

Gibson, Victoria

From: Vielhauer, Trina
Sent: Friday, May 23, 2008 10:51 AM
To: Gibson, Victoria
Subject: FW: Memo closing File re: OGC # 08-0611 OUC
Attachments: 080611 MEMO CLOSING FILE.pdf

From: Swango, Katie
Sent: Friday, May 23, 2008 10:44 AM
To: Vielhauer, Trina; Linero, Alvaro
Cc: Moore, Ronni
Subject: Memo closing File re: OGC # 08-0611 OUC

Please find attached a memo closing the Department's file for OGC # 08-0611 Orlando Utilities Commission. If you have a problem opening or viewing the above attachment please let me know and I will send you a hard copy as soon as possible.

Thanks

*Katie Marie Swango
Administrative Assistant for
Rebecca Robinette, Chris Mcquire, Augusta Posner,
Ronni Moore, Lisa Duchene, Pat Comer, & Holly Cauley*

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 for more info or call toll-free, 1-866-341-8894.

Florida Department of Environmental Protection
Office of General Counsel

Memo

To: Trina Vielhauer, Al Linero, and OGC File

From: Ronni Moore, Assistant General Counsel 

Date: May 23, 2008

Re: Orlando Utilities Commission v. DEP; Permit No. 0950137-020-AC; OGC No. 08-0611

On April 18, 2008, the State of Florida Department of Environmental Protection (“Department”) issued an Order Granting Request for Extension of Time to File Petition for Hearing to Petitioner, Orlando Utilities Commission (“OUC”), through May 12, 2008. On May 2, 2008, OUC filed a motion with the Department to withdraw its request for extension of time to file a petition. The Department issued OUC its final permit on May 12, 2008. There being no further matters to consider, the Department’s file in this matter is closed.

Gibson, Victoria

From: Moore, Ronni
Sent: Tuesday, May 06, 2008 2:27 PM
To: Vielhauer, Trina
Cc: Gibson, Victoria; Read, David; Linero, Alvaro
Subject: RE: OUC * Stanton B

Trina, whenever you all are ready to issue the final permit in this case by all means do. Please let me know too.

Thanks,

Ronni

Ronda L. Moore
Assistant General Counsel



Please consider the environment before printing this email.

From: Linero, Alvaro
Sent: Friday, May 02, 2008 2:59 PM
To: Vielhauer, Trina; Moore, Ronni
Cc: Read, David; Gibson, Victoria
Subject: OUC * Stanton B

Re: OGC Case 08-0611

Ronni. I'm out until June 10. Let Trina know when determine if this request sufficient to allow us to take final action and subsequently allow you to close out your file.

Otherwise I would appreciate you letting Ms. Buford know if something else is needed.

Thank you.

Al Linero.

From: Jeanette Deese [mailto:jdeese@yvlaw.net]
Sent: Friday, May 02, 2008 1:39 PM
To: Linero, Alvaro
Cc: tdavis@ectinc.com; CBrowder@ouc.com; DStalls@ouc.com; LGuise@ouc.com; Tasha Buford
Subject: OUC * Stanton B

5/8/2008

Mr. Linero,

Please find attached OUC's Motion to Withdraw Request for Extension of Time, which was fax-filed with DEP's Agency Clerk this afternoon.

Thank you.

Jeanette Deese
Assistant to Tasha O. Buford
& David Dee
Young van Assenderp, P.A.
225 S. Adams Street, Suite 200
Tallahassee, FL 32301
(850) 222-7206
(850) 561-6834 [fax]

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ORLANDO UTILITIES COMMISSION

Petitioner,

v.

