb. 20, '07

Dear Nat,

At risk of being repetitions, I must state the "whys" of Audubon of the Everglades position on the surrounding of the EAA with power. To the east: a 500 kv line; south: a major FPL generating plant proposed using fossil fuel; west: a major FPL plant using fossil fuel proposed.

There is no plan for the future of the EAA.

P. Bch Co. abandonment of the sector plan for the future western development.

Stalling and confession of ignorance on limiting and management of future impacts of wholesale deep rock mining (needed for road building) in the EAA.

Status and funding of the (new) Herbert Hoover Dike by the Corps.

Same for a possible 30 mile pipeline



The Audubon Society  
of the  
Everglades

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Florida Public Service Commission  
Division 1 RCA

through the EAA to eventually supply  
water to Dade.

No commitment on when the Corps  
will fulfill its obligation for a reservoir  
north of the Holey Land in the EAA.

The dismay of listening to Eric  
Draper dismiss the Everglades Coalition  
resolution against facilitating the  
servicing possibly one million new  
people in critical Everglades Restoration  
area.

The justification being that there are  
already "powerplants" in the EAA. There  
are two very minor plants that burn  
bagasse - not fossil fuel - as far to the  
north as possible. Not adjacent to the  
Stungling Refuge. Acid rain, SO<sub>2</sub>, CO<sub>2</sub>,  
& Hg in particular will increase downwind:  
the Refuge!





The Audubon Society  
of the  
Everglades

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Audubon of FL; what are you thinking?

AOF has joined the politicians in an apparent disconnect between the cost and ability to buy land needed for restoration, and aiding and abetting these spiralling costs by accommodating more intense use of the land.

The Refuge will rival that cover of the Nat'l Geographic (Oct. '06) depicting the smoke stacks towering over the Glen Canyon National Recreation Area. That was one great but disturbing edition of the Geographic.

"Rolling over" does not have to accompany ~~it~~ not winning a battle.

Regards as always -

Rosa Amanda.



Nancy Gribble  
1525 Gallop Drive  
Loxahatchee, Florida 33470  
(561) 793-4573

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Florida Public Service Commission  
Division of RCA

February 1, 2007

The Honorable Nathaniel P. Reed  
Hobe Sound, Florida

Re: FPL West County Energy Center  
Loxahatchee, Florida

Dear Mr. Reed,

As the governmental liaison for the Fox Trail Property Owners' Association, I am privileged to write you to share our residents' concerns with the proposed FPL West County Energy Center.

Fox Trail is an equestrian-friendly community located on Southern Boulevard, directly fronting the Lion Country Safari Theme Park in the unincorporated central-western area of Palm Beach county called Loxahatchee. Fox Trail was platted in the early 1970s and consists of 212, 5-acre lots that exist on private wells and sewer. The proposed FPL West County Energy Center will be located approximately 2.1 miles west of Fox Trail.

Briefly, I will summarize the concerns that I voiced in regards to FPL's Certification Application at the Administrative Hearing:

- (1) The application states that the predominant land use out to a 5-mile radius is mining/agriculture and refers to one residential area .75 miles northeast of the plant's site. The application omitted the following residential communities comprised of approximately 6000 residents – Deer Run, White Fences, Fox Trail, The Acreage and Loxahatchee Groves. Furthermore, on January 5, 2006, the Palm Beach County Board of County Commissioners approved a 2000-home PUD, Highland Dunes, on a former Palm Beach Aggregates mining site just east of the L-8 canal, and only .25 mile from the proposed FPL West County Energy Center.
- (2) The application states that FPL selected this particular site because the property is located in an "industrial area". This property is not in an "industrial area". Rather, its land use designation is RR-10 (Rural Residential 1 unit per 10acres) and the zoning district is SA (Special Agriculture). The designation for a power plant on this site was a zoning exception approved by the Palm Beach County Board of County Commissioners. Furthermore, in August 2002, the PBC BCC amended their zoning regulations to no longer permit power plants in areas zoned residential.
- (3) The application's data used for Weather Factors regarding emission of pollutants is outdated, ranging from 1948-2000. The application acknowledges over 4000 tons of deterioration emissions yearly. It is well documented that temperature changes, including

global warming, have had adverse affects on weather, which can negatively impact the effect of emissions on surrounding populations, both wildlife and human. Furthermore, FPL will be permitted to store distillate fuel oil to be used as a back-up fuel source for 500 hours per year. The application does not stipulate under what criteria this fuel will be used, nor how these emissions will be monitored. There are significant environmental areas that may suffer irreparable harm from these emissions: the L-8 canal wildlife corridor (.25 mile to the east), the J.W. Corbitt Wildlife Natural Area (to the north) and the Arthur G. Marshall Loxahatchee National Wildlife Refuge (to the south).

- (4) The application justifies this site for the proposed FPL West County Energy Plant by stating that the property is "accessible to Florida's existing natural gas pipeline network". There is no existing natural gas pipeline network within this area. Gulfstream Natural Gas Systems LLC, has been contracted to bring a pipeline that runs through the Gulf of Mexico into Tampa Bay through Hardee, Highlands, Okeechobee and Martin Counties. Gulfstream will extend the pipeline approximately 35 miles south from Martin to Palm Beach County (8.8 miles in Martin County and approximately 26.2 miles in Palm Beach County). Gulfstream will exercise eminent domain powers to obtain the necessary land to lay the pipeline.
- (5) The application does not adequately address the environmental concerns regarding the blasting that Palm Beach Aggregates is permitted to do through 2032 as it relates to its mining and excavation operations, in relationship to the 12.6M gallons of diesel fuel that FPL will be storing on site in three storage containers. Also of concern is the proximity of the natural gas pipeline to the diesel and the blasting activities.
- (6) The application refers to the usage of 6.5 billion gallons of water per year and 21 million gallons of water per day regarding the use of the site's deep-well injection. Such consumptive use of water for the operation of the FPL West County Energy Plant is of grave concern as it relates to surrounding residents' private wells and sewers, and the effects such consumptive water use may have on surrounding wildlife habitats and water storage areas designated for Everglades restoration. The application does not specify any mitigation measures regarding the drying up or collapsing of private wells nor the deterioration/extinction of existing habitats.

Thank you for taking the time to explore our concerns. I appreciate your taking a moment out of your busy schedule to consider the implications of the proposed FPL West County Energy Plant.

Please allow me this time to also thank you for your years of service dedicated to the protection of the environment and Florida's treasured Everglades.

