


Memo

To: Al Linero, Trina Vielhauer, and OGC File
From: Ronni Moore, Assistant General Counsel 
Date: September 2, 2008
Re: Florida Municipal Power Agency vs. DEP; DEP Permit No. PSD-FL-400;
OGC No. 08-0908

On May 8, 2008, the Department issued a notice of intent to issue air construction permit no. PSD-FL-400 to Florida Municipal Power Agency (FMPA) for its facility in Osceola County, Florida. FMPA requested and was granted two extensions of time to file a petition for hearing on the draft permit. The Department granted FMPA's second request for extension of time through August 29, 2008.

On August 29, 2008, FMPA filed a withdrawal of its request for extension. The Department and FMPA have agreed to a revised draft permit that will be issued to FMPA. There being no further matters to consider, the Department's file in this matter is closed.

Gibson, Victoria

From: Vielhauer, Trina
Sent: Wednesday, September 03, 2008 10:11 AM
To: Gibson, Victoria
Subject: FW: Florida Municipal Power Agency vs DEP OGC# 08-0908
Attachments: 080908 9-2-08.pdf

From: Swango, Katie
Sent: Wednesday, September 03, 2008 9:54 AM
To: Linero, Alvaro; Vielhauer, Trina
Cc: Moore, Ronni
Subject: Florida Municipal Power Agency vs DEP OGC# 08-0908

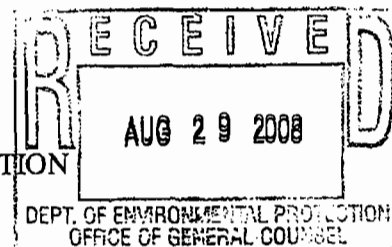
Please find attached the Memo Closing File for Florida Municipal Power Agency re: OGC# 08-0908. Please let me know if you have a problem opening or viewing the above attachment and I will send you a hard copy as soon as possible.

Thanks and HAVE A BLESSED DAY! ☺

Katie Marie Swango
Administrative Assistant for
Rebecca Robinette, Ronni Moore, & Pat Comer

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.

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the Matter of an
Application for Air Construction Permit by:

OGC No. 08-0989

Florida Municipal Power Agency
8553 Commodity Circle
Orlando, Florida 32819-9002

Cane Island Power Park Unit 4
Air Permit No. PSD-FL-400
Air Permit No. 0970043-014-AC
Osceola County

WITHDRAWAL OF REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, the Florida Municipal Power Agency (FMPA) hereby withdraws its Request for Extension of Time to file a Petition for Administrative Proceedings in accordance with Florida Administrative Code Rule 62-110.106(4). FMPA filed its request for extension of time until August 29, 2008, in response to the "Intent to Issue Air Permit" (Permit No. 0970043-014-AC) for the Cane Island Power Park Unit 4, located in Osceola County, Florida. The Department of Environmental Protection (Department) granted that extension on July 18, 2008.

This withdrawal is conditioned upon changes agreed to between the Department and FMPA, which are reflected in the revised draft permit and final determination attached as Exhibit A, and additional clarifying language regarding the 15 parts per million nitrogen oxides standard established under New Source Performance Standard 40 C.F.R. 60 Subpart KKKK, to be added to the final determination as follows:

When the U.S. Environmental Protection Agency promulgated this standard, the Federal Register preamble recognized that "even for well-operated units with efficient NO_x emission controls, excess emission 'spikes' during unit startup and shutdown are inevitable, and malfunctions of emission controls and process equipment occasionally occur. . . . While continuous compliance is not required, excess emissions during startup, shutdown, and malfunction must be reported. . . . It is clear that continuous compliance is

not a requirement of the final rule during periods of startup, shutdown, and malfunction.”
71 Federal Register 38482 (July 6, 2006).

Respectfully submitted this 29th day of August, 2008.

HOPPING GREEN & SAMS, P.A.



