

Southern Company Services, Inc.
One Energy Place
Pensacola, Florida 32520

850.444.6111



RECEIVED

OCT 26 2006

BUREAU OF AIR REGULATION

October 24, 2006

Trina L. Vielhauer, Chief
Bureau of Air Regulation
Department's Bureau of Air Regulation
2600 Blair Stone Road
Mail Station #5505
Tallahassee, FL 32399-2400.

**RE: Oleander Power Project Unit 5
Simple Cycle Combustion Turbine
DEP File No. 0090180-003-AC (PSD-FL-377)**

Dear Ms. Vielhauer:

This letter is in response to the Department's second "Intent to Issue Air Construction Permit" package, issued October 10, 2006. Southern Power would like to thank the Department for its consideration of our previously submitted comments, associated with the initial intent package. However, Southern Power still has the following concerns:

Specific Condition Comments

1. Previously, Southern Power requested the Startup, Shutdown, Malfunction language be changed to the rule based 2 hours in any 24 hour period (Rule 62-210.700, F.A.C.) and the following additional language included (currently contained in the Title V permit): "Operation below 50% output shall be limited to 2 hours per unit cycle." This additional language was requested to allow fuel switching in the turbine at a decreased load (below 50%), which is the facility's current standard operating procedure.

The second draft permit includes a new fuel switching limitation (Specific Condition 24.e); however, contains the same 30 minute startup and shutdown limitations (Specific Condition 24) of the initial draft permit. The new fuel switching condition limits the exclusion of CEMS data to 30 minutes when switching from oil-to-gas and allows no exclusion of data when switching from gas-to-oil.

Fuel oil-to-gas transfers should be conducted at 10 MW (mode 1), based on Southern Power's correspondence with General Electric (GE). The necessity of this lower mode is due to nozzle to nozzle pressure differences in higher modes, which can cause combustion backflow during the transfer while the purge system is brought in service. The difference between mode 1 and higher modes is that gas flows through the center nozzle only and oil flows to the five outer

nozzles. A secondary benefit is that the water injection system is offline, which reduces the complexity of the transfer.

Gas-to-oil transfers have the best chance for success, based on correspondence with GE and past operating experience, at low load (mode 1). This success is due to the minimizing of trip risks for the following reasons.

- If a problem occurs while swapping to liquid fuel, you can revert back to gas only when in mode 1. In any other mode, a problem would cause the unit to trip.
- In mode 1 the unit is more tolerant to water injection because water injection is not established until the unit reaches 50 MW and is ramped in at a slow rate. If water injection is ramped in at a high rate at mode 6, it can cause temperature excursions and cause the unit to trip.
- If you have gas purge valve issues during the fuel switch, you can address these issues in mode 1 at a lower firing rate, which cannot be accomplished in mode 6.
- Mode 1 fuel switching gives the operators an opportunity to recover (cancel the fuel switch, as mentioned in the first reason, and conduct repairs) when problems do occur instead of having the unit trip or having to come offline to fix problems.
- A trip in mode 6 is far more damaging to the unit and greatly increases maintenance requirements compared to a trip in mode 1. GE considers a trip in mode 6 over five times more damaging to the machines than a trip in mode 1.
- Oleander currently uses best practice operating procedures for gas-to-oil switching, which were developed by Plant Oleander and Mr. Ken Dunn of GE, assigned technical advisor for Plants Oleander and Stanton. These procedures simplify the switching process and give a step by step way to transfer to oil.
- The other four Oleander units have been using these operating procedures and have had great success in the past.

For the reasons listed above, it is Southern Power's experience that fuel switching at higher modes is far more complicated and likely to trip the unit than switching in mode 1. In addition, a unit trip will result in further startup and shutdown events. Therefore, Southern Power requests the Startup, Shutdown, Malfunction language be changed to the rule based 2 hours in any 24 hour period (Rule 62-210.700, F.A.C.) and the following additional language included (currently contained in the Title V permit): "Operation below 50% output shall be limited to 2 hours per unit cycle." This additional language is requested to allow fuel switching in the turbine (from both oil-to-gas and gas-to-oil) at a decreased load (below 50%), which is the facility's current standard operating procedure.