DEP File No.: 0950137-020-AC
Draft Permit No.: PSD-FL-373A

FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

MOTION TO WITHDRAW REQUEST FOR EXTENSION OF TIME
FOR FILING PETITION FOR FORMAL ADMINISTRATIVE HEARING

Petitioner, Orlando Utilities Commission ("OUC"), by and through its undersigned counsel, hereby moves to withdraw its Request for Extension of Time for Filing Petition for Formal Administrative Hearing with the Florida Department of Environmental Protection ("Department") in the above-described permitting matter and states:

1. OUC submitted an application on March 6, 2008, to the Department for a Prevention of Significant Deterioration ("PSD") Permit for revision of the combined-cycle portion of the previously permitted integrated coal gasification and combined-cycle ("IGCC") unit (Unit B) at the Curtis H. Stanton Energy Center ("Stanton Energy Center") in Orange County, Florida.

2. On March 25, 2008, the Department issued its Written Notice of Intent to Issue PSD Permit to OUC for construction of a natural gas-fueled, combined-cycle unit (Unit B Modification) at the Stanton Energy Center. Applicant, OUC, received the Written Notice of

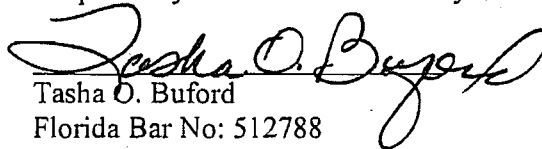
Intent on March 25, 2008 via electronic mail. OUC published the required Public Notice in the Orlando Sentinel on April 2, 2008.

3. Pursuant to applicable statute and rules, the Department accepted written comments concerning the proposed draft PSD Permit through May 2, 2008, which is thirty (30) days from the date OUC published the required Public Notice.

4. There have been no written comments received during the thirty (30) day period since OUC published the Public Notice. OUC therefore withdraws its Request for Extension of Time for Filing Petition for Formal Administrative Hearing and requests that the Department issue its PSD Permit to OUC.

Accordingly, OUC respectfully requests that the Department grant OUC's Motion to Withdraw.

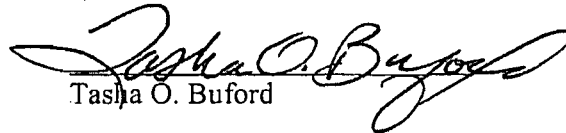
Respectfully submitted this 2nd day of May, 2008,



Tasha O. Buford
Florida Bar No: 512788
Young vanAssenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, FL 32301
850-222-7206
850-561-6834 (fax)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed by facsimile (850-245-2302) with Lea Crandall, Agency Clerk, Florida Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000 and served by U.S. Mail to: Trina Vielhauer, Chief, Bureau of Air Regulation, Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blairstone Road, Tallahassee, Florida 32399-2400, and Rhonda Moore, Florida Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Blvd., Tallahassee, Florida 32399 this 2nd day of May, 2008.


Tasha O. Buford

CC: Al Linero, DEP

Gibson, Victoria

From: Vielhauer, Trina
Sent: Wednesday, April 30, 2008 11:18 AM
To: Linero, Alvaro
Cc: Gibson, Victoria
Subject: RE: Orlando Utilities Commission 08-0611

Thanks for remembering to do that (keep Ronni in the loop)!

-----Original Message-----

From: Linero, Alvaro
Sent: Wednesday, April 30, 2008 11:15 AM
To: Moore, Ronni
Cc: Vielhauer, Trina; Kahn, Joseph; Gibson, Victoria
Subject: FW: Orlando Utilities Commission 08-0611

Ronni:

See email below from VP of Environmental Affairs for OUC.

We will send OUC Stanton Unit B final permit to Joe for signature on basis of imminent withdrawal of (granted) request for extension of time.

We won't sign until we actually see evidence of the withdrawal.

Then you will be able to close your case file 08-0611.

Thanks.

Al.

-----Original Message-----

From: Stalls, Denise M. [mailto:DStalls@ouc.com]
Sent: Tuesday, April 29, 2008 4:36 PM
To: Linero, Alvaro
Subject: RE: Orlando Utilities Commission 08-0611

Hi Al

I have asked Tasha to do the withdrawal. Thanks for your quick response.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ORLANDO UTILITIES COMMISSION,

Petitioner,

vs.

