

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

TAMPA ELECTRIC COMPANY –
POLK POWER STATION,

Petitioner,

v.

OGC No. 06-1903
DEP Permit No. 1050233-19-AC

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

ORDER CLOSING FILE


On September 28, 2006, the Florida Department of Environmental Protection (Department) received a request for extension of time from Tampa Electric Company to file a petition for administrative hearing challenging the Department's decision to issue Permit No. 1050233-19-AC for the Petitioner's facility in Polk County, Florida. On October 9, 2006, the Department withdrew its intent to issue the permit. There being no further matters to consider,

IT IS ORDERED:

- A. The intent having been withdrawn, the Department's file in this matter is closed.
- B. This order constitutes final agency action of the Department.
- C. Any party to this proceeding has the right to seek judicial review of this order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rules 9.110 and 9.190, 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 after the date this order is filed with the clerk of the Department.

DONE AND ORDERED this 19th day of October, 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

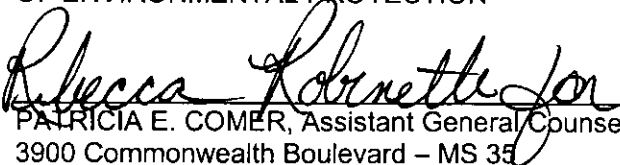
10/19/06
DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished
via U. S. Mail facsimile only, this ___ day of October, 2006, to:

Tampa Electric Company
Byron T. Burrows, P.E.
Manager, Air Programs
Environmental, Health & Safety
Post Office Box 111
Tampa, FL 33601-0111

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



PATRICIA E. COMER, Assistant General Counsel
3900 Commonwealth Boulevard - MS 35
Tallahassee, Florida 32399-3000
850/245-2242 facsimile: 850/245-2297

with a courtesy copy via electronic mail to:

Jeff Koerner, FDEP Project Engineer

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

TAMPA ELECTRIC COMPANY –
POLK POWER STATION,

Petitioner,

v.

OGC No. 06-1903
DEP Permit No. 1050233-19-AC

DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondent.

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

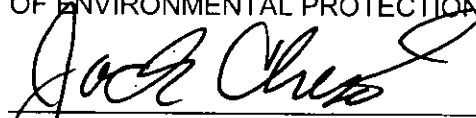
This cause has come before the Florida Department of Environmental Protection upon receipt of a request made by Petitioner, Tampa Electric Company, to grant an extension of time to file a petition for an administrative hearing to allow time to discuss with FDEP several specific permit conditions for its facility in Polk 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 **October 12, 2006**, to file a petition in this matter. Filing shall be complete on 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 29th day of August, 2006, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

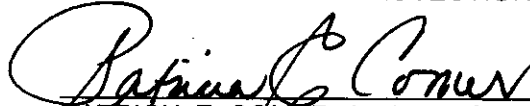

JACK CHISOLM, Deputy General Counsel
3900 Commonwealth Boulevard – MS 35
Tallahassee, Florida 32399-3000
850-245-2242 facsimile 850-245-2302

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U. S. Mail this 30th day of August, 2006, to:

Tampa Electric Company
Byron T. Burrows, P.E.
Manager, Air Programs
Environmental, Health & Safety
Post Office Box 111
Tampa, FL 33601-0111

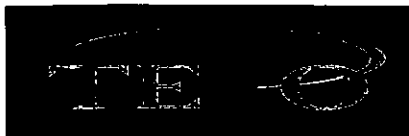
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



PATRICIA E. COMER, Assistant General Counsel
FL Bar 0224146
3900 Commonwealth Boulevard MS - 35
Tallahassee, Florida 32399-3000
Telephone: (850) 245-2288
Facsimile: (850) 245-2302

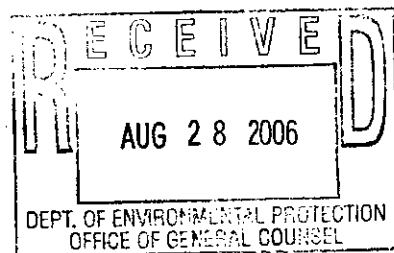
with a courtesy copy to:

Bobby Bull, Project Engineer



TAMPA ELECTRIC

August 25, 2006



Ms. Lea Crandall
Agency Clerk – Office of the General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, MS #35
Tallahassee, FL 32399-3000

Via FedEx
Airbill No. 7921 9069 5361

Re: **Tampa Electric Company – Polk Power Station**
Draft Air Construction Permit No. 1050233-019-AC
Test burn of 100% petroleum coke at Unit 1
Intent to Issue Air Construction Permit

Dear Ms. Crandall:

By letter dated August 14, 2006 and received by Tampa Electric Company on August 21, 2006 via mail, the Florida Department of Environmental Protection (FDEP) announced its intent to issue an air construction permit for the referenced project at the Polk Power Station located in Polk County, Florida. Tampa Electric Company has had an opportunity to review the intent to issue the construction permit along with the proposed conditions and are currently working with FDEP to resolve certain issues with the conditions of this proposed permit.

To accommodate discussions with staff of the FDEP on these issues, we request that the time for Tampa Electric Company to petition for a formal administrative hearing be extended by an additional 45 days from the deadline set forth in the Intent to Issue Air Construction Permit pursuant to Rule 62-110.106(4), Florida Administrative Code. Tampa Electric Company believes that this time will be sufficient to amicably resolve the issues without the necessity of pursuing a formal administrative hearing.

Thank you for your consideration of this request. If you have any questions or comments, please contact Joshua Ellwein or me at (813) 228-4369.

Sincerely,

Byron T. Burrows, P.E.
Manager - Air Programs
Environmental, Health & Safety

EHS/rlk/JDE100

cc: Mr. Jeff Koerner, FDEP
Mr. Doug Beason, Esquire

TAMPA ELECTRIC COMPANY
P. O. BOX 111 TAMPA, FL 33601-0111

(813) 228-4111

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SENDER'S RECEIPT

Waybill #: 17425327850

To(Company):
DEP Southwest District Office
Air Resources
8407 Laurel Fair Circle

Tampa, FL 33610
UNITED STATES

Attention To: Ms. Mara Nasca
Phone#: 813-744-6100

Sent By: P. Adams
Phone#: 850-921-9505

Rate Estimate: 5.05
Protection: Not Required
Description: 1050233-019-AC permit

Weight (lbs.): Letter
Dimensions: 0 x 0 x 0

Ship Ref: 37550201000 A7 AP255
Service Level: Next Day 3:00 (Next
business day by 3 PM)

Special Svc:

Date Printed: 8/15/2006
Bill Shipment To: Sender
Bill To Acct: 778941286

DHL Signature (optional) _____ Route _____ Date _____ Time _____

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