

FPL -- Turkey Point 0250003-008-AC
 OGC # 08-1637

(Jonathan)

2008							
5-Jun	Received 1st request for an extension of time						
	Jonathan approved granting their request						
	The order granting was not issued by OGC				assigned to Ronni on 6/11		
23-Jun	Received 2nd request for an extension of time						
1-Jul	OGC issued the ordering granting time through and including July 23rd						
22-Jul	Received 3rd request for an extension of time through Jan 23, 2009						
			Expires on July 23rd				
28-Jul	OGC issued the order granting an extension of time - but only until 9/22/08						
			EXPIRES ON September 22, 2008				
22-Sep	OGC sent to us the 4th request for an extension of time						
	through and including November 21						
24-Sep	per Jonathan, OGC will put this request on hold while he drafts a revised permit						
	I forwarded Jonathan's note to me on to Ronni ... just in case						
	expires on 11/21						
17-Oct	revised draft issued today						
29-Oct	CASE CLOSED IN OGC -- closing memo issued on 10/27						

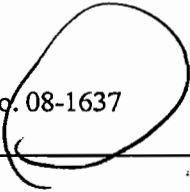
Florida Department of Environmental Protection
Office of General Counsel

Memo

To: Jon Holtom, Trina Vielhauer, and OGC File

From: Ronni Moore, Assistant General Counsel 

Date: October 27, 2008

Re: Florida Power & Light vs. DEP; DEP Permit No. 0250003-008-AC; OGC No. 08-1637 

On May 23, 2008, the Department issued a notice of intent to issue air construction permit no. 0250003-008-AC to Florida Power & Light (FPL). FPL requested and was granted extensions of time to file a petition for hearing on the intent through September 22, 2008. On September 19th, FPL filed a fourth request for extension of time requesting an extension through November 21st. The Department did not act on the fourth request for extension thereby FPL had a default extension. On October 20th the Department issued a revised draft permit replacing the May 23rd intent. There being no further matters to consider, the Department's file in this matter is closed.

Gibson, Victoria

From: Moore, Ronni
Sent: Wednesday, September 24, 2008 2:41 PM
To: Gibson, Victoria
Subject: RE:

Yup, thanks.

Ronda L. Moore
Assistant General Counsel



Please consider the environment before printing this email.

From: Gibson, Victoria
Sent: Wednesday, September 24, 2008 1:49 PM
To: Moore, Ronni
Subject: FW:

Hi Ronni,

Just wanted to be sure that we are on the same page with this request. Please see Jonathan's note below.

Thanks.

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: Holtom, Jonathan
Sent: Wednesday, September 24, 2008 10:40 AM
To: Gibson, Victoria
Subject:

Here is what I have on Turkey Point's 4th request. I think Ronnie is just going to sit on this one and not issue anything. It will go away when I re-issue the new Draft permit.

Jon Holtom, P.E., CPM
Acting Title V Program Administrator
Bureau of Air Regulation
(850) 921-9531

9/24/2008

Gibson, Victoria

From: Gibson, Victoria
Sent: Wednesday, September 24, 2008 10:41 AM
To: Holtom, Jonathan
Subject: RE:

Okay.....thanks for that update.

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: Holtom, Jonathan
Sent: Wednesday, September 24, 2008 10:40 AM
To: Gibson, Victoria
Subject:

Here is what I have on Turkey Point's 4th request. I think Ronnie is just going to sit on this one and not issue anything. It will go away when I re-issue the new Draft permit.

Jon Holtom, P.E., CPM
Acting Title V Program Administrator
Bureau of Air Regulation
(850) 921-9531

I noticed on the LCT page for this facility that some of the dates for the 3rd and 4th received request are the same 7/22. Also, I don't see where the 3rd extension of time that was granted expired.

