


Florida Department of Environmental Protection
Office of General Counsel

Memo

To: Jonathan Holtom, Trina Vielhauer, and OGC File

From: Ronni Moore, Assistant General Counsel 

Date: April 10, 2009

Re: Florida Power & Light Co. vs. DEP; DEP Permit No. 0250003-008-AC; OGC No. 09-0470

On March 6, 2009, the Department issued a Notice of Intent to issue an air construction permit, permit no. 0250003-008-AC, to Florida Power & Light Co. (FPL) for the requirements of Best Available Retrofit Technology for its Turkey Point Fossil Plant, in Miami-Dade County, Florida. FPL requested and was granted an extension of time to file a petition for hearing on the intent through April 3, 2009.

FPL neither requested a further extension of time nor filed a petition by close of business on April 3rd. There being no further matters to consider, the Department's file in this matter is closed.

0250003

Gibson, Victoria

From: Vielhauer, Trina
Sent: Friday, April 10, 2009 1:45 PM
To: Gibson, Victoria
Subject: FW: Memo Closing File OGC # 09-0470 FPL Turkey Point
Attachments: Memo Closing Case 09-0470.pdf

From: Swango, Katie
Sent: Friday, April 10, 2009 1:17 PM
To: Holtom, Jonathan; Vielhauer, Trina
Cc: Moore, Ronni
Subject: Memo Closing File OGC # 09-0470 FPL Turkey Point

Please find attached the PDF version of the above referenced document. Please let me know if you have a problem opening or viewing this attachment and I will send you another version as soon as possible.

Thanks

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.

Gibson, Victoria

From: Gibson, Victoria
Sent: Thursday, April 09, 2009 2:22 PM
To: Moore, Ronni
Cc: Holtom, Jonathan
Subject: RE: From Vickie -- FPL Turkey Point Fossil 0250003-008-AC

Follow Up Flag: Follow up
Flag Status: Red

Thank you very much and have a great weekend.

Vickie

From: Moore, Ronni
Sent: Thursday, April 09, 2009 2:19 PM
To: Gibson, Victoria; Holtom, Jonathan
Cc: Swango, Katie
Subject: RE: From Vickie -- FPL Turkey Point Fossil 0250003-008-AC

We didn't receive a further request for extension of time. We'll write up a closure memo. Thanks!

Ronda L. Moore
Assistant General Counsel

 Please consider the environment before printing this email.

From: Gibson, Victoria
Sent: Thursday, April 09, 2009 1:06 PM
To: Moore, Ronni
Subject: FW: From Vickie -- FPL Turkey Point Fossil 0250003-008-AC

FYI,

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, April 08, 2009 1:58 PM
To: Gibson, Victoria
Subject: RE: From Vickie -- FPL Turkey Point Fossil 0250003-008-AC

haven't heard from them. The comment period expires on 4/12 and I am planning to issue the final permit as soon as possible after that.

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

From: Gibson, Victoria
Sent: Wednesday, April 08, 2009 1:43 PM
To: Holtom, Jonathan
Subject: From Vickie -- FPL Turkey Point Fossil 0250003-008-AC

Hi,

The extension of time for this facility expired on April 3rd; do you expect to receive any further requests or comments?

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.

OGC No. 09-0470

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 & 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 **April 3, 2009**, 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 20th day of March, 2009, 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

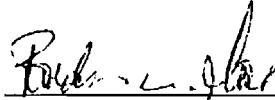
CERTIFICATE OF SERVICE

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 20th day of March, 2009, 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: Friday, March 20, 2009 12:24 PM
To: Gibson, Victoria
Subject: FW: Order Granting 1st Request for Extension FPL OGC# 09-0470
Attachments: order granting 1st req for ext .pdf

From: Swango, Katie
Sent: Friday, March 20, 2009 11:58 AM
To: Vielhauer, Trina; Holtom, Jonathan
Cc: Moore, Ronni
Subject: Order Granting 1st Request for Extension FPL OGC# 09-0470

Please find attached the PDF version of the above referenced Order. Please let me know if you have a problem opening or viewing the above attachment and I will send you another version as soon as possible.

Thanks

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.

Gibson, Victoria

From: Moore, Ronni
Sent: Tuesday, March 10, 2009 10:21 AM
To: Holtom, Jonathan
Cc: Swango, Katie; Gibson, Victoria; Vielhauer, Trina
Subject: RE: FPL - Turkey Pt. - BART req for ext
Follow Up Flag: Follow up
Flag Status: Red

Jon, no problem. FPL filed their request as a precaution. Let's go ahead and grant the extension through April 3rd and they'll either have to file another small request thereafter or let the extension lapse.

Ronda L. Moore
 Assistant General Counsel

 Please consider the environment before printing this email.

From: Holtom, Jonathan
Sent: Tuesday, March 10, 2009 9:43 AM
To: Moore, Ronni
Cc: Swango, Katie; Gibson, Victoria; Vielhauer, Trina
Subject: RE: FPL - Turkey Pt. - BART req for ext

Hi Ronnie,

I'm sorry, I didn't expect this. I don't see any need for the extension and I am surprised that they bothered. They have already reviewed the draft permit before I issued it and I made some small changes at their request. They told me that they would publish it as soon as I got it to them.

