

**From:** [Betty Johnson](#)  
**To:** [Sole, Michael](#); [Charlie Crist](#)  
**Cc:** [Trina Veilhauser](#); [Livingston, Sylvia](#); [Linero, Alvaro](#); [Read, David](#)  
**Subject:** FURTHER COMMENT  
**Date:** Thursday, December 24, 2009 11:49:43 AM

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## FURTHER COMMENT

This Comment is filed pursuant to Revised Notice of Intent for issuance of permit for activity construction to Adage Hamilton, LLC (Applicant), project number 0470016-001-AC, by Florida Department of Environmental Protection, Bureau of Air Regulation, Division of Air Resource Management (DARM) dated December 10, 2009, and filed in a timely manner for denial of permit relating to new development of a 55.5 megawatt (MW) unregulated biomass electric power generating facility for a renewable energy project that will require 100 tons per hour (TPH) of woody biomass fuel proposed for construction on a 215 acre site located adjacent to Interstate 75 South and State Road 6 Highway Interchange on County Road 146 West in Hamilton County, Florida, and in support thereof states:

- Record evidence exists the Florida Department of Environmental Protection is without jurisdiction to issue a permit to the Applicant, Adage Hamilton, LLC, for an unregulated power plant for renewable energy pursuant to Rule 62-212.300, Florida Administrative Code, and Chapter 403, Florida Statutes, that conclusively establishes a departure from the essential requirement of law in accordance with section 366.051, Florida Statutes, for cogeneration, small power production, and jurisdiction of the Florida Public Service Commission, section 366.92, Florida Statutes, for Florida Renewable Energy Policy, and in accordance with Executive Orders 07-126 (actions), Establishing Climate Change Leadership by Example: Immediate Actions to Reduce Greenhouse Gas Emissions from State Government, 07-127 (emissions) Establishing Immediate actions to Reduce Greenhouse Gas Emissions within Florida, and 07-128 (action team), Establishing the Florida Governor's Action Team on Energy and

Climate Change that was signed by Florida Governor Charlie Crist on July 13<sup>th</sup>, 2007,  
for utilities to produce renewable energy in Florida.

Therefore, I respectfully request denial of permit to the Applicant, Adage Hamilton, LLC,  
a Delaware Corporation qualified to do business as a foreign limited liability company in  
Florida.

Betty Johnson  
309 NE Geranium Street  
Madison, Florida 32340  
Email: [bettyjohnson@shareinet.net](mailto:bettyjohnson@shareinet.net)

Concerned Citizens of Florida

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#### CERTIFICATE OF SERVICE

Respectfully submitted this 24<sup>th</sup>, day of December, A.D., 2009, to Secretary Michael  
Sole, Florida Department of Environmental Protection, and the Honorable Charlie Crist,  
Governor of the State of Florida by electronic mail, together with attachments.

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 07-126

#### **Establishing Climate Change Leadership by Example: Immediate Actions to Reduce Greenhouse Gas Emissions from Florida State Government**

**WHEREAS**, with nearly 1,350 miles of coastline and a majority of citizens living near that coastline, Florida is more vulnerable to rising ocean levels and violent weather than any other state; and

**WHEREAS**, global climate change is one of the most important issues facing the State of Florida this century; and

**WHEREAS**, Florida has committed to becoming a leader in reducing emissions of greenhouse gases which are changing Earth's climate; and

**WHEREAS**, immediate actions are available and required to reduce emissions of greenhouse gases within Florida; and

**WHEREAS**, Florida's state government is the largest employer within the State of Florida with 114,756 authorized employees, more than \$1 billion in annual commodity purchases, and 16.8 million square feet of office space statewide; and

**WHEREAS**, Florida's state government must lead by example in the fight against global climate change by reducing emissions of greenhouse gases and demonstrating the economic value of such reductions; and

**WHEREAS**, reductions in carbon emissions associated with state government operations will result in returns to the taxpayers of Florida through reduced energy costs; and

**WHEREAS**, such savings can fund strategic investments elsewhere in Florida's economy that further reduce emissions of greenhouse gases while boosting green industries in Florida.

**NOW, THEREFORE, I, CHARLIE CRIST**, as Governor of Florida, in obedience to my solemn constitutional duty to take care that the laws be faithfully executed, and pursuant to the Constitution and laws of the State of Florida, do hereby promulgate the following Executive Order, to take immediate effect:

Section 1. I hereby establish greenhouse gas emission reduction targets for state agencies and departments under the direction of the Governor as follows: a 10 percent reduction from current emission levels by 2012, a 25 percent reduction from current emission levels by 2017, and a 40 percent reduction from current emission levels by 2025.