With Sincere Regards,



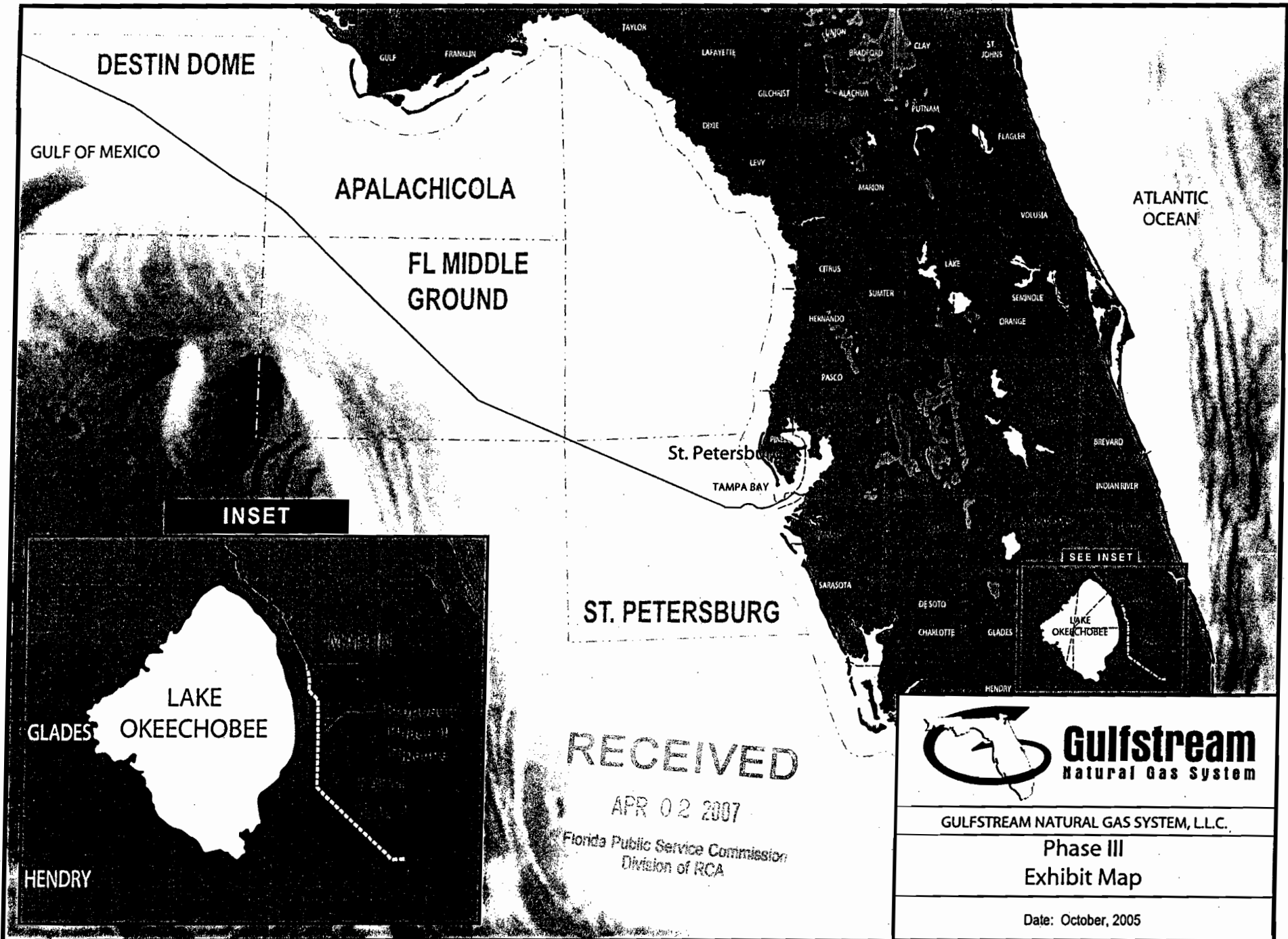
Nancy Gribble, Governmental Liaison  
Fox Trail Property Owners Association

Enclosure

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Florida Public Service Commission  
Division of RCP



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Florida Public Service Commission  
Division of RCA



**Gulfstream**  
Natural Gas System

GULFSTREAM NATURAL GAS SYSTEM, L.L.C.

Phase III  
Exhibit Map

Date: October, 2005

# The Palm Beach Post

TOM GIUFFRIDA, *Publisher*

EDWARD SEARS, *Editor*

LON DANIELSON, *General Manager*

TOM O'HARA, *Managing Editor*

RANDY SCHULTZ, *Editor of the Editorial Page*

JAN TUCKWOOD, *Associate Editor*

ALAN FERGUSON, *VP Advertising* LARRY SIEDLIK, *VP & Treasurer*

GALE HOWDEN, *Director, Community Relations* TOM HIGHFIELD, *VP Circulation*

LINDA MURPHY, *Director, Human Resources*

KEN WALTERS, *Director, Marketing and Research*

## Too-wide State Road 80 means too many people

**T**he Wellington-Royal Palm Beach-Acreage area has crowded schools and crowded roads. It will be hard enough to fix those problems if land now used for farming stays farmland. It will be impossible if farmland is converted into homes.

Yet, last week, the Metropolitan Planning Organization approved 10 lanes of highway or transit for Southern Boulevard between State Road 7 and Forest Hill Boulevard — two more than in the county's comprehensive plan.

"I wonder when we will ever learn?" asked Dan Cary, planning director for the South Florida Water Management District. Good question. For decades, Palm Beach County had sprawled relentlessly westward, gobbling up farmland and draining wetlands. This year, the county will spend \$43 million, two-thirds of that from fuel taxes, on roads.

Six of the seven elementary schools serving the area are crowded. Acreage Pines has more than twice the number of students that can be accommodated in permanent classrooms. H.L. Johnson and New Horizons have nearly twice as many. Wellington Landings Middle School is at 155 percent of capacity. Wellington High is at 140 percent.

The county must accommodate up to 10,000 more families in The Acreage, because those land owners have the right to build. But large pieces of farmland in the area, such as Callery Judge Groves, the Walsey tract and Mecca Farms, total nearly 13,000 acres. At one home per acre, that's another 130,000 auto trips per day and 7,800 students.

The school system would need \$100

Expansion to 10 lanes will mean unanticipated development in the worst possible area.

County Commissioner Ken Foster, a member of the MPO board, says owners of Callery Judge and the Walsey property have expressed interest in development. But County Commissioner Carol Roberts, another MPO member, points out that Callery Judge just built a packing house. "I don't see massive development in the next 20 years," she said.

There is some confusion as to what the MPO actually did. Ms. Roberts, who made the motion, says the board voted for six lanes (up from the current four), a two-lane service road and room for mass transit. "I think we've got to have people understand they must get out of their cars," she said.

But that's an argument for building transit in place of traffic lanes, not in addition to them. If there are enough roads to accommodate development of the farmland, the county will be hard-pressed to deny development.

The MPO doesn't build roads, but its opinion is very influential. The project "will be given serious consideration" for the Florida Department of Transportation plan to be adopted in July, said the DOT's John Anderson. If so, the work probably would be done within five years.

Southern Boulevard cannot be held

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Florida Public Service Commission  
Division of RCA

# Assault on The Acreage

**P**alm Beach County's land-use advisers are doing for growth management what the medfly is doing for the state citrus industry.

They want to cover areas north and west of Royal Palm Beach with so-called "new towns" that concentrate development in a few places. Traditional suburban sprawl spreads like peanut butter, gobbling up open space and creating costly demands for services.

