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# Fax

**To:** Lea Crandall, Agency Clerk, DEP      **From:** Peter Cocotos, Esq.

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**Fax:** 850-245.2303      **Date:** December 15, 2009

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**Phone:** 850.245.2242      **Pages:** \_\_, including this Page

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**Re:** FPL v. FDEP      **CC:**

**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

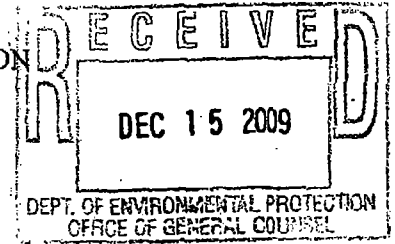
**Comments:**

**Request for Enlargement of Time**

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STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



FLORIDA POWER & LIGHT  
COMPANY,

Petitioner,

vs.

OGC No. 09-3901  
DEP Draft Permit No. 1270009-018-AV

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,

Respondent.

REQUEST FOR ENLARGEMENT OF TIME

By and through undersigned counsel, Florida Power & Light Company (FPL) hereby requests pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including December 31, 2009, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, FPL states the following:

1. On or about October 30, 2009, FPL received from the Department of Environmental Protection ("Department") a "Written Notice of Intent to Issue Air Permit" and accompanying "Draft Permit" (Air Permit No. 1270009-018-AC), for FPL's Sanford Plant.

2. FPL timely filed a request its first Request for Enlargement of Time and received an enlargement of time until December 15, 2009.

3. This second request is simply a protective measure to avoid waiver of FPL's right to challenge certain conditions contained in the Draft Permit. FPL is optimistic that, given time to discuss the permit with DEP, both parties will be able to resolve the outstanding issues.

4. The main issues that remain for FPL to finalize with DEP include:

modification of the permitting note addressing heat input for Unit 3.

reference to the air construction permit that was issued for orimulsion.

Page 20, B.10 addresses facility wide emissions caps under the combustion turbine section of the permit. It should be moved to the facility wide specific condition area of the permit that starts on page 5.

Page 22, B.21 requires annual testing of each fuel and HTPM testing. Natural gas is the only fuel fired at this time as initial testing for fuel oil has not been completed, plus fuel oil can only be burned in unit 5 when natural gas is not available. The number of hours at HTPM is limited and the units do not operate in this mode every year. The permit should retain the previous language from test requirements from operating permit 1270009-011-AV.

Primarily, FPL needs to be able to review the final permit to ensure that all the verbal agreements are properly captured before relinquishing our right to petition the permit.

Under these circumstances, it is appropriate to provide additional time for the Department and FPL to address the requirements for the Sanford Plant.

Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, FPL respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Revised Air Permit No.025003-008-AC be formally extended to and including December 31, 2009.


RESPECTFULLY SUBMITTED this 15th day of December, 2009.



Peter Cocotos, Esq.  
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Telephone: (561) 691-7085

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original and one copy of the foregoing REQUEST FOR ENLARGEMENT OF TIME has been filed by fax (850 245-2303) and U.S. Mail with the Agency Clerk, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and a true and correct copy of the foregoing REQUEST FOR ENLARGEMENT OF TIME has been furnished by fax (850 922-6979) to Jeff Koerner, and fax (850 245-2303) to Ronda Moore, Esq., Department of Environmental Protection, on this 15<sup>th</sup> day of December, 2009.

  
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Attorney