

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA POWER & LIGHT CO.,

Petitioner,

vs.

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,

Respondent.

OGC No. 08-<sup>2644</sup>~~1637~~  
DEP Draft Permit No. 0250003-008-AC  
DEPT OF ENVIRONMENTAL  
PROTECTION

OCT 31 2008

OFFICE OF  
GENERAL COUNSEL

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), a enlargement of time, to and including November 28, 2008, 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. Case No. 05-1244, DC Circuit 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of the Department's Bureau of Air Regulation stating that "the draft permit that was issued on May 28, 2008 is being rescinded and replaced by the enclosed revised draft permit."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.

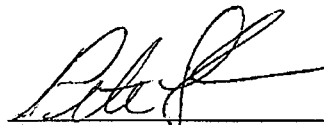
6. Based on FPL's initial review, the Revised Draft Permit and associated documents contain several provisions that warrant clarification or correction.

7. 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. Mr. Jonathan Holtom of the Department's Bureau of Air Regulation has advised that he does not object to a 14-day enlargement of time for filing of a petition for administrative proceedings on the revised Draft Permit.

8. 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 November 14, 2008.

RESPECTFULLY SUBMITTED this 31<sup>st</sup> day of October, 2008.



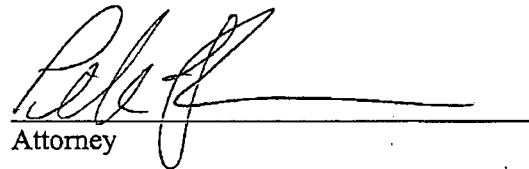
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Peter C. Cunningham  
Florida Bar No. 0321907  
Hopping, Green & Sams, P.A.  
123 S. Calhoun Street  
Tallahassee, Florida 32301  
Telephone: (850) 222-7500  
Facsimile (850) 224-8551

Attorneys for Petitioner  
Florida Power & Light Company

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original and one copy of the foregoing SECOND 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 THIRD 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 31<sup>st</sup> day of October, 2008.

  
Attorney

**Gibson, Victoria**

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**From:** Crandall, Lea  
**Sent:** Monday, November 03, 2008 1:35 PM  
**To:** Moore, Ronni  
**Cc:** Holtom, Jonathan; Swango, Katie; Gibson, Victoria  
**Subject:** RE: Request for Extension of Time - FPL - 0250003-008-AC

Sure! The new OGC number is 08-2644.

Thanks,  
Lea

Lea Crandall  
Agency Clerk  
Office of General Counsel  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000  
Phone: (850) 245-2212  
Fax: (850) 245-2303

**FLORIDA DISCOUNT CARD:** More than 3,000 retail pharmacies in Florida are now a part of the Florida Discount Drug Card program. See [www.FloridaDiscountDrugCard.com](http://www.FloridaDiscountDrugCard.com) for more info or call toll-free, 1-866-341-8894.

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**From:** Moore, Ronni  
**Sent:** Monday, November 03, 2008 1:22 PM  
**To:** Crandall, Lea  
**Cc:** Holtom, Jonathan; Swango, Katie; Gibson, Victoria  
**Subject:** FW: Request for Extension of Time - FPL - 0250003-008-AC

Hi Lea,

This request for extension came in as a request for case no. 08-1637. However, this case is closed. The second attachment here is the closure memo. We issued a revised draft a few weeks ago and this extension request is for the revised permit. Can you get us a new case number, etc.?

Thanks!!

Ronni

Ronda L. Moore  
Assistant General Counsel

 Please consider the environment before printing this email.

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**From:** Crandall, Lea  
**Sent:** Monday, November 03, 2008 10:12 AM  
**To:** Moore, Ronni; Gibson, Victoria; Holtom, Jonathan  
**Subject:** Request for Extension of Time - FPL - 0250003-008-AC

11/3/2008

FYI, please see attached.

Thanks,  
Lea

Lea Crandall  
Agency Clerk  
Office of General Counsel  
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Tallahassee, FL 32399-3000  
Phone: (850) 245-2212  
Fax: (850) 245-2303

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**From:** Knight, Barnard  
**Sent:** Monday, November 03, 2008 10:09 AM  
**To:** Crandall, Lea  
**Subject:** From KONICA MINOLTA Di470