Present:

COMMISSIONERS:
Maylen Dominguez, President
Craig McAllaster, Second Vice President
Linda Ferrone, Commissioner
Buddy Dyer, Mayor

Kenneth P. Ksionek, General Manager & Chief Executive Officer
Clint Bullock, Alvin Frazier, Roseann Harrington, Byron Knibbs, Denise Stalls, Rob Teegarden, Vice Presidents
Chip Merriam, Chief Legislative & Regulatory Compliance Officer
Greg Rodeghier, Chief Information Officer
John H. Hearn, Vice President & Chief Financial Officer
W. Christopher Browder, Vice President & General Counsel
Nanci Werline, Recording Secretary

President Dominguez asked Ruth Jayson Polk to give the invocation, followed by the Pledge of Allegiance to the Flag. The Commission Meeting was called to order at 2:04 P.M.

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On a motion by Commissioner Ferrone, seconded by Mayor Dyer and unanimously carried, the reading of the minutes of the July 12, 2011 Budget Workshop was waived and the minutes were approved. On a motion by Mayor Dyer, seconded by Commissioner McAllaster and unanimously carried, the reading of the minutes of the July 12, 2011 Commission Meeting was waived and the minutes were approved.

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Roseann Harrington presented an award to the winners of the Random Acts of Greenness winners. The winning team of Erik Young, Ben Pusey, Ryan Lemon and Melissa Armstrong had its submission professionally produced into an OUC television commercial that is airing on local stations.

Denise Stalls announced that OUC ranked number 16 on the Orlando Sentinel's list of Top 100 Companies for Working Families and presented a plaque to Commissioner Dominguez. She also congratulated Commissioner Ferrone's company, North Highland, which was awarded number 1 best company to work
for in a consulting firm. Mayor Dyer added that Florida Trend rated North Highland number 1 in the entire state of Florida for all companies.

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Ken Ksionek asked Jan Aspuru to provide presentations on Affirmative Items A-2 and A-9, regarding the Gas Igniter Design Build Project and Steam Turbine Generator Upgrade Project.

Mr. Aspuru had previously introduced the developing concept of the Gas Igniter Project at the June 12, 2011 Commission Meeting. The timing of this project has become critical because of new Environmental Protection Agency rules. Presently, the coal units use oil as an igniter fuel. With the construction of Unit A, a natural gas pipeline was extended to the site. This provided OUC the option to move from oil to natural gas igniters. The goal is to replace the oil igniters for Unit 1 in Spring 2012, and Unit 2 in Fall 2012. In addition to using the gas for ignition purposes, OUC also plans to co-fire up to 25 percent with natural gas, in combination with landfill gas. The total estimated cost for this project is $6.35 million. Benefits include low load operating capability, providing flexibility with coal supply and reduced maintenance.

Commissioner Ferrone asked what drove the variance in savings on the coal supply. Mr. Aspuru replied that it depends on the blend of coal as well as market conditions.

Commissioner McAllaster asked if the igniters would retain the capacity of firing with oil if the need arises and after ignition do they continue to operate. Mr. Aspuru responded that the capability to fire with oil will be removed but can be reinstalled if necessary. If there is a disruption in gas supply, the Florida Reliability Coordinating Council prioritizes who gets the remaining gas on the pipeline. Even if there is a disruption, these pipelines are very large and the amount of natural gas needed for ignition is small relative to the total pipeline capacity. Therefore, there is a redundancy already built into the gas supply for such small volumes of gas. He stated that the basic usage of the igniters is for startup and can also be used to co-fire as well as provide flame stability.