OGC No. 08-0611

DEP Permit No. 0950137-020-AC

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

**ORDER GRANTING REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING**

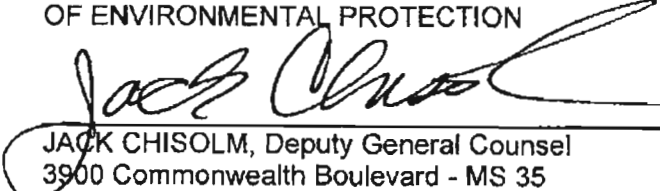
This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Orlando Utilities Commission, (Petitioner), to grant an extension of time to file a petition for administrative hearing. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative hearing is GRANTED. Petitioner shall have until **May 12, 2008**, to file a petition in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 18 day of April, 2008, 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

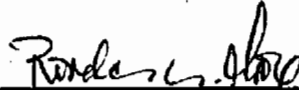
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Request for Extension of Time to File Petition for Hearing, was furnished via ✓ facsimile only on this 10th day of April, 2008, to:

Tasha O. Buford
Young vanAssenderp, P.A.
225 South Adams St. Suite 200
Tallahassee, FL 32301

Facsimile: 850-561-6834

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



RONDA L. MOORE, Assistant General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2193 facsimile 850/245-2302
Florida Bar No. 0676411

cc via electronic mail:

Trina Vielhauer, Chief-FDEP- Trina.Vielhauer@dep.state.fl.us
Alvaro Linero-FDEP- Alvaro.Linero@dep.state.fl.us

Gibson, Victoria

From: Moore, Ronni
Sent: Monday, April 21, 2008 11:15 AM
To: Gibson, Victoria
Subject: FW: Orlando Utilities Commission 08-0611
Attachments: 08-0611 ORD GRANT EXT OF TIME.pdf

Ronda L. Moore
Assistant General Counsel



Please consider the environment before printing this email.

From: Swango, Katie
Sent: Friday, April 18, 2008 2:23 PM
To: Vielhauer, Trina; Linero, Alvaro
Cc: Moore, Ronni
Subject: Orlando Utilities Commission 08-0611

Attached is the PDF version of the Order Granting the Request for Extension of Time. Please feel free to email me or call if you have a problem opening the attachment and I will gladly send out a hard copy as well.

Thanks

*Katie Marie Swango
Administrative Assistant for
Rebecca Robinette, Chris Mcguire, Augusta Posner,
Ronni Moore, & Lisa Duchene*

Gibson, Victoria

From: Gibson, Victoria
Sent: Monday, April 21, 2008 10:38 AM
To: Moore, Ronni
Subject: OUC - Stanton 0950137-020-AC OGC # 08-0611

Good morning.

Just wanted to check on the status of this order to grant.

Thank you.

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
Bureau of Air Regulation
Division of Air Resource Management
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

Gibson, Victoria

From: Linero, Alvaro
Sent: Tuesday, April 08, 2008 12:39 PM
To: Gibson, Victoria; Heron, Teresa
Subject: FW: OUC/Request for Extension of Time, DEP File No.0950137-020-AC;Draft Permit No. PSD-FL-373A

-----Original Message-----

From: Linero, Alvaro
Sent: Tue 4/8/2008 12:35 PM
To: Moore, Ronni
Cc:
Subject: RE: OUC/Request for Extension of Time, DEP File No.0950137-020-AC;Draft Permit No. PSD-FL-373A

40 days will be fine.

Realistically they will pull their request upon expiration of the 30-day public notice comment period so that we can issue the final permit. Don't know yet exactly when that 30-day period started or if it has started.

Al.