2. Specific Condition 28.f covers CEMS Availability. It is Southern Power's opinion that 95% monitor availability requirement should have a minimum number of operational hours boundary, due to the possibility of low operational hour units (i.e. peaking units) could easily exceed the >95% availability threshold with just a few monitor issues. Although any future such issue could be handled by the Department taking enforcement discretion, such an event will penalize Southern Power in the annual Certification of Compliance. In order to alleviate this possible issue, Southern Power suggest a minimum of 760 operating hour as a threshold for the >95% availability requirement.

Oleander Power Project Unit 5

October 24, 2006

Page 3

Southern Power appreciates the opportunity to provide these comments and looks forward to the opportunity to discuss the resolution of our concerns. If you should have any questions regarding this information or would like recommended language submitted, please feel free to give me a call at (850) 444-6537.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin M. White". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kevin M. White, P.E.

Engineer of Environmental Affairs

cc: Cindy Mulkey, FDEP Bureau of Air Regulation
Jim Vick, Gulf Power Company
Dwain Waters, Gulf Power Company
Brian Toth, Southern Power Company

Orlando Sentinel

Published Daily

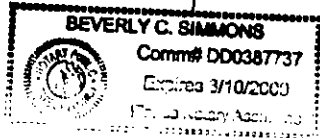
State of Florida } S.S.
COUNTY OF ORANGE

Before the undersigned authority personally appeared Rachael Washington, who on oath says that he/she is the Legal Advertising Representative of Orlando Sentinel, a daily newspaper published at Orlando, Orange County, Florida; that the attached copy of advertisement, being a Simple Cycle Combustion Turbine-Electrical Generator in the matter of Oleander Power Project Unit 5 in the Orange Court, was published in said newspaper in the issue of _____

Affiant further says that the said Orlando Sentinel is a newspaper published at Orlando, Orange County, Florida, and that the said newspaper has heretofore been continuously published in said Orange County, Florida, each Week Day and has been entered as second-class mail matter at the post office in Orlando, Orange County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

The foregoing instrument was acknowledged before me this 20 day of October, 2006, by Rachael Washington who is personally known to me and who did take an oath.

(SEAL)



PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION DEP File No. 0090180-003-AC, PSD-FL-377

Oleander Power Project Unit 5
Simple Cycle Combustion Turbine-Electrical Generator
Brevard County

The Department of Environmental Protection (Department) gives notice of its intent to issue an Air Construction Permit to Oleander Power Project, L.P. The permit is to construct a 190 megawatt (MW) simple cycle combustion turbine-electrical generator (CT) to be known as Unit 5 at the Oleander Power Project in the City of Cocoa, Brevard County. A review under the Rules for the Prevention of Significant Deterioration of Air Quality (PSD) and a Best Available Control Technology (BACT) determination were required for emissions of nitrogen oxides (NOx) and particulate matter (PM/PM10) pursuant to Rule 62-212.400, Florida Administrative Code (F.A.C.). The applicant's name and address are Oleander Power Project, L.P., 555 Townsend Road, Cocoa, Florida 32926.

The original Air Construction Permit issued in 1999 authorized construction of five General Electric 7FA simple cycle CTs with 60-foot stacks and two 18 million gallon oil storage tanks. Only four CTs with stacks and the two fuel oil storage tanks were constructed. This draft permit allows for the construction of the fifth 190 MW CT, a 60-foot stack and a smaller fuel oil storage tank with a nominal capacity of 900,000 gallons.

Unit 5 will be an intermittent duty CT (typically known as a peaking unit) and will fire natural gas (typically known as a primary fuel and No. 2 low sulfur fuel oil as back-up fuel). Unit 5 will be permitted to operate a total of 3,390 hours per year with a maximum of 500 hours of fuel oil firing. The Department has determined that BACT for NOx is 9.0 parts per million by volume, dry corrected to 15 percent oxygen (ppmv @15% O2). The limit will be achieved by use of inherently clean natural gas and use of Dry Low NOx/CO combustors.

A limit of 42 ppmvd NOx @15% O2 will apply while firing back-up fuel oil and will be achieved by water injection into the combustors for flame temperature control. Emissions of carbon monoxide (CO), PM/PM10, sulfur dioxide (SO2), volatile organic compounds (VOCs) and visible emissions (Opacity) will be minimized by the efficient, high-temperature combustion of clean fuels.

Estimates of maximum potential annual emissions from Unit 5 are summarized in the following table.

