



# Memo

**To:** Tom Cascio, Trina Vielhauer, and OGC File

**From:** Ronni Moore, Assistant General Counsel *RM*

**Date:** November 12, 2008

**Re:** Florida Power & Light vs. DEP; DEP Permit No. 0110037-005-AV; OGC No. 08-2512

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On October 28, 2008, the Department issued an order granting FPL an extension of time through November 6, 2008, to file a petition for administrative hearing on the Department's Notice of Intent to Issue Title V Air Operation Permit, DEP permit number 0110037-005-AV, to FPL. FPL neither filed a petition, nor requested a further extension of time to file a petition by November 6, 2008. There being no further matters to consider, the Department's file in this matter is closed.

**Gibson, Victoria**

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**From:** Holtom, Jonathan  
**Sent:** Wednesday, November 12, 2008 10:50 AM  
**To:** Gibson, Victoria  
**Cc:** Cascio, Tom  
**Subject:** FW: FPL Order Granting Extension of Time re: OGC# 08-2512 / DEP Permit # 0110037-005-AV  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** FPL - Ft Lauderdale Title V - closure memo.pdf

Vickie,

Closure memo from Ronni for FPL Ft. Lauderdale. We should be ready to give you the Proposed determination this afternoon.

Jon

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**From:** Moore, Ronni  
**Sent:** Wednesday, November 12, 2008 10:48 AM  
**To:** Holtom, Jonathan; Cascio, Tom  
**Cc:** Vielhauer, Trina  
**Subject:** RE: FPL Order Granting Extension of Time re: OGC# 08-2512 / DEP Permit # 0110037-005-AV

No problem, thanks for the update. Attached is the closure memo.

Ronda L. Moore  
Assistant General Counsel



Please consider the environment before printing this email.

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**From:** Holtom, Jonathan  
**Sent:** Wednesday, November 12, 2008 9:45 AM  
**To:** Cascio, Tom  
**Cc:** Moore, Ronni  
**Subject:** FW: FPL Order Granting Extension of Time re: OGC# 08-2512 / DEP Permit # 0110037-005-AV

Tom,

We are ready to issue the Proposed permit, so it is good that this extension is finished and that they did not file anything further. Please move forward with issuing the Proposed.

Jon

PS Ronni, thanks for following up on the loose ends!

**From:** Cascio, Tom  
**Sent:** Wednesday, November 12, 2008 9:25 AM  
**To:** Holtom, Jonathan  
**Subject:** FW: FPL Order Granting Extension of Time re: OGC# 08-2512 / DEP Permit # 0110037-005-AV

Jon: Can you reply?

Tom

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**From:** Moore, Ronni  
**Sent:** Monday, November 10, 2008 4:47 PM  
**To:** Cascio, Tom; Vielhauer, Trina  
**Cc:** Swango, Katie; Gibson, Victoria  
**Subject:** FW: FPL Order Granting Extension of Time re: OGC# 08-2512 / DEP Permit # 0110037-005-AV

Afternoon,

Just checking on some cases here and I see that we issued the attached order granting FPL an extension of time through Nov. 6th on its Title V permit for the Ft. Lauderdale plant. We have not received a further request for extension of time or petition on the matter, so we'll be sending you a closure memo this week. If you have any questions, please let me know.

Thanks,  
Ronni

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**From:** Swango, Katie  
**Sent:** Tuesday, October 28, 2008 3:15 PM  
**To:** Vielhauer, Trina; Cascio, Tom  
**Cc:** Moore, Ronni  
**Subject:** FPL Order Granting Extension of Time re: OGC# 08-2512 / DEP Permit # 0110037-005-AV

Please find attached the PDF version of the Order Granting Extension of Time for the above mentioned facility. If you have a problem opening or viewing the above attachment please let me know and I will send you a hard copy as soon as possible. Thanks

Katie Marie Swango  
Administrative Assistant for  
Rebecca Robinette, Ronni Moore, & Pat Comer  
**FLORIDA DISCOUNT CARD:** More than 3,000 retail pharmacies in Florida are now a part of the Florida Discount Drug Card program. See [www.FloridaDiscountDrugCard.com](http://www.FloridaDiscountDrugCard.com) for more info or call toll-free, 1-866-341-8894.

## Gibson, Victoria

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**From:** Holtom, Jonathan  
**Sent:** Wednesday, November 05, 2008 1:48 PM  
**To:** Gibson, Victoria  
**Cc:** Cascio, Tom  
**Subject:** RE: From Vickie -- FPL Lauderdale 0110037-005-AV

It wouldn't surprise me, but hopefully they won't need to do so. They didn't get their comments to us until Monday afternoon. Tom is working on their Proposed determination and I expect that we will have a conversation with the company tomorrow.