-----Original Message-----

From: Moore, Ronni
Sent: Tue 4/8/2008 11:34 AM
To: Linero, Alvaro
Cc:
Subject: FW: OUC/Request for Extension of Time, DEP File No.0950137-020-AC;Draft Permit No. PSD-FL-373A

Morning Al. I understand this is yours? We received a formal request for extension yesterday. As soon as it is scanned in, I'll send you a copy. What is your position on a 40 day extension?

Thanks!

Ronda L. Moore
Assistant General Counsel
 Please consider the environment before printing this email.

-----Original Message-----

From: Vielhauer, Trina
Sent: Tuesday, April 08, 2008 8:26 AM
To: Moore, Ronni
Subject: RE: OUC/Request for Extension of Time, DEP File No.0950137-020-AC;Draft Permit No. PSD-FL-373A

ok. Thanks. It was Al's project.

-----Original Message-----

From: Moore, Ronni

Sent: Monday, April 07, 2008 3:42 PM

To: Vielhauer, Trina

Subject: FW: OUC/Request for Extension of Time, DEP File No.0950137-020-AC;Draft Permit No. PSD-FL-373A

Hey Trina,

Not sure who the contact person would be for this case, but when I spoke with Tasha on the phone a moment ago she mentioned your name. Tasha represented that OUC doesn't have a problem with the permit, but wanted to have an extension through the comment period to see if anything came in. I asked her to send in a formal request for whatever time period she was looking for (date certain, 30 days, etc.) Tasha said she'd fax a request in this afternoon, but I wanted to give you all a heads up.

Thanks!

Ronni

Ronda L. Moore

Assistant General Counsel

P Please consider the environment before printing this email.

-----Original Message-----

From: Comer, Patricia

Sent: Monday, April 07, 2008 3:19 PM

To: Moore, Ronni

Subject: FW: OUC/Request for Extension of Time, DEP File No.0950137-020-AC;Draft Permit No. PSD-FL-373A

Yours, I think.

-----Original Message-----

From: Tasha Buford [<mailto:Tbuford@yvlaw.net>]

Sent: Monday, April 07, 2008 2:18 PM

To: Comer, Patricia

Subject: OUC/Request for Extension of Time, DEP File No.0950137-020-AC;Draft Permit No. PSD-FL-373A

Pat:

Do you have any problem with our requesting an extension of time to file an initial pleading/petition for hearing in the above described permitting matter? This would give OUC some comfort, although with any luck, no petition will be necessary. We are requesting a forty day extension of time from the date of publication of the Public Notice in order to review any comments received with in the 30 day comment period and talk to Air Bureau staff about how they will handle any such comments. Please let me know as tomorrow is our 14th day.

Thank you.

Tasha O. Buford

Young van Assenderp, P.A.

225 South Adams Street, Suite 200

Tallahassee, FL 32301

(850) 222-7206

Gibson, Victoria

From: Crandall, Lea
Sent: Tuesday, April 08, 2008 10:49 AM
To: Gibson, Victoria; Heron, Teresa
Subject: Request for Extension of Time rec'd. - 0950137-020-AC - Orlando Utilities Commission
Attachments: Di4700804081043.pdf

FYI, the attached Request for Extension of Time was received yesterday.

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 for more info or call toll-free, 1-866-341-8894.

4/8/2008

RECEIVED

APR 08 2008

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF AIR REGULATION

ORLANDO UTILITIES COMMISSION

Petitioner,

v.

DEP File No.: 0950137-020-AC
Draft Permit No.: PSD-FL-373A

FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

REQUEST FOR EXTENSION OF TIME
FOR FILING PETITION FOR FORMAL ADMINISTRATIVE HEARING

Petitioner, Orlando Utilities Commission ("OUC"), by and through its undersigned counsel, and pursuant to Rule 28-106.111(3), Florida Administrative Code, hereby requests an extension of time for filing an initial pleading with the Florida Department of Environmental Protection ("Department") in the above-described permitting matter and in support thereof, states:

