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THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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JAN 21 2010

BUREAU OF AIR REGULATION

In the Matter of a Draft Air
Construction Permit Revision:

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

OGC Case No. 09-4240
Permit No. 1050004-026-AC
C.D. McIntosh, Jr. Power Plant
Polk County

SECOND REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, the City of Lakeland, Lakeland Electric Department (Lakeland Electric), 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, Lakeland Electric states the following:

1. On or about December 15, 2009, Lakeland Electric 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 (Selective Catalytic Reduction) Project at the C.D. McIntosh, Jr. Power Plant located in Polk County, Florida.

2. Lakeland Electric requested an extension of time within which to file a petition for administrative hearing on December 22, 2009, and the Department issued an order on December 24, 2009, granting an extension of time through January 21, 2010.

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

4. Representatives of Lakeland Electric have corresponded and will meet 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.

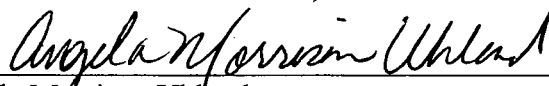
5. This request is filed simply as a protective measure to avoid waiver of Lakeland Electric's right to challenge certain conditions contained in the Draft Air Construction Permit Revision and associated documents. Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need to file a petition and proceed to a formal administrative hearing.

6. Counsel for Lakeland Electric has discussed this extension request with Ronni Moore of the Department's Office of General Counsel. A representative from Lakeland Electric has also discussed this request with staff from the Bureau of Air Regulation and we understand that the Department has no objections to this request.

WHEREFORE, Lakeland Electric 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, Lakeland Electric requests the opportunity to file a Petition for Administrative Proceedings within 10 days of such denial.

Respectfully submitted this 20th day of January, 2010.

HOPPING GREEN & SAMS, P.A.



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Attorney for the City of Lakeland
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 20th day of January, 2010:

Ronni Moore
Office of General Counsel
Department of Environmental Protection
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Trina Vielhauer, Chief
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