

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: ORLANDO UTILITIES COMMISSION
ST. CLOUD EAST-MAGNOLIA RANCH NORTH
230 kV TRANSMISSION LINE
SITING APPLICATION NO. TA21-18

DOAH CASE No. 21-1939TL
OGC CASE No. 21-0578

**ORLANDO UTILITIES COMMISSION'S MOTION
TO ALTER SCHEDULE FOR SITE CERTIFICATION PROCEEDINGS**

The Orlando Utilities Commission ("OUC"), by and through its undersigned counsel, respectfully requests the Administrative Law Judge ("ALJ") to alter the schedule in this proceeding pursuant to Section 403.528(1), Florida Statutes. In support of this motion, OUC says:

1. On June 11, 2021, OUC filed an application ("the Application") for certification of OUC's proposed St. Cloud East-Magnolia Ranch North Transmission Line ("the Project") under the Florida Electrical Transmission Line Siting Act ("TLSA"), Sections 403.52-403.5365, Florida Statutes ("F.S.").

2. The Florida Department of Environmental Protection ("FDEP") and OUC provided the ALJ with a proposed schedule for the TLSA proceedings in this case. The proposed schedule, as revised, was approved by the ALJ in an Order Establishing Schedule (dated June 25, 2021).

3. The approved schedule was based on the assumption that notice of filing the Application would be published in compliance with Section 403.5363(1), Florida Statutes, and FDEP Rule 62-17.750(1)(a)1, Florida Administrative Code ("F.A.C."), on or before July 2, 2021. Although OUC did publish notice in three (3) separate newspapers (Orlando Sentinel; Orlando Weekly; Osceola News Gazette), the published notice did not comply with all of the

applicable requirements. Accordingly, OUC published notice again in all three (3) newspapers. The notice was published in compliance with the applicable TLSA and FDEP requirements (a) in the Orlando Sentinel and the Orlando Weekly on July 28, 2021 and (b) in the Osceola News Gazette on July 29, 2021. The approved schedule now needs to be altered, based on the actual dates when notice of filing the Application was published correctly in these newspapers.

4. Under the TLSA, notice of filing an application should be published within 21 days after an application is filed with the FDEP. § 403.5363(1)(b)1, F.S. The certification hearing should be conducted within 145 days after a complete application is filed with the FDEP. § 403.527(1)(a), F.S. Thus, newspaper notice should be provided to the public approximately 124 days before the certification hearing ($145 - 21 = 124$).

5. OUC wishes to revise the approved schedule and thus ensure that the certification hearing is held at least 124 days after the second notice of filing the Application was published in the three newspapers (July 29, 2021). OUC's proposed changes to the approved schedule are highlighted in Exhibit A, which is attached to this motion. Exhibit B (attached) contains a "clean" (final) version of the proposed schedule, which has been reorganized to show the proposed dates in chronological order.

6. The FDEP wishes to amend the schedule to change the filing deadline for the FDEP's Project Analysis to October 4, 2021. The FDEP had originally adjusted the schedule to allow additional time for the public to review the Project Analysis, while shortening the FDEP's time to prepare the Project Analysis. Given the other schedule changes that OUC is requesting in this motion, the FDEP would like to revise the deadline for filing its Project

Analysis, while still being consistent with the TLSA and ensuring adequate time for public review. The FDEP's proposed revision to the schedule is included in Exhibits A and B.

7. Section 403.528(1), Florida Statutes, provides that “[a]ny time limitation in this act [TLSA] may be altered by the administrative law judge upon stipulation between the department and the applicant unless objected to by any party within 5 days after notice or for good cause shown by any party.” In this case, OUC and the FDEP each stipulate that the approved schedule should be revised in the manner shown in Exhibits A and B. Further, OUC and the FDEP each stipulate that there is good cause to revise the approved schedule, based on the facts described above. Counsel for the FDEP has authorized OUC's undersigned counsel to inform the ALJ that the FDEP stipulates to these two issues, plus the representations in paragraph 6, above.

