

**MEMORANDUM**

**TO:** Paul Wallace, Chair  
Council Members

**CC:** James F. Murley, Executive Director

**FROM:** Samuel S. Goren, General Counsel *SSG*  
Michael D. Cirullo, Jr. *MDC*

**DATE:** April 1, 2013

**RE:** South Florida Regional Planning Council ("SFRPC") / Florida Power and Light Company, Turkey Point Units 6 & 7, Power Point Siting Application PA-03-45A3, Florida Department of Administrative Hearing (DOAH) Case No. 09-003575EPP

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On June 30, 2009, Florida Power and Light Company (FPL) filed an application for power plant site certification with the Florida Department of Environmental Protection (FDEP). The application seeks certification for two (2) additional nuclear generating units, as well as supporting facilities at and near the site, and transmission lines. The Application has been bifurcated for purposes of review by affected agencies and parties: (1) Power Plant and non-Transmission Associated Facilities; and (2) Transmission Lines Component.

The SFRPC is one of the statutory agencies required to provide a report with recommendations based upon its strategic regional plan and other matters within its jurisdiction.

The Hearing is scheduled for a five week period of time, **from Monday, July 8, 2013, through August 9, 2013**. The parties are currently engaged in discovery in preparation of the hearing.

SFRPC Review of Site Certification Application

The SFRPC has provided its Reports to the FDEP pursuant to its statutory responsibilities. The following is a summary of the reports:

A. Power Plant and non-Transmission Associated Facilities

The SFRPC provided its Agency Report on this portion of the application on May 15, 2012. The Agency Report is based upon issues identified at the May 7, 2012, Council meeting. The issues that were addressed were Work Force, Protection of Natural Resources of Regional Significance, Protection of Water Quality, and Public Health Safety and Quality of Life. Based upon this review, the SFRPC proposed conditions in the event the Application is approved:

1. Use training and hiring practices for the construction and operational phases of this project that ensure workers from the Region are utilized to the greatest extent possible in order to maximize the economic impacts captured locally and regionally.
2. Apply comprehensive mitigation strategies that work to obtain interagency consensus on addressing impacts and mitigation strategies. These strategies should determine the extent of sensitive wildlife and vegetative communities in the vicinity of the project, protect habitat and mitigate disturbances, and minimize impacts to the natural systems to the greatest extent feasible. In addition, the Applicant should ensure adequate protection of wildlife during the construction phase of the project through the inclusion of crossings, underpasses and fencing.
3. Implement a phased strategy for construction of the radial collector wells, testing and monitoring the impacts on ground and surface waters, prior to approval of full-scale implementation, in order to ensure this approach is scientifically sound and environmentally sustainable.
4. Revise the assessment of the site and the surrounding area using the best available data, as well as analysis based on the most current elevation data and Sea, Lake and Overland Surges from Hurricanes (SLOSH) modeling tools. This analysis should include a range of potential sea level rise that incorporates the planning parameters adopted by the Southeast Florida Regional Climate Change Compact (see the US Army Corps of Engineers, July 2009 entry in Table 1 in "A Unified Sea Level Rise Projection for Southeast Florida"). FPL also should agree to participate in an ongoing regional assessment of sea level rise calculations over the life of the project.

As indicated in the May 15, 2012, Agency Report, SFRPC "partner agencies" have technical expertise and regulatory authority to review specific issues in the Application and establish certain conditions of approval. Chief among the partner agencies in this Application is Miami-Dade County, which on February 13, 2013, issued its report with 30 pages of conditions of approval for the Power Plant and non-Transmission Associated Facilities.

#### B. Transmission Line Portion of Application

FPL is proposing additional transmission lines to serve the new Power Plant. The proposal has two (2) corridors, commonly referred to as the "Eastern corridor" and the "Western Corridor." In both instances, FPL is proposing overhead lines. The FPL-preferred Eastern Corridor has caused contention by and between the municipalities directly affected by its proposed location, with some filing proposed Alternative Corridors. The FPL-preferred Western Corridor affects Everglades National Park and some of the western Miami-Dade communities such as Doral and Medley. Alternative Corridors have been proposed for this corridor as well.

The SFRPC issued its Agency Report on June 15, 2011. In the Report, the AFRPC discussed issues relating to Infrastructure, Natural Resources Public Health Safety and Quality of Life, and Redevelopment and Transportation. The SFRPC propose the following conditions relating to the Transmission Lines:

1. Use the existing infrastructure right-of-ways whenever possible and feasible.
2. Consider placing transmission lines underground or co-locate with Metrorail.
3. Identify and consider innovative funding initiatives for undergrounding or co-location of transmission lines.
4. Coordinate with affected municipalities to ensure the establishment of rights-of-way and the actual placement of transmission lines does not constrain, impede or otherwise limit future development or expansion as outlined in affected communities' comprehensive plans.
5. Coordinate construction, improvement and maintenance activities amongst the applicable agencies and municipalities to minimize bicycle/pedestrian, transit and roadway.
6. Coordinate final transmission plans with the affected municipalities, Miami-Dade County, the Miami-Dade Metropolitan Planning Organization and Florida Department of Transportation to ensure transmission line locations will not hinder future transportation planning efforts.
7. Impacts of proposed transmission corridors, including alternate routes, should be evaluated and vetted through an Environmental Impact Statement (E.I.S.) and allow for public participation, to the maximum extent feasible.