That said, it doesn't really matter since there is a 30-day comment period required for this project. I don't know if they have published yet or not, but if they published on Monday the 9th, the comment period won't end until April 8th at the earliest. I need to be able to issue the final permit as soon as the comment period ends, so please just make sure they publish the notice and then don't grant the extension beyond the end of the comment period.

Thanks and have a great day!

Jon

From: Moore, Ronni
Sent: Monday, March 09, 2009 5:54 PM
To: Holtom, Jonathan; Vielhauer, Trina
Cc: Swango, Katie; Gibson, Victoria
Subject: FPL - Turkey Pt. - BART req for ext

Evening, just wanted to keep you guys in the loop. We received a request for extension on the revised BART permit we issued last week. We're opening a new case in OGC since this is a request for extension on a revised (or "new") permit. They are asking for an extension through April 3rd. Please let me know whether or not you are okay with granting this request and/or if you want to make the time requested shorter or longer. THANKS!!!

3/13/2009

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.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEPT OF ENVIRONMENTAL
PROTECTION

FLORIDA POWER & LIGHT CO.,

MAR 06 2009

Petitioner,

vs.

09-0470

OFFICE OF
GENERAL COUNSEL

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

OGC No. 08-2644

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 April 3, 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 ("Départment") 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. On October 17, 2008, FPL received a letter from the Chief of the Department's Bureau of Air Regulation stating that "the draft permit that was issued on May 28, 2008 is being rescinded and replaced by the enclosed revised draft permit." The documents enclosed with this letter included a "Written Notice of Intent to Issue Air Permit" and a "Revised Draft Permit" for FPL's Turkey Point Fossil Plant.

3. Based on FPL's initial review, the Revised Draft Permit and associated documents contain several provisions that warrant clarification or correction, which DEP granted.

4. On October 31, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including November 14, 2008, which DEP granted by Order dated November 6, 2008.

5. On November 4, 2008, representatives of FPL met with Department staff, including the Director of the Department's Division of Air Resources Management (DARM) and the Chief of the Bureau of Air Regulation (BAR), to discuss concerns and issues regarding the Revised Draft Permit.

6. On November 14, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including December 5, 2008, which the Department granted by Order dated November 20, 2008.

7. On November 14, 2008, FPL submitted a letter to the Department proposing revisions to certain provisions of the draft permit. On November 25, 2008, FPL submitted further proposed revisions to the draft permit, along with supporting data.

8. On December 5, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including January 7, 2009, which the Department granted by Order dated December 22, 2008.

9. On January 7, 2009 and February 6, 2007, FPL filed additional Requests for Enlargement of Time regarding the Revised Draft Permit. By Order dated February 27, 2009, the Department granted FPL's request for extension of time to file a petition for administrative hearing until March 6, 2009.

10. Representatives of FPL met with Department Staff, including the DARM Director and the Chief of BAR, on February 9, 2009 to discuss outstanding issues and possible resolution thereof. Based on the discussions at that meeting and subsequent communication between FPL representatives and BAR staff, it appears that agreement has been reached on all outstanding issues regarding the draft BART permit.

11. Under these circumstances, it is appropriate to provide additional time for the Department to reissue the draft BART permit for Turkey Point Units 1 and 2.

12. This request is filed simply as a protective measure to avoid waiver of FPL's right to challenge certain conditions contained in the Revised Draft Permit issued on October 17, 2008. Grant of this request will not prejudice either party, but will further their mutual interest in avoiding 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 Revised Air Permit No.0250003-008-AC be formally extended to and including April 3, 2009.

RESPECTFULLY SUBMITTED this 6th day of March, 2009.



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 6th day of March, 2009.


Attorney

Gibson, Victoria

From: Crandall, Lea
Sent: Friday, March 06, 2009 3:14 PM
To: Moore, Ronni; Gibson, Victoria; Holtom, Jonathan
Subject: Request for Extension of Time - 0250003-008-AC - FPL
Attachments: SKMBT_50109030615061.pdf

Please see the attached Request for Extension of Time.

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

From: ogc@dep.state.fl.us [mailto:ogc@dep.state.fl.us]
Sent: Friday, March 06, 2009 3:07 PM
To: Crandall, Lea
Subject: Message from KMBT_501

Chronology of Activities

OGC Number **09 0470 13 AC** District **SOUTHEAST** County **MIAMI-DADE**
 Style of Case **FLORIDA POWER & LIGHT (TURKEY POINT FOSSIL 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
03/06/2009	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
03/10/2009	AA	ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
03/10/2009	ACO	ADMIN. CASE OPENED IN OGC
03/20/2009		ORDER GRANTING REQUEST UNTIL 4/3/09 TO DISCUSS ISSUES
04/03/2009	EXP1	FIRST EXTENSION EXPIRES TODAY
04/10/2009		MEMO CLOSING FILE SENT OUT
04/10/2009	CC	CASE CLOSED IN OGC
04/10/2009		FPL NEITHER FILED FOR AN ADDITIONAL EXT OR FILED A PETITION

