

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

GULF POWER COMPANY
(Scholz Plant),

DEC 04 1998

Petitioner,

BUREAU OF
AIR REGULATION

vs.

OGC CASE NO. 97-1823

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 Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner, GULF POWER COMPANY, to grant an extension of time to file a petition for an administrative hearing on Permit No. 0630014-001-AV. See Exhibit 1.

Respondent, State of Florida Department of Environmental Protection, has no objection to it. Therefore,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until February 1, 1999, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Mail Station 35, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 3d day of December, 1998, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


F. PERRY ODOM
General Counsel

Douglas Building, MS #35
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (850) 488-9314

CERTIFICATE OF SERVICE

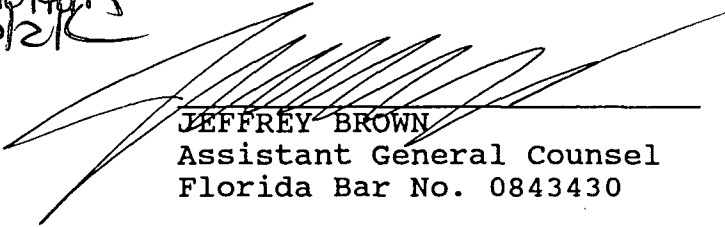
I CERTIFY that a true copy of the foregoing was mailed to:

Angela R. Morrison
123 South Calhoun Street
Tallahassee, Florida 32314

on this 4 day of December, 1998.

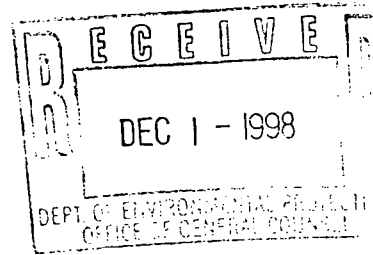
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

12/9/98 cc: Jonathan Holman
Scott Sheplak


JEFFREY BROWN
Assistant General Counsel
Florida Bar No. 0843430

Mail Station 35
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (850) 488-9314

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the Matter of an
Application for Permit by:

OGC No. 97-1823

Gulf Power Company
One Energy Place
Pensacola, FL 32520

DRAFT Permit No.: 0630014-001-AV
Scholz Plant
Jackson County

REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, Gulf Power Company (Gulf) hereby requests, pursuant to Florida Administrative Code Rules 62-110.106(4), an extension of time, to and including February 1, 1999, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Gulf states the following:

1. On or about October 6, 1997, Gulf received from the Department of Environmental Protection (Department) an "Intent to Issue Title V Air Operation Permit" (Permit No. 0630014-001-AV) for the Scholz Plant located in Escambia County, Florida. Along with the Intent to Issue, Gulf received a draft Title V permit and "Public Notice of Intent to Issue Title V Air Operation Permit."
2. By order dated October 12, 1998, the Department granted an extension of time until December 1, 1998, within which to file a petition for an administrative hearing.
3. The draft permit and associated documents contain several provisions that warrant clarification or correction.

4. Representatives of Gulf have corresponded and intend to continue to correspond with staff of the Department's Bureau of Air Regulation in an effort to resolve all issues.

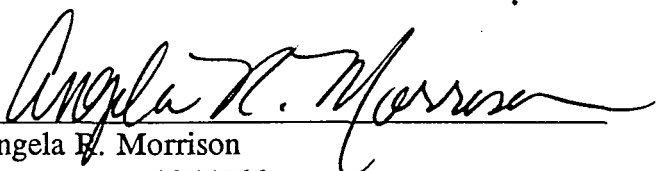
5. This request is filed simply as a protective measure to avoid waiver of Gulf's right to challenge certain conditions contained in the draft Title V permit. Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need to file a petition and proceed to a formal administrative hearing.

6. Counsel for Gulf has attempted without success to contact Jonathan Holtom with the Department's Bureau of Air Regulation regarding this request.

WHEREFORE, Gulf 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 for Permit No. 0630014-001-AV be formally extended to and including February 1, 1999. If the Department denies this request, Gulf requests the opportunity to file a Petition for Administrative Proceedings within 10 days of such denial.

Respectfully submitted this 1st day of December, 1998.

HOPPING GREEN SAMS & SMITH, P.A.



Angela E. Morrison
Fla. Bar No. 0855766
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
(850) 222-7500

Attorney for GULF POWER COMPANY

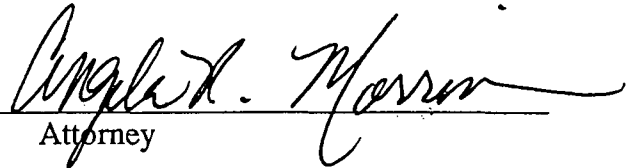
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by

U.S. Mail on this 1st day of December, 1998.

Clair H. Fancy, P.E.
Chief
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2600

Jeffrey Brown
Office of General Counsel
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2600



Attorney

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THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an
Application for Permit by:

OGC No. 97-1823

Gulf Power Company
One Energy Place
Pensacola, FL 32520

DRAFT Permit No.: 0630014-001-AV
Scholz Plant
Jackson County

_____ /

REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, Gulf Power Company (Gulf) hereby requests, pursuant to Florida Administrative Code Rules 62-110.106(4), an extension of time, to and including June 1, 1999, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Gulf states the following:

1. On or about October 6, 1997, Gulf received from the Department of Environmental Protection (Department) an "Intent to Issue Title V Air Operation Permit" (Permit No. 0630014-001-AV) for the Scholz Plant located in Escambia County, Florida. Along with the Intent to Issue, Gulf received a draft Title V permit and "Public Notice of Intent to Issue Title V Air Operation Permit."

2. By order dated December 3, 1998 the Department granted an extension of time until February 1, 1999, within which to file a petition for an administrative hearing.

3. The draft permit and associated documents contain several provisions that warrant clarification or correction.

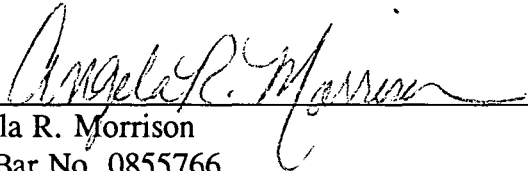
4. Representatives of Gulf have corresponded and intend to continue to correspond with staff of the Department's Bureau of Air Regulation in an effort to resolve all issues.

5. This request is filed simply as a protective measure to avoid waiver of Gulf's right to challenge certain conditions contained in the draft Title V permit. 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.

WHEREFORE, Gulf 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 for Permit No. 0630014-001-AV be formally extended to and including June 1, 1999. If the Department denies this request, Gulf requests the opportunity to file a Petition for Administrative Proceedings within 10 days of such denial.

Respectfully submitted this 29th day of January, 1999.

HOPPING GREEN SAMS & SMITH, P.A.



Angela R. Morrison
Fla. Bar No. 0855766
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
(850) 222-7500

Attorney for GULF POWER COMPANY

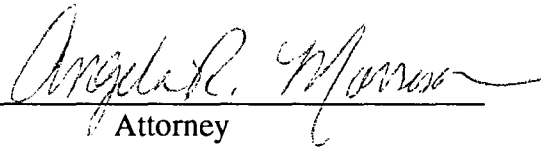
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by

U.S. Mail on this 29th day of January, 1999.

Clair H. Fancy, P.E.
Chief
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2600

Jeffrey Brown
Office of General Counsel
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2600



Attorney

2/17/99 cc: Jonathan Holton