More recently, two non-governmental entities filed Alternate Corridors as to the Western Corridor: The National Parks Conservation Association (NPCA) and the Miami-Dade Limestone Products Association. In correspondence dated December 19, 2012, the SFRPC Executive Director advised the FDEP of support for alternatives to FPL's preferred Western Corridor to reduce significant environmental impacts. For example, the Alternate Corridor proposed by the NPCA would remove the location of the transmission lines from Everglades National Park.

In August, 2012, the FDEP filed its Agency Report on the Transmission Line Portion of the Application and recommended approval.

Miami-Dade County recommended approval of the Eastern Corridor if FPL commits to burying the lines between the Miami Substation and US1 at 136<sup>th</sup> Street, and the Western Corridor except for the portions within Everglades National Park. These recommendations were recently reinforced by Miami-Dade County in its January 31, 2013, Determination Regarding Land Use and Zoning Consistency of the Application.

Recently, on March 22, 2013, Miami-Dade County issued its Agency Supplemental Report on the NPCA Alternative Corridor and recommended approval of the proposed Corridor, subject to conditions in the Report. Miami-Dade County found that this corridor eliminates all impacts to

Everglades National Park and adjacent areas that are most susceptible to environmental degradation.

#### Next Steps

As stated above, the hearing is currently set for a five week period of time in July and early August, 2013. Some of the parties that intend to participate in the hearing have already commenced discovery. The SFRPC has raised important issues and concerns relating to the Application, as to both the Power Plant and the Transmission Line Portions of the Application. At the same time, the “partner agencies” on which the SFRPC relies for technical expertise and regulatory authority, such as Miami-Dade County, have raised most if not all of the same issues.

Full participation in discovery and a five week trial would involve significant effort by both SFRPC staff and the general counsel’s office. Recognizing this fact, our office has spoken with counsel for FPL, who has advised that FPL is working on stipulations with other agencies (likely state agencies). A stipulation between FPL and the SFRPC would avoid the need for significant discovery and hearing expenses for the SFRPC (SFRPC documents may still be requested by other parties, and SFRPC staff could still be subject to depositions or subpoena for hearing by other parties). Balancing the costs of full participation in the hearings with the benefits that could be achieved by the SFRPC’s full participation in such, it would be the recommendation of our office to engage in discussions with FPL on a proposed Stipulation which could be considered by the SFRPC at its May 6, 2013, meeting.

Please contact our office should you have any questions or require any additional information.



## MEMORANDUM

AGENDA ITEM #III.F

DATE: JUNE 3, 2013  
TO: COUNCIL MEETING  
FROM: STAFF  
SUBJECT: FPL TURKEY POINT SITE CERTIFICATION HEARING UPDATE

### Background

At the May 6, 2013 Council meeting, staff provided some background information and a summary of the issues raised by the Council in its review of the Site Certification Application (SCA) submitted by Florida Power and Light (FPL) for the proposed expansion of its Turkey Point nuclear power plant (Units 6 and 7). The issues raised by the Council in its agency reports relate to both the transmission lines and the plant and auxiliary facilities. Staff also informed the Council that FPL had approached the Council to enter into a stipulation agreement that would address any outstanding issues, thereby making it unnecessary to litigate those issues at the certification hearing that is scheduled to begin on July 8, 2013.

FPL also prepared a letter to the Chair of the Council, dated April 26, 2013, in which it provides responses to each of the conditions and recommendations included in the agency reports submitted by the Council. A careful review of the letter shows that FPL has restated its decision not to consider the Council's concerns with regard to sea level rise.