Angela Morrison Uhlend
Fla. Bar No. 0855766
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
(850) 222-7500


Attorney for FLORIDA MUNICIPAL POWER
AGENCY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by
U.S. Mail on this 29th day of August, 2008:

Ronni Moore
Office of General Counsel
Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399-2600

Trina Vielhauer, Chief
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400



Attorney

Gibson, Victoria

From: Crandall, Lea
Sent: Friday, August 29, 2008 4:03 PM
To: Moore, Ronni; Linero, Alvaro; Gibson, Victoria
Subject: Withdrawal of Request for Extension of Time - Florida Municipal Power Agency - OGC 08-0989
Attachments: Di4700808291555.PDF

Hi,

Please see the attached **Withdrawal of Request for Extension of Time - Florida Municipal Power Agency - OGC 08-0989**.

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.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA MUNICIPAL POWER
AGENCY,

Petitioner,

vs.

OGC No. 08-0989
DEP Permit Nos. PSD-FL-400 and
0970043-014-AC

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

**ORDER GRANTING SECOND 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 second request made by Petitioner, Florida Municipal Power Agency (Petitioner), to grant an extension of time to file a petition for administrative hearing to allow time to discuss with the Department some remaining permit conditions for its facility in Osceola County, Florida. 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 proceeding is GRANTED. Petitioner shall have through August 29, 2008, to file a petition in this matter. No further extensions shall be granted absent extenuating circumstances. 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 18th day of July, 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

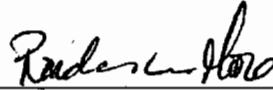
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting
Second Request for Extension of Time to File Petition for Hearing, was furnished via
facsimile ___ U.S. mail ___ hand delivery ___ ONLY, on this 10th day of July, 2008, to:

Angela Morrison Uhland
Hopping Green & Sams, P.A.
P.O. Box 6526
Tallahassee, FL 32314

facsimile: 850/224-8551

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



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

cc via electronic mail:

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

Gibson, Victoria

From: Linero, Alvaro
Sent: Friday, July 18, 2008 2:29 PM
To: Gibson, Victoria
Subject: FW: Order Granting Extension re: Florida Municipal Power Agency OGC # 08-0989
Attachments: 080989 7-18.pdf

From: Swango, Katie
Sent: Friday, July 18, 2008 2:29 PM
To: Vielhauer, Trina; Linero, Alvaro
Cc: Moore, Ronni
Subject: Order Granting Extension re: Florida Municipal Power Agency OGC # 08-0989

Please find attached the PDF version of the Order Granting Second Extension of Time to File a Petition for Florida Municipal Power Agency re: OGC # 08-0989. 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 and HAVE A SAFE WEEKEND! ☺

*Katie Marie Swango
Administrative Assistant for
Rebecca Robinette, Chris Mcguire, 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.

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

JUL 16 2008

BUREAU OF AIR REGULATION

In the Matter of an
Application for Air Construction Permit by:

OGC No. 08-0989

Florida Municipal Power Agency
8553 Commodity Circle
Orlando, Florida 32819-9002

Cane Island Power Park Unit 4
Air Permit No. PSD-FL-400
Air Permit No. 0970043-014-AC
Osceola County

REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, the Florida Municipal Power Agency (FMPA) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), **an extension of time to and including August 29, 2008**, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, FMPA states the following:

1. On or about May 8, 2008, FMPA received from the Department of Environmental Protection (Department) a Technical Evaluation and Preliminary Determination, a Proposed Draft Permit, and a Written Notice of Intent to Issue Air Permit (Permit No. PSD-FL-400; Permit No. 0970043-014-AC) for the Cane Island Power Park Unit 4 located in Osceola County, Florida.
2. FMPA previously filed a Request for Extension of Time on May 19, 2008, requesting an extension through July 21, 2008, within which to file a Petition for Administrative Hearing.
3. The Department granted the requested extension through July 21, 2008, by order dated May 30, 2008.
4. The Proposed Draft Permit and Technical Evaluation and Preliminary Determination contain several provisions that warrant clarification or correction.

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

6. This request is filed simply as a protective measure to avoid waiver of FMPA's right to challenge certain conditions contained in the Proposed Draft Permit and Technical Evaluation and Preliminary Determination. 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.

