

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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BUREAU OF AIR REGULATION

In the Matter of a Draft Air
Construction Permit Revision:

City of Lakeland
Department of Electric Utilities
3030 East Lake Parker Drive
Lakeland, Florida 33805

C.D. McIntosh, Jr. Power Plant
Permit No. 1050004-026-AC
Polk County

REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, the City of Lakeland, Department of Electric Utilities (City), hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an extension of time to and including February 12, 2010, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, the City states the following:

1. On or about December 15, 2009, the City received from the Department of Environmental Protection (Department) a Draft Air Construction Permit Revision, a Written Notice of Intent to Issue Air Permit, a Public Notice of Intent to Issue Air Permit, and a Technical Evaluation and Preliminary Determination, Permit No. 1050004-026-AC, for a permit extension and revision associated with the Unit 3 SCR Project at the C.D. McIntosh, Jr. Power Plant located in Polk County, Florida.

2. The Draft Air Construction Permit Revision and associated documents contain several provisions that warrant deletion, clarification, or correction.

3. Representatives of the City will correspond and communicate with staff of the Department's Bureau of Air Regulation in an effort to resolve all issues. Additional time is needed for these discussions and to reach a resolution of the pending issues.

4. This request is filed simply as a protective measure to avoid waiver of the City's right to challenge certain conditions contained in the Draft Air Construction Permit Revision and associated documents. 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.

5. Counsel for the City has discussed this extension request with Ronni Moore of the Department's Office of General Counsel.

WHEREFORE, the City respectfully requests that the time for filing a Petition for Administrative Proceedings with regard to the above-referenced Draft Air Construction Permit Revision and associated documents (Permit No. 1050004-026-AC) be formally extended to and including February 12, 2010. If the Department denies this request, the City requests the opportunity to file a Petition for Administrative Proceedings within 10 days of such denial.

Respectfully submitted this 22nd day of December, 2009.

HOPPING GREEN & SAMS, P.A.



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Department of Electric 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 22nd day of December, 2009:

Ronni Moore
Office of General Counsel
Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399-2600

Trina Vielhauer, Chief
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Department of Environmental Protection
2600 Blair Stone Road
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