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Fax

To: Lea Crandall, Agency Clerk, DEP	From: Peter Cocotos, Esq.
Fax: 850-245.2303	Date: November 12, 2009
Phone: 850.245.2242	Pages: 4, including this Page
Re: FPL v. FDEP	CC:

Urgent For Review Please Comment Please Reply Please Recycle

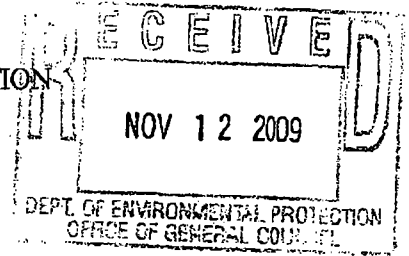
Comments:

Request for Enlargement of Time

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STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



FLORIDA POWER & LIGHT
COMPANY,

Petitioner,

vs.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondent.

OGC No.
DEP Draft Permit No. 1270009-018-AV

REQUEST FOR ENLARGEMENT OF TIME

By and through undersigned counsel, Florida Power & Light Company (FPL) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including December 15, 2009, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, FPL states the following:

1. On or about October 30, 2009, FPL received from the Department of Environmental Protection ("Department") a "Written Notice of Intent to Issue Air Permit" and accompanying "Draft Permit" (Air Permit No. 1270009-018-AC), for FPL's Sanford Plant, which is located at 950 S HIGHWAY 17-92, DEBARY, FL 32713, VOLUSIA County, Florida.

2. This request is simply a protective measure to avoid waiver of FPL's right to challenge certain conditions contained in the Draft Permit. FPL is optimistic that, given time to discuss the permit with DEP, both parties will be able to resolve the outstanding issues.

3. The main issues that FPL would like to discuss with DEP include:

the insertion of an NSPS requirement for 40 CFR 60 Subpart GG regarding NOx monitoring.

modification of the permitting note addressing heat input for Unit 3.

reference to the air construction permit that was issued for orimulsion.

the maximum heat input description of calculation is placed under distillate fuel.

Page 20, Page 20, B.10 addresses facility wide emissions caps under the combustion turbine section of the permit. It should be moved to the facility wide specific condition area of the permit that starts on page 5.

Page 21, B.13.e. needs administrative changes to enhance the description of the tuning allowance. All references to tuning should be preceded by the word major to differentiate these events from daily tuning activities.

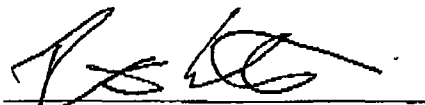
Page 22, B.21 requires annual testing of each fuel. Fuel oil can only be burned in unit 5 when natural gas is not available. The permit should retain the previous language from test requirements from operating permit 1270009-011-AV.

Under these circumstances, it is appropriate to provide additional time for the Department and FPL to address the requirements for the Sanford Plant.

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, FPL respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Revised Air Permit No.0250003-008-AC be formally extended to and including December 15, 2009.

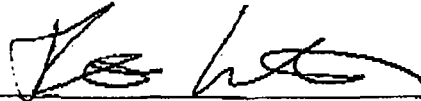
RESPECTFULLY SUBMITTED this 12th day of November, 2009.



Peter Cocotos, Esq.
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CERTIFICATE OF SERVICE

HEREBY CERTIFY that the original and one copy of the foregoing REQUEST FOR ENLARGEMENT OF TIME has been filed by fax and U.S. Mail with the Agency Clerk, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-2000, and a true and correct copy of the foregoing REQUEST FOR ENLARGEMENT OF TIME has been furnished by fax to Tammy McWade, Department of Environmental Protection, 111 S. Magnolia Drive, Tallahassee, Florida on this 12th day of November, 2009.



Attorney