8. OUC has made a good faith effort to confer with all of the parties concerning this motion, in compliance with Rule 28-106.204(3), Florida Administrative Code. On July 29, 2021, OUC sent a copy of this motion, Exhibits A and B, and an explanatory note via e-mail to each of the party representatives identified in the Certificate of Service (attached). In its e-mail, OUC asked each of the party representatives to notify OUC's undersigned counsel immediately if the party representative had any objections to this motion or the proposed schedule in Exhibits A and B. In response, the Florida Department of Environmental Protection and the Florida Department of Transportation stated that they support OUC's motion and proposed schedule. Orange County, Osceola County, the South Florida Water Management District, the St. Johns River Water Management District, and the Florida Department of Economic Opportunity each confirmed that they have no objection to OUC's motion and proposed schedule. OUC's undersigned counsel has not received any responses

from the other parties (i.e., the Public Service Commission; Department of State; Fish and Wildlife Conservation Commission). More specifically, undersigned counsel has not received any objections from any party.

WHEREFORE, the Orlando Utilities Commission respectfully requests the Administrative Law Judge to issue an order approving the proposed schedule in Exhibit B and thereby alter the deadlines for completing the remaining activities in this proceeding concerning the St. Cloud East-Magnolia Ranch North Transmission Line Project.

Respectfully submitted this 2nd day of August 2021.

Counsel for Orlando Utilities Commission



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**ORLANDO UTILITIES COMMISSION
ST. CLOUD EAST-MAGNOLA RANCH NORTH TRANSMISSION LINE
DOAH Case No. 21-1939TL**

COMPLETE CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of this document, via electronic mail, to the individuals listed in the attached service list on this 2nd day of August 2021:



David S. Dee, Esq.

John T. LaVia, III, Esq.

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SERVICE LIST

<p>Florida Department of Environmental Protection Kelley F. Corbari, Esquire Staci Kichler, Esquire Florida Department of Environmental Protection 3900 Commonwealth Blvd., MS-35 Kelley.Corbari@dep.state.fl.us Staci.Kichler@FloridaDEP.gov Michelle.M.Knight@dep.state.fl.us Lateshee.M.Daniels@FloridaDEP.gov</p>	<p>St. Johns River Water Management District Mary Ellen Winkler, Esquire Joel T. Benn, Esquire St. Johns River Water Management District 4049 Reid Street Palatka, FL 32177 MWinkler@sjrwmd.com JBenn@sjrwmd.com KBreed@sjrwmd.com</p>
<p>Florida Public Service Commission Lee Eng Tan, Esquire Florida Public Service Commission 2450 Shumard Oak Boulevard Tallahassee, Florida 32399-0850 LTan@psc.state.fl.us</p>	<p>South Florida Water Management District Emily Johnson, Esquire South Florida Water Management District 3301 Gun Club Road West Palm Beach, FL 33406 EJohnson@sfwmd.gov</p>
<p>Florida Department of Economic Opportunity Valerie Wright, Esquire Florida Department of Economic Opportunity 107 East Madison Street, MSC 110 Tallahassee, Florida 32399 Valerie.Wright@deo.myflorida.com Deoservice@deo.myflorida.com</p>	<p>Orange County, County Attorney's Office Georgiana Holmes, Esquire Orange County, County Attorney's Office 201 S. Rosalind Avenue #3, 5th Floor Orlando, Florida 32801 Georgiana.Holmes@ocfl.net</p>
<p>Florida Fish & Wildlife Conservation Commission Emily Norton, Esquire Florida Fish and Wildlife Commission 620 South Meridian Street Tallahassee, Florida 32399-1600 Emily.Norton@myfwc.com;</p>	<p>Osceola County, County Attorney's Office Frank Townsend, Esquire Osceola County, County Attorney's Office 1 Courthouse Square, Suite 4200 Kissimmee, Florida 34741 Frank.Townsend@osceola.org</p>