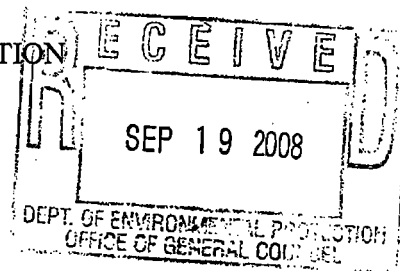
And does the 4th extension of time really expire on 9/22?

Thanks for reviewing this for me.

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 POWER & LIGHT CO.,

Petitioner,

vs.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondent.

OGC No.

DEP Draft Permit No. 0250003-008-AC

FOURTH REQUEST FOR ENLARGEMENT OF TIME

By and through undersigned counsel, Florida Power & Light Company (FPL) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), a fourth enlargement of time, to and including November 21, 2008, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, FPL states the following:

1. On or about May 23, 2008, FPL received from the Department of Environmental Protection ("Department") a "Written Notice of Intent to Issue Air Permit" and accompanying "Draft Permit" (Air Permit No. 0250003-008-AC), for FPL's Turkey Point Fossil Plant, which is located at 9700 SW 344th Street, Homestead, Miami-Dade County, Florida.
2. Based on FPL's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or correction.
3. Representatives of FPL and the Department conducted discussions regarding possible resolutions to the issues needing clarification or correction.

4. On July 11, 2008, the United States Court of Appeals for the District of Columbia Circuit issued its Opinion in consolidated cases challenging various aspects of the Clean Air Interstate Rule (CAIR) promulgated by the U.S. Environmental Protection Agency (EPA). (State of North Carolina v. EPA, et al. Case No. 05-1244, DC Circuit 2008) The Court in that Opinion vacated and remanded EPA's CAIR rule.

5. The ultimate effect of the Court's decision is uncertain at present. It appears probable, however, that the Department's approach with respect to Best Available Retrofit Technology (BART) requirements under Florida Administrative Code Rule 62-296.340 will change in response to the vacation of the CAIR rule.

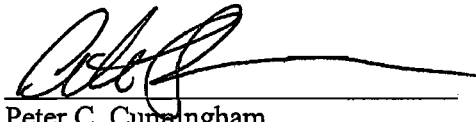
6. By Order dated July 24, 2008, the Department granted FPL's request for enlargement of time to file a petition for administrative proceedings in regard to the Department's intent to issue the referenced air permit until September 22, 2008.

7. Under these circumstances, it is appropriate to provide additional time for the Department and FPL to address the BART requirements for Turkey Point Units 1 and 2. A member of the Department's Bureau of Air Regulation staff has advised an FPL representative that the Department intends to withdraw the Draft Permit issued on May 23, 2008 and reissue a revised Draft Permit in the near future.

8. This request is filed simply as a protective measure to avoid waiver of FPL's right to challenge certain conditions contained in the Draft Permit. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, FPL respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No.0250003-008-AC be formally extended to and including November 21, 2008.

RESPECTFULLY SUBMITTED this 19th day of September, 2008.

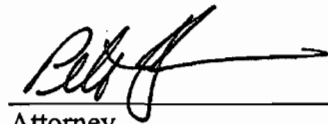


Peter C. Cunningham
Florida Bar No. 0321907
Hopping, Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, Florida 32301
Telephone: (850) 222-7500
Facsimile (850) 224-8551

Attorneys for Petitioner
Florida Power & Light Company

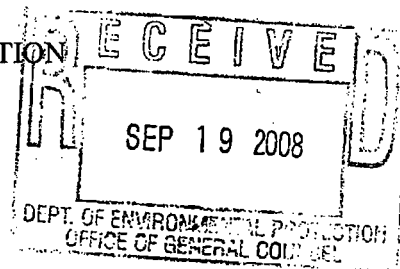
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing SECOND REQUEST FOR ENLARGEMENT OF TIME has been filed by hand delivery with the Agency Clerk, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and a true and correct copy of the foregoing REQUEST FOR THIRD ENLARGEMENT OF TIME has been furnished by hand delivery to Ronda L. Moore, Assistant General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and Jonathan Holtom, Department of Environmental Protection, 111 S. Magnolia Drive, Tallahassee, Florida on this 12th day of September, 2008.