### FPL's Proposed Stipulation Agreement

Florida Power and Light has proposed a stipulation agreement with the Council "for the purpose of resolving any and all potential disputes between them" relating to the Turkey Point SCA. The draft stipulation refers to a set of Conditions of Certification established in Appendix I of the final Project Analysis Report, published by DEP on March 4, 2013. This lengthy document is available on the DEP website at [http://publicfiles.dep.state.fl.us/Siting/Outgoing/FPL\\_Turkey\\_Point/Units\\_6\\_7/PAR/Plant/Appendices/Appendix\\_I\\_FPL\\_TP\\_6\\_7\\_Conditions/FPL\\_TP\\_67\\_Plant\\_Proposed\\_COC\\_Appendix\\_I.pdf](http://publicfiles.dep.state.fl.us/Siting/Outgoing/FPL_Turkey_Point/Units_6_7/PAR/Plant/Appendices/Appendix_I_FPL_TP_6_7_Conditions/FPL_TP_67_Plant_Proposed_COC_Appendix_I.pdf). In that report, the proposed conditions of certification are divided into three parts: (1) Section A - General Conditions; (2) Section B - Specific Conditions for the Nuclear Power Plant and Associated Facilities; and (3) Section C - Specific conditions for the Transmission Lines. The draft stipulation would commit FPL and the Council to agree to accept all of the general conditions in Section A, and some but not all of the specific conditions in Sections B and C, along with any revisions, additions or deletions included in any final certification order. The conditions excluded from the draft stipulation are (1) the ones proposed by Miami-Dade County for both the plant and the transmission lines; and (2) the ones proposed by the municipalities for the transmission lines. The excluded conditions are the subject of ongoing negotiations between FPL and those local governments. Finally, the draft stipulation would bind FPL and the SFRPC to agree that there are no disputed issues of fact or law between them regarding the certification of the Project to be raised at the Certification Hearing. This would make it unnecessary for the Council to participate in the hearing.

Based on the direction provided by the Council at the May 6 meeting, staff (through Counsel) submitted proposed revisions to the original draft Stipulation Agreement to FPL. Changes accepted by FPL include:

- (1) FPL acknowledges that the SFRPC supports the efforts of affected local governments that have reviewed the Application to have conditions of approval in the Final Order of Certification that the individual local governments determine are important. To that end, this Stipulation is not to be construed by any party in any way inconsistent with the belief of the SFRPC that such proposed conditions are relevant and deserve review and consideration during the certification process.
- (2) The parties agree that the issue of sea level rise is an important issue relating to this Application. The SFRPC believes that the Southeast Florida Regional Compact on Climate Change (the "Compact") is an important resource in providing continuing information on the possible effects on Southeast Florida. The Compact is comprised of Broward, Miami-Dade, Monroe and Palm Beach Counties.
- (3) At the request of the SFRPC, FPL acknowledges that the Compact prepared a "Unified Sea Level Rise Projection for Southeast Florida" Report, dated April 2011 (the "Report"). The Report contains recommendations that were used to develop the Southeast Florida Regional Climate Action Plan, dated October, 2012. The Compact is expected to provide additional reports in the future. The SFRPC believes the Compact recommendations should be considered in the planning, construction and operation of this Project as it progresses. FPL acknowledges the Compact Reports, as its member counties use the information for their planning purposes. FPL agrees to consider Compact data and reports for its planning purposes as the Project progresses towards final approval, construction and operations.

The revised Stipulation Agreement, incorporating these and other changes, is included here as Attachment 1. Council staff believes that these changes address the primary concerns that are outstanding at this time.

#### Recommendation

Authorize the Chair to execute the proposed Settlement Agreement with FPL.

## SOUTH FLORIDA REGIONAL PLANNING COUNCIL

### Minutes

June 3, 2013

The South Florida Regional Planning Council met on this date at the South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021. The Institute of Community Collaboration meeting was prior to Council meeting, during which Councilmember Ritter led in the Pledge of Allegiance. Chair Wallace called the South Florida Regional Planning Council meeting to order at 11:10 a.m.

#### **I. Roll Call**

Councilmember Patricia Asseff  
Councilmember Margaret Bates (absent)  
Councilmember Frank Caplan (via phone)  
Councilmember Heather Carruthers (via phone)  
Councilmember Martin Kiar  
Councilmember Jean Monestime  
Councilmember George Neugent (absent)  
Councilmember Jose A. Riesco  
Councilmember Stacy Ritter  
Councilmember Tim Ryan (via phone)  
Councilmember Joseph Scuotto  
Councilmember Xavier Suarez (via phone)  
Chair Paul Wallace  
Councilmember Sandra Walters  
Councilmember Jimmy Weekley  
Councilmember Juan A. Zapata (absent)

The following Ex-Officio members were not present:

Ms. Aileen Boucle, representing the Florida Department of Transportation, District VI  
Ms. Laura Corry representing the South Florida Water Management District

#### **II. Approval of Council Agenda**

Councilmember Walters moved to approve the Council Agenda. Councilmember Ritter seconded the motion, which carried by a unanimous vote.

#### **III. Action Items**

##### **A. Minutes of Previous Meeting**

Councilmember Monestime commented on the Minutes stating that Mayor Caplan was not part of the Miami-Dade Commission; he is the Mayor of Key Biscayne.

Councilmember Walters moved to approve the Minutes of the Previous Meeting with the modification. Councilmember Scuotto seconded the motion, which carried by a unanimous vote.

B. Financial Report

Councilmember Asseff moved to approve Agenda Item III.B, Financial Report. Councilmember Weekley seconded the motion, which carried by a unanimous vote.

