



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

May 20, 2004

Colleen M. Castille
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Sean Finnerty, Vice President
CPV Gulfcoast Ltd.
35 Braintree Hill Office Park, Suite 107
Braintree, Massachusetts 02184

Re: DEP File No. 0810194-003-AC (PSD-FL-300)
CPV Gulfcoast Power Generating Facility
245 MW Nominal Combined Cycle Facility – Permit Extension Request

Dear Mr. Finnerty:

On February 11, 2004 the Department responded to your request of January 19, 2004 to extend the subject permit by requiring a revised BACT Determination. According to our records, this permit has been extended on two prior occasions: July 31, 2002 and May 9, 2003.

As indicated in our letter, "Permit applicants are advised that Rule 62-4.055(1), F.A.C. now requires applicants to respond to requests for information within 90 days." The rule is stated in its entirety below:

62-4.055 Permit Processing.

(1) Within thirty days after receipt of an application for a permit and the correct processing fee the Department shall review the application and shall request submittal of additional information the Department is authorized by law to request. The applicant shall have ninety days after the Department mails a timely request for additional information to submit that information to the Department. If an applicant requires more than ninety days in which to respond to a request for additional information, the applicant may notify the Department in writing of the circumstances, at which time the application shall be held in active status for one additional period of up to ninety days. Additional extensions shall be granted for good cause shown by the applicant. A showing that the applicant is making a diligent effort to obtain the requested additional information shall constitute good cause. Failure of an applicant to provide the timely requested information by the applicable deadline shall result in denial of the application.

Given the prior extensions, and since more than 90 days have passed without receipt of either the requested information or a timely request for additional time to respond, your application is denied.

If you have any questions regarding this matter, please contact me at (850) 921-9519.

Sincerely,

Michael P. Halpin, P.E.
North Permitting Section

Copy: Sean Finnerty, CPV Gulfcoast, Ltd.*
Gregg Worley, EPA
John Bunyak, NPS
Jerry Kissell, DEP SWD
Chair, Manatee County BCC
Karen Collins-Fleming, Manatee County EMD

"More Protection, Less Process"

Printed on recycled paper.

Adams, Patty

From: Linero, Alvaro
Sent: Monday, April 26, 2004 2:38 PM
To: Pennington, Jim; Adams, Patty
Subject: FW: CPV Gulfcoast

FYI.

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

From: Sean Finnerty [mailto:sfinnerty@cpv.com]
Sent: Monday, April 26, 2004 2:24 PM
To: Linero, Alvaro
Subject: CPV Gulfcoast

Al,

I just wanted to send you a short note to let you know that in response to our request for a time extension we received a request from the permitting division regarding additional BACT information for the CPV Gulfcoast project. Given the current state of the market, we are not going to provide the requested information and instead will re-apply for a permit when the project is ready to proceed forward again. Thanks for all your help during the permitting process, it was a pleasure working together with you on this project. I look forward to doing so again in the near future.

Sean

Sean J. Finnerty
Vice President
Competitive Power Ventures, Inc.
35 Braintree Hill Park, Suite 107
Braintree, MA 02184

Phone: 781-848-0677
Fax: 781-848-5804
Mobile: 508-472-8037

U.S. Postal Service
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Mr. Sean Finnerty, Vice President
 Street, Apt. No. or P.O. Box No.
35 Braintree Hill Office Park, Suite
 City, State, ZIP+4
Braintree, Massachusetts 02184 107

PS Form 3800, May 2000

See Reverse for Instructions

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Mr. Sean Finnerty, Vice President
 CPV Gulfcoast Ltd.
 35 Braintree Hill Office Park,
 Suite 107
 Braintree, Massachusetts 02184

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 x *M. Sweeney* Agent
 Addressee
 B. Received by (Printed Name) *M. Sweeney* C. Date of Delivery *5/24/04*
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

MAY 24 2004

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2. Article Number *7000 1670 0013 3109 8499*
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PS Form 3811, August 2001

Domestic Return Receipt

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