

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

*thru: Jonathan to: fl*

RECEIVED

MAR 27 1998

In the Matter of an  
Application for Permit by:

OGC No. 97-1823

BUREAU OF  
AIR REGULATION

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 28-106.111(3) and 62-103.050(1), an extension of time, to and including July 1, 1998, 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 January 5, 1998, the Department granted an extension of time until April 1, 1998, within which to file a petition for an administrative hearing.

3. Based on Gulf's review, 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.

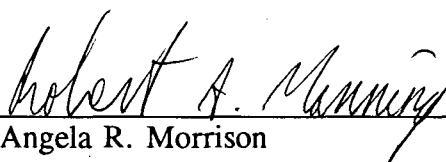
5. This request is filed simply as a protective measure to avoid waiver of Gulf's right to challenge certain conditions contained in the draft Title V permit. Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need to file a petition and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

6. Jonathan Holtom with the Bureau of Air Regulation has agreed to an extension until July 1, 1998, on behalf of the Department. Representatives from Gulf have attempted without success to contact Jeffrey Brown with the Office of General Counsel 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 July 1, 1998.

Respectfully submitted this 26 day of March, 1998.

HOPPING GREEN SAMS & SMITH, P.A.

  
\_\_\_\_\_  
Angela R. Morrison  
Fla. Bar No. 0855766  
Robert A. Manning  
Fla. Bar. No. 0035173  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, FL 32314  
(850) 222-7500

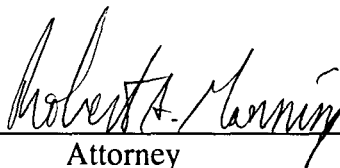
Attorney for GULF POWER COMPANY

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following  
by U.S. Mail on this 26 day of March, 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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DEPARTMENT OF ENVIRONMENTAL PROTECTION ~~Dept. of Environmental Protection~~  
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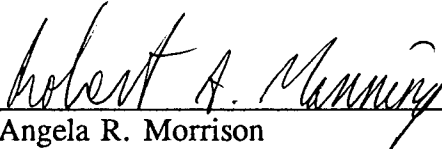
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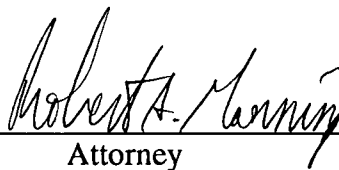
Attorney for GULF POWER COMPANY

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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

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**GULF POWER COMPANY**

**Petitioner,**

**vs.**

**OGC CASE NO. 97-1823**

**STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,**

**Respondent.**

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**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 Application No. 0630014-001-AV. See Exhibit 1.

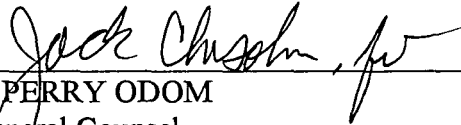
Counsel for Petitioner has discussed this request with counsel for the Respondent Department. The Department has no objection to it. Therefore,

**IT IS ORDERED:**

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until July 1, 1998, 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<sup>th</sup> day of April 1998 in Tallahassee,  
Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

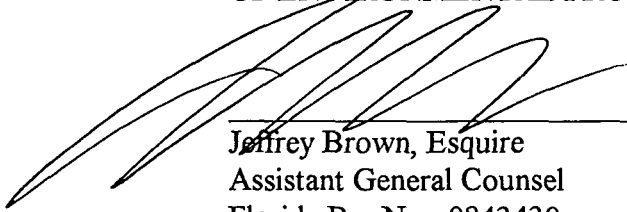
  
\_\_\_\_\_  
F. PERRY ODOM  
General Counsel

3900 Commonwealth Boulevard  
Mail Station 35  
Tallahassee, FL 32399-3000  
Telephone: (904) 488-9314

**CRTIFICATE OF SERVICE**

I CERTIFY that a true copy of the foregoing was mailed to Angela R. Morrison, 123  
South Calhoun Street, Post Office Box 6526, Tallahassee, Florida 32314; and Robert A.  
Manning, 123 S. Calhoun Street, Post Office Box 6526, Tallahassee, Florida 32314, on this 15  
day of April 1998.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
Jeffrey Brown, Esquire  
Assistant General Counsel  
Florida Bar No.: 0843430

3900 Commonwealth Boulevard  
Mail Station 35  
Tallahassee, FL 32399-3000  
Telephone: (904) 488-9730