Parameter	Unit	Annual Emissions	PSD Class
NOx	ppmv @15% O2	9.0	Class I
CO	ppmv	1.0	Class I
PM/PM10	ppmv	0.1	Class I
SO2	ppmv	0.1	Class I
VOCs	ppmv	0.1	Class I
Visible Emissions	Opacity	0.1	Class I

According to the applicant and as verified by the Department, maximum predicted air quality impacts due to worst case emissions from the proposed new project are less than the significant impact levels applicable to all PSD Class I areas. Therefore, multi-source (cumulative) modeling was not required. The impacts to the nearest Class I area (Chassahowitzka National Wildlife Refuge on the Gulf coast) will be negligible. Based on the required analyses, the Department has reasonable assurance that the proposed project will not cause or contribute to a violation of any state or federal ambient air quality standard.

The Department will issue the final permit, in accordance with the conditions of the draft permit, unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments and requests for a public meeting concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments or requests for public meetings should be provided to the Department, Bureau of Air Regulation, 111 South Magnolia Drive, Mail Station #5505, Tallahassee, FL 32399-2400. Written comments filed shall be made available for public review. If a significant change in the proposed agency action is requested, the applicant shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #45, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen (14) days of publication of the public notice or within fourteen (14) days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen (14) days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must state: (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida, 32301
Telephone: 850/488-0114
Fax: 850/921-9533

Department of Environmental Protection
Central District Office
3319 McGuire Boulevard, Suite 232
Orlando, Florida 32803-3767
Telephone: 407/894-7555
Fax: 407/897-2966

The complete project file includes the application, technical evaluations, Draft Permit, and the information submitted by the respondent, all of which are available in the records under Section 403.111, F.S. Interested persons may contact the Program Administrator, South Permitting Section at the Bureau of Air Regulation at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114 for additional information. Key documents related to this permitting action are available at: www.dep.state.fl.us/Air/permitting/construction/oleander.htm

COR103574-OCT.17

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

OLEANDER POWER PROJECT, L.P.,

Petitioner,

v.

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

OGC No. 06-2056
DEP Permit No. 0090180-003-AC
PSD-FL-377

Respondent.

ORDER CLOSING FILE

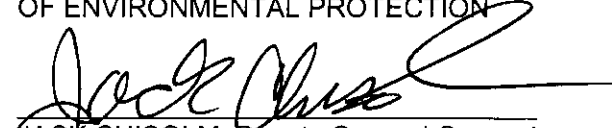
On September 26, 2006, the Florida Department of Environmental Protection (Department) received a request for extension of time from Petitioner, Oleander Power Project, L.P. and Gulf Power Company, it's authorized representative, to file a petition for administrative hearing challenging the Department's decision to issue Permit No. 0090180-003-AC PSD-FL-377 for the Petitioner's facility in Brevard County, Florida. On October 09, 2006, the Department withdrew it's intent to issue the permit. There being no further matters to consider,

IT IS ORDERED:


- A. The intent having been withdrawn, the Department's file in this matter is closed.
- B. This order constitutes final agency action of the Department.
- C. Any party to this proceeding has the right to seek judicial review of this order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after the date this order is filed with the clerk of the Department.

DONE AND ORDERED this 12th day of October, 2006, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302

FILED on this date, pursuant to § 120.52, Florida Statutes,
with the designated Department clerk, receipt of which is
hereby acknowledged.


CLERK

10/12/06
DATE

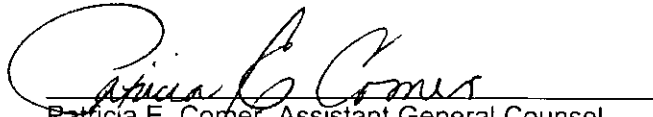
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished
via U. S. Mail facsimile only, this 12th day of October, 2006, to:

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

Facsimile: 850/224-8551

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Patricia E. Corner, Assistant General Counsel
FL Bar 0224146
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2242 Facsimile: 850/245-2302

with a courtesy copy via electronic mail to:

Trina L. Vielhauer - Chief, Bureau of Air Regulation
Cindy Mulkey - Engineering Specialist, Bureau of Air Regulation

Gibson, Victoria

From: Miskelley, Valerie
Sent: Thursday, October 12, 2006 9:47 AM
To: Gibson, Victoria; Mulkey, Cindy
Subject: Oleander

Attachments: Ord Closing File Oleander 06-2056.pdf

Vickie and Cindy,

Here is the Order Closing File in the Oleander case (06-2056) for permit 00900180-003-AC PSD-FL-377. Let me know if you need anything else.