Attorney

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



FLORIDA POWER & LIGHT CO.,

Petitioner,

vs.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondent.

OGC No.

DEP Draft Permit No. 0250003-008-AC

FOURTH REQUEST FOR ENLARGEMENT OF TIME

By and through undersigned counsel, Florida Power & Light Company (FPL) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), a fourth enlargement of time, to and including November 21, 2008, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, FPL states the following:

1. On or about May 23, 2008, FPL received from the Department of Environmental Protection ("Department") a "Written Notice of Intent to Issue Air Permit" and accompanying "Draft Permit" (Air Permit No. 0250003-008-AC), for FPL's Turkey Point Fossil Plant, which is located at 9700 SW 344th Street, Homestead, Miami-Dade County, Florida.
2. Based on FPL's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or correction.
3. Representatives of FPL and the Department conducted discussions regarding possible resolutions to the issues needing clarification or correction.

4. On July 11, 2008, the United States Court of Appeals for the District of Columbia Circuit issued its Opinion in consolidated cases challenging various aspects of the Clean Air Interstate Rule (CAIR) promulgated by the U.S. Environmental Protection Agency (EPA). (State of North Carolina v. EPA, et al. Case No. 05-1244, DC Circuit 2008) The Court in that Opinion vacated and remanded EPA's CAIR rule.

5. The ultimate effect of the Court's decision is uncertain at present. It appears probable, however, that the Department's approach with respect to Best Available Retrofit Technology (BART) requirements under Florida Administrative Code Rule 62-296.340 will change in response to the vacation of the CAIR rule.

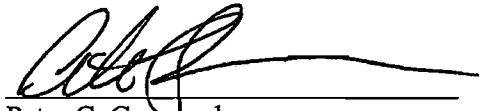
6. By Order dated July 24, 2008, the Department granted FPL's request for enlargement of time to file a petition for administrative proceedings in regard to the Department's intent to issue the referenced air permit until September 22, 2008.

7. Under these circumstances, it is appropriate to provide additional time for the Department and FPL to address the BART requirements for Turkey Point Units 1 and 2. A member of the Department's Bureau of Air Regulation staff has advised an FPL representative that the Department intends to withdraw the Draft Permit issued on May 23, 2008 and reissue a revised Draft Permit in the near future.

8. This request is filed simply as a protective measure to avoid waiver of FPL's right to challenge certain conditions contained in the Draft Permit. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, FPL respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No.0250003-008-AC be formally extended to and including November 21, 2008.

RESPECTFULLY SUBMITTED this 19th day of September, 2008.




Peter C. Cunningham
Florida Bar No. 0321907
Hopping, Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, Florida 32301
Telephone: (850) 222-7500
Facsimile (850) 224-8551

Attorneys for Petitioner
Florida Power & Light Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing SECOND REQUEST FOR ENLARGEMENT OF TIME has been filed by hand delivery with the Agency Clerk, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and a true and correct copy of the foregoing REQUEST FOR THIRD ENLARGEMENT OF TIME has been furnished by hand delivery to Ronda L. Moore, Assistant General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and Jonathan Holtom, Department of Environmental Protection, 111 S. Magnolia Drive, Tallahassee, Florida on this 19th day of September, 2008.



Attorney

Gibson, Victoria

From: Crandall, Lea
Sent: Monday, September 22, 2008 10:14 AM
To: Moore, Ronni; Holtom, Jonathan; Gibson, Victoria
Subject: 4th Request for Extension of Time - 0250003-008-AC - FPL
Attachments: Di4700809220908.PDF

Hi,

Please see the attached.

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 POWER AND LIGHT CO.,

Petitioner,

vs.

