

STATE OF FLORIDA
• DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

CALPINE CONSTRUCTION FINANCE
COMPANY, L.P.,
DEP Draft Permit No. PA00-41 (PSD-FL-287),

SEP 18 2000

BUREAU OF AIR REGULATION

Petitioner,

vs.

OGC Case No. 00-1451

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

_____ /

**ORDER GRANTING THIRD REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING**

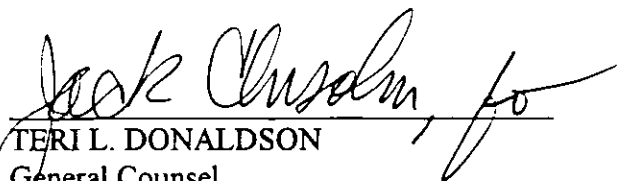
This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner, CALPINE CONSTRUCTION FINANCE COMPANY, L.P., to grant an extension of time to file a petition for an administrative hearing concerning the Department's draft permit for Calpine's Osprey Energy Center, DEP Draft Permit No. PA 00-41 (PSD-FL-287). See Exhibit 1. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until October 15, 2000, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 15 day of September, 2000 in Tallahassee,
Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

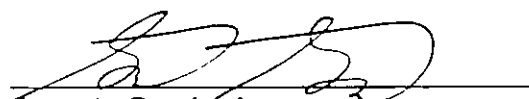

TERI L. DONALDSON
General Counsel

3900 Commonwealth Boulevard
Mail Station 35
Tallahassee, Florida 32399-3000

CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed to John T. Lavia, III, Landers &
Parsons, P.O. Box 271, Tallahassee, Florida, 32302, on this 15 day of September, 2000.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


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Telephone: (850) 488-9314

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CALPINE CONSTRUCTION FINANCE
COMPANY, L.P.,

Petitioner,

vs.

DEP Draft Permit No.
PA 00-41 (PSD-FL-287)

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

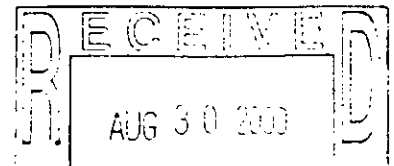
CALPINE'S THIRD REQUEST FOR EXTENSION
OF TIME TO FILE PETITION

Petitioner, Calpine Construction Finance Company, L.P.
("Calpine"), pursuant to Rule 28-106.111(3), Florida
Administrative Code, respectfully requests the Department of
Environmental Protection ("Department") to grant Calpine an
additional extension of time to file a petition for a formal
administrative hearing concerning the Department's draft permit
for Calpine's Osprey Energy Center (DEP Draft Permit No. PA 00-
41(PSD-FL-287)) (the "Draft Permit"). In support of this
request, Calpine says:

1. On March 16, 2000 Calpine filed an application with the
Department for a prevention of significant deterioration ("PSD")
permit for Calpine's Osprey Energy Center, a 527 MW electrical
power plant to be located at 1501 Derby Avenue, Auburndale,
Florida.

2. On May 11, 2000, the Department distributed its "Public

EXHIBIT 1



Notice of Intent to Issue PSD Permit", Draft Permit, Technical Evaluation and Preliminary Determination, and Draft BACT Determination for the Osprey Energy Center. As the applicant for the Draft Permit, Calpine is affected by the Department's proposed action.

3. On May 23, 2000, Calpine requested a 45-day extension of time to file its petition. On July 7, 2000, Calpine requested an additional 60-day extension of time to file its petition and by order dated July 28, 2000, the Department granted Calpine's requests and extended the time for filing a petition to September 8, 2000.

4. The Draft Permit is lengthy and complex. Calpine's preliminary review of the Draft Permit indicated that some provisions of the Draft Permit are not consistent with Calpine's application. On June 29, 2000, representatives of Calpine met with Department staff to discuss modifications to the Draft Permit. Based on those discussions with Department staff, Calpine will submit in the near future written comments concerning the Draft Permit to the Department.

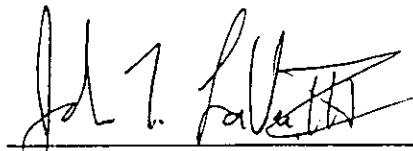
5. Although Calpine does not expect to file a petition for a formal administrative hearing concerning the Draft Permit, Calpine requests an additional 60-day extension of time to finalize its comments concerning the Draft Permit, and to conduct additional meetings with the Department, before Calpine waives its right to a hearing.

6. Petitioner's counsel has attempted to discuss this request with Department's counsel, Mr. Scott Goorland, but was unable to reach Mr. Goorland.

WHEREFORE, Calpine requests the Department to grant a 60-day extension of time to file a petition for a formal administrative hearing concerning the Draft Permit.

Respectfully submitted this 30th day of August, 2000.

LANDERS & PARSONS

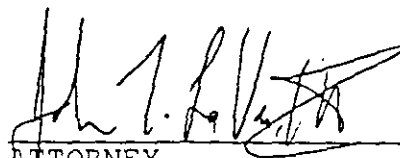


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COUNSEL FOR CALPINE CONSTRUCTION
FINANCE COMPANY, L.P.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an original and one copy of the foregoing was furnished by hand-delivery to the CLERK'S OFFICE, Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399; and a copy by U.S. Mail to Scott Goorland, Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399, on this 30th day of August, 2000.



ATTORNEY