Ord Closing File
Oleander 06-2...

Thanks,
Valerie Miskelley
Administrative Secretary
FDEP Office of General Counsel
3900 Commonwealth Blvd. MS 35
Tallahassee, FL 32399-3000
(850) 245-2260 SC 205-2260
Fax: (850) 245-2302
Valerie.Miskelley@dep.state.fl.us

Gibson, Victoria

From: Mulkey, Cindy
Sent: Friday, October 13, 2006 11:41 AM
To: Linero, Alvaro; Comer, Patricia; Vielhauer, Trina
Cc: Gibson, Victoria
Subject: RE: Oleander Request For Extension

Pat,
Go ahead and let them have the extension.
Thanks,
cindy

Cindy Mulkey
Engineering Specialist
Bureau of Air Regulation
South Permitting Section
(850) 921-8968
FAX (850)921-9533
SC 291-8968

-----Original Message-----

From: Linero, Alvaro
Sent: Friday, October 13, 2006 11:33 AM
To: Comer, Patricia; Mulkey, Cindy; Vielhauer, Trina
Subject: RE: Oleander Request For Extension

Thank you Pat.

Thank you Cindy.

Cindy. I think you have full command of this issue. Just let Pat know your recommendation when you have one. Go ahead and copy me, Trina and Vicky when you let Pat know.

Al.

-----Original Message-----

From: Comer, Patricia
Sent: Friday, October 13, 2006 10:28 AM
To: Mulkey, Cindy; Linero, Alvaro; Vielhauer, Trina
Subject: RE: Oleander Request For Extension

Thanks

I'll let Angela know you have the letter. Let me know about the final decision on the extension when you have it (no rush--we haven't even got a case or a file yet) Pat

-----Original Message-----

From: Mulkey, Cindy
Sent: Friday, October 13, 2006 9:58 AM
To: Comer, Patricia; Linero, Alvaro; Vielhauer, Trina
Subject: RE: Oleander Request For Extension

Pat,
We did receive the letter from Southern authorizing Jim Vick to act as agent for Oleander.

Al and Trina,

I just spoke to Kevin White. He sent the public notice to the paper yesterday to be published on the 17th. I don't have a problem with granting the motion unless you have any reason to object. Their biggest (and supposedly only) issue now is the limit of 30 minutes for fuel switching. They are saying it may take a little longer and are gathering some information to send to me. I am looking in to it.

Cindy

Cindy Mulkey
Engineering Specialist
Bureau of Air Regulation
South Permitting Section
(850) 921-8968
FAX (850)921-9533
SC 291-8968

-----Original Message-----

From: Comer, Patricia
Sent: Thursday, October 12, 2006 2:50 PM
To: Mulkey, Cindy; Linero, Alvaro; Vielhauer, Trina
Subject: FW: Oleander Request For Extension

FYI
For those wondering...my not objecting to their filing a motion doesn't act to grant the motion...so how do you guys feel about granting a motion to extend the time to petition on the new intent? Angela says 30-days is what she'll be asking for.
Also, here's a draft of a letter that you are supposed to have a final of (?)... & if you don't already have it and don't get it in a week or so, please let me know and I'll follow up with Angela.
Pat

-----Original Message-----

From: Comer, Patricia
Sent: Thursday, October 12, 2006 2:42 PM
To: 'ANGELA R MORRISON'
Subject: RE: Oleander Request For Extension

Angela
Thanks for the heads-up.
I have no objections to your filing a motion to extend the time to petition on the new Oleander intent. The timeframe for filing starts anew with the new intent, but I don't have anything nearby to calculate from...so 14 days from when the new intent to issue was received by your client, when ever that is.
FYI-The OGC case file relating to the withdrawn intent is closed (you received the order), so if you file for an extension on the new intent, DEP OGC will open a new case file and won't be using the old case file number.