2009

page 2, FPL Turkey Pt Fossil

27-Feb

OGC issued the order granting time through March 6

6-Mar

Jon issued the revised draft permit today....since the old permit was expiring today
sent an FYI to Ronni and Katie in OGC

EXPIRES ON MARCH 6

6-Mar

facility also requested another extension of time through April 3
per Ronni, send out the re-issued permit and she will go ahead and grant the
request anyway under a new case # 09-0470

9-Mar

Memo Closing the File issued by OGC

CASE CLOSED

Florida Department of Environmental Protection
Office of General Counsel

Memo

To: Jonathan Holtom, Trina Vielhauer, and OGC File

From: Ronni Moore, Assistant General Counsel (RM)

Date: March 9, 2009

Re: Florida Power & Light Co. v. DEP; Permit No. 0250003-008-AC; OGC No. 08-2644

On October 17, 2008, the Department issued a revised draft permit, no. 0250003-008-AC to Florida Power & Light Co. (FPL) for its facility in Miami-Dade City, Florida. FPL filed and was granted several extensions of time to file a petition for hearing on the revised draft permit.

The Department and FPL were able to amicably resolve issues regarding the revised draft permit and on March 6, 2009, the Department withdrew its previously issued revised draft and issued a new revised draft. There being no further matters to consider, the Department's file in this matter is closed.

Gibson, Victoria

From: Vielhauer, Trina
Sent: Monday, March 09, 2009 4:06 PM
To: Gibson, Victoria
Subject: FW: FPL OGC# 08-2644 PERMIT # 0250003-008-AC
Follow Up Flag: Follow up
Flag Status: Red
Attachments: memo closing file.pdf

From: Swango, Katie
Sent: Monday, March 09, 2009 4:03 PM
To: Holtom, Jonathan; Vielhauer, Trina
Cc: Moore, Ronni
Subject: FPL OGC# 08-2644 PERMIT # 0250003-008-AC

Please find attached the PDF version of the Memo Closing file for the above mentioned case. Please let me know if you have a problem opening or viewing the above attachment and I will send you another version as soon as possible.

Thanks

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.

Gibson, Victoria

From: Moore, Ronni
Sent: Friday, March 06, 2009 3:31 PM
To: Holtom, Jonathan; Crandall, Lea; Gibson, Victoria
Subject: RE: Request for Extension of Time - 0250003-008-AC - FPL

Jon, thanks for the information. FPL filed this request for extension as a precaution since their extension expires today. Once you issue them a draft permit that withdraws our prior intent, we'll close this case. Please cc me on our issuance of the permit being issued today. Once I receive that, I'll go ahead and move forward with closure of this case regarding this request. Thank you.

Ronda L. Moore
Assistant General Counsel

 Please consider the environment before printing this email.

From: Holtom, Jonathan
Sent: Friday, March 06, 2009 3:22 PM
To: Crandall, Lea; Moore, Ronni; Gibson, Victoria
Subject: RE: Request for Extension of Time - 0250003-008-AC - FPL

This is not needed. We are rescinding the previous draft that this extension relates to and are issuing a revised draft today. This action will restart their petition rights, but they have already provided comments on the new draft, so they should have no reason to petition or request an extension of time. I was told that as soon as we get the revised draft to them, they will get it Published in the paper.

Jon

From: Crandall, Lea
Sent: Friday, March 06, 2009 3:14 PM
To: Moore, Ronni; Gibson, Victoria; Holtom, Jonathan
Subject: Request for Extension of Time - 0250003-008-AC - FPL

Please see the attached Request for Extension of Time.

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

From: ogc@dep.state.fl.us [mailto:ogc@dep.state.fl.us]
Sent: Friday, March 06, 2009 3:07 PM
To: Crandall, Lea
Subject: Message from KMBT_501

3/6/2009

Gibson, Victoria

From: Gibson, Victoria
Sent: Friday, March 06, 2009 3:26 PM
To: Holtom, Jonathan
Cc: Walker, Elizabeth (AIR); Vielhauer, Trina
Subject: RE: Request for Extension of Time - 0250003-008-AC - FPL

Jon,

I forwarded your comment below to Ronni's assistant, Katie Swango, as I believe that Ronni is out of the office till Monday.

Vickie

From: Holtom, Jonathan
Sent: Friday, March 06, 2009 3:22 PM
To: Crandall, Lea; Moore, Ronni; Gibson, Victoria
Subject: RE: Request for Extension of Time - 0250003-008-AC - FPL

This is not needed. We are rescinding the previous draft that this extension relates to and are issuing a revised draft today. This action will restart their petition rights, but they have already provided comments on the new draft, so they should have no reason to petition or request an extension of time. I was told that as soon as we get the revised draft to them, they will get it Published in the paper.

Jon

From: Crandall, Lea
Sent: Friday, March 06, 2009 3:14 PM
To: Moore, Ronni; Gibson, Victoria; Holtom, Jonathan
Subject: Request for Extension of Time - 0250003-008-AC - FPL

Please see the attached Request for Extension of Time.