Jon

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**From:** Gibson, Victoria  
**Sent:** Wednesday, November 05, 2008 1:45 PM  
**To:** Holtom, Jonathan  
**Subject:** From Vickie -- FPL Lauderdale 0110037-005-AV

Hi,

This extension of time will expire tomorrow, 11/6. Do you think that they will reapply?

*Vickie*

Victoria Gibson, Administrative Secretary for  
Trina Vielhauer, Chief  
Bureau of Air Regulation  
Division of Air Resource Management  
victoria.gibson@dep.state.fl.us  
850-921-9504 fax 850-921-9533

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA POWER & LIGHT COMPANY,

Petitioner,

vs.

OGC No. 08-2512  
DEP Permit No. 0110037-005-AV

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent.

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


This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Florida Power & Light Company (Petitioner), to grant an extension of time to file a petition for administrative hearing to allow time to discuss with the Department several specific permit conditions for its facility in Broward County, Florida. 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 **November 6, 2008**, to file a petition in this matter. Filing shall be complete upon 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 28<sup>th</sup> day of October, 2008, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
JACK CHISOLM, Deputy General Counsel  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000  
850/245-2242 facsimile 850/245-2302

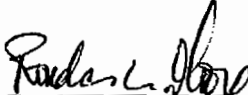
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Request for Extension of Time to File Petition for Hearing, was furnished via facsimile ONLY on this 20th day of October, 2008, to:

Peter Cunningham  
Hopping, Green & Sams, P.A.  
123 S. Calhoun Street  
Tallahassee, Florida 32301

facsimile: 850/224-8551

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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RONDA L. MOORE  
Assistant General Counsel  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000  
phone 850/245-2193  
facsimile 850/245-2302  
Florida Bar No. 0676411

cc via electronic mail:

Trina Vielhauer, DEP BAR Chief - [Trina.Vielhauer@dep.state.fl.us](mailto:Trina.Vielhauer@dep.state.fl.us)  
Tom Cascio, Project Engineer - [Tom.Cascio@dep.state.fl.us](mailto:Tom.Cascio@dep.state.fl.us)

**Gibson, Victoria**

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**From:** Vielhauer, Trina  
**Sent:** Wednesday, October 29, 2008 7:25 AM  
**To:** Gibson, Victoria  
**Subject:** FW: FPL Order Granting Extension of Time re: OGC# 08-2512 / DEP Permit # 0110037-005-AV  
**Attachments:** 082512 10-28-2008.pdf

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**From:** Swango, Katie  
**Sent:** Tuesday, October 28, 2008 3:15 PM  
**To:** Vielhauer, Trina; Cascio, Tom  
**Cc:** Moore, Ronni  
**Subject:** FPL Order Granting Extension of Time re: OGC# 08-2512 / DEP Permit # 0110037-005-AV

Please find attached the PDF version of the Order Granting Extension of Time for the above mentioned facility. If you have a problem opening or viewing the above attachment please let me know and I will send you a hard copy as soon as possible. Thanks

Katie Marie Swango

Administrative Assistant for

Rebecca Robinson, Ronni Moore, & Pat Comer

**FLORIDA DISCOUNT CARD:** More than 3,000 retail pharmacies in Florida are now a part of the Florida Discount Drug Card program. See [www.FloridaDiscountDrugCard.com](http://www.FloridaDiscountDrugCard.com) for more info or call toll-free, 1-866-341-8894.



**Gibson, Victoria**

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**From:** Holtom, Jonathan  
**Sent:** Monday, October 13, 2008 2:30 PM  
**To:** Crandall, Lea; Moore, Ronni  
**Cc:** Cascio, Tom; Chisolm, Jack; Vielhauer, Trina; Gibson, Victoria  
**Subject:** RE: Request for Extension of Time - 0110037-005-AV - FPL

I suspect that we will get these requests for most all of our Title V renewals, as has been typical. My request would be that the applicants be asked to immediately publish the Public Notice as a condition of granting the extension and then that we only grant their extension request until the end of their 30-day public comment period. That way, when the comment period ends, we can go ahead and send the Proposed permit to EPA for their review and get their Acid Rain permits issued by the first of the year.

Jon Holtom, P.E., CPM  
Acting Title V Program Administrator  
Bureau of Air Regulation  
(850) 921-9531

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**From:** Cascio, Tom  
**Sent:** Monday, October 13, 2008 1:35 PM  
**To:** Holtom, Jonathan  
**Subject:** FW: Request for Extension of Time - 0110037-005-AV - FPL

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**From:** Crandall, Lea  
**Sent:** Monday, October 13, 2008 11:18 AM  
**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Cascio, Tom  
**Subject:** Request for Extension of Time - 0110037-005-AV - FPL

FYI, a Request for Extension of Time was filed 10/10/08 re: 0110037-005-AV – FPL.

