

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

OCT 3 | 1997

DEPT. OF ENVIRONMENTAL PROTECTION
OFFICE OF GENERAL COUNSEL

In the Matter of an
Application for Permit by:

OGC No. 97-1107

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

DRAFT Permit No.: 1050004-003-AV
C.D. McIntosh, Jr. 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 December 3, 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 June 6, 1997, Lakeland received from the Department of Environmental Protection (Department) an "Intent to Issue Title V Air Operation Permit" (Permit No. 1050004-003-AV) for the C.D. McIntosh, Jr. Power Plant located 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. By order dated October 2, 1997, the Department granted an extension of time until November 3, 1997, within which to file a petition for an administrative hearing.
3. Based on Lakeland's review, the draft permit and associated documents contain several provisions that warrant clarification or correction.

4. Lakeland has corresponded and met with Department representatives in an effort to resolve the issues identified and only a few issues remain.

5. Lakeland believes that the remaining issues can be resolved without the need for a formal hearing or mediation, and is awaiting a response from the Department.

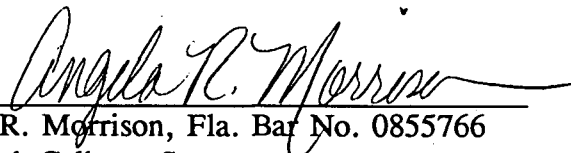
6. This request is filed simply as a protective measure to avoid waiver of Lakeland's right to challenge certain conditions contained in the draft Title V permit. Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need to file a petition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

7. Scott Sheplak with the Bureau of Air Regulation has agreed to an extension until December 3, 1997, on behalf of the Department. 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. 1050004-003-AV be formally extended to and including December 3, 1997.

Respectfully submitted this 30th day of October, 1997.

HOPPING GREEN SAMS & SMITH, P.A.



Angela R. Morrison, Fla. Bar No. 0855766
123 South Calhoun Street
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 30th day of October, 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 in cursive script, reading "Angela R. Morrison", is written over a horizontal line.

95485