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

From: ogc@dep.state.fl.us [mailto:ogc@dep.state.fl.us]
Sent: Friday, March 06, 2009 3:07 PM
To: Crandall, Lea
Subject: Message from KMBT_501

3/6/2009

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA POWER & LIGHT CO.,

Petitioner,

vs.

OGC No. 08-2644

DEP Permit No. 0250003-008-AC

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

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

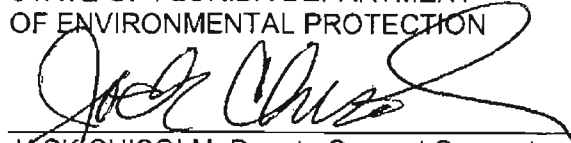
This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Florida Power & Light Co. (Petitioner), to grant a fourth extension of time to file a petition for administrative hearing to allow time to discuss with the 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 **March 6, 2009**, 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 27 day of February, 2009, 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 Fourth Request for Extension of Time to File Petition for Hearing, was furnished via facsimile only on this 21st day of February, 2009, 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

Augusta Posner for

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: Friday, February 27, 2009 3:09 PM
To: Gibson, Victoria
Subject: FW: FLorida Power & Light OGC # 08-2644
Follow Up Flag: Follow up
Flag Status: Red
Attachments: 082644 2-27-09.pdf

From: Swango, Katie
Sent: Friday, February 27, 2009 3:06 PM
To: Vielhauer, Trina; Holtom, Jonathan
Cc: Moore, Ronni
Subject: FLorida Power & Light OGC # 08-2644

Please find attached the PDF version of the Order Granting Request for Extension until 3/6/09 for the above mentioned case. Please let me know if you have a problem opening or viewing the above attachment and I will send you another version as soon as possible.

Thanks

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.

Gibson, Victoria

From: Holtom, Jonathan
Sent: Tuesday, February 24, 2009 12:55 PM
To: Gibson, Victoria
Subject: RE: From Vickie -- Extension of time

Follow Up Flag: Follow up
Flag Status: Red

It really doesn't matter because I am going to reissue the draft, which will restart their petition rights, anyway.

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

From: Gibson, Victoria
Sent: Tuesday, February 24, 2009 12:54 PM
To: Holtom, Jonathan
Subject: RE: From Vickie -- Extension of time

Okay....I will see if its in the works.

From: Holtom, Jonathan
Sent: Tuesday, February 24, 2009 12:53 PM
To: Gibson, Victoria
Subject: RE: From Vickie -- Extension of time

I have not received one yet.

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

From: Gibson, Victoria
Sent: Tuesday, February 24, 2009 12:50 PM
To: Holtom, Jonathan
Subject: From Vickie -- Extension of time

Hi,

Did you ever receive a order granting an extension of time yet for FPL Turkey Point Fossil 0250003-008-AC. If so, please send me a copy of that order.

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



Gibson, Victoria

From: Holtom, Jonathan
Sent: Tuesday, February 17, 2009 9:58 AM
To: Moore, Ronni; Vielhauer, Trina
Cc: Kahn, Joseph; Gibson, Victoria
Subject: RE: FPL - Turkey Point - draft BART permit

Hi Ronni,

It looks like the comments from FPL are acceptable and the latest draft permit will be changed accordingly. I think it will be fine to grant their latest extension request until March 6.

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

From: Moore, Ronni
Sent: Friday, February 13, 2009 4:16 PM
To: Vielhauer, Trina; Holtom, Jonathan
Cc: Kahn, Joseph
Subject: FPL - Turkey Point - draft BART permit

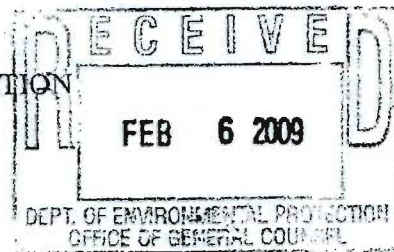
Afternoon!

Based on FPL's transmittal today (second attachment), please let me know what you would like to do regarding FPL's extension of time (first attachment)?

Hope you all have a great weekend!

Thanks!
Ronni

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



FLORIDA POWER & LIGHT CO.,

Petitioner,

vs.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondent.

OGC No. 08-2644

DEP Draft Permit No. 0250003-008-AC

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 March 6, 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. 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., 531 F. 3d 896 (D.C. Cir. 2008)) The Court in that Opinion vacated and remanded EPA's CAIR rule.

3. By Orders dated June 30, 2008 and July 24, 2008, the Department granted FPL's requests for enlargement of time to file a petition for administrative proceedings in regard to the Department's intent to issue the referenced air permit through September 22, 2008.

4. On September 19, 2008, FPL filed its Fourth Request for Enlargement of Time up to and including November 21, 2008.

5. On October 17, 2008, FPL received a letter from the Chief of the Department's Bureau of Air Regulation stating that "the draft permit that was issued on May 28, 2008 is being rescinded and replaced by the enclosed revised draft permit." The documents enclosed with this letter included a "Written Notice of Intent to Issue Air Permit" and a "Revised Draft Permit" for FPL's Turkey Point Fossil Plant.

