

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

GULF POWER COMPANY,
(Scholz Plant),

Petitioner,

vs.

OGC CASE NO. 97-1823

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

RECEIVED

JAN 26 1998

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, GULF POWER COMPANY, to grant an extension of time to file a petition for an administrative hearing on Permit No. 0630014-001-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 April 1, 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 5th day of ~~December~~ ^{January}, 1998, 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

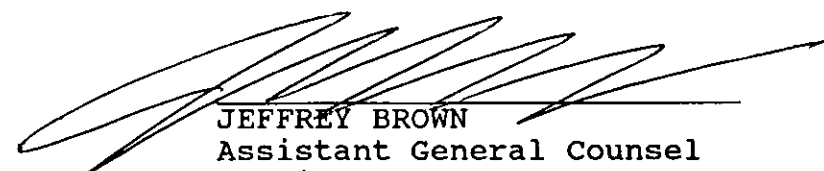
CERTIFICATE OF SERVICE

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

Angela R. Morrison
123 South Calhoun Street
Tallahassee, Florida 32314

on this 6 day of January, 1998.

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

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an
Application for Permit by:

OGC No. 97-1823

Gulf Power Company
One Energy Place
Pensacola, FL 32520

DRAFT Permit No.: 0630014-001-AV
Scholz Plant
Jackson County

REQUEST FOR EXTENSION OF TIME

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

1. On or about October 6, 1997, Gulf received from the Department of Environmental Protection (Department) an "Intent to Issue Title V Air Operation Permit" (Permit No. 0630014-001-AV) for the Scholz Plant located in Escambia County, Florida. Along with the Intent to Issue, Gulf 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 an extension of time until December 31, 1997, within which to file a petition for an administrative hearing.
3. Based on Gulf's review, the draft permit and associated documents contain several provisions that warrant clarification or correction.

4. Representatives of Gulf have corresponded and intend to continue to correspond with staff of the Department's Bureau of Air Regulation in an effort to resolve all issues.

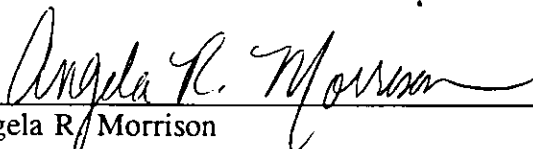
5. This request is filed simply as a protective measure to avoid waiver of Gulf's right to challenge certain conditions contained in the draft Title V permit. Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need to file a petition and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

6. Jonathan Holtom with the Bureau of Air Regulation has agreed to an extension until April 1, 1998, on behalf of the Department. Representatives from Gulf have attempted without success to contact Jeffrey Brown with the Office of General Counsel regarding this request.

WHEREFORE, Gulf 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. 0630014-001-AV be formally extended to and including April 1, 1998.

Respectfully submitted this 22nd day of December, 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 GULF POWER COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following
by U.S. Mail on this 22nd day of December, 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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