

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

CSX TRANSPORTATION, INC.,

Petitioner,

vs.

**CEDAR BAY GENERATING
COMPANY, L.P. and DEPARTMENT
OF ENVIRONMENTAL PROTECTION,**

**OGC Case No. 05-2690
DEP Permit No. 0310337-010-AV ✓
OGC Case No. 05-2689
DEP Permit No. 0310337-009-AC**

Respondents.

ORDER CLOSING FILE

On December 9, 2005, the Florida Department of Environmental Protection (Department) received a petition for administrative hearing from the Petitioner, CSX Transportation, Inc. On April 10, 2006, the Petitioner voluntarily withdrew their petition for administrative hearing. On April 11, 2006 the assigned administrative law judge issued an order closing their file, relinquishing jurisdiction back to the Department. There being no further matters to consider,

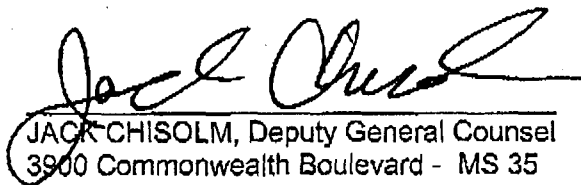
IT IS ORDERED:

The Department's file in this matter is closed.

Any party to this order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes by the filing of a notice of appeal under rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days from the date this order is filed with the clerk of the Department.

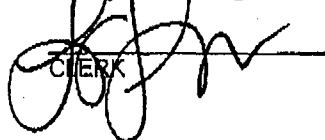
DONE AND ORDERED this 24 day of April, 2006, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2242 facsimile 850/245-2302

FILED on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.


CLERK

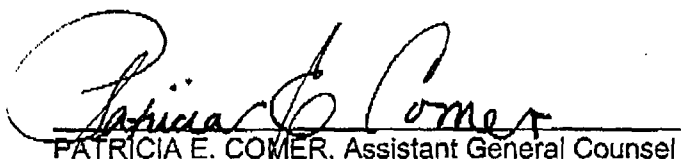
April 24, 2006
Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via facsimile U.S. Mail ONLY this 24th day of April, 2006, to:

Lawrence N. Curtin
HOLLAND & KNIGHT, LLP
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Tallahassee, FL 32302

David S. Dee
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3900 Commonwealth Boulevard - MS 35
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with courtesy copy to:

Trina L. Vielhauer, Chief
Bureau of Air Regulation

facsimile: 850/921-9533