Thanks,  
Lea

Lea Crandall  
Agency Clerk  
Office of General Counsel  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212  
Fax: (850) 245-2303

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10/14/2008

OCT 10 2008

OFFICE OF  
GENERAL COUNSEL

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA POWER & LIGHT CO.,

Petitioner,

vs.

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,

Respondent.

OGC No.

DEP Draft Permit No. 0110037-005-AV

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**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 November 10, 2008, 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:

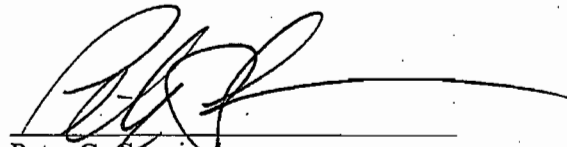
1. On or about September 26, 2008, FPL received from the Department of Environmental Protection ("Department") a "Written Notice of Intent to Issue Title V Air Operation Permit" and accompanying "Draft Permit" (Air Permit No. 0110037-005-AV), for FPL's Lauderdale Plant, which is located 2 miles west of Ravenswood Road, Fort Lauderdale, in Broward County, Florida.
2. Based on FPL's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or correction.
3. Mr. Kevin Washington of FPL's Environmental Services Department has advised Mr. Tom Cascio of the Department's Bureau of Air Regulation concerning this Request and Mr. Cascio has indicated no objection to the enlargement of time requested herein.

4. Representatives of FPL intend to discuss possible resolutions to the issues needing clarification or correction with representatives of the Department in the near future.

5. This request is filed simply as a protective measure to avoid waiver of FPL's right to challenge certain provisions of the Draft Permit. 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 Title V Air Operation Permit No.0110037-005-AV be formally extended to and including November 10, 2008.

RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of October, 2008.



Peter C. Cunningham  
Florida Bar No. 0321907  
Hopping, Green & Sams, P.A.  
123 S. Calhoun Street  
Tallahassee, Florida 32301  
Telephone: (850) 222-7500  
Facsimile (850) 224-8551

Attorneys for Petitioner  
Florida Power & Light Company

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original and one copy of the foregoing REQUEST FOR ENLARGEMENT OF TIME has been filed by hand delivery 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 hand delivery to Ronda L. Moore, Assistant General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and Tom Cascio Department of Environmental Protection, 111 S. Magnolia Drive, Tallahassee, Florida on this 10<sup>th</sup> day of October, 2008.

  
Attorney

**Gibson, Victoria**

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**From:** Brown, Lisa L.  
**Sent:** Monday, October 13, 2008 11:20 AM  
**To:** Swango, Katie; Moore, Ronni  
**Cc:** Gibson, Victoria  
**Subject:** FW: Request for Extension of Time - 0110037-005-AV - FPL  
**Attachments:** Di4700810131108.PDF

Katie - this will be Ronni's. Watch for it to come downstairs so you can set up the file.

Lisa L. Brown ☺

Legal Assistant to Jack Chisolm, Deputy General Counsel  
Toni Sturtevant, Siting Attorney - Assistant General Counsel  
Ronni Moore, Assistant General Counsel - Siting Matters only  
SITING LEGAL ASSISTANT  
Office of General Counsel - Waste~Air Section  
850-245-2276  
[lisa.l.brown@dep.state.fl.us](mailto:lisa.l.brown@dep.state.fl.us)

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**From:** Crandall, Lea  
**Sent:** Monday, October 13, 2008 11:18 AM  
**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Cascio, Tom  
**Subject:** Request for Extension of Time - 0110037-005-AV - FPL

**FYI, a Request for Extension of Time was filed 10/10/08 re: 0110037-005-AV – FPL.**

Thanks,  
Lea

Lea Crandall  
Agency Clerk  
Office of General Counsel  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212  
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**Chronology of Activities**

OGC Number **08 2512 06 AV** District **SOUTHEAST** County **BROWARD**  
 Style of Case **FLORIDA POWER & LIGHT COMPANY VS. DEP**  
 Program Area **AIR TITLE V** Mode **PERMITTING**  
 Lead Attorney **RONNI L MOORE** Status **CLOSED**  
 Forum Name \_\_\_\_\_ Forum Case Number \_\_\_\_\_  
 Permit Appl **0110037-005-AV** Final Order Number \_\_\_\_\_

Date *	Code	Activity Description
<b>10/10/2008</b>	<b>AA</b>	<b>ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM</b>
10/10/2008	ACO	ADMIN. CASE OPENED IN OGC
10/10/2008	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
10/15/2008	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
10/28/2008		SENT OUT ORDER GRANTING EXTENSION
11/06/2008	EXP1	FIRST EXTENSION EXPIRES TODAY
11/12/2008		MEMO CLOSING FILE
<b>11/18/2008</b>	<b>CC</b>	<b>CASE CLOSED IN OGC</b>
11/18/2008		TO BE ARCHIVED PER RONNI MOORE