In theory, "new towns" in suburbs attract jobs, thus cutting traffic by allowing people to shop and work near where they live. As with most good ideas in planning, some developers and their allies have been busy trying to exploit it. Enter the Land-Use Advisory Board, which has been operating more like a wing of the development industry. Last week, the board endorsed a proposal by Chairman John Corbett that new towns be created on 13,000 areas near The Acreage now given over to agriculture. "We have a unique opportunity," Mr. Corbett said. "We can satisfy not only our goals but the goals of the community."

The board seems to believe that land should be rezoned if its owner wants it rezoned. If you're going to follow that logic, why plan at all? Beyond that, these "new towns" wouldn't reduce sprawl. Instead, they would worsen sprawl in and around The Acre-

---

*A pleasant-sounding plan for 'new towns' is just a ploy to undermine growth management in a critical area.*

---

age. They do not replace the existing "peanut butter;" they just make it crunchy. "There needs to be countryside between these places," says Michael Busha, director of the Treasure Coast Regional Planning Council.

The 13,000 new homes contemplated are not considered in any county or school plan. Royal Palm Beach is concerned about additional traffic. As for the cost, estimates for the Agricultural Reserve Area suggest that 13,000 homes there would require \$100 million in roads and schools alone. Palm Beach County already has 23,000 schoolchildren in portable classrooms.

Anyone wanting to develop a new town can find plenty of places well east of The Acreage. The advisory board's "recommendation" is a ploy to undermine growth management — with taxpayers getting the bill. The county commission can stop it on July 22 by rejecting the idea. If the commissioners go along, they should at least acknowledge how much this peanut-butter surprise will cost their constituents.

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Florida Public Service Commission  
Division of RGA

# 'New towns,' old ruse

**P**alm Beach County commissioners have several good chances this week to keep growth from overwhelming the county.

In hearings beginning today, commissioners will consider a list of changes to their land-use map, which guides planning. One change would allow a 150,000-square-foot shopping center and 284 homes on Northlake Boulevard near The Acreage.

On Tuesday, commissioners will consider a Land-Use Advisory Board suggestion that they explore creation of "new towns" — supposedly self-contained developments — at one home per acre on 13,000 acres near The Acreage.

Both Northlake projects would be on the north side of the road west of the West Palm Beach Water Catchment Area, which feeds the city's reservoir. The homes would be across the road from Ibis Golf and Country Club and the shopping center just to the west. There is no need for either project, and both are in an area designated to remain rural in the North Palm Beach County/South Martin County Planning Forum.

The changes would be "leapfrog" development, a classic planning mistake in which remote areas are developed while vacant land closer to existing cities is passed over.

The Acreage, itself one of the county's worst examples of sprawl, may need more commercial development when it is built out, but the Northlake property is not well located for that purpose. Commercial development planned for Ibis will meet the needs of the immediate area.

→ "New towns" are another non-answer to commercial needs in The Acreage. As proposed, they would in fact create new needs. New towns work only in areas not yet developed, where they can be surrounded with open

---

*From growth near The Acreage to chipping away the Ag Reserve, commissioners are being asked to ruin planning.*

---

space. This plan is simply a ruse to increase the value of the 13,000 acres.

The Northlake projects and "new town" proposals are just some of the problems commissioners need to avoid. The potential for disastrous development in the Ag Reserve still looms, even though Charles and Helga Marqusee last week withdrew their request to remove their 40 acres from the reserve.

The Marquesees haven't given up; they've just delayed the request. And the lobbying to break up the 20,500-acre Ag Reserve apparently is working. An advisory panel voted 7-6 to remove the Marqusee property.

If county commissioners do that, how can they refuse J. Clinton Scott the next time he tries to get his 120 acres removed? The Scott property is separated from the Marqusee property only by the right of way for the Lyons Road extension. And after the Scott property, then what?

Commissioners have said they want to save the Ag Reserve from development but never have put up money to buy development rights. It will be even worse if they now start actively dismantling the reserve.

Long-range plans by Palm Beach County and the school board don't account for development in the Ag Reserve or around The Acreage. Who will pay for the schools, roads and libraries needed to serve these people, and how? The county commission should not make planning decisions that make county residents pay for too-rapid growth.

7-21-97 Post

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Florida Public Service Commission  
Division of RCA

9.17.96 PB Post

# County limits blasting at quarry site

The code lets the company expand but cuts operations to weekdays between 10 a.m. and 5 p.m.

By **ANGIE FRANCALANCIA**  
Palm Beach Post Staff Writer

**LOXAHATCHEE** — Round-the-clock operations at the huge GKK Corp. quarry must stop because of a law the Palm Beach County Commission adopted Monday.

But because GKK may otherwise continue to blast lime rock from the earth — and pursue expansion plans — the changes to the county's land development code are only a partial victory for neighbors in Deer Run, White Fences and Fox Trails whose homes have vibrated the past three years. The closest residents live less than a quarter-mile from the operation. The L-8 Canal is the only separation between the neighborhood and the quarry.

"It's a start," said Commission Chairman Ken Foster. He promised residents more regulations and warned GKK officials that he would push for high fines — such as \$5,000 per blast — if the company violates the ordinance.

The commission also outlawed excavating businesses in Jupiter Farms unless they have direct access to Indiantown Road. The

Delk excavation on Lox Road, which supplies road material to the county, can continue to operate.

The land development code now permits GKK, which owns about 3,000 acres west of Lion Country Safari, to expand by once again allowing excavation on agricultural land. GKK excavates about 1,000 acres now under a late-1980s approval. The ordinance limits operations to weekdays; blasting may occur only between 10 a.m. and 5 p.m. It also outlines dust, noise, odor and setback requirements.

But commissioners sided with GKK by declining to impose a 1-mile separation from residential property. That restriction would have taken about half of GKK's property out of production.

Still, the codes will cause more scrutiny when GKK expands.

"We'll apply for approval of the whole site," said Gary Brandenburg, GKK's lawyer. He said an application will be submitted soon.

The new ordinance will require an outside explosives expert to endorse a mining impact study the company must submit to expand. The study will set the level of vibration allowed. Some residents say the level should be zero.

"My home is 2½ miles away, and it shakes regularly," said Wayne Boynton of Fox Trails. "They should be required to do whatever is necessary to prevent any shaking of homes."

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APR 03 1997

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# Money drives politics; look at State Road 7

**I** don't know who gives me money. I never look at the list. I didn't want somebody saying I owed them a favor." So says Palm Beach County Commissioner Ken Foster, who did a \$100 million favor for some of his biggest contributors.

Politicians and donors say the money that passes between them is meaningless. State Road 7 proves otherwise. As *The Post* detailed in a four-part series last week, money bought access to politicians who manipulated government to benefit the donors at the expense of the public.

Mr. Foster helped landowners along the southern part of State Road 7 win \$100 million in state grants to widen the 23-mile stretch between Glades Road and Okeechobee Boulevard. With more capacity, landowners and developers will make millions putting houses, offices and stores on former pastures.