7. Counsel for FMPA contacted Ronni Moore with the Department's Office of General Counsel regarding this request, and she had no objection.

WHEREFORE, FMPA respectfully requests that the time for filing a Petition for Administrative Proceedings with regard to the above-referenced Technical Evaluation and Preliminary Determination, Proposed Draft Permit, and Written Notice of Intent to Issue Air Permit (Permit No. PSD-FL-400; Permit No. 0970043-014-AC) be formally extended to and including August 29, 2008. If the Department denies this request, FMPA requests the opportunity to file a Petition for Administrative Proceedings within 10 days of such denial.

Respectfully submitted this 15th day of July, 2008.

HOPPING GREEN & SAMS, P.A.



Angela Morrison Uhlend
Fla. Bar No. 0855766
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
(850) 222-7500

Attorney for FLORIDA MUNICIPAL POWER
AGENCY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by
U.S. Mail on this 15th day of July, 2008:

Ronni Moore
Office of General Counsel
Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399-2600

Trina Vielhauer, Chief
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400



Attorney

282871

Gibson, Victoria

From: Linero, Alvaro
Sent: Thursday, July 03, 2008 2:22 PM
To: Moore, Ronni
Cc: Gibson, Victoria; Vielhauer, Trina; Halpin, Mike
Subject: RE: FMPA and FPL West County

Ronni:

FMPA/KUA will likely renew their request for extension of time to file a petition about their draft PSD permit (Cane Island Unit 4) that otherwise expires on July 21, 2008.

I reviewed and discussed their comments with them and let them know that the present extension is the only thing keeping us from making a final PSD decision.

My understanding is that they don't want the PSD permit to get too far ahead of the Siting process because final issuance will trigger an 18-month period by which they must commence construction. Under the old rules, we would not have issued the final permit until they received their Site Certification.

If they ask for an extension, I would not extend it for too long since I want to finish up this project soon (say by end of August).

You and I also received today a waiver of the permitting time clock from FP&L to take final action on their draft PSD permit for West County Energy Center Unit III.

Note they had received the draft within 90 days and that the 90 days to issue the final permit was based on the conservative assumption that the clock restarts 14 days after receipt of proof of publication.

Following a public meeting held last Friday, we are just about ready to make a final PSD decision.

Their rationale that the additional time will allow the Department to more fully consider comments received regarding the draft permit is true (especially so soon after the public meeting). It will also provide more time for management review of the final documents. However, they are making waiving the clock at their initiative and we did not ask for or suggest a waiver. No action needed.

Again, under the old rules, we would not have issued the final PSD decision until they received their Site Certification.

I'll go ahead and prepare the final PSD decision some time between now and August 1.

Thanks.

Al Linero.

From: Moore, Ronni
Sent: Friday, May 30, 2008 1:39 PM
To: Vielhauer, Trina; Linero, Alvaro
Cc: Gibson, Victoria; Swango, Katie
Subject: FMPA - ordering granting extension through July 21

7/15/2008

Afternoon! Have a great weekend!

Ronda L. Moore
Assistant General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Blvd., MS 35
Tallahassee, FL 32399-3000
Phone: 850.245.2193
Fax: 850.245.2302
ronni.moore@dep.state.fl.us



Please consider the environment before printing this email.

Gibson, Victoria

From: Read, David
Sent: Friday, June 06, 2008 8:10 AM
To: Gibson, Victoria; Heron, Teresa
Cc: Linero, Alvaro; Arif, Syed
Subject: Kane Island Clock

Syly
I talked to Trina and here is the situation. The public comment period started on May 17th when the public notice was published. This **Clock** applies to Katy at the EPA and the public at large. As for the department, the clock is on hold until the extension request from FMPA gets withdrawn or resolved. I think they requested an extension until June 21st but I will double check with Teresa. We received FMPA's comments on the draft permit on June 4th and Trina thinks they will not withdraw their extension request until they get a chance to talk to us about their comments. Al will be back next Tuesday and hopefully we can setup a meeting on this subject shortly there after.

Let me know if you have any questions.