<p>Florida Department of Transportation Richard Shine, Esquire Florida Department of Transportation 605 Suwannee Street, MS-58 Tallahassee, FL 32399 Richard.Shine2@dot.state.fl.us</p>	<p>Department of Environmental Protection Michael J. Weiss, Esquire Senior Assistant General Counsel 3900 Commonwealth Blvd Mail Station 35 Tallahassee, FL 32399 Michael.Weiss@FloridaDEP.gov Taylor.Coram@FloridaDEP.gov</p>
<p>Florida Department of State, Bureau of Historical Resources Jason Aldridge Jon Morris, Esquire Florida Department of State R.A. Gray Building 500 South Bronough Street Tallahassee, Florida 32399-0250 Jason.Aldridge@dos.myflorida.com Jon.Morris@dos.myflorida.com</p>	

EXHIBIT A
SCHEDULE FOR REVIEW OF CERTIFICATION APPLICATION

UNDER THE FLORIDA ELECTRIC TRANSMISSION LINE SITING ACT (TLSA)

Orlando Utilities Commission (OUC)

St. Cloud East- Magnolia Ranch North 230 kV Transmission Line

SITING CASE NO. TA21-18

OGC CASE NO. 21-0578

DOAH CASE NO. 21-001939TL

Day/Date		Requirement	Statute
June 11, 2021 Friday		OUC files Application, and Fee, for certification with the Department of Environmental Protection (DEP) and with other agencies identified in s. 403.526(2), F.S.	403.5251(1)(a)
June 18, 2021 Friday	Within 7 days after receipt of Application	Deadline for DEP to request an Administrative Law Judge (ALJ), and file list of those affected or other agencies entitled to notice.	403.525(1)(a), 403.5251(1)(a)1
June 25, 2021 Friday	Within 7 days after DEP files proposed schedule with ALJ	Deadline for ALJ to issue an Order on the proposed schedule	403.525(1)(b)
June 25, 2021 Friday	Within 7 days after DEP receiving DEP's request	Deadline for appointment of an ALJ.	403.525(1)(b)
June 25, 2021 Friday	Within 15 days after the Application is filed	DEP files a copy of the Application with the Division of Administrative Hearings (DOAH), and DEP files a copy of the proposed schedule with Administrative Law Judge, the applicant, and affected agencies.	403.525(1)(c), 403.5251(2)
July 2, 2021 Friday	No later than 21 days after the Application is filed	DEP to have published FAR Notice of Application Filing.	403.5251(4), 403.5363(3)(a)
July 2, 2021 Friday	No more than 21 days after the Application is filed	Deadline for OUC to publish <u>initial</u> newspaper notices of <u>filing</u> Application- <u>filing</u> .	403.5251(4), 403.5363(1)(a) & (b)1
July 12, 2021 Monday	Within 30 days after OUC files Application	Deadline for Agencies to submit completeness questions to DEP.	403.5252(1)(a)
July 19, 2021 Monday	Within 37 days after OUC files the Application	Deadline for DEP to issue completeness determination on Application. (<i>Schedule assumes application incomplete at this point</i>)	403.5252(1)(b)

July 21, 2021 Wednesday	Not less than 15 days before an informational public meeting	Deadline for Local Government to provide Notice to Parties regarding the Informational Public Meeting, assuming that the Meeting is held on the deadline-date.	403.5272(3)
July 26, 2021 Monday	No later than 45 days after filing the Application	Deadline for Direct Notice to be provided by OUC regarding Filing of the Application, via US mail or hand-delivery.	403.5363(5)(a)
July 29, 2021 Thursday	No later than 7 days before an informational public meeting	Deadline for Local Government to publish Newspaper Notice to regarding the Informational Public Meeting, assuming that the Meeting is held on the deadline-date.	403.5363(4)
<u>July 29, 2021</u> <u>Thursday</u>		<u>Deadline for OUC to publish second notice in newspapers concerning filing of TLSA Application</u>	<u>See 403.5251(4), 403.5363(1)(a) & (1)(b)(1), and 403.528(1)</u>
July 30, 2021 Friday	Not later than 50 days after filing the Application	Deadline for Local Governments to advise the ALJ and parties regarding wanting a public hearing within their county supplementing the certification hearing.	403.527(4)(b) & (c)
August 2, 2021 Monday	Within 14 days after DEP files determination that the Application is incomplete	Deadline for OUC to file additional information in response to DEP determination of incompleteness.	403.5252(2)(b)
August 4, 2021 Wednesday	Within 5 days after notification by local governments	Deadline for ALJ to schedule any supplemental public hearings of the Certification Hearing.	403.527(4)(a), (b), (c), and (d)
August 5, 2021 Thursday	No later than 55 days after the Application is filed	Deadline for Local Government to hold Informational Public Meeting.	403.5272(1)
August 10, 2021 Tuesday	No later than 60 days after filing the Application	Deadline for OUC to provide DEP's Siting Coordination Office with list of Direct-notice recipients.	403.5363(5)(a)
August 16, 2021 Monday	No later than 14 days after OUC submits additional information to address completeness issues	Deadline for Agencies to submit second completeness questions to DEP.	403.5252(4)
August 16, 2021 Monday	No later than the submittal of the agency's recommendation that the Application is complete	Deadline for affected Agencies to issue Preliminary Statements of Issues.	403.526(1)