In 1988, developer money paid for a political campaign that changed the way county commissioners are elected. Since 1990, they have run from single-member districts, not in countywide races. The change cut the power of south county condos, whose residents favored growth management. It also allowed development contributions, which went to candidates in all seven districts, to have more impact. When Mr. Foster joined the commission in 1990, SR 7 landowners paid 10 percent of his \$100,000 campaign.

Soon after, he formed a "safety" committee to push for widening. Landowners and their consultants controlled the panel. They operated quietly and skillfully. They jiggered safety data to show that SR 7 was the most dangerous road. They exploited Hurricane Andrew to make the preposterous claim that a wider SR 7 could be an evacuation route. They courted congressmen and got token federal money. All this pushed the road that would make their land valuable to the top of the list for

---

*A 23-mile stretch in Palm Beach County will be widened because landowners who will benefit made it happen.*

---

receiving state money.

Growth-control advocates barely noticed. Commissioner Karen Marcus says she trusted Mr. Foster. The landowners were persistent and patient, and they had money. There never was a make-or-break vote to rally opponents.

Now the deal is done. The developers won't have to pay for the road — state taxpayers will do that. And developers won't pay the true cost of adding 50,000 residents to the area along State Road 7 over the next 20 years. Instead, all county residents will pay higher taxes to subsidize the schools, streets and services those homes will require. There also is the cost of traffic jams and threats to the water supply.

The damage for that stretch of State Road 7 is done. It should not be made worse by extending the road north of Okeechobee. Wetlands, rather than a sudden concern for controlling growth, may stall that extension.

But the press for greater development will continue to be the county's biggest day-to-day issue. The county commission is opening the Agricultural Reserve Area, through which SR 7 passes, to development. The Acreage and Jupiter Farms are being urbanized. There's an attempt to turn citrus groves even farther west into major cities. Few politicians are resisting.

When it's widened, State Road 7 will be a highway that supports damaging levels of development. The real reason for the road's widening has little or nothing to do with safety. It's based on favors done for money received. That's the oldest two-way street in politics.

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Florida Public Service Commission  
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Sharon A. Waite

15058 75th Ln. No.

Loxahatchee, FL 33470-4484

Nathaniel P. Reed.

1000 Friends of Florida

Tallahassee, FL.

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Florida Public Service Commission  
Division of RCA

February 4, 2007

Dear Mr. Reed,

The issue at hand is the West County Energy Center, (FPL), that is planned for the 220 acres <sup>others</sup> <sub>2,000 acres</sub> adjacent to Lion Country Safari, The Arthur Marshall Preserve and the Corbett Preserve. Also, adjacent is Deer Run, White Texas, Fox Trail, The Aceage, Loxahatchee. The communities comprise 50,000 residents.

This power plant will have be fueled by a pipeline of natural gas by Gulfstream. It is to be 35 miles long, 36" wide, 900 PSI running between two blasting permits. Stuart mining permitted until 2052 and Palm Beach Aggregates permitted until 2032.

I live 6 miles away. I was outside on my property at approximately 12:00 noon <sup>on 11/31/07</sup> and in less than 5 minutes there were 4 blasts I heard.

Also, adjacent to this operation the Palm Beach Board of Commissioners also zoned a 2,000 unit PUD called "Hyland Dunes" (BODMS!) and a school.

This power plant will need 6.5 ~~MB~~ gallons of water, (from our floridan aquifer) and will use deep well injection to dispose of up to 21m. gallons of wastewater a year.

I have done my due diligence. I have testified at the Public Service Commission in May of 2006. Also, I spoke in December in front of the Cabinet Aids and 5 days later in front of the Governor (sitting board) to point out these horrible conditions. I am a haremaker, Not a politician or lawyer. I beg you to help me stop this. Please remember me as we met in Orlando at the 1,000 Friends dinner.

Our former County Commissioner of District 6 Tony Masilotti is now a convicted felon and about to be sentenced in Federal Court March 23, 2007. He was instrumental in this deal which should be rescinded. This Power plant is only to serve new units at least 466,000 in number. Kilday & Assoc. is the planner of Hyland Dunes. He wants to put another West Palm Beach out here. Is everybody nuts! Water! Water! Where will it come from?

Please Help.

Sincerely,  
Sharon A. White

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Florida Public Service Commission  
Division of RCM

Will **FPL** Turn the **Everglades** into a

# **River of Gas?**

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Florida Public Services  
Division of Regulation & Commission

FPL has proposed a massive 3,300 Megawatt (MW) Fossil Fuel Power Plant, the 'West County Energy Center' (WCEC), in the Everglades Agricultural Area (EAA) on Southern Blvd, **1000 feet** north of the Arthur R. Marshall Loxahatchee National Wildlife Refuge—a headwaters to what's left of the southern Everglades ecosystem. The WCEC is just west of the L-8 canal, Lion Country Safari & Fox Trails; directly neighboring Enrique Tomeu's scandal ridden Palm Beach Aggregates, which has *active blasting permits until 2032*. There will be 12 stacks, each 149 feet tall. This plant will generate power for *nearly half-a-million* units of new development.

The Florida Department of Environmental Protection (FDEP) approved a permit for the initial 2,500 MW, which received 'final certification' on Dec. 19<sup>th</sup>, 2006. This permit includes:

- \*12.6 million gallons of diesel fuel, stored on site, burned as back up fuel 500 hours a year
- \*6.5 billion gallons of water a year drawn from surface and aquifer sources
- \*Up to 21 million gallons of wastewater deep-well injected daily (their first test well failed)
- \*3,500 tons of emissions a year (including: SO<sub>2</sub>, PM, PM<sub>10</sub>, NO<sub>x</sub>, CO, VOC & SAM; CO<sub>2</sub> emissions are not regulated and thus not included in this equation) spreading pollution over a 12 mile radius
- \*NO<sub>x</sub> levels above the DEP's Best Available Control Technology (BACT) standard
- \*Inadequate information regarding potential impacts:
  - To well water supply of surrounding communities
  - To native wildlife (including approx. 30 threatened & endangered species in the Refuge)
  - Of disasters to surrounding communities and the Everglades Ecosystem
  - Of acid rainfall over the Lox. National Refuge and nearby J.W. Corbett Wildlife Mgt. Area

This Power Plant will also require **30 miles of new gas pipeline** through western Martin and Palm Beach County. The applicant, Gulfstream Natural Gas System LLC, has expressed intent to impact two wetland areas and has requested a variance to degrade water quality in the L-8 canal.