Thanks

David Lyle Read

Engineering Specialist II
Special Projects Section
Bureau of Air Regulation (BAR)
Division of Air Resource Management (DARM)
Florida DEP
Ph: 850-414-7268 or David.Read@dep.state.fl.us

6/6/2008

Gibson, Victoria

From: Gibson, Victoria
Sent: Thursday, June 05, 2008 3:59 PM
To: Moore, Ronni; Swango, Katie; Read, David; Heron, Teresa
Subject: FW: Florida Municipal Power Agency 0970043-014-AC 08-0989

Ronni,

We are going to discuss with Trina when she gets back in the office tomorrow am.

Have a good evening.

Vickie

From: Gibson, Victoria
Sent: Thursday, June 05, 2008 3:50 PM
To: Moore, Ronni; Crandall, Lea; Swango, Katie
Cc: Read, David; Heron, Teresa
Subject: RE: Florida Municipal Power Agency 0970043-014-AC 08-0989

Ronni,

So the Hopping Green and Sams should fax one over to you late this afternoon or tomorrow morning?

Vickie

From: Moore, Ronni
Sent: Thursday, June 05, 2008 3:44 PM
To: Crandall, Lea; Gibson, Victoria; Swango, Katie
Cc: Read, David; Heron, Teresa
Subject: RE: Florida Municipal Power Agency 0970043-014-AC 08-0989

<< File: FMPA - ORD granting ext to July 21 '08.pdf >>

Nope. The latest I have in the case is our order granting their extension of time through July 21st.

Ronda L. Moore
Assistant General Counsel



Please consider the environment before printing this email.

From: Crandall, Lea
Sent: Thursday, June 05, 2008 3:34 PM
To: Gibson, Victoria; Swango, Katie; Moore, Ronni
Cc: Read, David; Heron, Teresa
Subject: RE: Florida Municipal Power Agency 0970043-014-AC 08-0989

Hi,

No, I have not seen a withdrawal request for this case.

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.

From: Gibson, Victoria

Sent: Thursday, June 05, 2008 3:18 PM

To: Crandall, Lea; Swango, Katie; Moore, Ronni

Cc: Read, David; Heron, Teresa

Subject: Florida Municipal Power Agency 0970043-014-AC 08-0989

Hi,

Have you received a withdrawal request on this case? The last thing I see on LCT is the order being granted on 5/30. The facility has published the public notice.

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: Crandall, Lea
Sent: Thursday, June 05, 2008 3:34 PM
To: Gibson, Victoria; Swango, Katie; Moore, Ronni
Cc: Read, David; Heron, Teresa
Subject: RE: Florida Municipal Power Agency 0970043-014-AC 08-0989

Hi,

No, I have not seen a withdrawal request for this case.

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

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From: Gibson, Victoria
Sent: Thursday, June 05, 2008 3:18 PM
To: Crandall, Lea; Swango, Katie; Moore, Ronni
Cc: Read, David; Heron, Teresa
Subject: Florida Municipal Power Agency 0970043-014-AC 08-0989

Hi,

Have you received a withdrawal request on this case? The last thing I see on LCT is the order being granted on 5/30. The facility has published the public notice.

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

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA MUNICIPAL POWER AGENCY,

Petitioner,

vs.

OGC No. 08-0989
DEP Permit No. 0970043-014-AC

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

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

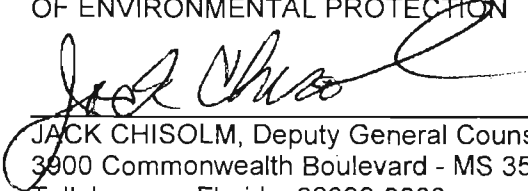
This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Florida Municipal Power Agency (Petitioner), to grant an extension of time to file a petition for administrative hearing to allow time to discuss with the Department several specific permit conditions for its facility in Osceola County, Florida. 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 proceeding is GRANTED. Petitioner shall have until **July 21, 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 30th day of May, 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