Mr. Aspuru stated that Affirmative Item A-9 regarding the Steam Generator Turbine Upgrade Project was initially approved by the Board on August 26, 2008 at a cost of approximately $27 million for both units. As a result of the downturn of the economy, it was decided to postpone the project indefinitely. OUC has confirmed with Siemens and other electric utilities that existing installations are producing actual efficiency improvements. The upgrades will be on the high and intermediate pressure sections of the turbine. Mr. Aspuru presented a graphic which showed the basic improvements of all components. The upgrades will take nine current sections and integrate them into four sections. The upgrade will improve efficiency, equating to about 10-12 megawatts per turbine. Financial benefits will include savings on fuel, operations and maintenance. The project is economically solid.
Commissioner Ferrone asked what a typical payback period is on projects of this size. Mr. Aspuru responded that it always varies based on the project. OUC approaches these projects by first evaluating the net present value and prioritizing based on payback periods. The payback period of the turbine upgrade project could be less than six years, depending on fuel.

Commissioner McAllaster asked for confirmation that coal plants usually have better than a forty-year life span. Mr. Aspuru responded affirmatively.

Ken Ksionek stated that the old Administration Building has been on the market for about three years. He reminded the Board of the operations and maintenance costs to preserve the building. Mr. Ksionek asked Chris Browder to provide a presentation on Affirmative Item A-38 regarding the sale of the OUC Administration Building. Mr. Browder stated that OUC has received about fourteen offers over the past three years. GDC Properties submitted the highest evaluated and most responsive proposal. OUC has been working with GDC over the past six months to come to terms on the purchase and sale, the use and restrictions on the property and deposit. GDC is proposing an adaptive reuse of the existing building. GDC is the only current firm offer and has taken into account any activities needed to remediate the building. Discussions have been initiated by GDC with the City and signing the Purchase and Sale agreement will allow GDC to move forward with those discussions.

Mr. Browder showed a visual representation of the site. Commissioner Dominguez asked for clarification of the hotel’s entrance and exit. Mr. Browder stated that the alleyway between the building and the chiller plant is not currently open. Commissioner McAllaster asked about the potential capacity, and Mr. Browder stated that there would be twelve or fifteen rooms per floor, with a total of seven floors, so approximately 90-100 rooms.

Commissioner Ferrone stated that this would be a good option for OUC, but stated concerns about the queuing of taxis and guests.

Mayor Dyer asked if the historic designation application would only proceed if GDC purchases the building, and Mr. Browder responded affirmatively. Mayor Dyer also asked about safety in the building regarding evacuations. Mr. Browder responded that GDC would have to add an additional interior or exterior stairwell to accommodate that. Joe Rossi from Lincoln Properties confirmed that GDC is aware of the extra stairwell requirement.

Commissioner McAllaster asked what the parking solution will be for the building. Mr. Browder responded that GDC has spoken to several different companies regarding off-site parking.

Commissioner Ferrone stated that she appreciates the presentations, and would like to see an inclusion of cost-saving measures in the agenda items. She also addressed Affirmative Item A-16 regarding the St. Cloud West Substation Project, and asked for clarification regarding the expected expenditure for the substation. Mr. Bullock replied that this project would most likely come to fruition in the 2017 timeframe, but the location is critical to existing transmission lines.
and it was determined that now is the right time to purchase the land. In today’s market, this substation would cost approximately $11.5 million.

President Dominguez asked about the average construction time for a new substation. Mr. Bullock replied that it would be a two year schedule.

Commissioner McAllaster asked what the land is currently zoned for, and what the nearby property is. Mr. Browder answered that the land is currently platted for lots, but the acquisition only consists of three different landowners because one owner owns the majority of the lots. He showed the adjacent land on a map of the property.