C. Intergovernmental Coordination and Review Report

Councilmember Walters moved to approve Agenda Item III.C, Intergovernmental Coordination and Review Report. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

D. Consent: Comprehensive Plan Amendment Reviews

Proposed

- Miami-Dade County
- Monroe County

Adopted:

- City of Parkland

Councilmember Kiar moved to approve Agenda Item III.D: Comprehensive Plan Amendment Reviews, Adopted. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

E. Regional Issues: Comprehensive Plan Amendment Reviews

None

F. FPL Turkey Point Site Certification Hearing Update

Mr. James F. Murley, Executive Director of the South Florida Regional Planning Council (SFRPC), stated that this is an update on the Florida Power & Light (FPL) Turkey Point Site Certification. He announced that there are FPL representatives present to answer any questions.

Mr. Sam Goren, Legal Counsel, explained the history, coordination and collaboration between his staff, FPL, FPL lawyers and consultants, and the professional staff of the SFRPC. He stated that the hearing is scheduled for July 8, 2013, and may continue for weeks. He explained that the Stipulation resolves the concerns raised by the Council and, as a result, neither Council staff nor Counsel will have to attend the hearing unless summoned as an expert witness. He stated that in the Stipulation, FPL acknowledges that the SFRPC supports the efforts of the local governments that have reviewed the Application and that their proposed conditions are relevant and deserve a review and consideration during the certification process. He stated that most importantly was the acknowledgement of the Southeast Florida Regional Compact Climate Change, which this identified sea level rise (SLR) as a major concern. He stated that FPL agrees to consider the Compact's data and reports. He explained that if the Council will approve the Stipulation today, FPL is prepared to sign it, it will be filed, and relieve the Council of any further involvement with the hearing preparation. He stated that the City of Palmetto Bay in Miami-Dade County entered into a Stipulation with FPL a few days ago and it includes conditions relating to the transmission lines. Mr. Murley stated that other cities may follow. He stated that this follows through on the direction the Council gave staff and Legal Counsel in May.

Mr. Steven Scroggs, Senior Director of Development for FPL, stated that he appreciated the work of Council staff and Counsel in helping clarify FPL's position throughout this process and that Council staff is satisfied that FPL has made a commitment as they move forward. Councilmember Ritter inquired if Mr. Scroggs has the authority to sign the Stipulation. He stated that he is authorizing FPL's Lead Counsel to be the signatory to the Stipulation. Councilmember Ritter, on behalf of the Broward County



Commission, thanked him for FPL's recognition of the Compact and agreeing on the Stipulation. She stated that this is a huge step not only for this particular issue but for the relationship between the Council and FPL. Mr. Murley stated that he would like to recognize Mr. Richard Ogburn and Ms. Karen Hamilton, of Council staff, for their work throughout this process.

Councilmember Monestime inquired about the Cities of Pinecrest and Cutler Bay and if they have the same issues as Palmetto Bay with the transmission line issues in the area. Mr. Goren stated that the Palmetto Bay Model is what Pinecrest and other Miami-Dade cities are reviewing. He stated that the transmission lines are not being addressed or resolved in this Stipulation. Councilmember Scuotto inquired about the City of Coral Gables, and Mr. Goren stated that he could not answer that question today. Chair Wallace invited members of the public to speak. No one from the public elected to speak.

Councilmember Asseff moved to approve the Agenda Item III.F. Councilmember Riesco seconded the motion, which carried by a unanimous vote.

G. ICC/SFRPC Agreement for Professional Services

This Agenda Item was discussed and approved previously during the Quarterly Meeting of the Institute for Community Collaboration.

Councilmember Walters moved to approve the Agenda Item III.G. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

**IV. Discussion Items**

A. Executive Committee Report

Mr. Murley stated that since Commissioner Bovo resigned, Councilmember Neugent will become Treasurer and Councilmember Monestime has agreed to become Secretary. Mr. Goren stated that two motions will be needed for these two positions. Mr. Goren explained that there is a requirement of a mixture of membership of Government Appointees and of the three counties, which is now accomplished.

Councilmember Weekley moved to approve Councilmember Neugent as Treasurer. Councilmember Kiar seconded the motion, which carried by a unanimous vote.

Councilmember Weekley moved to approve Councilmember Monestime as Secretary. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

Mr. Murley stated that long-standing Councilmember Michael Blynn was not reelected to the City of North Miami's Council. He explained that Mr. Blynn was an appointee from the Miami-Dade County League of Cities and the process to replace him on the SFRPC Board has been initiated. He stated that Mr. Blynn was one of the three representatives to the Florida Regional Council Association (FRCA) which meets in June in Tampa. He explained that Councilmember Asseff is the Gubernatorial Appointee and the Chair; Councilmember Carruthers is the County Representative; and Councilmember Caplan has agreed to fill Mr. Blynn's vacancy as the Municipal Representative. He stated that a motion is needed to nominate Councilmember Caplan as a FRCA representative.

Councilmember Asseff moved to approve Councilmember Caplan as a representative to FRCA. Councilmember Weekley seconded the motion, which carried by a unanimous vote.

It was suggested that Mr. Blynn be invited to the next meeting.