6. Based on FPL's initial review, the Revised Draft Permit and associated documents contain several provisions that warrant clarification or correction, which DEP granted.

7. On October 31, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including November 14, 2008, which DEP granted by Order dated November 6, 2008.

8. On November 4, 2008, representatives of FPL met with Department staff, including the Director of the Department's Division of Air Resources Management and the Chief of the Bureau of Air Regulation, to discuss concerns and issues regarding the Revised Draft Permit.

9. On November 14, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including December 5, 2008, which the Department granted by Order dated November 20, 2008.

10. On November 14, 2008, FPL submitted a letter to the Department proposing revisions to certain provisions of the draft permit. On November 25, 2008, FPL submitted further revisions to the draft permit, as well as data to support the proposed revisions.

11. On December 5, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including January 7, 2009, which the Department granted by Order dated December 22, 2008.

12. On January 7, 2009, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including February 6, 2009. FPL has not received any Order in response to that Request.

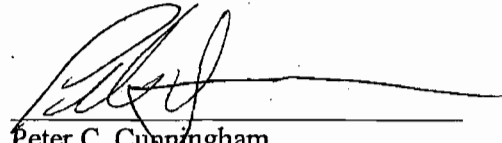
13. Representatives of FPL are scheduled to meet with representatives of the Department's Bureau of Air Regulation on February 9, 2009.

14. 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.

15. This request is filed simply as a protective measure to avoid waiver of FPL's right to challenge certain conditions contained in the Revised 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 Revised Air Permit No.0250003-008-AC be formally extended to and including March 6, 2009.

RESPECTFULLY SUBMITTED this 6th day of February, 2009.

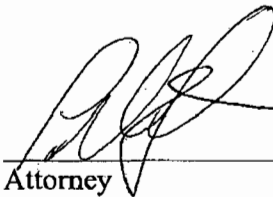


Peter C. Cunningham
Florida Bar No. 0321907
Hopping, Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, Florida 32301
Telephone: (850) 222-7500
Facsimile (850) 224-8551

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 6th day of February, 2009.



Attorney

Gibson, Victoria

From: Crandall, Lea
Sent: Monday, February 09, 2009 9:24 AM
To: Moore, Ronni; Gibson, Victoria; Holtom, Jonathan
Subject: Request for Extension of Time - 0250003-008-AC - FPL
Attachments: SKMBT_50109020909140.pdf

Please see the attached Request for Extension of Time - 0250003-008-AC – 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

From: ogc@dep.state.fl.us [mailto:ogc@dep.state.fl.us]
Sent: Monday, February 09, 2009 9:15 AM
To: Crandall, Lea
Subject: Message from KMBT_501

Gibson, Victoria

From: Holtom, Jonathan
Sent: Friday, January 09, 2009 2:14 PM
To: Gibson, Victoria
Subject: RE: Request for Extension of Time - 0250003-008-AC - FPL
Follow Up Flag: Follow up
Flag Status: Red

Is sitting on this one for a few days to see if the company will bite on our compromise. If they won't, we will deny the request and let them file for a hearing.

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

From: Gibson, Victoria
Sent: Thursday, January 08, 2009 1:32 PM
To: Holtom, Jonathan
Subject: FW: Request for Extension of Time - 0250003-008-AC - FPL

Hi,

Will you grant this request? Have you already replied to Ronni if so, please forward to me a copy of that e-mail.

Thanks.

Vickie

From: Crandall, Lea
Sent: Wednesday, January 07, 2009 3:07 PM
To: Moore, Ronni; Gibson, Victoria; Holtom, Jonathan
Subject: Request for Extension of Time - 0250003-008-AC - FPL

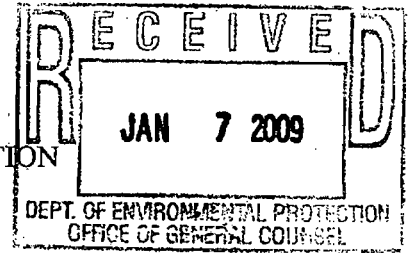
FYI, please see the attached Request for Extension of Time.

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

1/12/2009

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



FLORIDA POWER & LIGHT CO.,

Petitioner,

vs.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondent.

OGC No. 08-2644

DEP Draft Permit No. 0250003-008-AC

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 February 6, 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. 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., 531 F. 3d 896 (D.C. Cir. 2008)) The Court in that Opinion vacated and remanded EPA's CAIR rule.

3. By Orders dated June 30, 2008 and July 24, 2008, the Department granted FPL's requests for enlargement of time to file a petition for administrative proceedings in regard to the Department's intent to issue the referenced air permit through September 22, 2008.

4. On September 19, 2008, FPL filed its Fourth Request for Enlargement of Time up to and including November 21, 2008.

5. On October 17, 2008, FPL received a letter from the Chief of the Department's Bureau of Air Regulation stating that "the draft permit that was issued on May 28, 2008 is being rescinded and replaced by the enclosed revised draft permit." The documents enclosed with this letter included a "Written Notice of Intent to Issue Air Permit" and a "Revised Draft Permit" for FPL's Turkey Point Fossil Plant.

