



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

DEP #17-0746

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

February 3, 2017

Sent by Electronic Mail – Document Access Verification Requested

Heidi M. Whidden
Director- EHS Southeast Region
Osprey Energy Center, LLC
717 Texas Avenue, Suite 1000
Houston, Texas 77002

RE: Osprey Energy Center
Certification Transfer
DEP File Number PA 00-41E
OGC Case Number 17-0060

FINAL ORDER TRANSFERRING CERTIFICATION

Dear Ms. Whidden:

The Siting Board authorized the construction and operation of the steam electric generating plant at the Osprey Energy Center on June 27, 2001 (PA00-41). Calpine Construction Finance Company, L.P. (CCFC) is currently the licensee for the facility. The Department of Environmental Protection (Department) has modified the Conditions of Certification by Final Order on three previous occasions.

On December 28, 2016, the Department received a Notice of Intent to Transfer Certification of the steam electric generating plant from Osprey Energy Center, LLC (OEC) to Duke Energy Florida, LLC (DEF) pursuant to Rule 62-17.211(3), F.A.C.

On December 28, 2016, all parties to the certification proceeding were also provided with notice of DEF's intent to transfer the Certification for this facility. Pursuant to Rule 62-17.211(3), F.A.C., all parties to the certification proceeding have 30 days from notice to file with the Department a written objection to the transfer. The Department must approve the transfer, or object based on the inability of the new licensee to comply with the Conditions of Certification. Failure of a party to act within the time frame constitutes a waiver of the right to object.

No objections to the transfer have been received by the Department. The Department hereby approves the Transfer of Certification and the Conditions of Certification for the Osprey Energy Center are hereby updated as follows (words ~~stricken~~ are deletions; words underlined are additions) to reflect the transfer:

Title Page:

~~Osprey Energy Center~~ Duke Energy Florida, LLC
Osprey Energy Center

PA 00-41DE

Date Modified ~~10/14/2014~~02/03/2017

SECTION A: GENERAL CONDITIONS

I. SCOPE

A. Pursuant to sections 403.501-518, Florida Statutes (F.S.), the Florida Electrical Power Plant Siting Act (PPSA); 403.520-5365, this certification is issued to ~~Osprey Energy Center, LLC (OEC)~~ Duke Energy Florida, LLC (DEF) as owner of Osprey Energy Center and Licensee. Subject to the requirements contained in these Conditions of Certification (Conditions) ~~OEC~~ DEF will operate a 540 MW facility (527 MW under average annual ambient conditions) consisting of two combustion turbine generators (170 MW each), two heat recovery steam generators, one steam turbine electric generator (200 MW), and ancillary equipment. These units are located on a 19.5-acre site which is adjacent to the Auburndale Power Partners electrical power generation facility at 1501 Derby Avenue, Auburndale, Polk County, Florida. UTM coordinates are: Zone 17; 421.0 km East; 3103.2 km North. Unless otherwise specified, ~~OEC~~ DEF shall be responsible for the compliance with the conditions herein. The Department does not intend, solely by the May 2010 incorporation of these General Conditions, to require the retrofitting of existing certified facilities. Any violation of a General Condition shall be a violation by ~~OEC~~ DEF.

Section A.II to Section B. VII - No Changes

History:

Certified 06/27/01; signed by Governor Bush
Modified (A) 01/09/06; signed by Siting Administrator Owen
Modified (B) 08/26/10; signed by Siting Administrator Halpin
Modified (C was withdrawn) (D) 10/14/14; signed by Siting Administrator Green
Modified (E) 2/3/17; signed by Siting Administrator Mulkey

A complete set of the Conditions of Certification can be viewed and downloaded from the following website: <http://www.dep.state.fl.us/siting/certification.htm>. Copies of the Conditions of Certification and/or attachments may also be obtained by contacting the Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 5500, Tallahassee, Florida 32399-3000, (850) 717-9000, SCO@dep.state.fl.us.

Any party to this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the

appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Sincerely,



Cindy Mulkey
Program Administrator
Division of Air Resource Management

CC. Mary Yeargan, FDEP mary.yeargan@dep.state.fl.us
Mark Langford, FDEP mark.langford@dep.state.fl.us
Amy Dierolf, DEF Amy.Dierolf@duke-energy.com

FILING AND ACKNOWLEDGMENT

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



Clerk

Date

2017.02.03
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Ms. Heidi M. Whidden

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