

Scott

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**RECEIVED**

NOV 17 1997

BUREAU OF  
AIR REGULATION

In the Matter of an  
Application for Permit by:

OGC No. 97-1500

City of Gainesville, Gainesville  
Regional Utilities  
P.O. Box 147117 (A134)  
Gainesville, FL 32614-7717

DRAFT Permit No.: 0010005-001-AV  
J.R. Kelly Generating Station  
Alachua County

**REQUEST FOR EXTENSION OF TIME**

By and through undersigned counsel, City of Gainesville, Gainesville Regional Utilities (GRU) hereby requests, pursuant to Florida Administrative Code Rules 28-106.111(3) and 62-103.050(1), an extension of time to and including January 5, 1998, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, GRU states the following:

1. On or about August 27, 1997, GRU received from the Department of Environmental Protection (Department) an "Intent to Issue Title V Air Operation Permit" (Permit No. 0010005-001-AV) for the J.R. Kelly Generating Station in Alachua County, Florida. Along with the Intent to Issue, GRU received a draft Title V permit and "Public Notice of Intent to Issue Title V Air Operation Permit."

2. By Order dated November 7, 1997, the Department granted GRU an extension until November 7, 1997, to file a Petition for Administrative Proceedings. GRU requested an additional extension until November 14, 1997. While an order granting this request has not yet been issued, representatives from the Department orally agreed to the extension until November 14, 1997.

3. The draft permit and associated documents contain several provisions that warrant clarification or correction.

4. GRU has corresponded and will continue to correspond with Department representatives from the Division of Air Resources Management in an effort to resolve its concerns regarding the draft permit.

5. This request is filed simply as a protective measure to avoid waiver of GRU'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. Lennon Anderson and Scott Sheplak with the Department's Bureau of Air Regulation have agreed to an extension until January 5, 1998 on behalf of the Department. Representatives from GRU have attempted without success to contact Jeffrey Brown with the Office of General Counsel regarding this request.

WHEREFORE, GRU 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. 0010005-001-AV be formally extended to and including January 5, 1998.

Respectfully submitted this 14th day of November, 1997.

HOPPING GREEN SAMS & SMITH, P.A.



---

Angela R. Morrison  
Fla. Bar No. 0855766  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, FL 32314  
(904) 222-7500

Attorney for CITY OF GAINESVILLE,  
GAINESVILLE REGIONAL UTILITIES

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following  
by U.S. Mail on this 14th day of November, 1997:

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

  
\_\_\_\_\_

98129

12/5/97 cc: Scott Shepley  
Serron Anderson