B. Executive Director's Report

1) Legislative Update

Mr. Bob Cambric of Council staff gave a brief summary of the Legislative Update. Mr. Murley stated that Councilmembers will receive updates. He announced that the Governor vetoed the Regional Planning Councils' allocation and this discussion will continue at the June FRCA meeting. He stated that the Councils are continuing to work with governmental agencies.

There was discussion on third-party support, reaching out to the communities and how the Governor was lobbied with a negative perspective toward the functions of the RPCs. Mr. Murley stated that there was extensive third-party input.

Councilmember Asseff explained that most Regional Planning Councils in the United States are not subsidized by their state and that the Florida RPCs were fortunate to be funded throughout the years. Mr. Murley clarified that many of those RPCs are Metropolitan Planning Organizations (MPO), which does not apply in Florida. He stated that the RPCs that are MPOs receive transportation planning funds from U.S. DOT.

Councilmember Ritter had comments on the Agenda that contained only three action items and our mission. She stated that because of the economy, planning has virtually stopped and our role in planning has diminished. She stated that the Council needs to expand the mission of the SFRPC and to do something separate from planning to make the Council relevant when presenting our purpose to the Governor next year. Chair Wallace agreed that the Council needs a new identity. He stated that the Council is legislatively out of the planning business except in reporting back to local governments. Mr. Murley explained the traditional role of the RPCs in reviewing local comprehensive plan amendments continues; the number of amendments and their consequences are minimal given the economy and our local governments' knowledge. He stated that if there are issues in the draft form, the problems are resolved and the amendment becomes a consent agenda, which reflects on the work of the staff, third parties and the applicant cities and counties.

Chair Wallace stated that the SFRPC is different from the other Councils. He explained that a majority of the RPCs are located in rural areas with one city as the main focus; the South Florida Region consists of more than one city. He thinks it is time to change our name, recognize that our mission is regional, and focus more on economic development and not just approving plans submitted by developers and cities. He thinks that it is a worthy consideration to disassociate ourselves from FRCA. Councilmember Ritter agreed. She stated that maybe with another Governor it could change, but the lack of planning authority and the oversight is not returning. She stated that the Council needs to move forward and not be identified with the other planning councils. She stated that the Council is the eyes and ears of the local governments and have the plans for the future development in the area. She stated that the Council could continue to hold an oversight position by in getting involved with transportation groups and others. She stated that this could increase our recognition in the community to be known as more than the RPC.

Councilmember Walters informed the Council that this Council was one of the first RPCs with six counties represented where there was little planning at that time. She stated that she is not supporting the breakaway from FRCA but understands the valid issues that need to be discussed. She stated that the June FRCA meeting discussion will be interesting. Chair Wallace asked if the Council pays dues; Mr. Murley stated yes, approximately \$30k.

Councilmember Scuotto agreed that the plan needs to change just like a business has Plan A, Plan B, and Plan C. He stated that if Plan A is no longer working then it is time to move on to the next Plan or the business will not survive. He reiterated that the Consent Agenda is simple because the cities, third parties and the RPC work together to resolve the issues before they become a problem. He stated that there are other entities that contribute to this Council and the Council should not scare off those contributors. He inquired about staff layoff as done previously, outsourcing work and helping the cities with some of their work. He suggested that a parameter be set-up that states the tasks the Council is permitted to perform and to branch off if the state funding continues to be vetoed. He does not support the disassociation with FRCA because it may affect the monies Council receives now.

Councilmember Kiar stated that he enjoys serving on the Council with the Councilmembers, the staff, and Mr. Goren and stated that it is a very well run Council. He reiterated as to the Council's main purpose. He stated that he would like to effectuate change and does not want the Council viewed as an advisory committee. He stated that the Councilmembers should meet and review the Council's powers and authority. It was discussed that there be a conversation regarding this matter in the future.

Chair Wallace explained that he did not want the Council to go out of the planning business or not be responsible for tasks the Council already performs. He suggested that the Council recognize where we are legally and doing now, but to change the public image and recognition of who we are. He stated that it might mean adopting a new vision in terms of our basic identity. He stated that they are not here to preserve our job and his appointment here was not to preserve the Council; his appointment is to do what is best for South Florida and the State of Florida. He stated that if it was time to dissolve the RPC then everyone here should have the strength and courage to say get out, but he does not see that yet. He stated that Council should be of more value to others and should not have to rely on state funding; if that means the Council no longer identifies with FRCA then so be it.

Mr. Murley stated that this conversation will continue at the July meeting. He stated that the state government, including the Legislature, has never stopped supporting the RPC. He explained that the Council continues to receive state funds from state agencies on a case by case basis for regional work. He stated that Councilmembers will receive more information regarding the Councils' projects such as the successful Revolving Loan Program, Clean Cities, and Emergency Management next month and via mid-month reports. He stated that name changes have been made before and that this discussion will continue in July. He reminded the Council that, before the many membership changes, a strategic planning process was instituted and the Council prioritized issues that would direct us in the future. He stated the most important topics chosen by the Board were economic development and transportation, and this is where Council is spending their time. He recapped that the Memorandum of Understanding, regarding the long-term planning on the East Coast Corridor public and private rail, has been signed by all the parties and is in effect. He stated that the SFRPC has a role through the MOU; this has never happened before and this is a part of the evolution of the Councilmembers' direction. He stated the Councilmembers' comments are relevant to him and he has the same anxieties and frustrations about the role of the Council but this can be done together.