DARM needs to have the authorized representative letter. I really don't need a copy if they have it in their records. The only reason I asked last time was that DARM's records didn't reflect the information on your motion for extension. I'll forward the draft to them but a signed letter is needed as soon as possible. If you can follow up on that I'd really appreciate it.
I look forward to hearing from you.
Pat

-----Original Message-----

From: ANGELA R MORRISON [mailto:AngelaM@hgslaw.com]
Sent: Thursday, October 12, 2006 2:16 PM
To: Comer, Patricia
Subject: RE: Oleander Request For Extension

Pat: Thank you for sending by fax today the Order Closing File on the Oleander permit (OGC No. 06-2056, DEP Permit No. 0090180-003-AC). I had not realized that this permit had been withdrawn and an entirely new draft permit issued (dated October 9, 2006). I consulted with Jim Vick, the authorized representative for Oleander Power Project, L.P., and he would like another 30-day extension because there are apparently still some issues to work out. We would like to request an extension through November 27th for this new draft permit. I also realized that I never received the final letter appointing Jim as

the authorized rep. I saw a draft, and I have included the text of the letter in the body of this e-mail (at the end). I have requested a copy of the final, signed letter, and as soon as it has been received, I will forward a copy to you. Please let me know if the Department has any objections related to another 30-day extension for the new draft permit (issued October 9th). Thank you for your help with this. I sincerely appreciate it.
Angela

Text of letter:
Mr. James O. Vick
Environmental Affairs Director
Gulf Power Company
One Energy Place
Bin 0328
Pensacola, FL 32520

Dear Mr. Vick:

Southern Power Company, through its subsidiaries Oleander Power Project, LP, and Desoto County Generating Company, LLC, owns and operates electric generating units at these facilities. Also, through its Southern Company-Florida, LLC subsidiary, co-owns and operates the Stanton Unit A Combined-Cycle.

You are hereby authorized to represent and/or act as an agent of Southern Power Company in any and all matters dealing with the Florida Department of Environmental Protection (FDEP) relating to the Oleander Power Project, LP, the DeSoto County Generating Company, LLC, and the Stanton Unit A Combined-Cycle.

Very truly yours,

Robert G. Moore
Sr. Vice President & SPO
Southern Power Company

Angela R. Morrison, Esq.
Hopping Green & Sams, P.A.
Post Office Box 6526
Tallahassee, FL 32314
850.425.2258
850.224.8551 (fax)
Email: amorrison@hgslaw.com
Legal Assistant: Becky Berentsen
Email: BeckyB@hgslaw.com
Website: www.hgslaw.com

Notice: The information contained in this e-mail message and/or its attachment(s) may be an attorney-client matter and may include privileged and confidential information. If you are not the intended recipient, please delete this message and any attachments. Thank you.

>>> "Comer, Patricia" <Patricia.Comer@dep.state.fl.us> 10/3/2006 11:39 AM >>>
Thanks, Angela.
Pat

-----Original Message-----
From: ANGELA R MORRISON [mailto:AngelaM@hgslaw.com]
Sent: Tuesday, October 03, 2006 11:20 AM
To: Comer, Patricia
Subject: Oleander Request For Extension

Pat,
Thank you for your call today. I spoke to Jim Vick, and he said that Southern Power will be preparing a letter to send Cindy within the next day or two explaining and clarifying that Southern Power owns Oleander Power Project, L.P., and Oleander Power Project, L.P., has appointed Jim Vick,

individually, as its authorized representative for air permitting purposes. Also, I noted that the Title V permit for the existing units at the Oleander plant was issued to Oleander Power Project, L.P. Once I receive the letter from Jim, I will send you a copy immediately. I hope that this helps. If you have any questions in the meantime, please let me know.

Thanks,
Angela

Angela R. Morrison, Esq.
Hopping Green & Sams, P.A.
Post Office Box 6526
Tallahassee, FL 32314
850.425.2258
850.224.8551 (fax)
Email: amorrison@hgslaw.com
Legal Assistant: Becky Berentsen
Email: BeckyB@hgslaw.com
Website: www.hgslaw.com

Notice: The information contained in this e-mail message and/or its attachment(s) may be an attorney-client matter and may include privileged and confidential information. If you are not the intended recipient, please delete this message and any attachments. Thank you.

