

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**JOHN GIBBY,**

**Petitioner,**

**vs.**

**OGC CASE NO. 08-2733**

**BIOMASS GAS AND ELECTRIC OF  
TALLAHASSEE, LLC, and  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,**

**Respondents.**

---

**ORDER DENYING REQUEST FOR EXTENSION OF TIME  
TO SUBMIT WRITTEN COMMENTS**

On November 17, 2008, the Department of Environmental Protection (Department) received from the Petitioner, John Gibby (Petitioner), a request for extension of time to submit written comments on the proposed draft air construction permit, permit number 0730109-001-AC, to Biomass Gas and Electric of Tallahassee, LLC (BG&E), to construct an integrated gasification and combined cycle unit alternative energy facility in Leon County, Florida.

BG&E published the Public Notice of Intent to Issue Draft Air Construction Permit (Public Notice) in the Tallahassee Democrat on November 4, 2008. The Public Notice informed Petitioner that the comment period ended fourteen (14) days after the date of publication of the Public Notice. The time in which to submit comments ended on November 18, 2008. Because the request fails to show good cause for the extension of time,

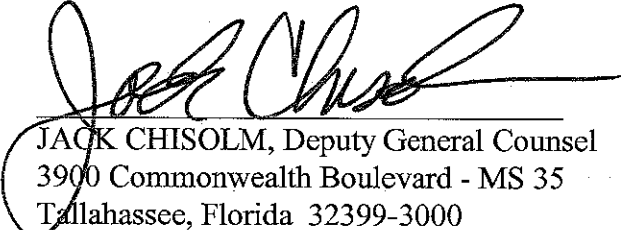
**IT IS THEREFORE ORDERED:**

A. The request for an extension of time to submit written comments is DENIED.

Any party to this proceeding has the right to seek judicial review of this order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after the date this order is filed with the clerk of the Department.

DONE AND ORDERED this 20<sup>th</sup> 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 CERTIFY that a true copy of the foregoing, Order Denying Request for Extension of Time to Submit Written Comments, was sent via United States Postal Service to the following on this 20<sup>th</sup> day of November, 2008:

John Gibby  
4887 Gum Road  
Tallahassee, FL 32304

and via electronic mail to:

Angela Morrison Uhland  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, FL 32314  
[AUhland@hgslaw.com](mailto:AUhland@hgslaw.com)

*Attorney for Biomass Gas and  
Electric of Tallahassee, LLC*



---

RONDA L. MOORE  
Assistant General Counsel  
3900 Commonwealth Boulevard  
Mail Station 35  
Tallahassee, Florida 32399-3000  
Telephone: (850) 245-2193  
Facsimile: (850) 245-2302

cc via electronic mail:  
Trina Vielhauer – DEP  
Al Linero – DEP