

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BILL PROCTOR, LEON COUNTY
COMMISSIONER, FIRST DISTRICT,
LEON COUNTY, JOHN GIBBY,
RAINEY GIBSON, ERWIN JACKSON,
and BOB FULFORD,

Petitioners,

vs.

OGC Case No. 08-2674

BIOMASS GAS AND ELECTRIC OF
TALLAHASSEE, LLC, and DEPARTMENT
OF ENVIRONMENTAL
PROTECTION,

Respondents.

BIOMASS GAS AND ELECTRIC OF
TALLAHASSEE, LLC,

Petitioner,

vs.

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

ORDER CLOSING FILE

On October 24, 2008, the Department of Environmental Protection (Department) issued its intent to issue an air construction permit, permit number 0730109-001-AC, to Biomass Gas and Electric of Tallahassee, LLC (BG&E) to construct a biomass-fed integrated gasification and combined cycle alternative energy facility in Leon County, Florida. The Department received sufficient petitions for formal administrative hearing from Bill Proctor, John Gibby, Rainey

Gibson, Erwin Jackson, Bob Fulford, and BG&E, which were forwarded to the Division of Administrative Hearings (DOAH) and a hearing was set to begin on June 15, 2009.

On February 2, 2009, BG&E withdrew its permit application, rendering the Department's intended action and the challenges to that action moot. On February 3, 2009, the Department filed a motion asking DOAH to relinquish jurisdiction to the Department so that it could close its file. On February 4, 2009, DOAH issued an Order Closing File and relinquished jurisdiction to the Department. There being no further matters to consider,

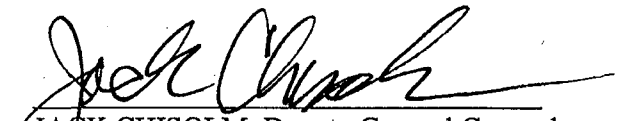
IT IS ORDERED:

Department case number 08-2674 is CLOSED.

Any party to this order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes by the filing of a notice of appeal under rules 9.110 and 9.190 of the 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 from the date this order is filed with the clerk of the Department.

DONE AND ORDERED this 6th day of February, 2009, 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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Closing File, was furnished in the manner noted this 10th day of February, 2009, to:

VIA U.S. MAIL:

Rainey Gibson
1511 Coleman Street
Tallahassee, FL 32310

VIA ELECTRONIC MAIL:

Bill Proctor, County Commissioner
301 S. Monroe Street, Room 202
Tallahassee, FL 32301

proctorb@leoncountyfl.gov

John Gibby
4887 Gum Road
Tallahassee, FL 32304

gibbyj@earthlink.net

Erwin Jackson
1341 Jackson Bluff Road
Tallahassee, FL 32304

erwin@jacksonpropertiesinc.com

Bob Fulford
231 Westridge Drive
Tallahassee, FL 32304

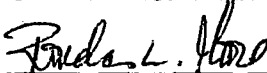
bobfulford@nettally.com

Angela Morrison Uhland
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Tallahassee, FL 32314

AUhland@hgslaw.com

*Attorney for Biomass Gas and
Electric of Tallahassee, LLC*

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



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Ph: (850) 245-2193 Fax: (850) 245-2302
Florida Bar No. 0676411

Gibson, Victoria

From: Vielhauer, Trina
Sent: Friday, February 06, 2009 1:52 PM
To: Gibson, Victoria
Subject: FW: Order Closing File OGC # 08-2674
Attachments: order closing file.pdf

From: Moore, Ronni
Sent: Friday, February 06, 2009 1:33 PM
To: Vielhauer, Trina; Linero, Alvaro; Read, David
Cc: Swango, Katie
Subject: FW: Order Closing File OGC # 08-2674

Afternoon! Attached is our Order Closing File for the BG&E case. If you have any questions, please let me know.

Thanks!
Ronni

Ronda L. Moore
Assistant General Counsel



Please consider the environment before printing this email.

From: Swango, Katie
Sent: Friday, February 06, 2009 12:38 PM
To: proctorb@leoncountyfl.gov; gibbyj@earthlink.net; erwin@jacksonpropertiesinc.com; bobfulford@nettally.com; Auhland@hgslaw.com
Cc: Moore, Ronni
Subject: Order Closing File OGC # 08-2674

Please find attached the PDF version of the Order closing file for the above mentioned case. Please let me know if you have a problem opening or viewing the attachment and I will send you another copy as soon as possible.

Thanks

Katie Marie Swango
Administrative Assistant for
Rebecca Robinette, Ronni Moore, & Pat Comer

FLORIDA DISCOUNT CARD: More than 3,000 retail pharmacies in Florida are now a part of the Florida Discount Drug Card program. See www.FloridaDiscountDrugCard.com for more info or call toll-free, 1-866-341-8894.