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October 30, 1996

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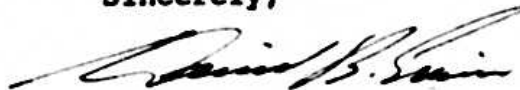
Ms. Bianco Bayo
Director, Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Investigation of Rates of Indiantown Company, Inc. in
Martin County for Possible Overearnings
Docket No. 960011-WS

Dear Ms. Bayo:

Enclosed please the original and fifteen copies of
Indiantown Company's Supplemental Petition for Waiver of Rule in
the above docket. Copies have been provided to parties of
record.

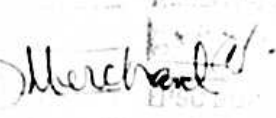
Sincerely,



David B. Erwin

DBE:akh
Enclosures
cc: Bill Fowler
Elizabeth Gentry

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of Rates)
of Indiantown Company, Inc. in)
Martin County for Possible)
Overearnings)

Docket No. 960011-WS
Filed: October 30, 1996

**SUPPLEMENTAL PETITION
FOR WAIVER OF RULE**

On October 22, 1996, Indiantown Company, through its attorney, filed a petition for waiver of that portion of Rule 25-30.360, F.A.C., that requires computation of the refund in this docket on a "per customer" basis.

The petition must comply with the new Administrative Procedures Act, Section 120.542, Florida Statutes, relating to variances and waivers. Under that section variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be achieved by other means and strict application would create a hardship.

Under Section 120.542(5), Florida Statutes, each petition requesting a variance or waiver has to specify certain things.

The petition filed by Indiantown Company on October 22, 1996, satisfied each requirement of the statute, except that the petition did not address the reason why the waiver requested would serve the purposes of the underlying statute, and this was mainly because Indiantown Company was not certain what the underlying statute was.

Rule 25-30.360, F.A.C., cites as underlying authority for the rule Sections 367.081(6) and 367.082(2), Florida Statutes, neither of which is pertinent to the rule in this situation.

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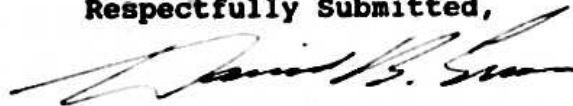
FPSC-RECORDS REPORTING

After consultation with staff, however, Indiantown Company believes that the underlying statute is Section 367.081(4)(d), Florida Statutes.

Indiantown Company submits that this request for waiver will do no violence to the underlying statute. The statute requires a refund with interest, and that is exactly what Indiantown Company will do, even if the waiver is granted. Indiantown Company has merely addressed the methodology of the refund distribution in its waiver.

WHEREFORE, Indiantown Company requests that this supplemental petition be considered in conjunction with the original petition in order to comply with Section 120.542(5), Florida Statutes.

Respectfully Submitted,



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Attorneys for
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CERTIFICATE OF SERVICE
DOCKET NO. 960011-WS

I HEREBY CERTIFY that a copy of the foregoing has been sent by U. S. Mail or hand-delivery this 30th day of October, 1996, to the following parties of record:

Charles Hill, Director
Division of Water & Wastewater
FL Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Charles Pellegrini
Legal Services
FL Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850



David B. Erwin