Section 2. The Executive Office of the Governor shall track and report the resulting financial savings and emission reductions associated with this Executive Order with a Florida Governmental Carbon Scorecard. All state agencies and departments under the direction of the Governor are hereby directed to designate an individual responsible for coordinating implementation.

Section 3. I hereby direct the following actions to improve the climate performance of state government facilities:

1. Each state agency and department under the direction of the Governor is hereby directed to conduct an immediate assessment of energy used by agency facilities during FY 2006-2007 and to quantify the associated greenhouse gas emissions using the GHG Protocol Corporate Standard templates as developed by the World Business Council for Sustainable Development. The baseline assessment will be posted on Florida's Governmental Carbon Scorecard no later than October 1, 2007 and updated quarterly;
2. The Department of Management Services shall adopt the United States Green Building Council's Leadership in Energy and Environmental Design for New Construction (LEED-NC) standards for all new buildings. The Department is directed to strive for Platinum Level certification, the highest possible certification, for any new building constructed for or by the State of Florida;

3. The Department of Management Services shall immediately implement the United States Green Building Council's Leadership in Energy and Environmental Design for Existing Buildings (LEED-EB) for all buildings currently owned and operated by the Department on behalf of client agencies. The Department may prioritize implementation of LEED-EB standards in order to gain the greatest environmental benefit within the Department's existing budget for property management;
4. All state agencies and departments under the direction of the Governor are hereby precluded from entering into new leasing agreements for office space that does not meet Energy Star building standards, except when certified by the responsible agency head that no other viable alternative exists.
5. The Department of Management Services is hereby directed to develop energy conservation measures and guidelines for new and existing office space where state agencies occupy more than 20,000 square feet. These conservation measures shall focus on programs that may reduce energy consumption and when established, provide a net reduction in occupancy costs. The Department shall develop and implement a model solar project for state-owned office buildings for future expansion.

Section 4. I hereby direct the following actions to improve the climate performance of state government procurement practices:

1. The Council for Efficient Government shall incorporate energy consumption and greenhouse gas emissions as performance criteria for all business cases evaluated by the Council in determining whether outsourcing projects are fiscally prudent for the State of Florida;
2. The Department of Management Services shall develop the “Florida Climate Friendly Preferred Products List.” In developing the recommended list, the Department shall assess products currently available for purchase under State Term Contracts to identify specific products and vendors that have clear energy efficiency or other environmental benefit over competing products. The proposed list shall be provided to the Governor’s Office no later than October 1, 2007;
3. Effective January 1, 2008 state agencies and departments under the direction of the Governor may not contract for meeting and conference space with hotels or conference facilities that have not received the DEP “Green Lodging” certification for best practices in water, energy, and waste efficiency standards, except when certified to the Governor by the responsible agency head that no other viable alternative exists..
4. The Department of Management Services, with assistance from the Department of Environmental Protection, shall develop bid criteria for the 2009 State Term Contract for Rental Vehicles that incorporate best possible energy efficiency and environmental performance. The Department shall seek to negotiate with the current vendor(s) to amend the contract(s) to incorporate these efficiencies.

Section 5. I hereby direct the following actions to improve the climate performance of state government fleets:

1. Each state agency and department under the direction of the Governor shall conduct an immediate assessment of transportation-related energy use and greenhouse gas emissions associated with agency operations. The assessment must include an analysis of the average fuel economy of each agency's automobiles and light trucks, by vehicle class. The results of this baseline assessment shall be posted on Florida's Governmental Carbon Scorecard, by agency, no later than October 1, 2007 and updated quarterly.
2. Each state agency and department under the direction of the Governor shall assure that within 30 days from the date of this order, all vehicles are meeting minimum maintenance schedules shown to reduce fuel consumption which includes assuring appropriate tire pressures and tread; fuel filters and emission filters replaced at recommended intervals; proper motor oil; and timely motor tune-ups. The Department of Management Services shall measure and report compliance with this directive through the Equipment Management Information System database and reported to the Executive Office of the Governor on a semi-annual basis thereafter.
3. When procuring new vehicles, the Department of Management Services, through all state agencies and departments under the direction of the Governor, is directed to approve only those vehicles with the greatest fuel

efficiency in a given class as required for that vehicle to minimize emissions of greenhouse gases. The Department shall consider any specific circumstances of law enforcement agencies in processing vehicle purchases and leasing agreements.

