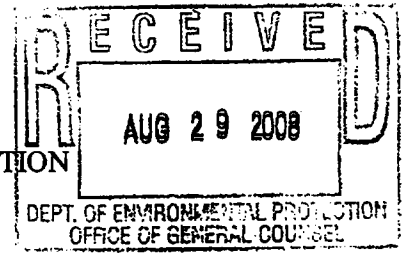


File

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the Matter of an
Application for Air Construction Permit by: OGC No. 08-0989

Florida Municipal Power Agency
8553 Commodity Circle
Orlando, Florida 32819-9002
Cane Island Power Park Unit 4
Air Permit No. PSD-FL-400
Air Permit No. 0970043-014-AC
Osceola County

WITHDRAWAL OF REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, the Florida Municipal Power Agency (FMPA) hereby withdraws its Request for Extension of Time to file a Petition for Administrative Proceedings in accordance with Florida Administrative Code Rule 62-110.106(4). FMPA filed its request for extension of time until August 29, 2008, in response to the "Intent to Issue Air Permit" (Permit No. 0970043-014-AC) for the Cane Island Power Park Unit 4, located in Osceola County, Florida. The Department of Environmental Protection (Department) granted that extension on July 18, 2008.

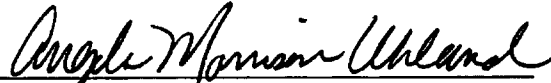
This withdrawal is conditioned upon changes agreed to between the Department and FMPA, which are reflected in the revised draft permit and final determination attached as Exhibit A, and additional clarifying language regarding the 15 parts per million nitrogen oxides standard established under New Source Performance Standard 40 C.F.R. 60 Subpart KKKK, to be added to the final determination as follows:

When the U.S. Environmental Protection Agency promulgated this standard, the Federal Register preamble recognized that "even for well-operated units with efficient NO_x emission controls, excess emission 'spikes' during unit startup and shutdown are inevitable, and malfunctions of emission controls and process equipment occasionally occur. . . . While continuous compliance is not required, excess emissions during startup, shutdown, and malfunction must be reported. . . . It is clear that continuous compliance is

not a requirement of the final rule during periods of startup, shutdown, and malfunction.”
71 Federal Register 38482 (July 6, 2006).

Respectfully submitted this 29th day of August, 2008.

HOPPING GREEN & SAMS, P.A.



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AGENCY

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 August, 2008:

Ronni Moore
Office of General Counsel
Department of Environmental Protection
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