



STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Florida Power Corporation dba
Progress Energy Florida, Inc.,

Petitioner,

v.

Permit No. 0170004-024-AV

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

REQUEST/MOTION FOR ENLARGEMENT OF TIME TO FILE PETITION FOR
ADMINISTRATIVE HEARING

PETITIONER, FLORIDA POWER CORPORATION DBA PROGRESS ENERGY FLORIDA, INC. ("Petitioner"), by and through its undersigned counsel, pursuant to Sections 120.569 and 120.57, Florida Statutes, and Rules 28-106.111 (3) and 62-110.106 (4), Florida Administrative Code, requests an enlargement of time within which to file a Petition for Administrative Hearing, and in support states:

1. Petitioner operates the Crystal River Power Plant which is located in Citrus County at 15760 West Power Line Street, Crystal River, Florida. Petitioner filed an application to renew Title V air operation permit No. 0170004-009-AV on May 21, 2009. By letter dated October 27, 2009, delivered by electronic mail to the Petitioner and received by Petitioner on October 30, 2009, the State of Florida Department of Environmental Protection ("Respondent") enclosed a draft/proposed permit ("the proposed agency action") to renew the Title V air operation permit.

2. On November 5, 2009, Petitioner provided written comments to the Respondent suggesting changes to the proposed agency action.
3. The Written Notice of Intent to Issue Title V Air Operation Permit ("Written Notice of Intent") states that Petitions for Formal Administrative Hearings to determine the final agency action must be filed by the applicant within 14 days of receipt of the Written Notice of Intent. The deadline for filing a Petition is therefore November 13, 2009.
4. Rules 62-110.106(4) and 28-106.111(3), Florida Administrative Code, provide that the applicant may request an enlargement of time to file a Petition for an administrative hearing, for "good cause" shown. In this instance, good cause exists to grant the enlargement of time requested because: 1) the Petitioner and the Respondent intend to communicate about the proposed agency action in an attempt to come to a mutual agreement without the need for a formal administrative hearing; 2) the time and expense of a filing a Petition seeking a hearing, and the hearing itself, may be avoided if the Petitioner and the Respondent formulate the final agency action within the time requested. Therefore, good cause exists for an enlargement of time until January 15, 2010 to file a Petition for Administrative Hearing.
5. Pursuant to Rule 28-106.111 (3), Florida Administrative Code, a timely filed request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.
6. Counsel certifies that he has phoned Barbara Friday, Florida Department of Environmental Protection - Bureau of Air Regulation on November 11, 2009, and emailed and called Lisa Light, Administrative Assistant to Jack Chisolm, Deputy General

Counsel, FDEP – Office of General Counsel – Air and Waste Section, on November 11, 2009, and emailed Jack Chisolm on November 11, 2009, in an attempt to discuss this request. None of these individuals was available or has yet responded to his contact.

WHEREFORE, Respondent requests entry of an order granting it until January 15, 2010 to file a Petition for Administrative Hearing.

Respectfully submitted,

s/ George F. Gramling, III
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CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing Request for Enlargement of Time has been furnished by EMAIL and by FEDERAL EXPRESS this 11th day of November 2009, to the Florida Department of Environmental Protection, Attn.: Jack Chisolm, Deputy General Counsel – FDEP Office of General Counsel - Air and Waste Section, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

s/ George F. Gramling, III
ATTORNEY