

RECEIVED

OCT 14 1998

BUREAU OF
AIR REGULATION

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.

_____ /

**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 application No. 0050014-001-AV. See Exhibit 1.

Respondent, State of Florida Department of Environmental Protection, 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 December 1, 1998, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 12 day of October, 1998, in
Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


F. PERRY ODOM
General Counsel

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

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been mailed to:

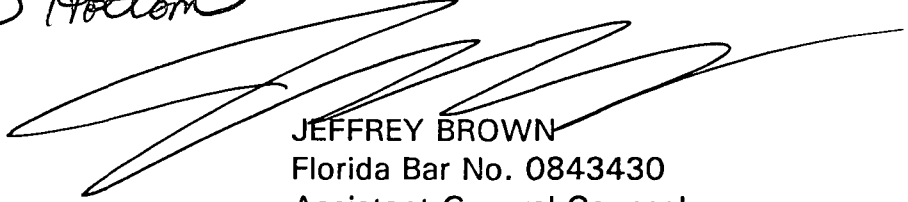
Angela R. Morrison, Esquire
HOPPING, GREEN, SAMS & SMITH, P.A.
Post Office Box 6526
Tallahassee, FL 32314-6526

on this 13 day of October, 1998.

10/21/98

cc - Jonathan Holton

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


JEFFREY BROWN
Florida Bar No. 0843430
Assistant General Counsel

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

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

OCT 2 1998

Office of General Counsel

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 December 1, 1998, 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 June 25, 1998, the Department granted an extension of time until October 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.

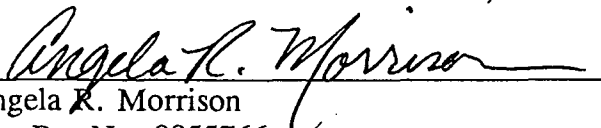
5. This request is filed simply as a protective measure to avoid waiver of Gulf's right to challenge certain conditions contained in the draft Title V permit. Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need to file a petition and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

6. Counsel for Gulf has attempted without success to contact Jeffrey Brown with the 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 December 1, 1998. 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 October, 1998.

HOPPING GREEN SAMS & SMITH, P.A.



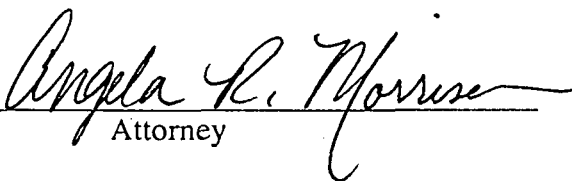
Angela R. Morrison
Fla. Bar No. 0855766
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
(850) 222-7500
Attorney for GULF POWER COMPANY

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 October, 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