President Dominguez presented the Affirmative Items for approval. On a motion by Commissioner McAllaster and seconded by Commissioner Ferrone, the Affirmative Items were approved as follows:

1. Ratification of the below fuel procurements to the low bidders in May and June 2011 in the aggregate amount of $22,248,590.01 as follows:

   **NATURAL GAS PURCHASES:**
   
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<tr>
<td>May 2011</td>
<td>BP Energy Company</td>
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   **NO. 2 AND NO. 6 FUEL OIL PURCHASES:**
   
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2. Approval of a Capital Expenditure Estimate for the Stanton Energy Center Gas Igniter Design Build Project in the amount of $6,350,910. Approval of RFP #3088 – Contract award to Overland Contracting, Inc., the lowest evaluated bidder, for converting the igniters from fuel oil to natural gas in an amount not to exceed $5,750,910, subject to final contract negotiations and OUC legal review;

3. Approval of an OUC initiated scope change and conforming Change Order No. 2 to Spectrum Systems, Inc. to continue providing predictive and preventive repair and daily monitoring services under the Stanton Energy Center Unit B Continuous Emission Monitoring System Maintenance Agreement for a five-year period in the amount of $276,000, increasing the total Purchase Order amount to $372,000;

4. Approval of additional funding in the amount of $90,000 with conforming Change Order No. 1 to Bob Brewer Tool Repair, LLC to provide on-site pneumatic and hydraulic hand tools maintenance services at the Stanton Energy Center, increasing the total Purchase Order amount to $180,000;

5. Approval of a single source Purchase Order to Alstom Power Inc. Air Preheater Company and Air Preheater Technologies, Inc. to provide inspection services for the Stanton Energy Center air preheaters for a three-year period in the aggregate amount of $150,000;

6. Approval of a single source Purchase Order to Georgia Iron Works Industries, Inc. to provide Bottom Ash System cooling water pumps and accessories at the Stanton Energy Center in the amount of $125,855.04;

7. Approval of a sole source Purchase Order to Breen Energy Solutions, LLC to provide the installation and operation of the Stanton Energy Center Unit 2 temporary test Dry Sorbent Injection System in an amount not to exceed $768,258. Approval of a sole source Purchase Order to Chemical Lime Company of Alabama, LLC to provide the hydrated lime supply in an amount not to exceed $554,530. Approval of a sole source Purchase Order to Southern Research Institute to provide the environmental testing services in an amount not to exceed $140,546;

8. Approval of a sole source Purchase Order to Martin Engineering to modify the sludge conditioning conveyor transfer points and dust collection system at the Stanton Energy Center in an amount not to exceed $390,000, subject to final contract negotiations and OUC legal review;
9. Approval of a Capital Expenditure Estimate for the Stanton Energy Center Steam Turbine Generator Upgrade Project in the amount of $27,860,425. Approval of a sole source Purchase Order to Siemens Energy, Inc. to provide the material, project management, engineering and technical field services in an amount not to exceed $26,890,505, subject to final contract negotiations and OUC legal review;

10. Approval of a sole source Purchase Order to Munters Corporation to provide the Stanton Energy Center Unit 2 scrubber mist eliminator wash system in an amount not to exceed $182,594;

11. Approval of a sole source Purchase Order to Siemens Energy, Inc. to provide technical support services to the Stanton Energy Center Unit 2 steam turbine generator valves in an amount not to exceed $499,573;

12. Approval of RFP #3087 – Contract award to Utility Service & Maintenance, Inc., the lowest, most responsive bidder, for electric substation equipment painting services for a three-year period at a total cost not to exceed $1,050,000;

13. Approval of a Capital Expenditure Estimate for the Power Telegyr Network Analysis and Training Simulator Project in the amount of $512,000. Approval of a single source Purchase Order to Siemens Energy, Inc. to provide licensing, project management, implementation services and training required for this project in the amount of $390,000;

14. Approval of a sole source Purchase Order to Siemens Energy, Inc. for a Software Subscription Agreement and Master Services Agreement for the Power Telegyr software application through September 2014 in the amount of $205,350;

15. Approval of a Purchase Order to KEMCO Industries, LLC for relays and switchboard panels required for the St. Cloud South Substation Unit B Addition Project in the amount of $120,770;

16. Approval of Change Request No. 1 to the Substation Capital Expenditure Estimate for the St. Cloud West Substation Project at an estimated cost of $600,000 to purchase eight acres of land for the future St. Cloud West Substation, increasing the total project cost to $690,000;