OGC No. 08-1637
DEP Permit No. 0250003-008-AC

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

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

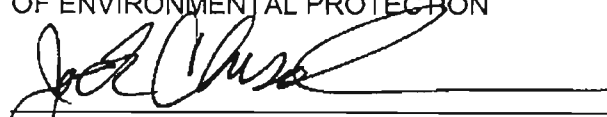
This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Florida Power and Light Co. (Petitioner), to grant a third extension of time to file a petition for administrative hearing to allow time to discuss with the Department several specific permit conditions for its facility in Miami-Dade 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 hearing is GRANTED. Petitioner shall have until **September 22, 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 24 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

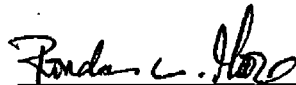
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Third Request for Extension of Time to File Petition for Hearing, was furnished via facsimile only on this 20th day of July, 2008, to:

Peter C. Cunningham
Hopping, Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, Florida 32301

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 - FDEP BAR Trina.Vielhauer@dep.state.fl.us
Jonathan Holtom - FDEP BAR Jonathan.Holtom@dep.state.fl.us

Gibson, Victoria

From: Vielhauer, Trina
Sent: Monday, July 28, 2008 2:30 PM
To: Gibson, Victoria
Subject: FW: re: Florida Power and Light Co., OGC # 08-1637 Extension of time
Attachments: 081637 7-28-08.pdf

From: Swango, Katie
Sent: Monday, July 28, 2008 2:19 PM
To: Vielhauer, Trina; Holtom, Jonathan
Cc: Moore, Ronni
Subject: re: Florida Power and Light Co., OGC # 08-1637 Extension of time

Please find attached the PDF version of the Order Granting Third Extension of Time re: Florida Power and Light Co., OGC # 08-1637. If you have a problem opening or viewing the above document 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 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.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

JUL 22 2008

BUREAU OF AIR REGULATION

FLORIDA POWER & LIGHT CO.,

Petitioner,

vs.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondent.

OGC No.

DEP Draft Permit No. 0250003-008-AC

THIRD REQUEST FOR ENLARGEMENT OF TIME

By and through undersigned counsel, Florida Power & Light Company (FPL) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), a third enlargement of time, to and including January 23, 2009, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, FPL states the following:

1. On or about May 23, 2008, FPL received from the Department of Environmental Protection ("Department") a "Written Notice of Intent to Issue Air Permit" and accompanying "Draft Permit" (Air Permit No. 0250003-008-AC), for FPL's Turkey Point Fossil Plant, which is located at 9700 SW 344th Street, Homestead, Miami-Dade County, Florida.

2. Based on FPL's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or correction.

3. By Order dated June 30, 2008, the Department granted FPL's request for enlargement of time to file a petition for administrative proceedings in regard to the Department's intent to issue the referenced air permit until July 23, 2008.

4. Representatives of FPL and the Department have continued to discuss possible resolutions to the issues needing clarification or correction.

5. On July 11, 2008, the United States Court of Appeals for the District of Columbia Circuit issued its Opinion in consolidated cases challenging various aspects of the Clean Air Interstate Rule (CAIR) promulgated by the U.S. Environmental Protection Agency (EPA). (State of North Carolina v. EPA, et al. Case No. 05-1244, DC Circuit 2008) The Court in that Opinion vacated and remanded EPA's CAIR rule.

6. The ultimate effect of the Court's decision is uncertain at present. It appears probable, however, that the Department's approach with respect to Best Available Retrofit Technology (BART) requirements under Florida Administrative Code Rule 62-296.340 will change in response to the vacation of the CAIR rule.

7. Under these circumstances, it is appropriate to provide additional time for the Department and FPL to address the BART requirements for Turkey Point Units 1 and 2. Because of the present uncertainty as to when the effect of the CAIR rule vacation on BART requirements will be resolved, FPL requests a six month enlargement of time in which to file a petition for administrative proceedings in regard to the Department's intent to issue the referenced air permit, until January 23, 2009.