In the past several months, FPL has caused radioactive leakage from their St. Lucie Nuke plant, created the largest oil spill of the decade into Manatee Bay and caused an explosion at their Port Everglades plant. The only existing FPL plant in Palm Beach County, the Riviera Beach plant, has been identified as one of the dirtiest plants in Florida. **Why have the Palm Beach County Commissioners and Florida DEP approved another FPL ecological nightmare?!!**

FPL says we need this power to meet our increasing development and energy use. Yet growth that was speculated for South Florida is now uncertain due to a combination of drops in the real estate market, Department of Community Affairs (DCA) opposition, and serious environmental/water supply concerns. ***We must tell FPL, FDEP & the Governor's Cabinet that we would rather conserve energy and slow development than risk poisoning our communities and destroying the natural environment.***

**For more information contact:**

Palm Beach County Environmental Coalition (561)588-9666 [PBCEnviroCoalition@gmail.com](mailto:PBCEnviroCoalition@gmail.com)

## **“Natural gas pipeline safety is a myth.**

The U.S. Office of Pipeline Safety records hundreds of incidents involving gas pipelines each year. You can easily check this by visiting the pipeline statistics page of their website at <http://ops.dot.gov>.

**But statistics don't tell the story of pain and loss that occur when an accident happens...”** From Earth Alert! ([www.earthalert.org](http://www.earthalert.org))

**Cleveland East Ohio Gas Explosion** occurred on the afternoon of Friday, October 20th, 1944. The resulting gas leak, explosion and fires killed 130 people and destroyed a one square mile area on Cleveland, Ohio's east side. But this was by no means the last large scale natural gas disaster to occur...

The **Piper Alpha** was a North Sea oil production platform operated by Occidental Petroleum. It produced around 10 percent of the then oil and gas production from the North Sea. An explosion and resulting fire destroyed it on July 6, 1988, killing 167 men. To date it is the world's worst offshore oil disaster.

The **Texas Eastern Transmission Corporation Natural Gas Pipeline Explosion and Fire** was in Edison, New Jersey on March 23, 1994 when the 36" diameter natural gas pipeline, about 7' underground, exploded in flames next to the Durham Woods apartment complex. The resulting fire destroyed or severely damaged 14 of the apartment buildings. One death occurred from a heart attack suffered by Sandra Snyder, who was unable to summon emergency workers "amid the chaos."

The **1998 Esso Longford gas explosion** was a catastrophic industrial accident which occurred at the Esso natural gas plant at Longford in the Australian state of Victoria's Gippsland region. On 25 September 1998, an explosion took place at the plant, killing two workers and injuring eight. Gas supplies to the state of Victoria were severely affected for two weeks.

In **August 2000** there was an **explosion in a Carlsbad, New Mexico** natural gas pipeline that caused flames to shoot 500 feet into the air, killing 12 who had been camping at a nearby river. An EMT on site described what he saw as a "little Hiroshima".

On **January 19, 2004, in Skikda, Algeria**, a steam boiler that was part of an LNG production plant exploded, triggering a second, more massive vapor-cloud explosion and fire that took eight hours to extinguish. The explosions destroyed a portion of the LNG plant and caused damage outside the plant's boundaries and killed 23 people.

On **March 16, 2004**, an **explosion** destroyed a section of a nine-story building in Arkhangelsk, Russia. The death toll from the explosion was 58. In April 2004, authorities arrested and charged a former employee of the city gas service for allegedly sabotaging the gas system thus causing the tragedy.

The **2006 Milwaukee explosion** refers to the explosion of a 10,000 gallon propane tank at the Falk Corporation in the industrial Menomonee River Valley neighborhood of Milwaukee, Wisconsin on December 6, 2006. 46 people were injured and at least three were killed. Cars were reportedly flipped through the air and debris scattered over several blocks. The disaster is still being investigated.

To get involved in local environmental issues: (561)588-9666

PBCEnviroCoalition@gmail.com

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Division of ROP



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AUG 02 2006

DEPT OF ENV PROTECTION  
WEST PALM BEACH

July 31, 2006

Mr. Joseph R. May P.G.  
Florida Department of Environmental Protection  
Southeast District  
Underground Injection Control Program  
400 North Congress Avenue  
Suite 200  
West Palm Beach,  
Florida 33401

FPL WCEC  
0247895-003-UC

RE: Florida Power & Light Company  
West County Energy Center Project  
Class I Injection Well Application Fee

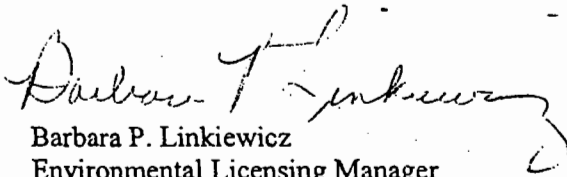
Dear Mr. May:

On July 25, 2006, Golder Associates submitted an Engineering Report and Exploratory Well Construction and Testing Application for a Class I Injection Well System on behalf of Florida Power & Light Company's ("FPL") West County Energy Center. The application submittal included a check for \$5,000.00. Via correspondence from your office dated July, 26, 2006, attached, we have been informed that the application fee is \$750.00. We are therefore enclosing a check for \$750.00 for the application fee.

Please note a subsequent revision to the application was submitted on July 28, 2006.

Please let me know if you have any questions or need additional information I can be contacted at (561) 691-7518.

Sincerely,

  
Barbara P. Linkiewicz  
Environmental Licensing Manager  
Florida Power & Light Company

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# Thank

Audubon is deeply grateful to all the individuals, corporations, foundations and organizations whose generous contributions supported our conservation work throughout Florida during our fiscal year 2006. The following list recognizes donors from July 1, 2005 through June 30, 2006.

\$1,000 to \$2,499

Anonymous  
Bluma Appel  
Ralph Arwood  
Mary Barley  
Andrew Barnes  
Jane M. Berry  
Frances Bethel  
Birkitt Environmental Services, Inc.  
Edward E. & Lillian H. Bishop Foundation  
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Stephen and Karen Clegg  
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Helen Burnham  
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Community Foundation of Collier County  
Kiki L. Courtelis  
Henry Dean  
Marjorie B. Drescher  
Florida Power & Light Co.  
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Forrest C. Lattner Foundation, Inc.  
Martin Foundation, Inc.  
Mosaic Fertilizer, LLC  
  
\$100,000 and above  
The Batchelor Foundation  
Everglades Foundation, Inc.

*We apologize for any omissions or errors on this list. Please contact the Development Dept. at 305-371-6399 to confirm corrections or additions. Thank you.*

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## New Law Fosters IRA Gifts to Audubon

Recent legislation allows people 70 years of age and older to make a current gift of up to \$100,000 from traditional or Roth Individual Retirement Accounts (IRAs). This development provides a new philanthropic vehicle for holders of IRAs. The advantage here is that while donors do not receive charitable tax deductions for their IRA gifts, they do avoid paying taxes on the gift amounts—taxes that would otherwise be payable upon withdrawal from an IRA.

At 70, owners of IRAs must begin taking taxable distributions from their plans. (Remember that IRAs were never intended to avoid taxes, only to defer them.) At 70 it is time to pay the piper. Many people may therefore find it more advantageous to make charitable gifts from their IRA accounts, rather than from other resources.

