

*File*

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JUL 22 2008

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF AIR REGULATION

FLORIDA POWER & LIGHT CO.,

Petitioner,

vs.

OGC No.

DEP Draft Permit No. 0250003-008-AC

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,

*Turkey Point*

Respondent.

**THIRD REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Florida Power & Light Company (FPL) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), a third enlargement of time, to and including January 23, 2009, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, FPL states the following:

1. On or about May 23, 2008, FPL received from the Department of Environmental Protection ("Department") a "Written Notice of Intent to Issue Air Permit" and accompanying "Draft Permit" (Air Permit No. 0250003-008-AC), for FPL's Turkey Point Fossil Plant, which is located at 9700 SW 344<sup>th</sup> Street, Homestead, Miami-Dade County, Florida.

2. Based on FPL's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or correction.

3. By Order dated June 30, 2008, the Department granted FPL's request for enlargement of time to file a petition for administrative proceedings in regard to the Department's intent to issue the referenced air permit until July 23, 2008.

4. Representatives of FPL and the Department have continued to discuss possible resolutions to the issues needing clarification or correction.

5. On July 11, 2008, the United States Court of Appeals for the District of Columbia Circuit issued its Opinion in consolidated cases challenging various aspects of the Clean Air Interstate Rule (CAIR) promulgated by the U.S. Environmental Protection Agency (EPA). (State of North Carolina v. EPA, et al. Case No. 05-1244, DC Circuit 2008) The Court in that Opinion vacated and remanded EPA's CAIR rule.

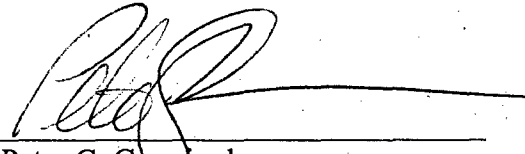
6. The ultimate effect of the Court's decision is uncertain at present. It appears probable, however, that the Department's approach with respect to Best Available Retrofit Technology (BART) requirements under Florida Administrative Code Rule 62-296.340 will change in response to the vacation of the CAIR rule.

7. Under these circumstances, it is appropriate to provide additional time for the Department and FPL to address the BART requirements for Turkey Point Units 1 and 2. Because of the present uncertainty as to when the effect of the CAIR rule vacation on BART requirements will be resolved, FPL requests a six month enlargement of time in which to file a petition for administrative proceedings in regard to the Department's intent to issue the referenced air permit, until January 23, 2009.

8. This request is filed simply as a protective measure to avoid waiver of FPL's right to challenge certain conditions contained in the Draft Permit. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing. A representative of FPL has conferred with staff of the Department who had no objection to this third request.

WHEREFORE, FPL respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No.0250003-008-AC be formally extended to and including January 23, 2009.

RESPECTFULLY SUBMITTED this 22nd day of July, 2008.

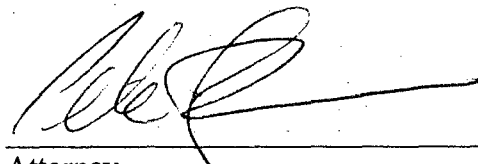
A handwritten signature in black ink, appearing to read 'Peter C. Cunningham', is written over a horizontal line.

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Attorneys for Petitioner  
Florida Power & Light Company

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original and one copy of the foregoing SECOND REQUEST FOR ENLARGEMENT OF TIME has been filed by hand delivery with the Agency Clerk, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and a true and correct copy of the foregoing REQUEST FOR THIRD ENLARGEMENT OF TIME has been furnished by hand delivery to Ronda L. Moore, Assistant General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and Jonathan Holtom, Department of Environmental Protection, 111 S. Magnolia Drive, Tallahassee, Florida on this 22nd day of July, 2008.

  
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Attorney