17. Approval of the Capital Expenditure Estimate for the Transmission Line Mapping Project at an estimated cost of $1,400,000. Approval of a Purchase Order to Power Engineers, Inc. to provide engineering support services, LIDAR mapping and surveying services for Phase 1 of the project in an amount not to exceed $647,741;
18. Approval of additional funding in the amount of $1,042,790 with conforming Change Order No. 4 to Air Liquide Industrial U.S. LP to continue providing liquid oxygen to OUC through June 10, 2012, increasing the total Purchase Order amount to $5,785,037;

19. Authorization for the General Manager & CEO to execute a Utility Work by Highway Contractor Agreement and a Design Build Agreement with the Florida Department of Transportation for the John Young Parkway Water Distribution System Improvements Project. Approval of a Capital Work Order for the John Young Parkway Water Distribution System Improvements Project in an amount not to exceed $402,731.98. Approval of a Purchase Order to Southland Construction, Inc. for design, construction, administration and inspection costs in an amount not to exceed $334,500.00;

20. Approval of a Capital Expenditure Estimate to refurbish and upgrade the South Chilled Water Plant cooling tower at the Orange County Convention Center in the amount of $550,000. Approval of RFP #3081 – Contract award to S. I. Goldman Company, Inc., the lowest, most responsive and responsible bidder, to refurbish and upgrade the Chilled Water Plant cooling tower in the amount of $540,000. Approval of a Purchase Order to SPX Cooling Technologies, Inc. for the direct purchase of the upper fan deck, fan blades and air louvers in the amount of $176,609.

21. Approval of additional funding in the amount of $600,000 with conforming Change Order No. 8 to Interior Contract Services, Inc. for the purchase of office furniture, demountable wall systems and space optimization services through March 1, 2012, increasing the total Purchase Order amount to $2,685,146.64;

22. Approval of an OUC initiated scope change and conforming Change Order No. 2 to Silver Wolf Consulting Services and Engineering, Inc. to continue providing industrial hygiene services through September 30, 2012 in an amount not to exceed $42,600, increasing the total Purchase Order amount to $138,180;

23. Approval of additional funding in the amount of $420,000 with conforming Change Order No. 2 to A. K. Holcomb Construction, Inc., HGR Construction, Inc. and McCartney & Company, Inc. to fund proposed future construction projects, increasing the total Purchase Order amount to $2,420,000;

24. Approval of an OUC initiated scope change and conforming Change Order No. 1 to D & A Building Services, Inc. in the amount of $855,087 for the continuation of professional cleaning services through January
31, 2013, increasing the total Purchase Order amount to $1,965,542.76;

25. Approval of an OUC initiated scope change and conforming Change Order No. 2 to Southeastern Crane, Inc. in the amount of $65,290 for the purchase of a 2004 30-ton Grove Crane from a lease agreement, increasing the total Purchase Order amount to $294,502;

26. Authorization for the General Manager & CEO to approve OUC’s property and casualty insurance purchases in an amount not to exceed $2,727,253;

27. Approval of RFP #3039 – Contract awards to Awake Consulting & Coaching; Business Imaging; Lowe-Tribble & Associates, Inc.; Sonnier Alenius Consulting; Susan S. Moore; Workplace Partners, LLC; and Valencia College, the most responsive and responsible bidders, to provide professional training services through August 31, 2014 in the aggregate amount of $750,000;

28. Approval of additional funding in the amount of $125,000 with conforming Change Order No. 2 to Gabriel, Roeder, Smith & Company for actuarial services through September 30, 2012, increasing the total Purchase Order amount to $223,000;

29. Approval of an OUC initiated scope change and conforming Change Order No. 8 to Image One Corp. in the amount of $16,976.50 for the ApplicationXtender/WebXtender annual software maintenance renewal for the period of August 1, 2011 through July 31, 2012, increasing the total Purchase Order amount to $109,800.44;