6. Based on FPL's initial review, the Revised Draft Permit and associated documents contain several provisions that warrant clarification or correction, which DEP granted.

7. On October 31, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including November 14, 2008, which DEP granted by Order dated November 6, 2008.

8. On November 4, 2008, representatives of FPL met with Department staff, including the Director of the Department's Division of Air Resources Management and the Chief of the Bureau of Air Regulation, to discuss concerns and issues regarding the Revised Draft Permit.

9. On November 14, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including December 5, 2008, which the Department granted by Order dated November 20, 2008.

10. On November 14, 2008, FPL submitted a letter to the Department proposing revisions to certain provisions of the draft permit. On November 25, 2008, FPL submitted further revisions to the draft permit, as well as data to support the proposed revisions.

11. On December 5, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including January 7, 2009, which the Department granted by Order dated December 22, 2008.

12. 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.

13. This request is filed simply as a protective measure to avoid waiver of FPL's right to challenge certain conditions contained in the Revised 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 Revised Air Permit No.0250003-008-AC be formally extended to and including February 6, 2009.

RESPECTFULLY SUBMITTED this 7th day of January, 2009.

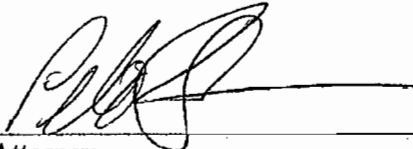


Peter C. Cunningham
Florida Bar No. 0321907
Hopping, Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, Florida 32301
Telephone: (850) 222-7500
Facsimile (850) 224-8551

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 7th day of January, 2009.



Attorney

Gibson, Victoria

From: Crandall, Lea
Sent: Wednesday, January 07, 2009 3:07 PM
To: Moore, Ronni; Gibson, Victoria; Holtom, Jonathan
Subject: Request for Extension of Time - 0250003-008-AC - FPL
Attachments: SKMBT_50109010715031.pdf

FYI, please see the attached Request for Extension of Time.

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

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA POWER & LIGHT CO.,

Petitioner,

vs.

OGC No. 08-2644
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**

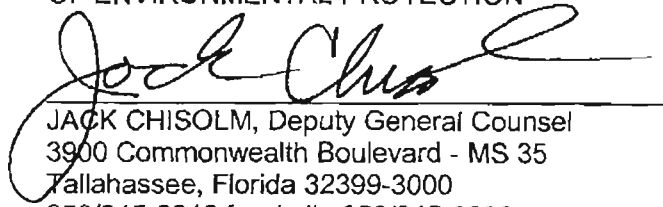
This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Florida Power & Light Co. (Petitioner), to grant a third extension of time to file a petition for administrative hearing to allow time to discuss with the 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 **January 7, 2009**, 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 22nd day of December, 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 22nd day of December, 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, January 06, 2009 12:37 PM
To: Gibson, Victoria
Subject: FW: Order Granting Third Request until 01/07/09 OGC# 08-2644
Attachments: 082644 12-22-08.pdf

From: Swango, Katie
Sent: Monday, December 22, 2008 2:45 PM
To: Vielhauer, Trina; Holtom, Jonathan
Cc: Moore, Ronni
Subject: Order Granting Third Request until 01/07/09 OGC# 08-2644

Please find attached the PDF version of the Order Granting the Extension of Time for Florida Power & Light Co., OGC # 08-2644. 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 MERRY CHRISTMAS!!!



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.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA POWER & LIGHT CO.,

Petitioner,

vs.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondent.

08-2644
OGC No. ~~08-1637~~

DEP Draft Permit No. ~~0250003-008-AC~~
DEPT OF ENVIRONMENTAL
PROTECTION

DEC 05 2008

OFFICE OF
GENERAL COUNSEL

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 January 7, 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. 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.

3. By Orders dated June 30, 2008 and July 24, 2008, the Department granted FPL's requests for enlargement of time to file a petition for administrative proceedings in regard to the Department's intent to issue the referenced air permit through September 22, 2008.

4. On September 19, 2008, FPL filed its Fourth Request for Enlargement of Time up to and including November 21, 2008.

5. On October 17, 2008, FPL received a letter from the Chief of the Department's Bureau of Air Regulation stating that "the draft permit that was issued on May 28, 2008 is being rescinded and replaced by the enclosed revised draft permit." The documents enclosed with this letter included a "Written Notice of Intent to Issue Air Permit" and a "Revised Draft Permit" for FPL's Turkey Point Fossil Plant.

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7. On October 31, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including November 14, 2008, which DEP granted.

8. On November 4, 2008, representatives of FPL met with Department staff, including the Director of the Department's Division of Air Resources and the Chief of Bureau of Air Regulation to discuss concerns and issues regarding the Revised Draft Permit.

9. On November 14, 2008, FPL filed a Request for Enlargement of Time regarding the Revised Draft Permit up to and including December 5, 2008, which DEP

granted.