4. All state agencies and departments under the direction of the Governor shall use ethanol and biodiesel fuels when locally available. The Department of Management Services shall assess biofuel fueling potential by state government vehicles within each metropolitan statistical area to demonstrate demand for biofuels to industry. Agencies administering central fueling operations for state-owned vehicles are directed to procure biofuels for fleet needs to the greatest extent practicable.
5. The Department of Management Services, with assistance from the Department of Environmental Protection, shall document the extent of all alternative motor vehicle fueling facilities used by state government vehicles, including but not limited to hydrogen, compressed natural gas, biofuels, and electrically-charged batteries to determine the feasibility of opening current alternative fueling facilities to private sector fleets and the general public or developing such facilities in the future to increase public access to alternative vehicle fuels. The alternative motor vehicle fueling facility inventory shall be transmitted to the Governor's Office no later than October 1, 2007;

Section 6. The Department of Agriculture and Consumer Services, the Department of Financial Services, the Office of the Attorney General, all Governor and Cabinet agencies, the Florida Senate, the Florida House of Representatives, the Florida State Court System, the State University System, the Community College System, and other agencies of the state and commissions not under the jurisdiction of the Governor are encouraged to implement these and other actions to reduce State Government's overall emissions of greenhouse gases.

Section 7. All state agencies and departments under the direction of the Governor are hereby directed, and all other state agencies are hereby requested, to assist those carrying out the directions in this Executive Order.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Miami, this 13<sup>th</sup> day of July, 2007.



GOVERNOR

ATTEST:

  
SECRETARY OF STATE

2007 JUL 13 PM 6:31  
OFFICE OF THE GOVERNOR  
TALLAHASSEE, FLORIDA

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 07-127

### **Establishing Immediate Actions to Reduce Greenhouse Gas Emissions within Florida**

**WHEREAS**, with nearly 1,350 miles of coastline and a majority of citizens living near that coastline, Florida is more vulnerable to rising ocean levels and violent weather than any other state; and

**WHEREAS**, global climate change is one of the most important issues facing the State of Florida this century; and

**WHEREAS**, Florida is the second fastest growing state in the union with respect to the annual increase of new greenhouse gas emissions; and

**WHEREAS**, immediate actions are available and required to reduce emissions of greenhouse gases within Florida; and

**WHEREAS**, efforts are underway at the national level to begin addressing greenhouse gas emissions; and

**WHEREAS**, Florida has committed to becoming a leader in reducing emissions of greenhouse gases which are causing changing Earth's climate; and

**WHEREAS**, Florida, together with international leaders and experts, is hosting the Serve to Conserve Climate Change Summit on July 12 and 13, 2007 in Miami, Florida;

**NOW, THEREFORE, I, CHARLIE CRIST**, as Governor of Florida, in obedience to my solemn constitutional duty to take care that the laws be faithfully executed, and pursuant to the Constitution and laws of the State of Florida, do hereby promulgate the following Executive Order, to take immediate effect:

Section 1. I hereby establish greenhouse gas emission reduction targets for the State of Florida as follows: by 2017, reduce greenhouse gas emissions to 2000 levels; by 2025, reduce greenhouse gas emissions to 1990 levels; by 2050, reduce greenhouse gas emissions by 80% of 1990 levels.

Section 2. I hereby direct the following actions by members of my Administration in order to produce immediate reductions in greenhouse gas emissions within Florida;

1. The Secretary of Environmental Protection shall immediately develop rules as authorized under Chapter 403, Florida Statutes, to achieve the following:
  - Adoption of a maximum allowable emissions level of greenhouse gases for electric utilities in the State of Florida. The standard will

require at minimum, three reduction milestones as follows: by 2017, emissions not greater than Year 2000 utility sector emissions; by 2025, emissions not greater than Year 1990 utility sector emissions; by 2050, emissions not greater than 20% of Year 1990 utility sector emissions (i.e., 80% reduction of 1990 emissions by 2050);

- Adoption of the California motor vehicle emission standards in Title 13 of the California Code of Regulations, effective January 1, 2005, upon approval by the U.S. Environmental Protection Agency of the pending waiver, which includes emission standards for greenhouse gases, submitted by the California Air Resources Board; and
- Adoption of a statewide diesel engine idle reduction standard.