30. Approval of an OUC initiated scope change and conforming Change Order No. 2 to Etalk Corporation in the amount of $40,727.37 to provide Qfiniti annual software and maintenance support for the period of October 1, 2011 through September 30, 2012, increasing the total Purchase Order amount to $101,384.27;

31. Approval of an OUC initiated scope change and conforming Change Order No. 3 to Intervoice, Inc. in the amount of $100,310.67 to provide IVR system software maintenance support for the period of October 1, 2011 through September 30, 2012, increasing the total Purchase Order amount to $464,985.35;

32. Approval of a Capital Expenditure Estimate for the IVR Upgrade and Expansion Project in the amount of $2,359,928. Approval of RFP #3099 – Contract award to Siemens Enterprise Communications, Inc., the lowest, most responsive and responsible bidder, to provide software licenses, implementation services, training, project
management and five years of maintenance support in the amount of $1,780,686, pending OUC legal review and approval of the contract;

33. Approval of RFP #3134 – Contract award to Presidio Networked Solutions, the most responsive and responsible bidder, to provide two blade chassis, multiple blade servers, installation, training and four years of hardware/software maintenance in the amount of $291,952.20;

34. Approval of an OUC initiated scope change and conforming Change Order No. 2 to SunTrust Bank Central Florida NA in the amount of $50,000 to continue providing banking services through December 31, 2011, increasing the total Purchase Order amount to $444,500;

35. Approval of an OUC initiated scope change and conforming Change Order No. 3 to PFM in the amount of $350,000 to continue providing financial advisory services for the first one-year renewal option, increasing the total Purchase Order amount to $1,054,000;

36. Approval of additional funding in the amount of $200,000 with conforming Change Order No. 1 to the Purchase Order for Skadden, Arps, Slate, Meagher & Flom LLP to continue providing legal support for the due diligence and negotiations on the VC Summer Nuclear Station participation by OUC, increasing the total Purchase Order amount to $295,000;

37. Approval of the Indemnification Agreement to cover Lee F. “Chip” Merriam, Jr., Chief Legislative and Regulatory Compliance Officer, as the Alternate Designated Representative of the Acid Rain Program; and

38. Authorization for the General Manager & CEO to execute the Sale & Purchase Agreement with GDC Properties, LLC for the existing OUC Administration Building in the amount of $2,800,000, with closing conditioned upon satisfaction of all OUC closing contingencies in the Sale & Purchase Agreement.

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Mr. Ksionek noted that the 2012 Budget presented for approval includes a $4.1 million decrease in revenue from the Budget discussed at the Budget Workshop. This change stems from the omission of internally contracted transmission wheeling costs in the amount of $5.4 million. Offsetting this amount is the proposed open access transmission tariff increase of $1.3 million. The net of these amounts is included in the resale energy line. No other changes have been made to the Budget.
Mr. Ksionek remarked that there were no changes to the 2012-2016 Capital Plan since the July 12, 2011 Budget Workshop. The 2012 Operating Budget was achieved without an increase to electric rates.

On motion by President Dominguez, seconded by Commissioner Ferrone, New Business Item 1a/1b was adopted and accepted as follows:

NB-1a/1b Adoption of the 2012 Operating Budget as presented and acceptance of the 2012-2016 Capital Plan as presented.

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Commissioner McAllaster reported that the Audit Committee conducted its regular meeting on August 18, 2011. External and Internal Audit activities were presented to the Committee. Internal Audit activities included a summary of the recently issued audit reports and an update of the 2011 Audit Work Plan. External Audit activities included an update of interim procedures including the status of the computer assurance testing. Financial pro-forma performance for the year ending September 30, 2011 was discussed with Income before contributions projected to be $5.8 million higher than budget. An update of the Rating Agency Action Plan was also provided.