8. This request is filed simply as a protective measure to avoid waiver of FPL's right to challenge certain conditions contained in the Draft Permit. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing. A representative of FPL has conferred with staff of the Department who had no objection to this third request.

WHEREFORE, FPL respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No.0250003-008-AC be formally extended to and including January 23, 2009.

RESPECTFULLY SUBMITTED this 22nd day of July, 2008.




Peter C. Cunningham
Florida Bar No. 0321907
Hopping, Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, Florida 32301
Telephone: (850) 222-7500
Facsimile (850) 224-8551

Attorneys for Petitioner
Florida Power & Light Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing SECOND REQUEST FOR ENLARGEMENT OF TIME has been filed by hand delivery with the Agency Clerk, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and a true and correct copy of the foregoing REQUEST FOR THIRD ENLARGEMENT OF TIME has been furnished by hand delivery to Ronda L. Moore, Assistant General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and Jonathan Holtom, Department of Environmental Protection, 111 S. Magnolia Drive, Tallahassee, Florida on this 22nd day of July, 2008.



Attorney

Gibson, Victoria

From: Crandall, Lea
Sent: Tuesday, July 22, 2008 3:33 PM
To: Moore, Ronni; Gibson, Victoria; Holtom, Jonathan
Subject: Third Request for Extension of Time - FPL vs. DEP - 0250003-008-AC
Attachments: Di4700807221521.PDF

Hi,

Please see the attached request from FPL.

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: Knight, Barnard
Sent: Tuesday, July 22, 2008 3:22 PM
To: Crandall, Lea
Subject: From KONICA MINOLTA Di470

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA POWER AND LIGHT CO.,

Petitioner,

vs.

OGC No. 08-1637

DEP Permit No. 0250003-008-AC

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

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

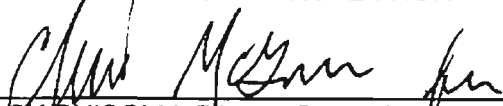
This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Florida Power and Light Co. (Petitioner), to grant an extension of time to file a petition for administrative hearing to allow time to discuss with the Department several specific permit conditions for its facility in Miami-Dade 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 hearing is GRANTED. Petitioner shall have until **July 23, 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 June, 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

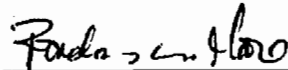
CERTIFICATE OF SERVICE

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 1st day of ~~June~~^{July}, 2008, to:

Peter C. Cunningham
Hopping, Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, Florida 32301

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 - FDEP BAR Trina.Vielhauer@dep.state.fl.us
Jonathan Holtom - FDEP BAR Jonathan.Holtom@dep.state.fl.us

Gibson, Victoria

From: Vielhauer, Trina
Sent: Tuesday, July 01, 2008 9:35 AM
To: Gibson, Victoria
Subject: FW: Extension of Time for FPL OGC # 08-1637
Attachments: 081637 7-1-08.pdf

From: Swango, Katie
Sent: Tuesday, July 01, 2008 9:19 AM
To: Vielhauer, Trina; Holtom, Jonathan
Cc: Moore, Ronni
Subject: Extension of Time for FPL OGC # 08-1637

Please find attached the PDF version of an Order Granting Request for Extension of Time to File Petition for Hearing for OGC Case # 08-1637, Florida Power and Light Co.. 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 Blessed Day! ☺

*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.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

JUN 23 2008

BUREAU OF AIR REGULATION

FLORIDA POWER & LIGHT CO.,

Petitioner,

vs.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondent.

OGC No.

DEP Draft Permit No. 0250003-008-AC

SECOND REQUEST FOR ENLARGEMENT OF TIME

By and through undersigned counsel, Florida Power & Light Company (FPL) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), a second enlargement of time, to and including July 23, 2008, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, FPL states the following:

1. On or about May 23, 2008, FPL received from the Department of Environmental Protection ("Department") a "Written Notice of Intent to Issue Air Permit" and accompanying "Draft Permit" (Air Permit No. 0250003-008-AC), for FPL's Turkey Point Fossil Plant, which is located at 9700 SW 344th Street, Homestead, Miami-Dade County, Florida.