2. The Secretary of Community Affairs shall immediately:

- Convene the Florida Building Commission for the purpose of revising the Florida Energy Code for Building Construction to increase the energy performance of new construction in Florida by at least 15% from the 2007 Energy Code. The Commission should consider incorporating standards for appliances and standard lighting in the Florida Energy Code. Target implementation date for the revised Florida Energy Code for Building Construction is January 1, 2009;
- Initiate rulemaking of the Florida Energy Conservation Standards, Chapter 9B-44, Florida Administrative Code, with an objective to increase the efficiency of applicable consumer products authorized

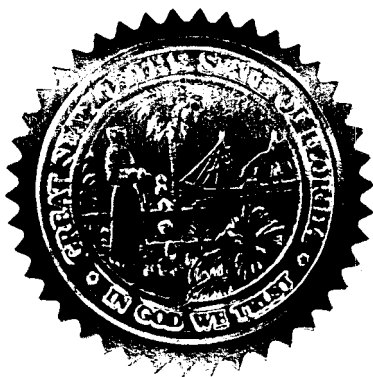
under s. 553.957, Florida Statutes, by 15% from current standards for implementation by July 1, 2009.

Section 3. I hereby request the Florida Public Service Commission to take the following actions for the electric utility sector in order to open the market to clean, renewable energy technologies, thus avoiding future greenhouse gas emissions:

- Not later than September 1, 2007, initiate rulemaking to require that utilities produce at least 20% of their electricity from renewable sources (Renewable Portfolio Standard) with a strong focus on solar and wind energy;
- Not later than September 1, 2007, initiate rulemaking to reduce the cost of connecting solar and other renewable energy technologies to Florida's power grid by adopting the Institute of Electrical and Electronics Engineers (IEEE) Standard 1547 for Interconnecting Distributed Resources with Electric Power Systems as the uniform statewide interconnection standard for all utilities; and
- Not later than September 1, 2007, initiate rulemaking to authorize a uniform, statewide method to enable residential and commercial customers who generate electricity from on-site renewable technologies of up to 1 megawatt in capacity to offset their consumption over a billing period by allowing their electric meters to turn backwards when they generate electricity (net metering).

Section 4. All state agencies departments under the direction of the Governor are hereby directed, and all other state agencies are hereby requested, to assist those carrying out the directions in this Executive Order.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, The Capitol, this 13<sup>th</sup> day of July, 2007



GOVERNOR

ATTEST:

  
SECRETARY OF STATE

RECEIVED  
JUL 13 2007  
10 54 AM  
GOVERNOR

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 07-128

#### Establishing the Florida Governor's Action Team on Energy and Climate Change

**WHEREAS**, Florida has one of the nation's fastest growing populations with an average of 980 new residents arriving per day and approximately 84.6 million visitors per year; and

**WHEREAS**, as the fourth most populous state, Florida ranks third nationally in total energy consumption; and

**WHEREAS**, more than 70 percent of Florida's electricity is generated by fossil fuels which contribute to the state's carbon emissions; and

**WHEREAS**, Florida is encouraging alternative energy generation to promote energy diversity and reduce pollution; and

**WHEREAS**, with nearly 1,350 miles of coastline and a majority of citizens living near that coastline, Florida is more vulnerable to rising ocean levels and violent weather than any other state; and

**WHEREAS**, the potential impacts of climate change could significantly impact Florida's businesses, public infrastructure and disturb the way of life enjoyed by millions of Floridians; and

**WHEREAS**, global climate change is one of the most important issues facing Florida this century; and

**WHEREAS**, the actions Florida takes to reduce greenhouse gas emissions, in concert with actions taken elsewhere in the United States and the world, could significantly reduce the potential for adverse impacts in Florida; and

**WHEREAS**, Florida, together with international leaders and experts, is hosting the Serve to Conserve Climate Change Summit on July 12 and 13, 2007 in Miami, Florida;

**NOW, THEREFORE, I, CHARLIE CRIST**, as Governor of Florida, in obedience to my solemn constitutional duty to take care that the laws be faithfully executed, and pursuant to the Constitution and laws of the State of Florida, do hereby promulgate the following Executive Order, to take immediate effect:

Section 1. I hereby create the Florida Governor's Action Team on Energy and Climate Change to develop a comprehensive Energy and Climate Change Action Plan that will fully achieve or surpass Executive Order targets for statewide greenhouse gas reductions specified in Executive Order 07-127. Action Team members shall be

gubernatorial appointees representing diverse expertise and stakeholder interests including, but not limited to, consumers, environment, business, industry, energy, state and local government, and academia. The Action Team shall hold its first meeting within 30 days of appointment.

