

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

GAINESVILLE REGIONAL UTILITIES,
(J.R. KELLY GENERATING STATION),

Petitioner,

vs.

OGC CASE NO. 97-1500

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

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BUREAU OF
AIR REGULATION

**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, GAINESVILLE REGIONAL UTILITIES (J.R. KELLY GENERATING STATION), to grant an extension of time to file a petition for an administrative hearing on Application No. 0010005-001-AV. See Exhibit 1.


Although Counsel for Petitioner has not discussed this request with counsel for the Department, the Department 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 January 5, 1998, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Mail Station 35, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 18th day of November, 1997, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


F. PERRY ODOM
General Counsel

Douglas Building, MS #35
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (850) 488-9314

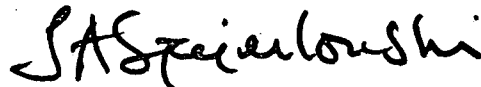
CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed to:

Angela R. Morrison
123 South Calhoun Street
P.O. Box 6526
Tallahassee, Florida 32314

on this 19 day of November, 1997.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



JEFFREY BROWN
Assistant General Counsel
Florida Bar No. 0843430

Mail Station 35
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (850) 488-9730

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THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Dept. of Environmental Protection
Office of General Counsel

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.

EXHIBIT 1

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.

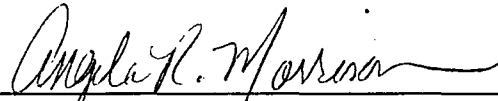
5. This request is filed simply as a protective measure to avoid waiver of GRU's right to challenge certain conditions contained in the draft Title V permit. Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need to file a petition and 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



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