

Bobby

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROGRESS ENERGY FLORIDA, INC.
University of Florida Cogeneration Plant

Petitioner,

vs.

OGC File No. 04-1648
FDEP File No. 0010001-007-AV

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Respondent.

ORDER DENYING 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, Progress Energy Florida, Inc., to grant an extension of time to file a petition for administrative proceeding to allow time for further clarification or corrections on the draft permit for its facility in Alachua County, Florida. Because the request fails to show good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is **DENIED**. Petitioner shall have until November 1, 2004 to file a petition for administrative hearing. The petition must be filed (received) in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, facsimile 850-245-2303, by 5:00pm on November 1, 2004.

DONE and ORDERED this 25th day of October, 2004 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Jack Chisolm

JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard, M.S. 35
Tallahassee, Florida 32399-3000

FILED on this date, pursuant to S.12052 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

CLERK

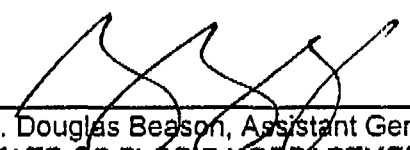
DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via
__ U. S. Mail __ facsimile __ ON __Y, this 22nd day of October, 2004, to:

Robert A. Manning
Esquire
Hopping Green & Sams, P.A.
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
facsimile: 850-224-8551

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



W. Douglas Beason, Assistant General Counsel
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION
3900 Commonwealth Boulevard - Mail Station 35
Tallahassee, FL 32399-3000
850-245-2242 facsimile 850-245-2302

With an internal courtesy copy to

Trina L. Vielhauer
Chief
Bureau of Air Regulation

via fax only - 850-921-9533

Bobby

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an
Application for Permit by:

OGC CASE NO.: 04-1648
DEP Draft Permit No.: 0010001-007-AV

Progress Energy Florida, Inc.
University of Florida Cogeneration Plant
Alachua County, Florida

SECOND REQUEST FOR ENLARGEMENT OF TIME

By and through undersigned counsel, Progress Energy Florida, Inc. (Progress) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including November 15, 2004, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Progress states the following:

1. By letter dated August 26, 2004, the Department of Environmental Protection (DEP) issued an "Intent to Issue Title V Air Operation Permit" (DRAFT Permit No. 0010001-007-AV) for the facility located on Mowery Road at University of Florida, Gainesville, Florida. Along with the Intent to Issue, DEP issued a draft Title V permit and "Public Notice of Intent to Issue Title V Air Operation Permit." Progress received these documents on or about September 9, 2004.

2. Based on Progress's review, the draft permit and associated documents contain provisions that warrant clarification or correction.

3. The Department granted Progress' first Request for Enlargement of Time, allowing until October 15, 2004, to file a petition in this matter.

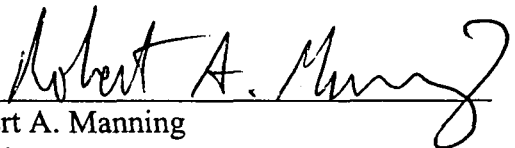
4. Progress is now requesting until November 15, 2004, in order to resolve remaining

issues before the Department's intended deadline to send all Title V renewals to the Environmental Protection Agency as proposed permits.

5. This second request is filed simply as a protective measure to avoid waiver of Progress's right to challenge certain conditions contained in the Draft Title V Permit, in the event that an agreement cannot be reached. 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, Progress respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to DEP's Intent to Issue Draft Permit No. 0010001-007-AV be formally extended to and including November 15, 2004.

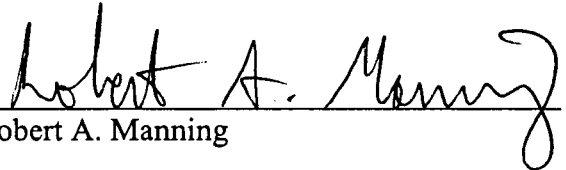
RESPECTFULLY SUBMITTED this 15th day of October, 2004.

By: 
Robert A. Manning
Florida Bar ID No. 0035173
Hopping Green & Sams, P.A.
123 South Calhoun Street
Post Office Box 6526
Tallahassee, Florida 32314
(850) 222-7500
(850) 224-8551 Facsimile

Attorneys for PROGRESS ENERGY
FLORIDA, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Kathy Carter, Agency Clerk, and Doug Beason, General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Suite 300, Tallahassee, Florida 32399-3000; and Trina Vielhauer, Florida Department of Environmental Protection, Division of Air Resource Management, 111 S. Magnolia Drive, Suite 23, Tallahassee, Florida 32399 this 15th day of October, 2004.


Robert A. Manning