Section 2. I hereby order the preparation of the Florida Energy and Climate Change Action Plan be guided by an evaluation of the possible consequences to Florida's environment, economy, and society from global climate change. The Florida Energy and Climate Change Action Plan shall include policy recommendations and necessary changes to existing law. The Florida Energy and Climate Change Action Plan shall be completed in two phases.

Phase I: By November 1, 2007, the Action Team shall issue recommendations including any necessary legislative initiatives to address the following:

1. Strategies and mechanisms for the consolidation and coordination of energy policy in Florida;
2. Additional greenhouse gas emission reduction strategies beyond those directed in Executive Order 07-127 , as well as an overall blueprint for development of actions;
3. Policies to enhance energy efficiency and conservation, including statewide targets;
4. Market-based regulatory mechanisms, such as cap and trade programs, for use in efficiently reducing greenhouse gas emissions;

5. Strategies to diversify Florida's electric generation fuels to reduce greenhouse gas emissions and protect Florida's consumers from fuel price volatility;
6. Policies for emission reporting and registry that measure and document emission reductions;
7. Strategies for reducing the greenhouse gas emissions from motor vehicles;
8. Strategies for increasing the amount of renewable transportation fuels and for reducing the carbon content of fuels, such as a low carbon fuel standard;
9. Policies to reduce greenhouse gas emissions from state and local governments not addressed in Executive Order 07-126;
10. Policies to reward early emission reductions in advance of statewide or national greenhouse gas regulatory programs; and
11. Other policies for efficiently reducing emissions in Florida in conjunction with, or independent of regional, national, or international agreements.

Phase II: By October 1, 2008, the Action Team shall issue recommendations including any necessary legislative initiatives to address the following:

1. Adaptation strategies to combat adverse impacts to society, public health, the economy, and natural communities in Florida;
2. Policies to reduce the increases in greenhouse gas emissions from new growth;
3. Carbon capture and storage technologies;

4. Land use and management policies that improve the long-term storage of carbon in Florida's biomass;
5. Strategic investments and public-private partnerships in Florida to spur economic development around climate-friendly industries and economic activity that reduces emissions in Florida; and
6. Strategies and mechanisms for the long-term coordination of Florida's public policy in the areas of economic development, university-based research and technology development, energy, environmental protection, natural resource management, growth management, transportation, and other areas as needed to assure a future of prosperity for Floridians in reducing greenhouse gas emissions.

Section 3. The Secretary of the Department of Environmental Protection shall direct the professional staffing and assistance required by the Action Team in completing the Florida Energy and Climate Action Plan. The Department of Environmental Protection, the Department of Community Affairs, and the Department of Transportation shall provide staff and consultants, as required by the Secretary of the Department of Environmental Protection. The Public Service Commission and the Fish and Wildlife Conservation Commission are requested to provide assistance as required by the Secretary of the Department of Environmental Protection.

Section 4. Action Team members shall not be compensated for their services or reimbursed for travel or per diem expenses. Public officers and employees shall be reimbursed by their respective agencies in accordance with chapter 112, Florida Statutes.

Section 5. Public access to records generated by the Action Team and any technical advisory committees deemed necessary in furtherance of this order shall be governed by the Public Records Laws of Chapter 119, Florida Statutes. All meetings of the Action Team shall be governed by the Open Meetings Laws of Chapter 286, Florida Statutes.

Section 6. The Department of Environmental Protection shall provide administrative support necessary to implement the provisions of this Executive Order. All state agencies under the direction of the Governor are hereby directed, and all other state agencies are hereby requested to assist those carrying out the directions in this Executive Order.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Miami this 13<sup>th</sup> day of July, 2007.