Mr. Murley reminded Councilmembers to please fill out the questionnaire and return it. He announced that Laura Corry is the new Councilmember representing the South Florida Water Management District. He stated that the July meeting is at the Beacon Council and the August meeting will be an Executive Committee meeting at the SFRPC.

C. Legal Counsel Report  
Information only

D. Ex-Officio Reports

None

V. Program Reports and Activities

A. Council Mission - Promote our Economic Prosperity

- 1) Presentation by Greater Fort Lauderdale Alliance-  
Ron Drew, Vice President - Marketing and Communications

Mr. Ron Drew, Vice President - Marketing and Communications of the Greater Fort Lauderdale Alliance gave an update on the economic development cooperation on regional issues. He stated that the Alliance was the Winner of *Business Facilities* inaugural "Achievement in Public-Private Partnership Award" and many other awards. He stated that the Alliance is trying to change the perception of South Florida as a business location. He gave information on the increase of site selectors that show Broward County's growth as a business location instead of just a retirement haven or tourist destination. He spoke about the various regional partnerships that include Miami-Dade, Broward and Palm Beach Counties that have resulted in brochures, DVDs, and websites in many languages to be used as an inbound and outbound mission. He detailed the economic impact in regarding job growth, finance and personal income. He stated that there are various search engines created and collaborations that involve universities, academia and business organizations bringing entities together regionally. He informed the Council that the IBM PC and the first smart phone were invented here. He stated that there are number of technology companies here, 25,000 that call South Florida home, and we are bringing the CEOs of those companies together with the schools and government to build out the initiative. He stated that there are a lot of other technology entities involved as well.

He stated that Diane Sanchez, CEO of Technology Foundation, is working on establishing the Emerged America Conference in May, located in Miami. He explained that this Conference will bring in 5,000 people involved in technology. He stated that the Greater Fort Lauderdale Alliance is in collaboration with many organizations (South Florida: Your Global Business Connection, Broward County Six Pillars, Southeast Florida Seven50, Florida Eight Southeast Region, Life Sciences South Florida, TechGateway.org, and Alliance Partner's Council) within the seven counties from Indian River to Monroe. They are involved in job growth, capital investment, transportation and infrastructure.

Mr. Drew stated that there was change in brownfield qualifications as to what qualifies as a brownfield and there is a lot of activity coming back to this Region as far as manufacturing and the sales tax exemption relating to manufacturing companies. He stated that Six Pillars is involved in the Region, in which Councilmember Asseff is one of the Co-Chairs. He explained that the goal is to have the same language in all Six Pillars which is tying into the work of Seven50 and the Department of Economic Opportunity. He stated that we are all working together regionally, statewide, and locally on addressing those issues that will have the most impact on growing jobs in the future.

Mr. Murley stated that he will be attending a meeting of the Region's airport/port directors. The meeting, hosted at the Port of Miami is to identify the issues that are regional that will help them work their plans. He stated that they compete with each other but their competition is with Savanna and other ports. He stated that they will have input in a collaborative way regarding the Seven50. He stated that he will be meeting in Palm Beach County District Development Board, working with the Economic Development Councils and workforce boards in the seven counties to help pinpoint issues that are regional and that will find its way in to the plan. He stated that this information will be forwarded to the Councilmembers. He summarized that there is a lot going on in economic development at the Board's direction and the Council is being recreated in this area and making progress. Mr. Drew stated that Mr.

Murley has been convening various groups and bringing the entities together. He stated that even though we compete with each other, having the SFRPC bring those groups together and talk about cross over issues for all the counties is a huge help.

Mr. Drew stated that a lot of jobs come out the tourist industry and that is part of the economic development and this promotes our state. He stated that tourism is part of our game plan and that means keeping the beaches, Everglades and tourist areas.

There was discussion on changing the July 1<sup>st</sup> meeting to July 8<sup>th</sup>. Mr. Murley stated that information will be sent to Councilmembers once a tally has been fulfilled.

Councilmember Ritter stated that it was very important that Councilmembers read the FRCA monthly accomplishments that states "participate", "covered". She stated that the main goal for FRCA should be to receive state funding.

Councilmember Walters suggested that Council meeting start time be changed to 10:00 a.m. Mr. Murley stated that this is part of the questionnaire that was distributed to Councilmembers this week.