RECEIVED

SEP 26 2006

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF AIR REGULATION

In the Matter of an
Application for Permit by:

OGC No. _____

Oleander Power Project, L.P.
555 Townsend Road
Cocoa, FL 32926

Oleander Power Project
Simple Cycle Combustion Turbine Unit 5
DEP File No. 0090180-003-AC
Draft Permit No. PSD-FL-377
Brevard County

Authorized Representative:
Gulf Power Company
One Energy Place
Pensacola, FL 32520

REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, Oleander Power Project, L.P., (Oleander) and Gulf Power Company (Gulf) hereby request, pursuant to Florida Administrative Code Rule 62-110.106(4), an extension of time to and including October 27, 2006, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Oleander and Gulf state the following:

1. On September 13, 2006, Gulf received via electronic mail from the Department of Environmental Protection (Department) a website link to the draft Prevention of Significant Deterioration (PSD) Permit (Permit No. 0090180-003-AC, PSD-FL-377) and associated documents for the Oleander Power Project, Unit 5 located in Brevard County, Florida.
2. The draft permit and associated technical evaluation and preliminary determination contain several provisions that warrant clarification or correction.
3. Representatives of Oleander and Gulf have corresponded and will continue to correspond with staff of the Department's Bureau of Air Regulation in an effort to resolve all issues.

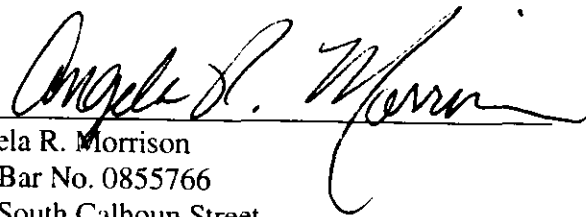
4. This request is filed simply as a protective measure to avoid waiver of Oleander's and Gulf's right to challenge certain conditions contained in the draft PSD Permit. Grant of this request will not prejudice either party, but will further their mutual interests and likely avoid the need to file a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

5. Counsel for Oleander and Gulf has contacted Pat Comer with the Department's Office of General Counsel and she is consulting with representatives of the Department's Bureau of Air Regulation regarding any potential objection to this request.

WHEREFORE, Oleander and Gulf respectfully request that the time for filing of a Petition for Administrative Proceedings in regard to the Department's draft PSD Permit (Permit No. 0090180-003-AC, PSD-FL-377) be formally extended to and including October 27, 2006. If the Department denies this request, Oleander and Gulf request the opportunity to file a Petition for Administrative Proceedings within 10 days of such denial.

Respectfully submitted this 25th day of September, 2006.

HOPPING GREEN & SAMS, P.A.



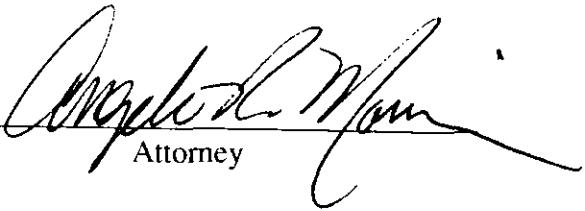
Angela R. Morrison
Fla. Bar No. 0855766
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
Office: (850) 222-7500
Fax: (850) 224-8551
E-mail: AngelaM@hgslaw.com
Attorney for OLEANDER POWER PROJECT, L.P.
AND GULF POWER COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by
U.S. Mail on this 25th day of September, 2006:

Trina Vielhauer, Chief
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Pat Comer, Esquire
Office of General Counsel
Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399-2600


Attorney

Gibson, Victoria

From: Gibson, Victoria
Sent: Tuesday, September 26, 2006 2:53 PM
To: Mulkey, Cindy; Linero, Alvaro
Subject: FW: Request for Extension of Time - 0090180-003-AC - Oleander Power Project, LP

Importance: High

Attachments: Di4700609252203A.PDF

FYI,

Attached is a copy of their request. Please cc me on your e-mail to Pat Comer when you decide to grant or deny.

Thanks.

Vickie

From: Crandall, Lea
Sent: Tuesday, September 26, 2006 2:18 PM
To: Gibson, Victoria
Subject: FW: Request for Extension of Time - 0090180-003-AC - Oleander Power Project, LP



Di4700609252203A
.PDF (533 KB)

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

-----Original Message-----

From: Crandall, Lea
Sent: Tuesday, September 26, 2006 9:59 AM
To: Chisolm, Jack; Gingery, Betsy; Gibson, Victoria; Mulkey, Cindy
Subject: Request for Extension of Time - 0090180-003-AC - Oleander Power Project, LP

FYI, a Request for Extension of Time was rec'd. today re: 0090180-003-AC - Oleander Power Project, LP.

