

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

GULF POWER COMPANY  
(SMITH PLANT),

Petitioner,

vs.

OGC CASE NO. 97-1822

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent.

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**ORDER GRANTING REQUEST FOR EXTENSION  
OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner, GULF POWER COMPANY, to grant an extension of time to file a petition for an administrative hearing on Permit No. 0050014-001-AV. See Exhibit 1.

Although Counsel for Petitioner has not discussed this request with counsel for the Respondent State of Florida Department of Environmental Protection, the Department has no objection to it. Therefore,

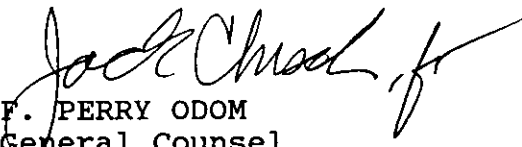
IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until February 1, 1999, to file a petition in this matter. Filing shall be complete on receipt by the Office of General

Counsel, Mail Station 35, Department of Environmental Protection,  
3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 3d day of December, 1998, in  
Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
F. PERRY ODOM  
General Counsel

Douglas Building, MS #35  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000  
Telephone: (850) 488-9314

**CERTIFICATE OF SERVICE**

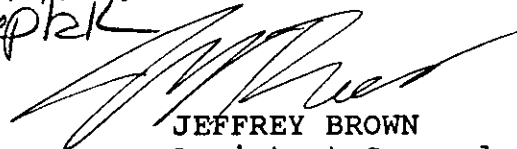
I CERTIFY that a true copy of the foregoing was mailed to:

Angela R. Morrison  
123 South Calhoun Street  
Tallahassee, Florida 32314

on this 4 day of December, 1998.

12/9/98 cc - Jonathan Holstrom  
Scott Shepherd

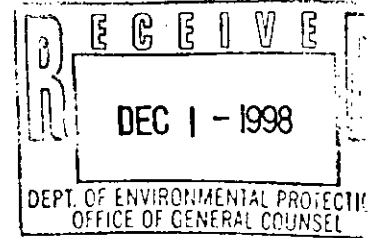
STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



JEFFREY BROWN  
Assistant General Counsel  
Florida Bar No. 0843430

Mail Station 35  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000  
Telephone: (850) 488-9314

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the Matter of an  
Application for Permit by:

OGC No. 97-1822.

Gulf Power Company  
One Energy Place  
Pensacola, FL 32520

DRAFT Permit No.: 0050014-001-AV  
Smith Plant  
Bay County

REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, Gulf Power Company (Gulf) hereby requests, pursuant to Florida Administrative Code Rules 62-110.106(4), an extension of time, to and including February 1, 1999, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Gulf states the following:

1. On or about October 13, 1997, Gulf received from the Department of Environmental Protection (Department) an "Intent to Issue Title V Air Operation Permit" (Permit No. 0050014-001-AV) for the Smith Plant located in Bay County, Florida. Along with the Intent to Issue, Gulf received a draft Title V permit and "Public Notice of Intent to Issue Title V Air Operation Permit."

2. By order dated October 12, 1998, the Department granted an extension of time until December 1, 1998, within which to file a petition for an administrative hearing.

3. The draft permit and associated documents contain several provisions that warrant clarification or correction.

4. Representatives of Gulf have corresponded and intend to continue to correspond with staff of the Department's Bureau of Air Regulation in an effort to resolve all issues.

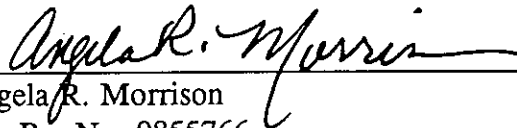
5. This request is filed simply as a protective measure to avoid waiver of Gulf's right to challenge certain conditions contained in the draft Title V permit. Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need to file a petition and proceed to a formal administrative hearing.

6. Counsel for Gulf has attempted without success to contact Jonathan Holtom with the Department's Bureau of Air Regulation regarding this request.

WHEREFORE, Gulf respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Title V Air Operation Permit for Permit No. 0050014-001-AV be formally extended to and including February 1, 1999. If the Department denies this request, Gulf requests the opportunity to file a Petition for Administrative Proceedings within 10 days of such denial.

Respectfully submitted this 1st day of December, 1998.

HOPPING GREEN SAMS & SMITH, P.A.

  
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Angela R. Morrison  
Fla. Bar No. 0855766  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, FL 32314  
(850) 222-7500  
Attorney for GULF POWER COMPANY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by  
U.S. Mail on this 1st day of December, 1998:

Clair H. Fancy, P.E.  
Chief  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2600

Jeffrey Brown  
Office of General Counsel  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2600

  
\_\_\_\_\_  
Attorney