2. Based on FPL's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or correction.

3. On June 5, 2008, FPL filed its first Request for Enlargement of Time with the Department, requesting additional time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit. FPL requested that the time be extended until June 23, 2008.

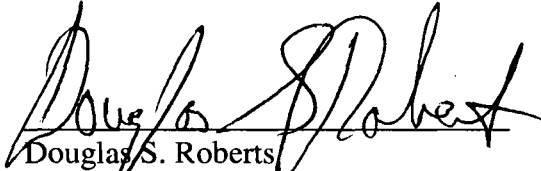
4. As of the date of filing this Second Request, FPL has not received from the Department an order enlarging time, although representatives of the Department had stated that such an order would be issued.

5. Representatives of FPL and the Department are continuing to discuss possible resolutions to the issues needing clarification or correction.

6. This request is filed simply as a protective measure to avoid waiver of FPL's right to challenge certain conditions contained in the Draft Permit. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing. A representative of FPL has conferred with staff of the Department who had no objection to this second request.

WHEREFORE, FPL respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No.0250003-008-AC be formally extended to and including July 23, 2008.

RESPECTFULLY SUBMITTED this 23rd day of June, 2008.

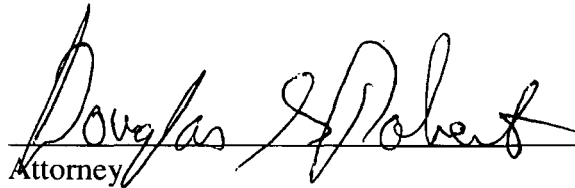


Douglas S. Roberts
Florida Bar No. 0559466
Peter C. Cunningham
Florida Bar No. 0321907
Hopping, Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, Florida 32301
Telephone: (850) 222-7500
Facsimile (850) 224-8551

Attorneys for Petitioner
Florida Power & Light Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing SECOND REQUEST FOR ENLARGEMENT OF TIME has been filed by hand delivery with the Agency Clerk, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and a true and correct copy of the foregoing REQUEST FOR ENLARGEMENT OF TIME has been furnished by hand delivery to Ronda L. Moore, Assistant General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and Jonathan Holtom, Department of Environmental Protection, 111 S. Magnolia Drive, Tallahassee, Florida on this 23rd day of June, 2008.


Attorney

Gibson, Victoria

From: Moore, Ronni
Sent: Friday, June 06, 2008 9:32 AM
To: Holtom, Jonathan
Cc: Gibson, Victoria; Swango, Katie; Crandall, Lea
Subject: RE: Request for Extension of Time - 0250003-008-AC - Florida Power & Light

Thanks, Jon. I was just getting ready to email you and ask! We'll write up the order granting and cc you on it.

Ronda L. Moore
Assistant General Counsel



Please consider the environment before printing this email.

From: Holtom, Jonathan
Sent: Friday, June 06, 2008 8:50 AM
To: Crandall, Lea
Cc: Moore, Ronni; Gibson, Victoria
Subject: RE: Request for Extension of Time - 0250003-008-AC - Florida Power & Light

I don't know if you really need anything from me, but I have no problem with this extension being granted.

Thanks!

-Jon Holtom

From: Crandall, Lea
Sent: Thursday, June 05, 2008 3:50 PM
To: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Holtom, Jonathan
Subject: Request for Extension of Time - 0250003-008-AC - Florida Power & Light

FYI, a Request for Extension of Time was received today re: 0250003-008-AC - Florida Power & Light.

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.

6/6/2008

Gibson, Victoria

From: Vielhauer, Trina
Sent: Friday, June 06, 2008 9:10 AM
To: Gibson, Victoria
Subject: RE: Request for Extension of Time - 0250003-008-AC - Florida Power & Light
Follow Up Flag: Follow up
Flag Status: Red

nope. That's fine.