Note that this opportunity applies only to gifts made during 2006 and 2007. Be aware also that THE TRANSFER OF THE FUNDS MUST BE MADE DIRECTLY BY YOUR PLAN ADMINISTRATOR. Withdrawing money from your IRA and then giving it to the charity would be treated as a taxable distribution, thereby incurring some income tax liability.

If you would like to further explore the possibility of supporting Audubon of Florida with an IRA transfer, please call Development Director Tim Bachmeyer at 786-402-4841. Or call Audubon Vice President Wayne Mones at 212-979-3033.

Also please consider naming Audubon as a beneficiary of a portion of the amount remaining in your IRA at the time of your death. Generally, it is more advantageous to leave IRA assets to charity, and cash and stocks to family.

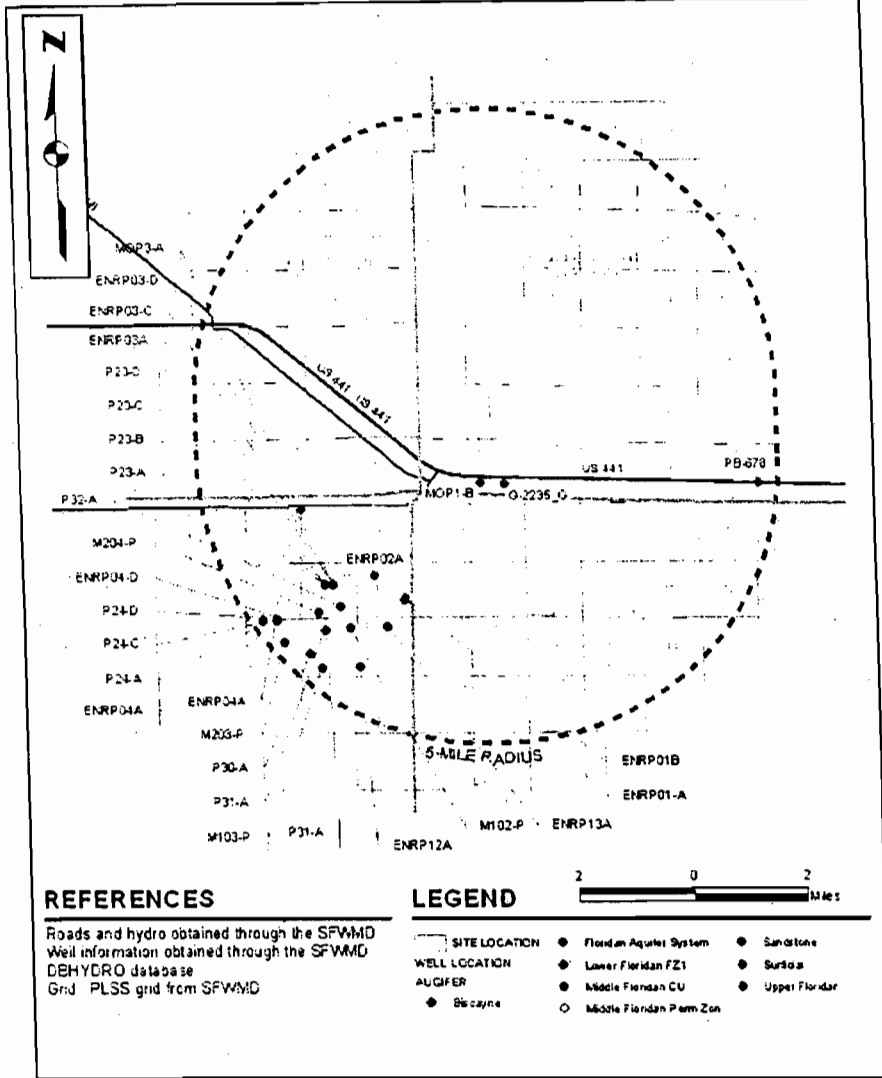


Figure 2.3.3-1.  
Potable Wells Located Within a 5-mile Radius of the Site  
FPL West County Energy Center, Palm Beach County, Florida

Source: SFWMD, Golder, 2005.



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**From:** Heron, Teresa  
**To:** GremlinLtd@aol.com  
**Date:** 4/21/2006 10:36:34 AM  
**Subject:** West County Information

**FP&L's West County Energy Center**

08/01/06	Need Determination by PSC
09/01/06	DEP issues Project Impact Analysis, including proposed COC's
10/02/06	Certification hearing before the ALJ
12/01/06	ALJ issues Recommend Order
02/06/07	Siting Board Hearing on Certification

Thanks,  
Teresa Heron, Engineer  
Permitting South Section  
Bureau of Air Regulation  
Phone 850/921-9529  
teresa.heron@dep.state.fl.us

*These copies show  
The changing of  
The dates for  
All meetings*  
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07/12-13/06	Combined Land Use & Certification hearing before Administrative Law Judge
09/27/06	Cabinet Aides Meeting
10/03/06	Anticipated Siting Board Hearing on Certification

**FP&L's West County Energy Center**

06/28/06	Need Determination by PSC
07/18/06	DEP issues Project Impact Analysis, including proposed COC's
09/06/06	Certification hearing before the ALJ
10/06/06	ALJ issues Recommend Order
11/14/06	Anticipated Siting Board Hearing on Certification

**Transmission Line Applications in Process**

None at this time

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Florida Public Service Commission  
Division of RIA

2600 Blair Stone Rd M.S. 48 Tallahassee, Florida 32399 850-245-8002 (phone) / 850-245-8003 (fax) / 205-8002 (SUNCOM)  
Last updated: August 24, 2006

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Division of RCA

Dear Nathaniel Reed,

While I am happy to see your concern with the Moore Haven FPL Plant I think the environmental community should be more concerned with the WCEC FPL Plant to be located in Loxahatchee on Southern Blvd. The reasons I will enumerate below.

1. 12.6 million gallons of diesel stored on site
2. A 35 mile 900psi natural gas pipeline which will cross 2 wetlands, 1 upland hardwood forest, 12 active water supply wells, 4 federally protected listed endangered species and 224 water body crossings.
3. 2 Rock mining operations Palm Beach Aggregates & Stuart Mining with blasting permits till 2032 & 2052 respectively.
4. A 1272 acre water reservoir purchase at the cost of 212 million dollars from Palm Beach Aggregates on Dec 8 2004 for CERP. FPL plans for this to

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5. The fact that our Commissioner Tony Masiotti indictment & plea agreement lists he was paid millions for a land deal to put the FPL Plant at its current location at the Palm Beach Aggregates to further enrich him and the owner Enrique Tomeu.
6. The proposed plant is within 1000ft of the Arthur Marshall Wildlife Refuge (147,000 acres) & within 1 mile south of the J. W. Corbett Wildlife Area (60,000 acres)
7. The WCEC FPL Plant has a permit to remove 6.5 Billion Gallons of surface water from the L-8 Basin per year.
8. This plant as proposed is a disaster in the making. One spill one explosion away from the total destruction of some of our last remaining federally protected lands left in Palm Beach County. The Valdez was a 11 million gallon spill of heavy crude. The light diesel that FPL describes like lite canola oil with Floer. Henderson tap dancing nearby will never be cleaned up because it will move fast.