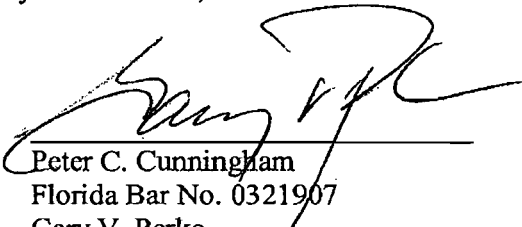
9. On November 14, 2008, FPL submitted a letter to the Department proposing revisions to certain provisions of the draft permit. On November 25 and 25, 2008, FPL submitted further revisions to the draft permit, as well as data to support the proposed revisions.

10. 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.

11. This request is filed simply as a protective measure to avoid waiver of FPL's right to challenge certain conditions contained in the Revised 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 Revised Air Permit No.0250003-008-AC be formally extended to and including January 7, 2009.

RESPECTFULLY SUBMITTED this 5th day of December, 2008.

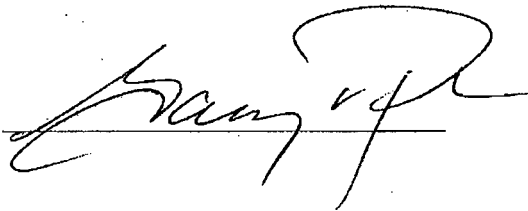


Peter C. Cunningham
Florida Bar No. 0321907
Gary V. Perko
Florida Bar No. 0855898
Hopping, Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, Florida 32301
Telephone: (850) 222-7500
Facsimile (850) 224-8551

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 fax and U.S. Mail 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 fax 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 December, 2008.

A handwritten signature in black ink, appearing to be "Jonathan Holtom", written over a horizontal line. The signature is stylized and cursive.

Attorney

Gibson, Victoria

From: Gibson, Victoria
Sent: Friday, December 05, 2008 3:34 PM
To: Vielhauer, Trina
Subject: FW: Third Request for Extension of Time - 0250003-008-AC - FPL
Attachments: SKMBT_50108120514420.pdf

FYI,

Vickie

From: Crandall, Lea
Sent: Friday, December 05, 2008 3:04 PM
To: Moore, Ronni; Gibson, Victoria; Holtom, Jonathan
Subject: Third Request for Extension of Time - 0250003-008-AC - FPL

Attached is FPL's Third Request for Extension of Time.

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

From: ogc@dep.state.fl.us [mailto:ogc@dep.state.fl.us]
Sent: Friday, December 05, 2008 2:42 PM
To: Crandall, Lea
Subject: Message from KMBT_501

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION DEPT OF ENVIRONMENTAL
PROTECTION

FLORIDA POWER & LIGHT CO.,

NOV 14 2008

Petitioner,

OFFICE OF
GENERAL COUNSEL

vs.

OGC No. 08-2644

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

DEP Draft Permit No. 0250003-008-AC

Respondent.

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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 Revised Air Permit No.0250003-008-AC be formally extended to and including December 5, 2008.

RESPECTFULLY SUBMITTED this 14th day of November, 2008.

Brooke E. Lewis /for

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 14th day of November, 2008.

Brooke E. Lewis
Attorney

NOV 14 2008
TALLAHASSEE, FL
DEPARTMENT OF ENVIRONMENTAL PROTECTION
RECORDS SECTION

Gibson, Victoria

From: Crandall, Lea
Sent: Tuesday, November 18, 2008 12:35 PM
To: Moore, Ronni; Gibson, Victoria; Holtom, Jonathan
Subject: Second Request for Ext. of Time - 0250003-008-AC - Florida Power & Light Co.
Attachments: SKMBT_50108111812060.pdf

FYI, attached is the 2nd Request for Extension of Time for 0250003-008-AC - Florida Power & Light Co.

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 & LIGHT CO.,

Petitioner,

vs.

OGC No. 08-2644

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**

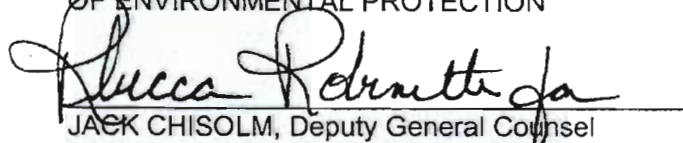
This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Florida Power & Light Co. (Petitioner), to grant an extension of time to file a petition for administrative hearing to allow time to discuss with the Department 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 **November 14, 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 6th day of November, 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

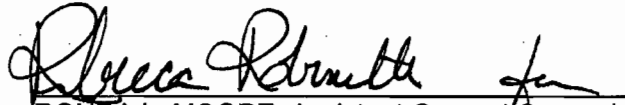
CERTIFICATE OF SERVICE

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 6th day of November, 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: Holtom, Jonathan
Sent: Thursday, November 06, 2008 3:05 PM
To: Gibson, Victoria
Subject: FW: re: FPL OGC# 08-2644 ORDER Turkey Point BART 0250003-008-AC
Attachments: 082644 11-06-08.pdf

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

From: Swango, Katie
Sent: Thursday, November 06, 2008 2:03 PM
To: Vielhauer, Trina; Holtom, Jonathan
Cc: Moore, Ronni
Subject: re: FPL OGC# 08-2644 ORDER

Please find attached the PDF version of the Order Granting the request for extension of time for the above mentioned facility. 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

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.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FLORIDA POWER & LIGHT CO.,

Petitioner,

vs.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Respondent.