B. Revolving Loan Fund Reports

1) SFRPC Revolving Loan Funds Status Report  
Information only

2) Hurricane Wilma Bridge Loan Status Report  
Information only

3) Smart Watts Home Energy Retrofit Loan Fund Status Report  
Information only

C. DRI Status Report  
Information only

D. Evaluation and Appraisal Report (EAR) Status Report  
Information only

E. Seven50: Southeast Florida Prosperity Plan

F. FRCA Monthly Accomplishments  
Information only

VI. **Announcements and Attachments**

A. Correspondence and Attendance Form  
Information only

B. Upcoming Meetings

- 1) July 1<sup>st</sup>, 10:30 a.m. (Beacon Council, Miami-Dade County)
- 2) August 5<sup>th</sup>, 10:30 a.m. (Council Office, Hollywood) - **Executive Committee**
- 3) September 9<sup>th</sup>, 10:30 a.m. (Murray E. Nelson Government Center, Key Largo)
- 4) October 7<sup>th</sup>, 10:30 a.m. (Council Office, Hollywood)

**VII. Councilmember Comments**

**VIII. Adjournment**

The meeting was adjourned at 12:30 p.m.

This signature is to attest that the undersigned is the Secretary of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL, and that the information provided herein is the true and correct minutes for the June 3, 2013 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 1<sup>st</sup> day of July, 2013.

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Jean Monestime, Secretary

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Date

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: FLORIDA POWER & LIGHT CO.  
TURKEY POINT UNITS 6 & 7  
POWER PLANT SITING  
APPLICATION NO. PA 03-45A3

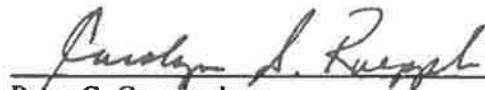
DOAH CASE NO. 09-3575EPP  
OGC CASE NO. 09-3107

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**NOTICE OF FILING STIPULATION BETWEEN SOUTH FLORIDA REGIONAL  
PLANNING COUNCIL AND FLORIDA POWER & LIGHT COMPANY**

Florida Power & Light Co. (FPL), by and through undersigned counsel, hereby serves notice of filing the attached "*Stipulation Between South Florida Planning Council and Florida Power & Light Company*," which was executed by counsel for the parties on Thursday, June 6, 2013.

Respectfully submitted this 7<sup>th</sup> day of June, 2013.



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## CERTIFICATE OF SERVICE

I certify that I have served a true and correct copy of the foregoing via electronic mail this 7th day of June, 2013, to the following:

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STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: FLORIDA POWER & LIGHT CO.  
TURKEY POINT UNITS 6&7  
POWER PLANT SITING  
APPLICATION NO. PA 03-45A3

DOAH CASE NO. 09-3575EPP  
OGC CASE NO. 09-3107

**STIPULATION BETWEEN**  
**SOUTH FLORIDA REGIONAL PLANNING COUNCIL**  
**AND FLORIDA POWER & LIGHT COMPANY**

By and through undersigned counsel, the South Florida Regional Planning Council (SFRPC) and Florida Power & Light Company (FPL) hereby agree and enter into this Stipulation for the purpose of resolving any and all potential disputes between them relating to the above-captioned certification proceeding for the Turkey Point Units 6&7 Project.

1. WHEREAS, on June 30, 2009, FPL filed its Site Certification Application (SCA) for the Turkey Point Units 6&7 Project (Project) pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501, et seq., Florida Statutes (F.S.).

2. WHEREAS, the SFRPC is a statutory party to this PPSA certification proceeding for the Project pursuant to Section 403.508(3)(a)7., F.S. On April 5, 2013, SFRPC filed its Notice of Intent to be a party, pursuant to section 403.508(3)(b), F.S.

3. WHEREAS, on December 3, 2010, the Florida Department of Environmental Protection (DEP) determined that FPL's SCA for the Project was "complete" relating to the proposed transmission lines, pursuant to Section 403.5066, F.S.

4. WHEREAS, on September 13, 2011, DEP determined that FPL's SCA for the Project was "complete" relating to the plant (non-transmission line) portions of the SCA, pursuant to Section 403.5066, F.S.

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5. WHEREAS, on June 15, 2011, the SFRPC submitted its Agency Report and Recommendations for Conditions (Transmission Report) on the proposed transmission lines associated with the Project to the DEP's Siting Coordination Office, pursuant to Sections 403.5064(4), 403.507(2) and 403.526(2), F.S.

6. WHEREAS, on May 15, 2012, the SFRPC submitted its Agency Report and Proposed Conditions (Plant Report) on the plant (non-transmission line) portions of the Project's SCA, to the DEP's Siting Coordination Office, pursuant to Section 403.507(2)(a) & (3), F.S.

7. WHEREAS, on August 7, 2012, FDEP issued its Project Analysis Report (Transmission PAR) for the transmission line portion of the SCA. In that transmission-related PAR, DEP recommended a compilation of conditions of certification addressing numerous transmission-related issues including many of those raised in SFRPC's Transmission Report.

8. WHEREAS, on August 14, 2012, FDEP issued its Supplemental Project Analysis Report for the first set of alternate corridors for the proposed transmission lines (SPAR #1).