Members of The Environmental  
Community is puzzling & SCARY at best  
This plant is a Molotov cocktail waiting  
to happen. Enclosed are letters from  
concerned individuals and Tony Masillon  
Plea Agreement. Please help with this  
nightmare now before it is too late.

Please Respond  
Thank You

Alexandria Lars  
16933 W. Harlow  
Loxahatchee Fla 334  
561-791-0875

P.S. Enclosed are some articles  
to show we have tried to  
get the word out.

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Florida Public Service Commission  
Division of Regulation



# THE EVERGLADES COALITION

## RESOLUTION OF THE EVERGLADES COALITION

WHEREAS, the West County Energy Center (WCEC) is a power plant proposed by Florida Power and Light for a location in western Palm Beach County; and

WHEREAS, the proposed placement of the WCEC borders the Everglades Agriculture Area, is adjacent to the Arthur R. Marshal Loxahatchee National Wildlife Refuge, and is in close proximity to the J.W. Corbett Wildlife Management Area; and

WHEREAS, the operation of the proposed WCEC will consume 6.5 billion gallons of water per year in direct competition with water intended for Everglades National Park and Everglades Restoration projects; and

WHEREAS, the operation of the proposed WCEC will generate 3000 tons of annual emissions, which may be transported to the nearby wildlife areas and the Everglades National Park; and

WHEREAS, twelve million gallons of diesel fuel will be stored onsite as backup to the natural gas pipeline, which if spilled could cause massive damage in the nearby wildlife refuges or water storage areas; and

WHEREAS, the construction and operation of the proposed WCEC will disrupt the wildlife intended for protection in the nearby National Wildlife Refuge, and

WHEREAS, the energy from the proposed WCEC is not required to meet existing needs, and would produce substantial excess energy capacity in the region; and

WHEREAS, the construction and operation of the WCEC increases Florida's dependence on non-renewable energy sources.

Now therefore, the Everglades Coalition resolves and recommends:

- 1) That no decision on the approval of the WCEC, an important environmental issue for the future of Florida, should be considered until after the installation of our new Governor.
- 2) That no power plants should be constructed adjacent or in the Everglades Agriculture Area.
- 3) That Florida should focus on conservation and renewable energy sources rather than construct more infrastructure dependent upon non-renewable sources.

BE IT SO RESOLVED, on December 18, 2006

National Co-Chair, Everglades Coalition

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Florida Public Service Comm.  
Division of RCA



# One hurdle left for FPL plant

1. The state's siting board will discuss the Loxahatchee project today.

By KRISTI E. SWARTZ and MITRA MALEK

Palm Beach Post Staff Writers

Tuesday, December 19, 2006

The fate of the first power plant to be opened in Palm Beach County since the 1960s lies in the hands of Gov. Jeb Bush and the Cabinet, despite last-minute attempts by some residents to delay the decision.

The Cabinet, meeting as the Power Plant Siting Board, will meet today to discuss Florida Power & Light Co.'s proposed \$1.2 billion, 2,200-megawatt natural gas-fired plant, set to open in Loxahatchee in 2009.

The plant would have two 1,100-megawatt units, the second of which would open in 2010. It would provide enough power for 466,000 homes and businesses. A third 1,100-megawatt unit might be added later.

2. Called the West County Energy Center, the plant would be the county's first since FPL's two Riviera Beach units opened in 1962 and 1963.

The board's decision is the last of several procedural hurdles for FPL, including obtaining approvals from state utility regulators, a host of state agencies and the Palm Beach County Commission, which in January 2002 approved zoning for a plant generating up to 3,000 megawatts of power.

But some residents and environmentalists are worried about many aspects of the plant, including a 35-mile-long, 36-inch-wide high-pressure gas pipeline that would drop down from western Martin County and 12.6 million gallons of diesel fuel that would be stored on site. In addition, two rock-mining operations lie east and west of the plant: Palm Beach Aggregates, which has permits to blast rock through 2032; and Stewart Mining Industries, which this year won permits to blast rock through 2052.

Also, hundreds of Loxahatchee-area homes are to the north, with Wellington to the southeast and a subdivision called Highland Dunes approved at the Aggregates site.

"It's a Molotov cocktail," said community activist Alexandria Larson, who lives in Loxahatchee. "No one could look at this and not see this."

The original timetable for the West County Energy Center would have put the plant before the siting board in February, but that date, as well as one for an administrative law judge's ruling, were moved up in April. During a September public hearing, residents and environmental activists questioned the accelerated approval process.

FPL spokeswoman Rachel Scott said Friday the siting board must vote on the plant within 60 days of Oct. 24, the date the state's administrative law judge issued a ruling.

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"There's a specific time frame that it has to go before governor and Cabinet, so it needed to go before the end of the year," she said.

In general, natural gas plants are among the cheapest to build and the cleanest to run. FPL says it needs a new plant by at least 2010 to maintain a 20 percent margin of reserve power — and neither a coal plant nor a nuclear plant can be built that quickly.

The Public Service Commission signed off on the plant after FPL promised to further diversify its fuel mix, 40 percent of which is natural gas, and to speed up plans to build a coal plant.

The center would sit across from the Arthur R. Marshall Loxahatchee National Wildlife Refuge. Refuge project leader Mark Musaes said his primary concern with the energy center's location is toxic emissions. He is worried about air quality and whether an excessive amount of pollutants would fall onto the 147,000-acre site, home to water conservation areas and the endangered Everglades snail kite.

But the refuge isn't opposing the project because FPL reports and engineering analyses show pollutants should be within an acceptable range, Musaes said.

Rosa Durando, Audubon Society of the Everglades conservation chairwoman, is less sure.

The first two units of the power plant would create 3,464 tons of toxic emissions a year. That includes carbon monoxide, sulfur dioxide, nitrogen oxide and volatile organic compounds, Durando said.

"It's a tragedy waiting to happen," she said.

#### West County Energy Center

- Would have two generating units of 1,100 megawatts apiece.
- Would serve about 466,000 homes and businesses.
- Would cost about \$1.2 billion and provide 40-50 full-time jobs.
- Completion expected in 2009-10.

Source: FPL

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this is all of it. let me know if/when you get it. i'm just finishing up the DVD video to put in the packages. maybe by tomorrow? will you be over here anytime soon.

-panagioti

----- Forwarded message -----

From: PBC EnviroCoalition <[pbcenvirocoalition@gmail.com](mailto:pbcenvirocoalition@gmail.com)>

Date: Feb 8, 2007 5:37 PM

Subject: nat reed letter..

To: [daniellarson@earthlink.net](mailto:daniellarson@earthlink.net)

hey alex,  
here's what i got. let me know if it fits well with the rest of the package. let me know if you think it should be edited down a bit. did you see nat's comments in the paper today? this is a good time to get this info to him. write me back when you get this..

