

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

GULF POWER COMPANY
(SMITH PLANT),

Petitioner,

vs.

OGC CASE NO. 97-1922

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

**ORDER DENYING 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 administrative proceeding regarding draft permit number 0050014-001-AV. See Exhibit 1. Because the request fails to show good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is DENIED. Petitioner shall have ten (10) days from the date set forth in the certificate of service on the last page of this order to file a petition in this matter. The petition must be filed (received) in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.


RECEIVED

OCT 04 1999

BUREAU OF AIR REGULATION

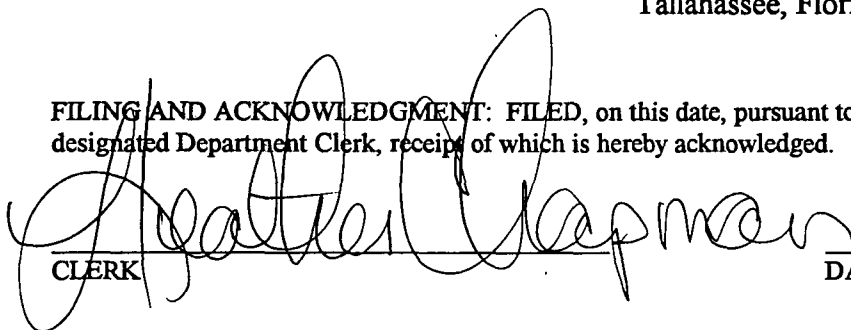
DONE and ORDERED this 29 day of September 1999 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



F. PERRY ODOM
General Counsel
3900 Commonwealth Boulevard
Mail Station 35
Tallahassee, Florida 32399-3000

FILING AND ACKNOWLEDGMENT: FILED, on this date, pursuant to Section 120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

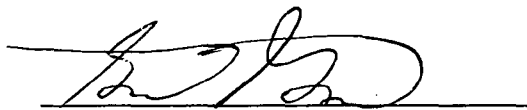


CLERK
DATE 10/1/99

CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing Order ^{Denying}~~Granting~~ Request for Extension of Time to File Petition for Hearing was mailed to Angela R. Morrison, Esquire, HOPPING GREEN SAMS & SMITH, P.A., 123 South Calhoun Street, Post Office Box 6526, Tallahassee, Florida 32314, on this 1 day of ^{October}~~September~~ 1999.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Scott A. Goorland
Senior Assistant General Counsel
Florida Bar No. 0066834

3900 Commonwealth Boulevard
Mail Station 35
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

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 October 15, 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 August 5, 1999, the Department granted an extension of time until August 16, 1999, 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.

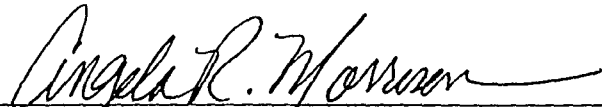
5. This request is filed simply as a protective measure to avoid waiver of Gulf's right to challenge certain conditions contained in the draft Title V permit. Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need to file a petition and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

6. Counsel for Gulf has attempted without success to contact Scott Goorland with the Department's Office of General Counsel 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 October 15, 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 12th day of August, 1999.

HOPPING GREEN SAMS & SMITH, P.A.



Angela R. Morrison, Esq.
Fla. Bar No. 0855766
123 South Calhoun Street
Tallahassee, FL 32301
(850) 222-7500
Attorney for GULF POWER COMPANY

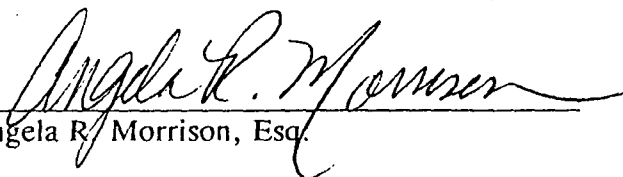
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by

U.S. Mail on this 12th day of August, 1999:

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

Scott Goorland, Esq.
Office of General Counsel
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2600



Angela R. Morrison, Esq.