2644
OGC No. 08-1637
DEP Draft Permit No. 0250003-008-AC
DEPT OF ENVIRONMENTAL
PROTECTION

OCT 31 2008

OFFICE OF
GENERAL COUNSEL

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 enlargement of time, to and including November 28, 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. 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.

Nov
14th
on last
page

3. By Orders dated June 30, 2008 and July 24, 2008, the Department granted FPL's requests for enlargement of time to file a petition for administrative proceedings in regard to the Department's intent to issue the referenced air permit through September 22, 2008.

4. On September 19, 2008, FPL filed its Fourth Request for Enlargement of Time up to and including November 21, 2008.

5. On October 17, 2008, FPL received a letter from the Chief of the Department's Bureau of Air Regulation stating that "the draft permit that was issued on May 28, 2008 is being rescinded and replaced by the enclosed revised draft permit." The documents enclosed with this letter included a "Written Notice of Intent to Issue Air Permit" and a "Revised Draft Permit" for FPL's Turkey Point Fossil Plant.

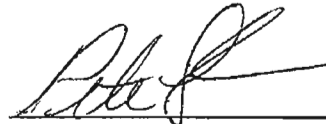
6. Based on FPL's initial review, the Revised Draft Permit and associated documents contain several provisions that warrant clarification or correction.

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. Mr. Jonathan Holtom of the Department's Bureau of Air Regulation has advised that he does not object to a 14-day enlargement of time for filing of a petition for administrative proceedings on the revised Draft Permit.

8. This request is filed simply as a protective measure to avoid waiver of FPL's right to challenge certain conditions contained in the Revised 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 Revised Air Permit No.0250003-008-AC be formally extended to and including November 14, 2008.

RESPECTFULLY SUBMITTED this 31st day of October, 2008.

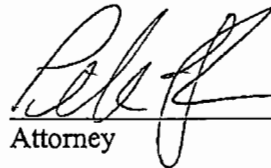


Peter C. Cunningham
Florida Bar No. 0321907
Hopping, Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, Florida 32301
Telephone: (850) 222-7500
Facsimile (850) 224-8551

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 31st day of October, 2008.



Attorney

Gibson, Victoria

From: Crandall, Lea
Sent: Monday, November 03, 2008 1:35 PM
To: Moore, Ronni
Cc: Holtom, Jonathan; Swango, Katie; Gibson, Victoria
Subject: RE: Request for Extension of Time - FPL - 0250003-008-AC

Sure! The new OGC number is 08-2644.

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: Moore, Ronni
Sent: Monday, November 03, 2008 1:22 PM
To: Crandall, Lea
Cc: Holtom, Jonathan; Swango, Katie; Gibson, Victoria
Subject: FW: Request for Extension of Time - FPL - 0250003-008-AC

Hi Lea,

This request for extension came in as a request for case no. 08-1637. However, this case is closed. The second attachment here is the closure memo. We issued a revised draft a few weeks ago and this extension request is for the revised permit. Can you get us a new case number, etc.?

Thanks!!

Ronni

Ronda L. Moore
Assistant General Counsel



Please consider the environment before printing this email.

From: Crandall, Lea
Sent: Monday, November 03, 2008 10:12 AM
To: Moore, Ronni; Gibson, Victoria; Holtom, Jonathan
Subject: Request for Extension of Time - FPL - 0250003-008-AC

11/3/2008

FYI, please see attached.

Thanks,
Lea


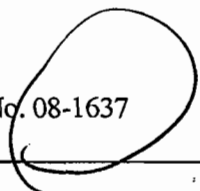
Lea Crandall
Agency Clerk
Office of General Counsel
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212
Fax: (850) 245-2303

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From: Knight, Barnard
Sent: Monday, November 03, 2008 10:09 AM
To: Crandall, Lea
Subject: From KONICA MINOLTA Di470

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.

Chronology of Activities

OGC Number	08 2644 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
11/06/2008		ORDER GRANTING REQUEST UNTIL 11/14/08 SENT OUT
11/14/2008	EXP1	FIRST EXTENSION EXPIRES TODAY
11/14/2008	REX2	RECEIVED SECOND REQUEST FOR EXTENSION OF TIME
11/20/2008		ORDER GRANTING REQUEST UNTIL 12/05/08
12/05/2008	EXP2	SECOND EXTENSION EXPIRES TODAY
12/05/2008	REX3	RECEIVED THIRD REQUEST FOR EXTENSION OF TIME
12/22/2008		ORDER GRANTING REQUEST UNTIL 01/07/09
01/07/2009	EXP3	THIRD EXTENSION EXPIRES TODAY
01/07/2009	REX4	RECEIVED FOURTH REQUEST FOR EXTENSION OF TIME
02/06/2009	REX5	RECEIVED FIFTH REQUEST FOR EXTENSION OF TIME