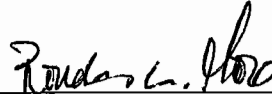
CERTIFICATE OF SERVICE

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 U.S. mail hand delivery ONLY, on this 30th day of May, 2008, to:

Angela Morrison Uhland
Hopping Green & Sams, P.A.
P.O. Box 6526
Tallahassee, FL 32314

facsimile: 850/224-8551

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 BAR Trina.Vielhauer@dep.state.fl.us
Al Linero - FDEP BAR Alvaro.Linero@dep.state.fl.us

Gibson, Victoria

From: Moore, Ronni
Sent: Friday, May 30, 2008 1:39 PM
To: Vielhauer, Trina; Linero, Alvaro
Cc: Gibson, Victoria; Swango, Katie
Subject: FMPA - ordering granting extension through July 21
Attachments: FMPA - ORD granting ext to July 21 '08.pdf

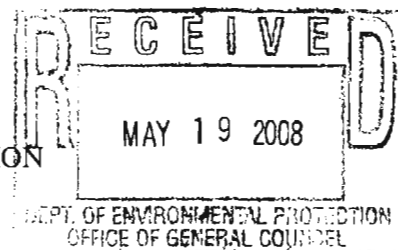
Afternoon! Have a great weekend!

Ronda L. Moore
Assistant General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Blvd., MS 35
Tallahassee, FL 32399-3000
Phone: 850.245.2193
Fax: 850.245.2302
ronni.moore@dep.state.fl.us



Please consider the environment before printing this email.

THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the Matter of an
Application for Air Construction Permit by:

OGC No. _____

Florida Municipal Power Agency
8553 Commodity Circle
Orlando, Florida 32819-9002

Cane Island Power Park Unit 4
Air Permit No. PSD-FL-400
Air Permit No. 0970043-014-AC
Osceola County

_____ /

REQUEST FOR EXTENSION OF TIME

By and through undersigned counsel, the Florida Municipal Power Agency (FMPA) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an extension of time to and including July 21, 2008, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, FMPA states the following:

1. On or about May 8, 2008, FMPA received from the Department of Environmental Protection (Department) a Technical Evaluation and Preliminary Determination, a Proposed Draft Permit, and a Written Notice of Intent to Issue Air Permit (Permit No. PSD-FL-400; Permit No. 0970043-014-AC) for the Cane Island Power Park Unit 4 located in Osceola County, Florida.

2. The Proposed Draft Permit and Technical Evaluation and Preliminary Determination contain several provisions that warrant clarification or correction.

3. Representatives of FMPA will correspond with staff of the Department's Bureau of Air Regulation in an effort to resolve all issues.

4. This request is filed simply as a protective measure to avoid waiver of FMPA's right to challenge certain conditions contained in the Proposed Draft Permit and Technical Evaluation and Preliminary Determination. Grant of this request will not prejudice either party, but will

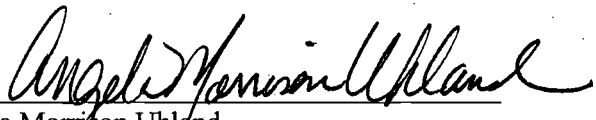
further their mutual interest and likely avoid the need to file a petition and proceed to a formal administrative hearing.

5. Counsel for FMPA contacted Toni Sturtevant with the Department's Office of General Counsel regarding this request, and she had no objection.

WHEREFORE, FMPA respectfully requests that the time for filing a Petition for Administrative Proceedings with regard to the above-referenced Technical Evaluation and Preliminary Determination, Proposed Draft Permit, and Written Notice of Intent to Issue Air Permit (Permit No. PSD-FL-400; Permit No. 0970043-014-AC) be formally extended to and including July 21, 2008. If the Department denies this request, FMPA requests the opportunity to file a Petition for Administrative Proceedings within 10 days of such denial.

Respectfully submitted this 19th day of May, 2008.

HOPPING GREEN & SAMS, P.A.