9. WHEREAS, on March 4, 2013, FDEP issued its PAR for the plant (non-transmission line) portion of the SCA (Plant PAR). In the Plant PAR, DEP recommended a compilation of conditions of certification proposed by reviewing state agencies, and reviewing local governments including Miami-Dade County and municipalities that have provided reports, addressing numerous plant (non-transmission line)-related issues, as well as transmission line issues, including some of those raised in SFRPC's Plant Report and Transmission Line Report.

10. WHEREAS, on April 15, 2013, FDEP issued its Supplemental Project Analysis Report for the second set of alternate corridors for the proposed transmission lines (SPAR #2).

11. WHEREAS, FPL has agreed to conditions of certification agreed upon with other regulatory agencies that address some of the issues raised by the SFRPC.

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12. WHEREAS, the parties agree that entering into this Stipulation is in their best interests, and to avoid the necessity of litigation expenses to be incurred by each party to address issues raised by the SFRPC in its review of the application.

THEREFORE, in order to resolve any and all potential disputes between them as to the SFRPC's concerns regarding the Project pursuant to the Florida Electrical Power Plant Siting Act, and to limit the issues in dispute between them, the SFRPC and FPL hereby stipulate as follows:

1. FPL agrees to accept, and does hereby request, that the Proposed Conditions of Certification included in the Plant PAR, dated March 4, 2013, numbered A(I) through A(XXXII), B(I) through B(VI), and C(I) through C(VI), and any revisions, additions, or deletions thereto agreed upon by FPL and the agency that proposed such condition, or as may be revised by the Administrative Law Judge in the Final Order of Certification Hearing, be included as conditions of certification in any final certification order for the Project.

2. FPL shall use its best efforts to continue to reach stipulations, or agreements on particular issues to narrow issues in dispute, relating to the issues and concerns raised by the affected local governments that have reviewed and provided reports and proposed conditions of approval for the application, including Miami-Dade County and the municipalities listed in the March 4, 2013, Plant PAR.

3. The SFRPC agrees that it does not object to certification of the proposed Project provided that any final certification order includes, as conditions of certification, all of the Proposed Conditions of Certification included in the Plant PAR, numbered A(I) through A(XXXII), B(I) through B(VI), and C(I) through C(VI), any revisions, additions, or deletions thereto agreed upon by FPL and the agency that proposed such condition, or as may be revised

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by the Administrative Law Judge as a result of the Final Order of Certification. The SFRPC agrees that these proposed conditions of certification may be deleted, revised or adjusted as appropriate by DEP and the Siting Board, based upon agreement of the party proposing the condition or the Final Order of Certification, as the certification process proceeds toward a Final Order of Certification.

4. FPL acknowledges that the SFRPC supports the efforts of affected local governments that have reviewed the Application to have conditions of approval in the Final Order of Certification that the individual local governments determine are important. To that end, this Stipulation is not to be construed by any party in any way inconsistent with the belief of the SFRPC that such proposed conditions are relevant and deserve review and consideration during the certification process.

5. The parties agree that the issue of sea level rise is an important issue relating to this Application. The SFRPC believes that the Southeast Florida Regional Compact on Climate Change (the "Compact") is an important resource in providing continuing information on the possible effects on Southeast Florida. The Compact is comprised of Broward, Miami-Dade, Monroe and Palm Beach Counties.

6. At the request of the SFRPC, FPL acknowledges that the Compact prepared a "Unified Sea Level Rise Projection for Southeast Florida" Report, dated April 2011 (the "Report"). The Report contains recommendations that were used to develop the Southeast Florida Regional Climate Action Plan, dated October, 2012. The Compact is expected to provide additional reports in the future. The SFRPC believes the Compact recommendations should be considered in the planning, construction and operation of this Project as it progresses. FPL acknowledges the Compact Reports, as its member counties use the information for their

planning purposes. FPL agrees to consider Compact data and reports for its planning purposes as the Project progresses towards final approval, construction and operations.

7. The SFRPC and FPL agree that, with FPL's acceptance of the Proposed Conditions of Certification included in the Plant PAR, numbered A(I) through A(XXXII), B(I) through B(VI), and C(I) through C(VI), and any revisions, additions, or deletions thereto agreed upon by FPL and the agency that proposed such condition, or as may be revised by the Administrative Law Judge as a result of the Final Order of Certification, and subject to the terms and acknowledgments set forth herein, there are no disputed issues of fact or law between them regarding the certification of the Project to be raised at the certification hearing in this proceeding.

Executed on Behalf of:

SOUTH FLORIDA REGIONAL  
PLANNING COUNCIL

By: 

Samuel S. Goren  
Florida Bar No. 208150

By: 

Michael D. Cirullo  
Florida Bar No. 973180

Date: June 4, 2013

Executed on Behalf of:

FLORIDA POWER & LIGHT CO.

By: 

Michael S. TAMARA  
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Date: JUNE 6, 2013

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