Thanks,
Lea

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

Gibson, Victoria

From: Mulkey, Cindy
Sent: Tuesday, September 26, 2006 2:57 PM
To: Gibson, Victoria
Subject: FW: Oleander Turbine #5 PSD permit

Vickie,
Here is the correspondence with Pat C. yesterday regarding the extension of time for Oleander #5.

Cindy Mulkey
Engineering Specialist
Bureau of Air Regulation
South Permitting Section
(850) 921-8968
FAX (850)921-9533
SC 291-8968

From: Mulkey, Cindy
Sent: Monday, September 25, 2006 4:43 PM
To: Comer, Patricia
Cc: Linero, Alvaro
Subject: RE: Oleander Turbine #5 PSD permit

Pat, I just spoke to Al.
He said this is fine.

Cindy Mulkey
Engineering Specialist
Bureau of Air Regulation
South Permitting Section
(850) 921-8968
FAX (850)921-9533
SC 291-8968

From: Comer, Patricia
Sent: Monday, September 25, 2006 2:47 PM
To: Mulkey, Cindy
Subject: Oleander Turbine #5 PSD permit

Cindy
I got a phone call today from Angela Morrison with the Hopping law firm asking if we had any objections to a 30 day extension to petition, so I presume they'll be filing for one today or tomorrow. I left a voice message with Al but I think you worked on this permit.....any problem with a 30 day extension?
Thanks
Pat

Chronology of Activities

OGC Number District County

Style of Case

Program Area Mode

Lead Attorney Status

Forum Name Forum Case Number

Permit Appl Final Order Number

Date *	Code	Activity Description
09/12/2006	ITP	INTENT TO ISSUE PERMIT
09/26/2006	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
09/26/2006	ACO	ADMIN. CASE OPENED IN OGC
09/26/2006	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
09/29/2006	AR	RE-ASSIGNED TO LEAD ATTORNEY PATRICIA E COMER
10/09/2006		WITHDRAWAL OF INTENT TO ISSUE PERMIT
10/12/2006		ORDER CLOSING FILE
10/12/2006	CC	CASE CLOSED IN OGC

Robert G. Moore
Senior Vice President
Southern Power

Southern Company Generation
600 North 18th Street / 15N-8193
Post Office Box 2641
Birmingham, Alabama 35291
Tel 205.257.2120
Fax 205.257.1407



October 3, 2006

BUREAU OF AIR REGULATION

OCT 11 2006

RECEIVED

Mr. James O. Vick
Environmental Affairs Director
Gulf Power Company
One Energy Place
Bin 0328
Pensacola, FL 32520

Dear Mr. Vick:

Southern Power Company, through its subsidiaries Oleander Power Project, LP, and DeSoto County Generating Company, LLC, owns and operates electric generating units at these facilities. Also, through its Southern Company-Florida, LLC subsidiary, co-owns and operates the Stanton Unit A Combined-Cycle.

You are hereby authorized to represent and/or act as an agent of Southern Power Company in any and all matters dealing with the Florida Department of Environmental Protection (FDEP) relating to the Oleander Power Project, LP, the DeSoto County Generating Company, LLC, and the Stanton Unit A Combined-Cycle.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert". The signature is stylized and cursive.

RGM/mnb

Mulkey, Cindy

From: White, Kevin [KWHITE@southernco.com]
Sent: Wednesday, October 11, 2006 11:55 AM
To: Mulkey, Cindy
Cc: Vick, James O.
Subject: Authorized Agent for SOuthern Power Company

Attachments: Scan001.pdf



Scan001.pdf (97
KB)

Cindy,

As we discussed by telephone, the attached is an authorization letter for Mr. Jim Vick to act as an agent of the Southern Power Company. If you determine an original copy of this letter is required, please let me know.

Thank you for all your help on the Oleander Unit 5 permitting.

Kevin M. White, P.E.
Environmental Affairs
Gulf Power Company
Phone: 850-444-6537
Cell: 850-336-6222
Radio: 30*3018

<<Scan001.pdf>>

RECEIVED
OCT 11 2006
BUREAU OF AIR REGULATION