

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

HIDDEN HARBOR MARINA

Petitioner,

vs.

OGC CASE NO. 97-1842

FLORIDA POWER & LIGHT
(SANFORD POWER PLANT) and
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondents.

**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, HIDDEN HARBOR MARINA, to grant an extension of time to file a petition for an administrative hearing on Permit No. 1270009-001-AV. See Exhibit 1.


Respondent, State of Florida Department of Environmental Protection, 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 February 28, 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 9th day of December, 1997, 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

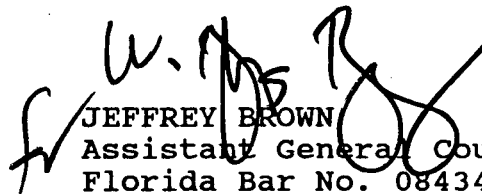
CERTIFICATE OF SERVICE

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

William E. Guy, Jr.
55 East Ocean Boulevard
Stuart, Florida 34995-3386

on this 12th day of December, 1997.

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

LAW OFFICES OF
WILLIAM E. GUY, JR.

55 EAST OCEAN BOULEVARD
POST OFFICE BOX 3386
STUART, FLORIDA 34995-3386

WILLIAM E. GUY, JR.*
JOHN S. YUDIN**

* ALSO ADMITTED IN 9TH U.S. C.C.A.
** ALSO ADMITTED IN DISTRICT OF COLUMBIA

TELEPHONE (561) 286-7372
FAX (561) 220-3318
E-MAIL weg@gate.net

November 4, 1997

Mr. W. Douglas Beason, Esq.
Assistant General Counsel
Office Of General Counsel
State of Florida, Department of
Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

Re: Sanford Power Plant
Notice of Intent to Issue Proposed
Permit No. 127009-001-AV Draft

Dear Mr. Beason:

On October 3, 1997 Hidden Harbor Marina received the above mentioned Notice of Intent to Issue Proposed Permit for the Florida Power and Light (FPL) Sanford Power Plant in Volusia County. The Notice of Intent was issued by the Department's Tallahassee Office and was signed by Martin J. Costello, P.E. of the DEP Bureau of Air Regulation. On October 14, 1997, Hidden Harbor Marina requested an extension of time in order to file an administrative petition. DEP granted Hidden Harbor's request on October 31, 1997, allowing Hidden Harbor until November 10, 1997, to file its administrative petition. Hidden Harbor's settlement negotiations with FPL have taken longer than anticipated and the parties have yet to finalize an agreement. Hidden Harbor therefore requests that DEP grant Hidden Harbor a second extension of time, in the hope that settlement negotiations can be rapidly completed.


Hidden Harbor Marina is a party whose interests will be substantially affected by the Department's proposed permitting decision regarding the above referenced facility. Hidden Harbor has been working in good faith with Bob Bergstrom of FPL in order to identify and resolve outstanding permit issues regarding the above referenced facility. Hidden Harbor and FPL have agreed that more time is required to resolve the issues in dispute. The Department (Jeffrey Brown, Esq.) has been contacted with regard to this request for extension of time and he has not indicated any opposition.

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As good cause warranting the granting of this extension, Hidden Harbor would show that if the parties are able to amicably resolve this dispute there will be no need to initiate formal administrative proceedings. In addition, no party would be prejudiced by granting this extension, as FPL has already requested and received from the Department an extension of time until February 1998.

Hidden Harbor therefore requests that pursuant to F.A.C. 62-103.070, 62-113.200 and 28-106.111, the Department grant an extension of time to and including February 28, 1998, in which to file a petition for administrative proceedings regarding the Notice of Intent to Issue the Proposed Air Construction and Air Operating permits.

Sincerely,



William E. Guy, Jr.
Attorney for Hidden Harbor Marina

cc: FPL-Robert Bergstrom
Hidden Harbor
Don Borum
Leo Quinn
Reed Zars

WEG/wm

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