From: Gibson, Victoria
Sent: Friday, June 06, 2008 9:09 AM
To: Vielhauer, Trina
Subject: FW: Request for Extension of Time - 0250003-008-AC - Florida Power & Light

Hi,

Jonathan says that he does not have any objection to granting this extension request.....do you see any issues with it?

Vickie

From: Gibson, Victoria
Sent: Thursday, June 05, 2008 5:45 PM
To: Holtom, Jonathan
Subject: FW: Request for Extension of Time - 0250003-008-AC - Florida Power & Light

Hi,

Once you decide to grant or deny; please cc me on the e-mail that you send to Ronini in OGC.

Thanks.

Vickie

From: Crandall, Lea
Sent: Thursday, June 05, 2008 3:50 PM
To: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Holtom, Jonathan
Subject: Request for Extension of Time - 0250003-008-AC - Florida Power & Light

FYI, a Request for Extension of Time was received today re: 0250003-008-AC - Florida Power & Light.

Thanks,
Lea

Lea Crandall

6/6/2008

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

RECEIVED

JUN 05 2008

BUREAU OF AIR REGULATION

FLORIDA POWER & LIGHT CO.,

Petitioner,

vs.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

OGC No.

DEP Draft Permit No. 0250003-008-AC

Respondent.

REQUEST FOR ENLARGEMENT OF TIME

By and through undersigned counsel, Florida Power & Light Company (FPL) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time, to and including June 23, 2008, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, FPL states the following:

1. On or about May 23, 2008, FPL received from the Department of Environmental Protection ("Department") a "Written Notice of Intent to Issue Air Permit" and accompanying "Draft Permit" (Air Permit No. 0250003-008-AC), for FPL's Turkey Point Fossil Plant, which is located at 9700 SW 344th Street, Homestead, Miami-Dade County, Florida.
2. Based on FPL's initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or correction.
3. Representatives of FPL and the Department are in the process of discussing possible resolutions to the issues needing clarification or correction.

4. This request is filed simply as a protective measure to avoid waiver of FPL's right to challenge certain conditions contained in the Draft Permit. Grant of this request will not prejudice either party, but will further their mutual interest and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, FPL respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No.0250003-008-AC be formally extended to and including June 23, 2008.

RESPECTFULLY SUBMITTED this 5th day of June, 2008.

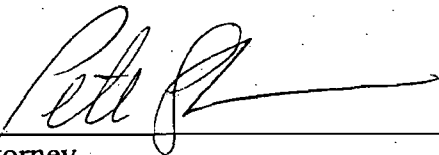


Peter C. Cunningham
Florida Bar No. 0321907
Hopping, Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, Florida 32301
Telephone: (850) 222-7500
Facsimile (850) 224-8551

Attorneys for Petitioner
Florida Power & Light Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of the foregoing REQUEST FOR ENLARGEMENT OF TIME has been filed by hand delivery with the Agency Clerk, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and a true and correct copy of the foregoing REQUEST FOR ENLARGEMENT OF TIME has been furnished by hand delivery to Ronda L. Moore, Assistant General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and Jonathan Holtom, Department of Environmental Protection, 111 S. Magnolia Drive, Tallahassee, Florida on this 5th day of June, 2008.



Attorney

Gibson, Victoria

From: Crandall, Lea
Sent: Thursday, June 05, 2008 3:50 PM
To: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Holtom, Jonathan
Subject: Request for Extension of Time - 0250003-008-AC - Florida Power & Light
Attachments: Di4700806051546.pdf

FYI, a Request for Extension of Time was received today re: 0250003-008-AC - Florida Power & Light.

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.