1. OUC submitted an application on March 6, 2008, to the Department for a Prevention of Significant Deterioration ("PSD") Permit for revision of the combined-cycle portion of the previously permitted integrated coal gasification and combined-cycle ("IGCC") unit (Unit B) at the Curtis H. Stanton Energy Center ("Stanton Energy Center") in Orange County, Florida.
2. On March 25, 2008, the Department issued its Written Notice of Intent to Issue PSD Permit to OUC for construction of a natural gas-fueled, combined-cycle unit (Unit B

Modification) at the Stanton Energy Center. Applicant, OUC, received the Written Notice of Intent on March 25, 2008 via electronic mail. OUC published the required Public Notice in the Orlando Sentinal on April 2, 2008.

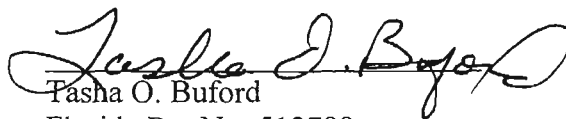
3. Pursuant to applicable statute and rules, the Department will accept written comments concerning the proposed draft PSD Permit, until May 2, 2008, which is thirty (30) days from the date OUC published the required Public Notice. Depending on the nature of the comments, the Department may issue a revised draft PSD Permit to address concerns raised in the comment period.

4. OUC therefore requests additional time for filing a petition for formal administrative hearing in this matter in order to review and evaluate any such future comments the Department may receive in response to the Public Notice, and any change which the Department may make to the draft PSD Permit in response thereto.

5. OUC has consulted with counsel for the Department who has indicated no objection to this Request.

Accordingly, OUC respectfully requests that the Department grant an extension of time within which to file an initial pleading in this matter to May 12, 2008, which is ten (10) days after the close of the public comment period as set out in the Public Notice.

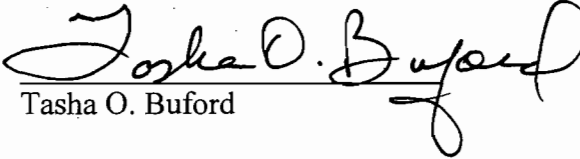
Respectfully submitted this 7th day of April, 2008,



Tasha O. Buford
Florida Bar No: 512788
Young vanAssenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, FL 32301
850-222-7206
850-561-6834 (fax)

CERTIFICATE OF SERVICE

I HEREBY CERTIFIY that a true and correct copy of the foregoing has been filed by facsimile (850-245-2302) with Lea Crandall, Agency Clerk, Florida Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000 and served by U.S. Mail to: Trina Vielhauer, Chief, Bureau of Air Regulation, Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blairstone Road, Tallahassee, Florida 32399-2400, and Rhonda Moore, Florida Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Blvd., Tallahassee, Florida 32399 this 7th day of April, 2008.


Tasha O. Buford

Chronology of Activities

OGC Number **08 0611 48 AC** District **CENTRAL** County **ORANGE**
 Style of Case **ORLANDO UTILITIES COMMISSION VS. DEP**
 Program Area **AIR CONSTRUCT** Mode **PERMITTING**
 Lead Attorney **RONNI L MOORE** Status **CLOSED**
 Forum Name _____ Forum Case Number _____
 Permit Appl **0950137-020-AC** Final Order Number _____

Date*	Code	Activity Description
04/07/2008	AA	ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
04/07/2008	ACO	ADMIN. CASE OPENED IN OGC
04/07/2008	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
04/18/2008		SENT OUT ORDER GRANTING
04/28/2008	REX2	RECEIVED SECOND REQUEST FOR EXTENSION OF TIME
05/02/2008		MOTION TO WITHDRAW REQUEST FOR EXTENSION OF TIME TO FILE
05/02/2008		PETITION FOR FORMAL ADMINISTRATIVE HEARING
05/12/2008	EXP1	FIRST EXTENSION EXPIRES TODAY
05/23/2008		MEMO CLOSING FILE
05/23/2008	CC	CASE CLOSED IN OGC