GOVERNOR

ATTEST:

  
SECRETARY OF STATE

2007 JUL 13 PM 5:08  
STATE OF FLORIDA  
GOVERNOR'S OFFICE



ADAGE

an AREVA Energy company  
a subsidiary of AREVA Energy Services

RECEIVED

MAY 20 2009

BUREAU OF AIR REGULATION

May 20, 2009

Florida Department of Environmental Protection  
Bureau of Air Regulation, Division of Air Resource Management  
Magnolia Center, 111 South Magnolia Drive  
Tallahassee, FL 32301

Attention: Ms. Trina Vielhauer, Chief of the Bureau of Air Regulation

**Re: Application of ADAGE Hamilton LLC for Air Permit to Construct  
A Proposed Nominal 50 Megawatt (MW) Woody Biomass Electric Power Plant  
To be located in Hamilton, County Florida (the "Application")**

ADAGE Hamilton LLC (ADAGE), a joint venture between affiliates of AREVA SA (AREVA) and Duke Energy Corporation (Duke Energy), is proposing the construction of a nominal 50 Megawatt (MW) woody biomass electric power plant (the Plant) in Northern Florida. The Plant will be located in Hamilton County at State Road 6 and County Road 146, just west of the Interstate 75 and State Road 6 interchange. The Plant is being constructed in support of Florida's targeted Renewable Energy Portfolio to provide twenty percent (20%) of its electrical power production from renewable energy sources by the year 2020.

AREVA and Duke Energy are two highly respected companies with the common goal to take the bio-power industry to remarkable new heights through the sale of green electricity to utilities and municipalities. ADAGE, a limited liability company formed in the State of Delaware, will be the owner of the Plant. ADAGE and its affiliates are important members of the renewable energy community that will meet tomorrow's energy challenges. Bio-power is a critical element of our national plan to create clean energy and to make us less dependent on imported fuels.

The Plant being proposed by ADAGE will be capable of producing a nominal 50 MW of electrical power through the use of a highly efficient fluidized bed boiler, which is ideal for combusting woody biomass materials. The Plant will incorporate into its design state of the art control technologies and techniques for the reduction of potential emissions of air pollutants. The primary fuel for the proposed fluidized bed boiler will be limited to woody biomass, with natural gas or propane to be utilized only for boiler startup, shutdown and boiler bed stabilization.

Enclosed with this cover letter is an application containing an official request from ADAGE to construct the proposed biomass power plant in Hamilton County. Included in the Application is documentation that the proposed plant will be in compliance with local, state and federal air pollutant regulations. The Plant being proposed by ADAGE will be a new minor stationary source of air pollutants and will not trigger the requirements of the Prevention of Significant

Deterioration (PSD) regulations, nor the Maximum Achievable Control Technology (MACT) requirements implemented by the Environmental Protection Agency (EPA).

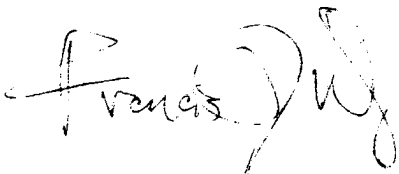
As requested by the Bureau, four (4) copies of this application are enclosed. These applications have been hand-delivered to the Bureau.

An addendum to this application will be submitted under separate cover that will provide the results of an air quality impact evaluation that demonstrates the proposed plant's air pollutant emissions will meet state air quality standards, thus not adversely impacting human health and welfare.

Also included with the Application is a check in the amount of \$7,500 payable to the Florida Department of Environmental Protection to cover the fee to review the request for construction permit. Two (2) compact discs (CDs) have also been enclosed containing the application in an electronic version and supporting documentation for the air pollutant emission calculations. The second CD containing the supporting documentation is for Bureau use.

If you should have any questions regarding our request for permission to construct the proposed biomass power plant, please contact Ms. Vanessa Goff of ADAGE at (585) 749-7302 at your earliest convenience. As part of this application process we would like to recommend that a meeting be held within the next couple of weeks to discuss this project and to answer any questions the FDEP may have pertaining to the request for construction. We look forward to working with the Bureau on issuance of a construction permit for the proposed Plant.

Very truly yours,  
ADAGE Hamilton LLC

A handwritten signature in black ink, appearing to read "Francis Reed Wills". The signature is written in a cursive style with a large, stylized initial "F".

Francis Reed Wills  
President

Cc:

Bureau of Air Regulation, Division of Air Resource Management: Mr. Alinero, Mr. Jeff Koerner, and Mr. David Reed.