Angela Morrison Uhlend
Fla. Bar No. 0855766
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
(850) 222-7500

Attorney for FLORIDA MUNICIPAL POWER
AGENCY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by
U.S. Mail on this 19th day of May, 2008:

Toni Sturtevant
Office of General Counsel
Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399-2600

Trina Vielhauer, Chief
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400


Attorney

279640

Gibson, Victoria

From: Gibson, Victoria
Sent: Tuesday, May 20, 2008 11:07 AM
To: Sturtevant, Toni; Brown, Lisa L.
Subject: FW: Request for Extension of Time rec'd. - 0970043-014-AC - Florida Municipal Power Agency
Attachments: Di4700805200922.pdf

Good morning.

Al is out on annual leave for a couple of weeks. So, Trina wishes to grant this request for an extension of time.

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

From: Crandall, Lea
Sent: Tuesday, May 20, 2008 9:27 AM
To: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Linero, Alvaro
Subject: Request for Extension of Time rec'd. - 0970043-014-AC - Florida Municipal Power Agency

FYI, a Request for Extension of Time received on May 19 re: 0970043-014-AC - Florida Municipal Power Agency.

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.

5/20/2008

Gibson, Victoria

From: Gibson, Victoria
Sent: Tuesday, May 20, 2008 10:46 AM
To: Moore, Ronni; Swango, Katie
Cc: Arif, Syed; Linero, Alvaro; Vielhauer, Trina
Subject: FW: Request for Extension of Time rec'd. - 0970043-014-AC - Florida Municipal Power Agency
Attachments: Di4700805200922.pdf

Good morning.

Trina wishes to grant this request for an extension of time through July 21.

Thank you very much.

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

From: Crandall, Lea
Sent: Tuesday, May 20, 2008 9:27 AM
To: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Linero, Alvaro
Subject: Request for Extension of Time rec'd. - 0970043-014-AC - Florida Municipal Power Agency

FYI, a Request for Extension of Time received on May 19 re: 0970043-014-AC - Florida Municipal Power Agency.

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

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5/20/2008

Gibson, Victoria

From: Gibson, Victoria
Sent: Tuesday, May 20, 2008 9:33 AM
To: Nelson, Deborah
Subject: FW: Request for Extension of Time rec'd. - 0970043-014-AC - Florida Municipal Power Agency
Attachments: Di4700805200922.pdf

FYI,

Vickie

From: Gibson, Victoria
Sent: Tuesday, May 20, 2008 9:29 AM
To: Arif, Syed
Subject: FW: Request for Extension of Time rec'd. - 0970043-014-AC - Florida Municipal Power Agency

FYI,

Vickie

From: Crandall, Lea
Sent: Tuesday, May 20, 2008 9:27 AM
To: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Linero, Alvaro
Subject: Request for Extension of Time rec'd. - 0970043-014-AC - Florida Municipal Power Agency

FYI, a Request for Extension of Time received on May 19 re: 0970043-014-AC - Florida Municipal Power Agency.

Thanks,
Lea

Lea Crandall

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Chronology of Activities

OGC Number	08 0989	49 AC	District	CENTRAL	County	OSCEOLA
Style of Case	FLORIDA MUNICIPAL POWER AGENCY VS. DEP					
Program Area	AIR CONSTRUCT		Mode	PERMITTING		
Lead Attorney	RONNI	L	MOORE	Status	CLOSED	
Forum Name			Forum Case Number			
Permit Appl	0970043-014-AC		Final Order Number			

Date *	Code	Activity Description
05/20/2008	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
05/30/2008		SENT OUT ORDER GRANTING REQUEST FOR EXTENSION
07/15/2008	REX2	RECEIVED SECOND REQUEST FOR EXTENSION OF TIME
07/18/2008		ORDER GRANTING EXTENSION OF TIME UNTIL 08/29/08
07/21/2008	EXP1	FIRST EXTENSION EXPIRES TODAY
08/29/2008	EXP2	SECOND EXTENSION EXPIRES TODAY
08/29/2008		WITHDRAWAL OF REQUEST FOR EXTENSION OF TIME
09/02/2008		MEMO CLOSING FILE
09/02/2008	CC	CASE CLOSED IN OGC
09/02/2008		TO BE ARCHIVED PER RONNI MOORE