-panagioti

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panagioti tsolkas  
PBCEC Co-Chair  
561-588-9666

Included in this packet is the most recent draft of a fact sheet compiled by participants with the Palm Beach County Environmental Coalition. Through the course of tracking the West County Energy Center (WCEC) the text has been revised to reflect what we believed to be the most accurate and relevant information available on the plant and the site it has been proposed for. We have attended multiple public hearings at County and State levels, and are now preparing to participate in the Federal process (through FERC) for permitting of a new 34-mile gas pipeline intended to provide the natural gas for the WCEC generators.

As important details have surfaced, we have attempted to inform public officials and the public at large, who are both generally unfamiliar with the permitting process and the specific environmental impacts involved in building power plants. The boldest example I can offer is this: the day before writing this letter (2/8/07) it was discovered that, do to the non-regulation of CO2 emissions, we had been neglecting to inform the public, the media, various agencies and governing boards about another estimated 8.5-12 million tons of annual global-warming causing CO2 emissions. Neither FDEP nor FPL ever

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brought this information up through the course of multiple hearings.

For added insight on the WCEC, there is a recommended order from the Administrative Law Judge, David Malony, which was issued last Fall. It can be found on the Division of Administrative Hearings website, case no. 05-1493EPP. It provides a view of the inaccuracies, misinformation and lack of supporting data that resulted in the plant's certification. It has required a significant and ongoing effort of research to back-up that statement. If you are interested in a more thorough review of Maloney's order, please get in touch.

It has been a long, strange journey wading through piles of documents to understand the permitting process and the plant's impacts, yet every step of the way, we have found information that demands us to continue our efforts until we encounter an avenue to expose the dangers and successfully challenge FPL's WCEC.

panagioti tsolkas  
co-chair, Palm Beach County Environmental Coalition

Below are some explanations on the contents in the packet:

-The Revised Staff Analysis Report: This provides an overview from FDEP about the WCEC. Pages 5-7 of this document provide good illustration on the lacking input from multiple agencies. No reports filed from Fish & Wildlife Commission, Dept of Agriculture and Consumer Services, Dept. of Health, Palm Beach County boards...

-U.S. Fish & Wildlife Service fax listing Threatened and Endangered species in the Refuge

-The original tonnage list from the 2005 application. This offers numbers from 2200MW of power with nearly 5000 tons of total regulated emissions. Most recent numbers suggest different engines producing 2500MW with about 3,500 tons.

-Palm Beach Post article. There are several inaccuracies, but it was the first time that a more holistic, critical perspective was run in a major paper. After almost 2 years into the public process.

-Potable Wells chart. Where are all the Fox Trails, Deer Run, Loxahatchee, etc. wells on this map?

-Natural Gas Pipeline Safety sheet. This is a collection of incidents to remind us that the risks we take by relying on fossil fuels are real and can be frightening. You can't mitigate over lost lives.

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-The Everglades Coalition resolution. which passed with a majority approval. But caused a problem that was aired in front of the Governor's Cabinet by Florida Audubon's Policy Director, Eric Draper.

-Florida Audubon's donation list. Including between \$35,000-75,000 in donations from Enrique Tomeu and FPL. Some believe the tension was based on Draper's relationship with FPL site owner Enrique Tomeu, who is a cattle-rancher, sugar farmer, rock-miner and developer. Tomeu's Palm Beach Aggregates land is also a primary site in the federal indictment that resulted in County Commissioner Tony Masilotti's guilty plea to felony Honest Services Fraud.

-Communication between FPL and FDEP, regarding Underground Injection Control. This last one is an interesting, semi-random detail, especially amidst all the political scandal and corruption. Shouldn't FPL know the application fee?!

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# Hastings, Wexler and Klein Call on Governor to Extend Public Comment Period

## for FPL's West County Energy Center

*Send Letter to Bush Expressing Grave Concern over the Environmental Impact to Palm Beach County Residents*

**Contact: Fred Turner w/Hastings (202-225-1313 or 202-225-7173)**

(Washington, DC) Today, Congressmen Alcee L. Hastings (D-FL) and Robert Wexler (D-FL) and Congressman-Elect Ron Klein (D-FL) sent the following letter to Governor Jeb Bush (R-FL) requesting an extension of the public comment period on Florida Power & Light's (FPL) proposal to build the West County Energy Center in Palm Beach County. On Tuesday, December 19<sup>th</sup>, Governor Bush will hold a final certification hearing and will vote along with his Cabinet on the proposed site for the West County Energy Center. The letter highlights the fact that, while it is essential to provide energy resources to meet the needs of South Florida residents, Everglades' restoration and efforts to improve the environment and quality of water in South Florida must not be sacrificed. The signatories, each who represents parts of Palm Beach County, believe it is critical given the far-reaching impact of the West County Energy Center that the public comment period be immediately extended to allow for further discussion and an exhaustive review of the environmental risks the project poses to South Florida residents.

Hastings, Wexler and Klein also expressed deep concerns that the proposed site for the West County Energy Center is just ¼ of a mile north of the Arthur R. Marshall Loxahatchee National Wildlife Preserve, home to many endangered species of plants and animals. **(Please find a copy of the letter below):**

December 18, 2006

The Honorable Jeb Bush

Governor of Florida

The Capitol

400 South Monroe Street

Tallahassee, FL 32339

Dear Governor Bush and Cabinet Members:

We would like to express our growing concern about the proposal by Florida Power and Light to build the West County Energy Center in Palm Beach County without

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adequate public review. Given the magnitude of this project and its environmental impact, we urge you to extend the timeline for plant certification to allow for more thorough scientific investigation and adequate public comment. While it is essential that we ensure that energy resources are available to meet the demands of South Floridians, it is equally important that we do not negate restoration of the Everglades, nor the efforts to improve the water quality of South Florida.

As you know, the proposed site for the West County Energy Center is just ¼ mile north of the Arthur R. Marshall Loxahatchee National Wildlife Preserve, home to many endangered species of plants and animals. The plant's location, adjacent to Palm Beach Aggregates, a rock mining business, is additionally troubling, as nearby homeowners have reported structural damage from the constant blasting. Even though the site was selected based on sound principles of accessibility and designation as a future power plant site, it is important that the aforementioned adjacent site considerations and the potential implications on the water resources of South Florida as well as Everglades restoration efforts are thoroughly examined.

According to an April 2006 correspondence from Florida Power & Light, the final siting board hearing was projected to take place on February 6, 2007. However in August 2006, further correspondence indicates that the timeline for certification was expedited. We are genuinely concerned that shortening the timeline has disenfranchised our constituents by limiting their opportunity to comment on a major energy project in Palm Beach County with significant environmental implications. We urge you to consider the rights of our constituents who deserve an opportunity to contribute to the discussion of the West Coast Energy Center proposal and extend the time period for a more thorough review of the potential environmental implications.

Sincerely,

Alcee L. Hastings, Member of Congress

Robert Wexler, Member of Congress

Ron Klein, Member of Congress-elect

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