August 23, 2021 Monday	Within 21 days after DEP receives additional information from OUC addressing completeness issues	Deadline for DEP to issue second Determination on Application completeness. (<i>Assume Complete</i>)	403.5252(4)
September 9, 2021 Thursday	No later than 90 days after OUC files the Application	Deadline for Agencies to submit reports to DEP. (<i>Agencies with Collegial Bodies should file draft reports</i>).	403.526(2)(a)
September 9, 2021 Thursday	No later than 90 days after filing the Application	Affirmative Finding of Need from PSC is a condition precedent to further processing of the Application. <i>(Note: the PSC issued an affirmative finding of need for the proposed OUC project on June 30, 2020)</i>	403.526(2)(e)
September 22, 2021 Wednesday	No later than 15 days after deadline for filing agency reports	Deadline for Agencies with Collegial Bodies as heads to submit Final version of Agency Reports	403.526(2)(d)
August 30, 2021 Monday <u>October 1, 2021</u> Friday	Not less than 65 days before the certification hearing	Deadline for DEP to publish FAR Notice of Certification Hearing.	403.527(1)(b) 403.5363(3)(b)
October 3, 2021 Monday , 2021 Sunday	At least 65 days before the certification hearing	Deadline for OUC to publish newspaper notice of Certification Hearing.	403.527(1)(b), 403.5363(1)(a)2.
September 27 <u>October 4, 2021</u> Monday	No later than 115 days after the application is filed	Deadline for DEP to issue Project Analysis.	403.526(3)
September 9, 2021 Thursday	No later than 90 days after OUC files the Application		403.526(2)(a)
September 9, 2021 Thursday	No later than 90 days after filing the Application		403.526(2)(e)
September 17 <u>October 22, 2021</u> Friday	No later than 45 days before the certification hearing	Deadline for the filing of Alternate Corridor proposals.	403.5271(1)(a)

September 22, 2021 Wednesday	No later than 15 days after deadline for filing agency reports	Deadline for Agencies with Collegial Bodies as heads to submit Final version of Agency Reports	403.526(2)(d)
September 24 October 29, 2021 Friday	Within 7 days after receiving notice of a proposed alternate corridor	If alternate corridor filed, DEP and OUC issue notices of acceptance or rejection of Alternate Corridor proposal(s), assuming proposals were filed and filed on deadline-date. If accepted, Certification Hearing must be re-scheduled and Alternate schedule prescribed.	403.5271(1)(b)1.
September 27, 2021 Monday	No later than 15 days after the application is filed	Deadline for DEP to issue Project Analysis.	403.526(3)
October 4 November 5, 2021 Friday	No later than 30 days before the certification hearing	Deadline for becoming Party to proceeding.	403.527(2)(b) & (c)
October 5 November 8, 2021 Monday	No later than 29 days before the certification hearing	Deadline for OUC or DEP to request ALJ to cancel the Certification Hearing if parties stipulate that there are no disputed issues of facts or law.	403.527(6)(a)
October 8, 2021 Friday November 12, 2021 Friday	Within 5 days after receiving a request to cancel the certification hearing	Deadline for ALJ to relinquish jurisdiction based on request to cancel Hearing & Stipulation.	403.527(6)(b)
October 25, 2021 Monday November 30, 2021 Tuesday	Not later than 7 days before the certification hearing	Deadline for DEP to have published FAR Notice of Cancellation of Certification hearing published.	403.527(6)(c) 403.5363(3)(c)
October 29, 2021 Friday December 4, 2021 Saturday	At least 3 days before the certification hearing	Deadline for OUC to have Newspaper Notice of Cancellation of Certification hearing published.	403.5363(1)(b)3.
November 1, 2021 Monday December 7, 2021 Tuesday	No later than 145 days after the Application is filed	Deadline for the ALJ to conduct Certification Hearing <i>(Schedule assumes that the hearing will be 4 5 days – December 7, 8, 9, and 10)</i>	403.527(1)(a)
November 17, 2021 Wednesday December 22, 2021 Thursday	Within 40 days after ALJ cancels the certification hearing and relinquishes jurisdiction to the DEP	Deadline for Secretary of DEP to issue Final Order of Certification if ALJ has relinquished jurisdiction.	403.529(1)(a)
December 27, 2021 Monday February 3, 2022	No later than 45 days after the transcript of the	Anticipated date for ALJ to issue Recommended Order.	403.527(5)