Bureau of Air Regulation – North East District Office: Mr. Chris Kirts

ADAGE Hamilton LLC: Ms. Vanessa Goff

Malcolm Pirnie, Inc.: Mr. Steven Frey

OUR REF. NO.	YOUR INVOICE NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
1137	CON-AIR PERMIT	05/13/2009	\$7,500.00	\$7,500.00	\$0.00	\$7,500.00
TOTALS			\$7,500.00	\$7,500.00	\$0.00	\$7,500.00

108:

**ADAGE LLC**  
 225 WILMINGTON-WEST CHESTER PIKE, SUITE 302  
 CHADDS FORD, PENNSYLVANIA 19317


**JPMORGAN CHASE BANK, N.A.**  
 NEW YORK, NEW YORK  
 1-2-210

DATE: 05/13/2009      CONTROL NO: 000001081      AMOUNT: \$7,500.00

Seven Thousand Five Hundred And 00/100 Dollars

PAY  
 TO THE  
 ORDER OF

FLORIDA DPT OF ENVIRONMENTAL PROTECTION  
 ATT: E. WALKER BUREAU OF AIR REGULATION  
 DIVISION OF AIR RESOURCE MANAGEMENT  
 2600 BLAIR STONE ROAD  
 TALLAHASSEE, FL 32399-2400

  
 AUTHORIZED SIGNATURE

⑈00108⑈ ⑆02100002⑆ 802975888⑈

ADAGE LLC

108:

OUR REF NO	YOUR INVOICE NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
1137	CON-AIR PERMIT	05/13/2009	\$7,500.00	\$7,500.00	\$0.00	\$7,500.00
TOTALS			\$7,500.00	\$7,500.00	\$0.00	\$7,500.00

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RAILROADS AND OTHER REGULATED UTILITIES

PUBLIC UTILITIES

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**366.051 Cogeneration; small power production; commission jurisdiction.--**  
Electricity produced by cogeneration and small power production is of benefit to the public when included as part of the total energy supply of the entire electric grid of the state or consumed by a cogenerator or small power producer. The electric utility in whose service area a cogenerator or small power producer is located shall purchase, in accordance with applicable law, all electricity offered for sale by such cogenerator or small power producer; or the cogenerator or small power producer may sell such electricity to any other electric utility in the state. The commission shall establish guidelines relating to the purchase of power or energy by public utilities from cogenerators or small power producers and may set rates at which a public utility must purchase power or energy from a cogenerator or small power producer. In fixing rates for power purchased by public utilities from cogenerators or small power producers, the commission shall authorize a rate equal to the purchasing utility's full avoided costs. A utility's "full avoided costs" are the incremental costs to the utility of the electric energy or capacity, or both, which, but for the purchase from cogenerators or small power producers, such utility would generate itself or purchase from another source. The commission may use a statewide avoided unit when setting full avoided capacity costs. If the cogenerator or small power producer provides adequate security, based on its financial stability, and no costs in excess of full avoided costs are likely to be incurred by the electric utility over the term during which electricity is to be provided, the commission shall authorize the levelization of payments and the elimination of discounts due to risk factors in determining the rates. Public utilities shall provide transmission or distribution service to enable a retail customer to transmit electrical power generated by the customer at one location to the customer's facilities at another location, if the commission finds that the provision of this service, and the charges, terms, and other conditions associated with the provision of this service, are not likely to result in higher cost electric service to the utility's general body of retail and wholesale customers or adversely affect the adequacy or reliability of electric service to all customers. Notwithstanding any other provision of law, power generated by the customer and provided by the utility to the customers' facility at another location is subject to the gross receipts tax imposed under s. [203.01](#) and the use tax imposed under s. [212.06](#). Such taxes shall apply at the time the power is provided at such other location and shall be based upon the cost price of such power as provided in s. [212.06](#)(1)(b).

**History.--**ss. 5, 22, ch. 89-292; s. 4, ch. 91-429.

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December 24, 2009

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RAILROADS AND OTHER REGULATED  
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### 366.92 Florida renewable energy policy.--

(1) It is the intent of the Legislature to promote the development of renewable energy; protect the economic viability of Florida's existing renewable energy facilities; diversify the types of fuel used to generate electricity in Florida; lessen Florida's dependence on natural gas and fuel oil for the production of electricity; minimize the volatility of fuel costs; encourage investment within the state; improve environmental conditions; and, at the same time, minimize the costs of power supply to electric utilities and their customers.

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(2) As used in this section, the term:

(a) "Florida renewable energy resources" means renewable energy, as defined in s. [377.803](#), that is produced in Florida.

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(b) "Provider" means a "utility" as defined in s. [366.8255](#)(1)(a).

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(c) "Renewable energy" means renewable energy as defined in s. [366.91](#)(2)(d).

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(d) "Renewable energy credit" or "REC" means a product that represents the unbundled, separable, renewable attribute of renewable energy produced in Florida and is equivalent to 1 megawatt-hour of electricity generated by a source of renewable energy located in Florida.

