

Barbara

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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BUREAU OF
AIR REGULATION

In the Matter of an
Application for Permit by:

OGC CASE NO. 96-3110

Lakeland Electric & Water Utilities
501 East Lemon Street
Lakeland, Florida 33801-5079

DRAFT Permit No.: 1050003-004-AV
Charles Larsen Memorial Power Plant
Polk County

REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, Lakeland Electric & Water Utilities (Lakeland) hereby requests, pursuant to Florida Administrative Code Rules 28-106.111(3) and 62-103.050(1), an extension of time, to and including May 5, 1997, in which to file a Petition for Administrative Proceedings or a Request for Mediation in the above-styled matter. As good cause for granting this request, Lakeland states the following:

1. On or about October 23, 1996, Lakeland received from the Department of Environmental Protection (Department) an "Intent to Issue Title V Air Operation Permit" (Permit No. 1050003-004-AV) for the Charles Larsen Memorial Power Plant in Polk County, Florida. Along with the Intent to Issue, Lakeland received a draft Title V permit and "Public Notice of Intent to Issue Title V Air Operation Permit."

2. The Department granted Lakeland an extension until February 5, 1997, to file a Petition for Administrative Proceedings or a Request for Mediation by Order dated December 30, 1996. Subsequently, by Order dated February 6, 1997, the Department granted Lakeland an extension until April 5, 1997, to file a Petition for Administrative Proceedings or a Request for Mediation.

3. The draft permit and associated documents contained several provisions that warrant clarification or correction.

4. Representatives of Lakeland have met with and corresponded with staff of the Department's Bureau of Air Regulation in an effort to resolve the issues identified by Lakeland. While a majority of the issues have indeed been resolved, Lakeland is continuing to work with the Department's air staff, and is optimistic that the remaining issues and concerns will be adequately addressed and resolved without the need for a formal hearing or mediation. A revised draft permit is expected to be issued within the next several days.

5. This request is filed simply as a protective measure to avoid waiver of Lakeland's right to challenge certain conditions contained in the draft Title V permit. Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need to file a petition and proceed to a formal administrative hearing or formal mediation.

6. Clair Fancy, Chief of the Department's Bureau of Air Regulation, agreed to Lakeland's request for a thirty-day extension of time. Counsel for Lakeland has attempted without success to contact W. Douglas Beason with the Office of General Counsel regarding this request.

WHEREFORE, Lakeland respectfully requests that the time for filing of a Petition for Administrative Proceedings or a Request for Mediation in regard to the Department's Intent to Issue Title V Air Operation Permit for Permit No. 1050003-004-AV be formally extended to and including May 5, 1997.

Respectfully submitted this 4th day of April, 1997.

HOPPING GREEN SAMS & SMITH, P.A.

A handwritten signature in cursive script, reading "Angela R. Morrison". The signature is written in dark ink and is positioned above a horizontal line.

Angela R. Morrison, Fla. Bar No. 0855766
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Post Office Box 6526
Tallahassee, FL 32314
(904) 222-7500


Attorney for LAKELAND ELECTRIC & WATER
UTILITIES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following
by U.S. Mail on this 4th day of April, 1997:

Clair H. Fancy, P.E.
Chief
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2600

W. Douglas Beason
Office of General Counsel
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2600



A handwritten signature, "Angela R. Morrison", is written over a horizontal line.

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xc: Ed Svec
Bruce Mitchell
Scott Skeplek