

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

**CSX TRANSPORTATION, INC.,**

**Petitioner,**

**vs.**

**CEDAR BAY GENERATING  
COMPANY, L.P. and DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,**

**OGC Case No. 05-2690  
DEP Permit No. 0310337-010-AV  
OGC Case No. 05-2689  
DEP Permit No. 0310337-009-AC**

**Respondents.**

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**ORDER CLOSING FILE**

On December 9, 2005, the Florida Department of Environmental Protection (Department) received a petition for administrative hearing from the Petitioner, CSX Transportation, Inc. On April 10, 2006, the Petitioner voluntarily withdrew their petition for administrative hearing. On April 11, 2006 the assigned administrative law judge issued an order closing their file, relinquishing jurisdiction back to the Department. There being no further matters to consider,

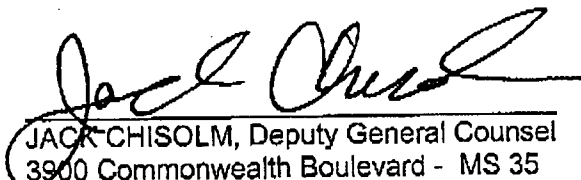
**IT IS ORDERED:**

The Department's file in this matter is closed.

Any party to this order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes by the filing of a notice of appeal under rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days from the date this order is filed with the clerk of the Department.

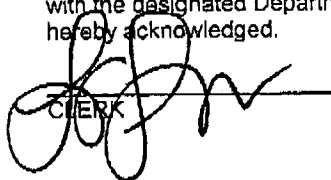
DONE AND ORDERED this 24 day of April, 2006, in Tallahassee, Florida.

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

FILED on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

  
CLERK

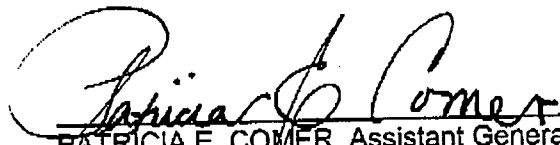
April 24, 2006  
Date

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via    facsimile  U.S. Mail  ONLY this 24<sup>th</sup> day of April, 2006, to:

Lawrence N. Curtin  
HOLLAND & KNIGHT, LLP  
Post Office Drawer 810  
Tallahassee, FL 32302

David S. Dee  
YOUNG VAN ASSENDERP, P.A.  
P.O. Box 1833  
Tallahassee, FL 32302-1833

  
\_\_\_\_\_  
PATRICIA E. COMER, Assistant General Counsel  
Florida Bar No. 0224146  
Department of Environmental Protection  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000  
Telephone 850/245-2242  
Facsimile 850/245-2302

with courtesy copy to:

Trina L. Vielhauer, Chief  
Bureau of Air Regulation

facsimile: 850/921-9533

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

CSX TRANSPORTATION, INC,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case Nos. 06-0461
	)	06-0462
CEDAR BAY GENERATING COMPANY,	)	06-0463
L.P. and DEPARTMENT OF	)	
ENVIRONMENTAL PROTECTION,	)	
	)	
Respondents.	)	

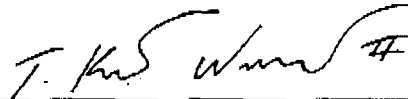
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ORDER SEVERING CASES

This case is before the undersigned on the Voluntary Withdrawal of Petition in DOAH Case No. 06-0462, filed by Petitioner on February 27, 2006. The document states that "Respondents do not object to the withdrawal of the Petition." Upon due consideration, it is

ORDERED that DOAH Case No. 06-0462 is severed from the other cases so that the file in that case can be closed.

DONE AND ORDERED this 1st day of March, 2006, in Tallahassee, Leon County, Florida.




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T. KENT WETHERELL, II  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675   SUNCOM 278-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 1st day of March, 2006.

COPIES FURNISHED:

Patricia E. Comer, Esquire  
Department of Environmental Protection  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Lawrence N. Curtin, Esquire  
Holland & Knight, LLP  
315 South Calhoun Street, Suite 600  
Post Office Box 810  
Tallahassee, Florida 32302-0810

David S. Dee, Esquire  
Young Van Assenderp, P.A.  
225 South Adams Street Suite 200  
Post Office Box 1833  
Tallahassee, Florida 32302

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

CSX TRANSPORTATION, INC,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 06-0462
	)	
CEDAR BAY GENERATING COMPANY,	)	
L.P. and DEPARTMENT OF	)	
ENVIRONMENTAL PROTECTION,	)	
	)	
Respondents.	)	
	)	

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ORDER CLOSING FILE

This cause having come before the undersigned on Voluntary Withdrawal of Petition in DOAH Case No. 06-0462 filed February 27, 2006, and the undersigned being fully advised, it is, therefore,

ORDERED that:

The file of the Division of Administrative Hearings in the above-captioned matter is hereby closed.

DONE AND ORDERED this 1st day of March, 2006, in Tallahassee, Leon County, Florida.




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T. KENT WETHERELL, II  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
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Filed with the Clerk of the  
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CEDAR BAY GENERATING COMPANY,	)	06-0463
L.P. and DEPARTMENT OF	)	
ENVIRONMENTAL PROTECTION,	)	
	)	
Respondents.	)	
_____	)	

NOTICE OF HEARING

A hearing will be held in this case at the Division of Administrative Hearings, check the bulletin board in the lobby for room assignment, the DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida, on June 14 and 15, 2006, at 9:00 a.m., or as soon thereafter as can be heard. Continuances will be granted only by order of the Administrative Law Judge for good cause shown.

ISSUE: As stated in the Petition for Formal Administrative Hearing.

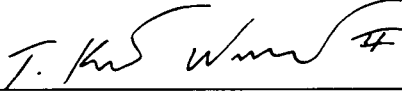
AUTHORITY: Chapter 120, Florida Statutes; and Chapter 28-106, Parts I and II, Florida Administrative Code.

The parties shall arrange to have all witnesses and evidence present at the time and place of hearing. Subpoenas will be issued by the Administrative Law Judge upon request of the parties. All parties have the right to present oral argument and to cross-examine opposing witnesses. All parties have the right to be represented by counsel or other qualified representative, in accordance with Rule 28-106.106, Florida Administrative Code. Failure to appear at this hearing may be grounds for entry of a recommended order of dismissal.



The Agency shall be responsible for making arrangements for the court reporter.

February 15, 2006

  
T. KENT WETHERELL, II  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
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In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Judge's secretary no later than seven days prior to the hearing. The Judge's secretary may be contacted at the address or telephone numbers above, via 1-800-955-8771 (TDD), or 1-800-955-8770 (Voice) Florida Relay Service.