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(e) "Renewable portfolio standard" or "RPS" means the minimum percentage of total annual retail electricity sales by a provider to consumers in Florida that shall be supplied by renewable energy produced in Florida.

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(3) The commission shall adopt rules for a renewable portfolio standard requiring each provider to supply renewable energy to its customers directly, by procuring, or through renewable energy credits. In developing the RPS rule, the commission shall consult the Department of Environmental Protection and the Florida Energy and Climate Commission. The rule shall not be implemented until ratified by the Legislature. The commission shall present a draft rule for legislative consideration by February 1, 2009.



(a) In developing the rule, the commission shall evaluate the current and forecasted levelized cost in cents per kilowatt hour through 2020 and current and forecasted installed capacity in kilowatts for each renewable energy generation method through 2020.

(b) The commission's rule:

1. Shall include methods of managing the cost of compliance with the renewable portfolio standard, whether through direct supply or procurement of renewable power or through the purchase of renewable energy credits. The commission shall have rulemaking authority for providing annual cost recovery and incentive-based adjustments to authorized rates of return on common equity to providers to incentivize renewable energy. Notwithstanding s. [366.91](#)(3) and (4), upon the ratification of the rules developed pursuant to this subsection, the commission may approve projects and power sales agreements with renewable power producers and the sale of renewable energy

credits needed to comply with the renewable portfolio standard. In the event of any conflict, this subparagraph shall supersede s. [366.91](#)(3) and (4). However, nothing in this section shall alter the obligation of each public utility to continuously offer a purchase contract to producers of renewable energy.

2. Shall provide for appropriate compliance measures and the conditions under which noncompliance shall be excused due to a determination by the commission that the supply of renewable energy or renewable energy credits was not adequate to satisfy the demand for such energy or that the cost of securing renewable energy or renewable energy credits was cost prohibitive.

3. May provide added weight to energy provided by wind and solar photovoltaic over other forms of renewable energy, whether directly supplied or procured or indirectly obtained through the purchase of renewable energy credits.

4. Shall determine an appropriate period of time for which renewable energy credits may be used for purposes of compliance with the renewable portfolio standard.

5. Shall provide for monitoring of compliance with and enforcement of the requirements of this section.

6. Shall ensure that energy credited toward compliance with the requirements of this section is not credited toward any other purpose.

7. Shall include procedures to track and account for renewable energy credits, including ownership of renewable energy credits that are derived from a customer-owned renewable energy facility as a result of any action by a customer of an electric power supplier that is independent of a program sponsored by the electric power supplier.

8. Shall provide for the conditions and options for the repeal or alteration of the rule in the event that new provisions of federal law supplant or conflict with the rule.

(c) Beginning on April 1 of the year following final adoption of the commission's renewable portfolio standard rule, each provider shall submit a report to the commission describing the steps that have been taken in the previous year and the steps that will be taken in the future to add renewable energy to the provider's energy supply portfolio. The report shall state whether the provider was in compliance with the renewable portfolio standard during the previous year and how it will comply with the renewable portfolio standard in the upcoming year.

(4) In order to demonstrate the feasibility and viability of clean energy systems, the commission shall provide for full cost recovery under the environmental cost-recovery clause of all reasonable and prudent costs incurred by a provider for renewable energy projects that are zero greenhouse gas emitting at the point of generation, up to a total of 110 megawatts statewide, and for which the provider has secured necessary land, zoning permits, and transmission rights within the state. Such costs shall be deemed reasonable and prudent for purposes of cost recovery so long as the provider has used reasonable and customary industry practices in the design, procurement, and construction of the project in a cost-effective manner appropriate to the location of the facility. The provider shall report to the commission as part of the cost-recovery proceedings the construction costs, in-service costs, operating and maintenance costs, hourly energy production of the renewable energy project, and any other information deemed relevant by the commission. Any provider constructing a clean energy facility pursuant to this section shall file for cost recovery no later than July 1, 2009.

(5) Each municipal electric utility and rural electric cooperative shall develop standards for the promotion, encouragement, and expansion of the use of renewable energy resources and energy conservation and efficiency measures. On or before April 1, 2009, and annually thereafter, each municipal electric utility and electric cooperative shall submit to the commission a report that identifies such standards.

(6) Nothing in this section shall be construed to impede or impair terms and conditions of existing contracts.

(7) The commission may adopt rules to administer and implement the provisions of this section.

**History.**--s. 18, ch. 2006-230; s. 42, ch. 2008-227.