<p><u>Thursday</u></p>	<p>certification hearing is filed with DOAH <i>(assumes transcript is filed December 20 – i.e., 10 days after end of hearing)</i></p>		
<p>March 29 February 22, 2022 <u>Tuesday, 2022</u> <u>Tuesday</u></p>	<p>Within 60 days after receiving the ALJ’s recommended order</p>	<p>Anticipated deadline for Siting Board Hearing on Certification. <i>(assumes Board meets on Tuesday)</i></p>	<p>403.529(1)(b)</p>

DRAFT

EXHIBIT B
SCHEDULE FOR REVIEW OF CERTIFICATION APPLICATION
UNDER THE FLORIDA ELECTRIC TRANSMISSION LINE SITING ACT (TLSA)
Orlando Utilities Commission (OUC)
St. Cloud East- Magnolia Ranch North 230 kV Transmission Line
SITING CASE NO. TA21-18
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July 2, 2021 Friday	No more than 21 days after the Application is filed	Deadline for OUC to publish initial newspaper notices of filing Application.	403.5251(4), 403.5363(1)(a) & (b)1
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July 29, 2021 Thursday		Deadline for OUC to publish second notice in newspapers concerning filing of TLSA Application	See 403.5251(4), 403.5363(1)(a) & (1)(b)(1), and 403.528(1)
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November 5, 2021 Friday	No later than 30 days before the certification hearing	Deadline for becoming Party to proceeding.	403.527(2)(b) & (c)

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November 12, 2021 Friday	Within 5 days after receiving a request to cancel the certification hearing	Deadline for ALJ to relinquish jurisdiction based on request to cancel Hearing & Stipulation.	403.527(6)(b)
November 30, 2021 Tuesday	Not later than 7 days before the certification hearing	Deadline for DEP to have FAR Notice of Cancellation of Certification hearing published.	403.527(6)(c) 403.5363(3)(c)
December 4, 2021 Saturday	At least 3 days before the certification hearing	Deadline for OUC to have Newspaper Notice of Cancellation of Certification hearing published.	403.5363(1)(b)3.
December 7, 2021 Tuesday	No later than 145 days after the Application is filed	Deadline for the ALJ to conduct Certification Hearing <i>(Schedule assumes that the hearing will be 4 days – December 7, 8, 9, and 10)</i>	403.527(1)(a)
December 22, 2021 Thursday	Within 40 days after ALJ cancels the certification hearing and relinquishes jurisdiction to the DEP	Deadline for Secretary of DEP to issue Final Order of Certification if ALJ has relinquished jurisdiction.	403.529(1)(a)
February 3, 2022 Thursday	No later than 45 days after the transcript of the certification hearing is filed with DOAH <i>(assumes transcript is filed December 20 – i.e., 10 days after end of hearing)</i>	Anticipated date for ALJ to issue Recommended Order.	403.527(5)
March 29, 2022 Tuesday	Within 60 days after receiving the ALJ's recommended order	Anticipated deadline for Siting Board Hearing on Certification. <i>(assumes Board meets on Tuesday)</i>	403.529(1)(b)