

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**BILL PROCTOR, LEON COUNTY COMMISSIONER,
FIRST DISTRICT, LEON COUNTY,**

Petitioner,

vs.

DOAH CASE NO. 08-_____
OGC CASE NO. 08-2674

**BIOMASS GAS & ELECTRIC OF TALLAHASSEE, LLC,
And STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,**

Respondent.

**REQUEST FOR ASSIGNMENT OF ADMINISTRATIVE LAW JUDGE
AND NOTICE OF PRESERVATION OF RECORD**

YOU ARE HEREBY NOTIFIED that the Florida Department of Environmental Protection (Department) has received the attached Petition for Hearing in the above-styled case. Under Section 120.569(2)(a), Florida Statutes, the Secretary has decided not to act as presiding officer and requests that the Division of Administrative Hearings assign this matter to an administrative law judge to conduct all necessary proceedings required by law and to submit a recommended order to the Department. The forwarding of this Petition is not a waiver of the Department's right to object to any material defects in the Petition or to Petitioner's standing to institute this proceeding.

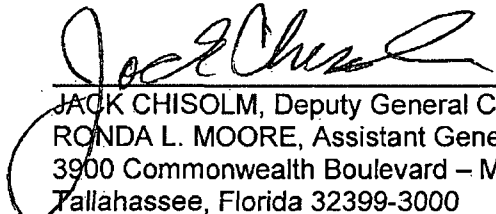
YOU ARE FURTHER NOTIFIED that the Department is responsible for preserving the record of any evidentiary hearings in this case in accordance with Section 120.57(1)(g), Florida Statutes. Unless otherwise notified by the Department prior to final hearing, such a record will be preserved by a court reporter. Any other party arranging for the presence of a court reporter at hearing should notify the administrative law judge and all parties prior to the hearing of the court reporter's name, mailing address, and telephone number.

Whenever a court reporter is used, Rule 28-106.214(2), Florida Administrative Code, provides that the court reporter's recordation becomes the official transcript.

If a party decides to file exceptions with the Department to any finding of fact made by the Administrative Law Judge, the party will need to submit an official transcript of the proceeding. A transcript may be prepared, at the expense of the requesting party, from a court reporter's notes.

Respectfully submitted this 25th day of November, 2008.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JACK CHISOLM, Deputy General Counsel
RONDA L. MOORE, Assistant General Counsel
3900 Commonwealth Boulevard – MS 35
Tallahassee, Florida 32399-3000
Telephone 850-245-2242 Facsimile 850-245-2302

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Assignment for Administrative Law Judge and Notice of Preservation of Record has been furnished via electronic mail only this 25th day of November, 2008, to:

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

proctorb@leoncountyfl.gov

Angela Morrison Uhland
123 South Calhoun Street
Tallahassee, FL 32314

AUhland@hgslaw.com

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



JACK CHISOLM, Deputy General Counsel
RONDA L. MOORE, Assistant General Counsel