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STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF AIR REGULATION

FLORIDA POWER & LIGHT CO.,

Petitioner,

vs.

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,

OGC No. 08-2644

DEP Draft Permit No. 0250003-008-AC

Respondent.

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**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 February 6, 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 May 23, 2008, 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. 0250003-008-AC), for FPL's Turkey Point Fossil Plant, which is located at 9700 SW 344<sup>th</sup> Street, Homestead, Miami-Dade County, Florida.

2. On July 11, 2008, the United States Court of Appeals for the District of Columbia Circuit issued its Opinion in consolidated cases challenging various aspects of the Clean Air Interstate Rule (CAIR) promulgated by the U.S. Environmental Protection Agency (EPA). (State of North Carolina v. EPA, et al., 531 F. 3d 896 (D.C. Cir. 2008)) The Court in that Opinion vacated and remanded EPA's CAIR rule.

3. By Orders dated June 30, 2008 and July 24, 2008, the Department granted FPL's requests for enlargement of time to file a petition for administrative proceedings in regard to the Department's intent to issue the referenced air permit through September 22, 2008.

4. On September 19, 2008, FPL filed its Fourth Request for Enlargement of Time up to and including November 21, 2008.

5. On October 17, 2008, FPL received a letter from the Chief of the Department's Bureau of Air Regulation stating that "the draft permit that was issued on May 28, 2008 is being rescinded and replaced by the enclosed revised draft permit." The documents enclosed with this letter included a "Written Notice of Intent to Issue Air Permit" and a "Revised Draft Permit" for FPL's Turkey Point Fossil Plant.

6. Based on FPL's initial review, the Revised Draft Permit and associated documents contain several provisions that warrant clarification or correction, which DEP granted.

7. On October 31, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including November 14, 2008, which DEP granted by Order dated November 6, 2008.

8. On November 4, 2008, representatives of FPL met with Department staff, including the Director of the Department's Division of Air Resources Management and the Chief of the Bureau of Air Regulation, to discuss concerns and issues regarding the Revised Draft Permit.

9. On November 14, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including December 5, 2008, which the Department granted by Order dated November 20, 2008.

10. On November 14, 2008, FPL submitted a letter to the Department proposing revisions to certain provisions of the draft permit. On November 25, 2008, FPL submitted further revisions to the draft permit, as well as data to support the proposed revisions.

11. On December 5, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including January 7, 2009, which the Department granted by Order dated December 22, 2008.

12. Under these circumstances, it is appropriate to provide additional time for the Department and FPL to address the BART requirements for Turkey Point Units 1 and 2.

13. This request is filed simply as a protective measure to avoid waiver of FPL's right to challenge certain conditions contained in the Revised Draft 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, 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 February 6, 2009.

RESPECTFULLY SUBMITTED this 7<sup>th</sup> day of January, 2009.




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Florida Power & Light Company

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original and one copy of the foregoing REQUEST FOR ENLARGEMENT OF TIME has been filed by hand delivery with the Agency Clerk, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and a true and correct copy of the foregoing REQUEST FOR ENLARGEMENT OF TIME has been furnished by hand delivery to Ronda L. Moore, Assistant General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and Jonathan Holtom, Department of Environmental Protection, 111 S. Magnolia Drive, Tallahassee, Florida on this 7<sup>th</sup> day of January, 2009.

  
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Attorney