Gibson, Victoria

From: Holtom, Jonathan
Sent: Wednesday, June 04, 2008 9:00 AM
To: 'Kevin_Washington@fpl.com'
Cc: Vielhauer, Trina; Gibson, Victoria
Subject: RE: PTF 1&2 DRAFT BART PERMIT PUBLIC NOTICE
Follow Up Flag: Follow up
Flag Status: Red

Hi Kevin,

Yes, as long as the enlargement of time is filed timely, we will continue to work with you to establish some mutually agreeable conditions. Although I can't guarantee that I will want to make all of the changes that you and I talked about on the phone, I am willing to make some adjustments in the soot-blowing conditions to provide some recognition of excess emissions during fuel switching operations. I will be looking forward to talking with you more about your other issues of concern and reaching an agreeable compromise so that we may positively move forward toward implementing the BART requirements and satisfying our SIP obligations with EPA.

Thank you for your help in reaching this goal.

Jonathan Holtom, P.E.
Title V Section, Bureau of Air Regulation
(850) 921-9531

From: Kevin_Washington@fpl.com [mailto:Kevin_Washington@fpl.com]
Sent: Wednesday, June 04, 2008 7:21 AM
To: Holtom, Jonathan
Subject: PTF 1&2 DRAFT BART PERMIT PUBLIC NOTICE

Jonathan,

To further our negotiations on the PTF 1&2 Draft BART Permit, I would like to confirm our mutual intent to continue negotiations to reach agreement on certain aspects of the Draft Permit before we publish the Public Notice and Draft Permit. To that end, we are working internally to respond to the Department on our issues of concern and expect to be able to communicate our findings to you by June 13th. I would like your confirmation that we can postpone the Public Notice until we reach a Draft with mutually agreeable conditions.

As we discussed on May 29, FPL will seek an Enlargement of Time on the 14 days to file a petition.

Thanks for your continued cooperation. I look forward to your reply.
Kevin Washington
FPL Principal Environmental Specialist

6/5/2008

Chronology of Activities

OGC Number	08 1637 13 AC	District	SOUTHEAST	County	MIAMI-DADE
Style of Case	FLORIDA POWER & LIGHT (TURKEY POINT POWER PLANT) VS. DEP				
Program Area	AIR CONSTRUCT	Mode	PERMITTING		
Lead Attorney	RONNI L MOORE	Status	OPEN		
Forum Name		Forum Case Number			
Permit Appl	0250003-008-AC	Final Order Number			

Date *	Code	Activity Description
06/05/2008	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
06/05/2008	ACO	ADMIN. CASE OPENED IN OGC
06/05/2008	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
06/11/2008	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
06/23/2008	REX2	RECEIVED SECOND REQUEST FOR EXTENSION OF TIME
07/01/2008		ORDER GRANTING SECOND REQUEST SENT OUT
07/23/2008	EXP2	SECOND EXTENSION EXPIRES TODAY

Chronology of Activities

OGC Number **08 1637 13 AC** District **SOUTHEAST** County **MIAMI-DADE**
 Style of Case **FLORIDA POWER & LIGHT (TURKEY POINT POWER PLANT) VS. DEP**
 Program Area **AIR CONSTRUCT** Mode **PERMITTING**
 Lead Attorney **RONNI L MOORE** Status **CLOSED**
 Forum Name _____ Forum Case Number _____
 Permit Appl **0250003-008-AC** Final Order Number _____

Date *	Code	Activity Description
06/23/2008	REX2	RECEIVED SECOND REQUEST FOR EXTENSION OF TIME
07/04/2008		ORDER GRANTING SECOND REQUEST SENT OUT
07/22/2008	REX3	RECEIVED THIRD REQUEST FOR EXTENSION OF TIME
07/23/2008	EXP2	SECOND EXTENSION EXPIRES TODAY
07/26/2008		ORDER SENT OUT GRANTING EXTENSION
09/19/2008	REX4	RECEIVED FOURTH REQUEST FOR EXTENSION OF TIME
09/22/2008	EXP3	THIRD EXTENSION EXPIRES TODAY
10/27/2008		MEMO CLOSING FILE SENT OUT
10/29/2008	CC	CASE CLOSED IN OGC
10/29/2008		TO BE ARCHIVED PER RONNI MOORE