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John Hearn reported that Income before contributions for the nine months ended July 31, 2011 was $57.3 million.

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Chris Browder reported on a recent wireless network class action lawsuit. OUC has received a claim that Innovatio IP Ventures has patents on wireless mesh networking technologies. OUC responded to the letter stating that we are unaware of any violations but would investigate the issue. In the meantime, OUC has joined together with other utilities to receive guidance from a patent firm regarding the best course of action. Mayor Dyer asked if the plaintiff has sued companies such as Cisco that sell these wireless networking products, and if we have an indemnity claim. Mr. Browder replied that we may, and explained that Cisco has sued the plaintiff, claiming that they have prior licenses for the technologies.

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Mr. Ksionek asked Chip Merriam to provide an update on the Environmental Protection Agency’s rulemaking efforts targeting national emissions from electric generating units and the impacts OUC can expect. The Cross-State Air Pollution Rule (CSAPR) replaces the Clean Air Interstate Rule (CAIR), after the courts found the CAIR rule to be fatally flawed. Under EPA’s authority, CAIR rule is to expire December 31, 2011. OUC first presented a plan to the Commission to meet CAIR in 2007.
On July 6, 2011, CSAPR was signed by the EPA Administrator to become final and effective after the December 31, 2011, deadline or beginning January 1, 2012. It sets aggressive deadlines for significant reduction of Sulfur Dioxide (SO2) and Nitrogen Oxide (NOx). OUC is impacted by the rule as we fall under the seasonal NOx requirements, which begins May 1, 2012 and runs through September 30, 2012. OUC has taken key steps to further reduce emissions, including making combustion modifications and installing low NOx burners, and has plans to install a Selective Catalytic Reduction (SCR) system on Unit 1. However, OUC and many of the 28 other states affected by the rule are concerned by the EPA deadline of May 1, 2012, giving utilities just seven months to make the necessary changes that typically require three years to complete. Mr. Merriam stated OUC will optimize the operation of Stanton Units 1 and 2 to achieve compliance with the rule and move forward on the construction of the new SCR to be completed before the 2014 Ozone Season.

Commissioner McAllaster expressed his desire for more time to comply with the new rule and his belief that this will greatly affect the economy.

Commissioner Ferrone stated that the EPA’s reactions seem very broad in comparison to the specific rule.

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Mr. Ksionek congratulated Commissioner Kirby on being elected to serve as the 2012 President-elect of the Florida Association of the American Institute of Architects. He will serve as the State President in 2013.

Mr. Ksionek also recognized Chris Browder, General Counsel, and Carlos Woody, Deputy General Counsel, for their recent certifications in City, County and Local Government Law. He also commended the entire OUC legal team: Wayne Morris, Zolla Easterling, Terrie Tressler, Kathleen Plajstek, Rick Parker, Joe Bowers, Mia Torres and Pat Notarnicola, which he believes is one of the best utility legal departments in the state.

Mr. Ksionek remarked that funeral services for Curtis H. Stanton will be held on Monday, August 29, at 11:00 a.m. at the First Presbyterian Church of Orlando.

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Commissioner Ferrone commented on OUC’s banners near the Orlando Science Center, which are a result of Project AWESOME.

Commissioner McAllaster stated that the sale of the old Administration Building is a major move forward. He also stated that the turbine upgrades are very important for increasing efficiency, and the substation land acquisition is a good example of planning for the future. Although OUC must follow EPA regulations, he is concerned about the unrealistic timeframes set by the EPA.

Mayor Dyer stated that he enjoyed the four service award presentations, and that they demonstrate OUC’s commitment to its employees.
President Dominguez added that she is happy to see multiple generations of employees working at OUC. She also stated that she is grateful for the hard work of OUC staff and her fellow Commissioners. She remarked on the passing of Mr. Stanton and his influence on OUC.

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President Dominguez adjourned the meeting at 4:05 P.M.

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President

________________________________________

Secretary