

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**RECEIVED**

FLORIDA POWER CORPORATION  
(ANCLOTE POWER PLANT),

Petitioner,

FEB 09 1999

BUREAU OF  
AIR REGULATION

vs.

OGC CASE NO. 98-3107

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, Florida Power Corporation (Anclote Power Plant), to grant an extension of time to file a petition for an administrative hearing on application No. 1010017-003-AV. See Exhibit 1.

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

IT IS ORDERED:

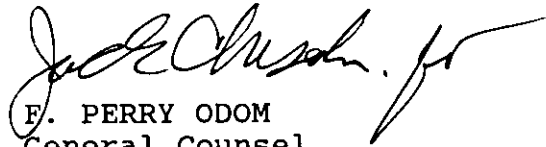
The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until March 1, 1999, to file a petition in this matter.

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 5th day of February, 1999, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
F. PERRY ODOM  
General Counsel

Douglas Building  
3900 Commonwealth Boulevard  
Mail Station #35  
Tallahassee, Fl. 32399-3000  
Telephone: (850) 488-9314

CERTIFICATE OF SERVICE

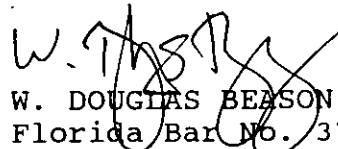
I CERTIFY that a copy of the foregoing has been mailed to:

Robert A. Manning, Esq.  
123 South Calhoun Street  
Tallahassee, Florida 32314

on this 8th day of February, 1999.

2/17/99 cc: Mike Halpin

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
W. DOUGLAS BEASON  
Florida Bar No. 379239  
Assistant General Counsel

Douglas Building  
3900 Commonwealth Boulevard  
Mail Station #35  
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 CASE NO.: 98-3107  
FDEP Revised Draft Permit No.: 1010017-003-AV

Florida Power Corporation  
Anclote Power Plant, Pasco County, Florida

---

**REQUEST FOR ENLARGEMENT OF TIME**

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

1. On or about August 21, 1997, FPC received from the Department of Environmental Protection (Department) an "Intent to Issue Title V Air Operation Permit" (Draft Permit No. 1010017-003-AV) for the FPC Anclote Power Plant located in Pasco County, Florida. On September 4, 1997, FPC filed a Petition for Administrative Proceeding on this permit.
2. On or about November 30, 1998, FPC received from the Department an "Intent to Issue Title V Air Operation Permit" (REVISED Draft Permit No. 1010017-003-AV) for the FPC Anclote Power Plant. FPC previously requested and the Department granted an enlargement of time to February 1, 1999.
3. The Department's cover letter to the Revised permit states that the initial Draft Title V permit is withdrawn. In reliance on this representation, FPC hereby files this second Request for Extension of Time on the Revised Draft permit. Nonetheless, insofar as the initial Draft Title V permit

may be determined to still be in effect, FPC respectfully reserves its right to pursue its Petition on the initial Draft Title V permit.

4. Based on FPC's review, the Revised Draft permit and associated documents contain several provisions that warrant clarification or correction.

5. This request is filed simply as a protective measure to avoid waiver of FPC's right to challenge certain conditions contained in the Revised Draft Title V 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, FPC 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 Revised Draft Permit No. 1010017-003-AV be formally extended to and including April 1, 1999.

Respectfully submitted this 28 day of January, 1999.

HOPPING GREEN SAMS & SMITH, P.A.

By: Robert A. Manning

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

Attorneys for FLORIDA POWER  
CORPORATION

**CERTIFICATE OF SERVICE**

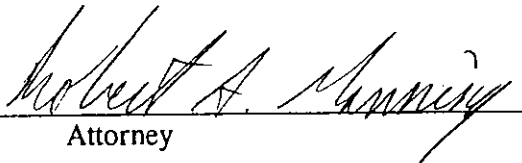
I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by U.S.

Mail on this 28 day of January, 1999:

Clair H. Fancy, P.E., Chief  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

Jeff Brown, Esq.  
Department of Environmental Protection  
Room 669  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

Ed Svec  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

  
\_\_\_\_\_  
Attorney

Scott

**RECEIVED**

JAN 29 1999

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF  
AIR REGULATION

In the Matter of an  
Application for Permit by:

OGC CASE NO.:  
FDEP Revised Draft Permit No.: 1010017-003-AV

Florida Power Corporation  
Anclote Power Plant, Pasco County, Florida

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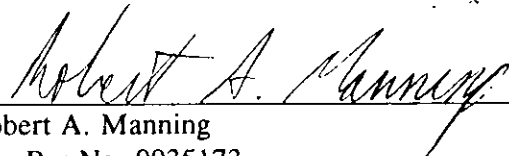
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Respectfully submitted this 28 day of January, 1999.

HOPPING GREEN SAMS & SMITH, P.A.

By:   
Robert A. Manning  
Fla. Bar No. 0035173  
123 South Calhoun Street  
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Attorneys for FLORIDA POWER  
CORPORATION

**CERTIFICATE OF SERVICE**

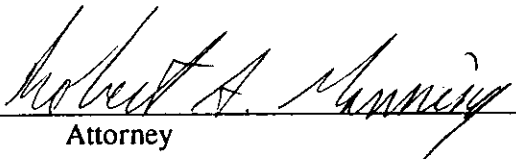
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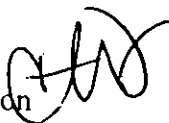
  
\_\_\_\_\_  
Attorney



Memorandum

Florida Department of  
Environmental Protection

TO: Jack Chisolm, OGC  
FROM: Clair Fancy, Bureau of Air Regulation  
DATE: February 1, 1999



Re: FPC - Anclote Power Plant, 1010017-003-AV

To the best of our knowledge we have resolved all of Florida Power Corporation's concerns on the subject project. The department has received multiple requests of extensions of time from FPC.

We recommend that the extension of time on this project be granted for only thirty (30) more days (March 1, 1999). We also recommend the following language be added to the order granting the extension of time:

"In response to FPC's petition filed September 4, 1997, the department issued a revised DRAFT permit on November 25, 1998. The applicant provided proof of publication on January 7, 1999. Within fourteen (14) days of receipt of this order, the applicant shall provide a specific list of remaining issues that warrant clarification or correction."

ogcl.doc

2/1/99 cc: Scott Sheplek  
Mike Helpin  
Reading File