

RICHARD A. ZAMBO, P.A.
ATTORNEYS AND COUNSELLORS
598 S.W. HIDDEN RIVER AVENUE
PALM CITY, FLORIDA 34990
Telephone (561) 220-9183
FAX (561) 220-9402

98 DEC 17 10 38
COGENERATION & ALTERNATIVE ENERGY
ENERGY REGULATORY LAW
MAIL ROOM

REGISTERED PROFESSIONAL ENGINEER
REGISTERED PATENT ATTORNEY

December 15, 1998

Ms. Blanca S. Bayó, Director
Division of Records & Reporting
Florida Public Service Commission
Capitol Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

In Re: Petition of Florida Power Corporation For Waiver Of Rule 25-22.082, F.A.C.
FPSC Docket No. 981360-EI

Dear Ms. Bayó,

We are in receipt of attorney James A. McGee's correspondence in the referenced proceeding advising that the Preliminary Comments of the Florida Industrial Cogeneration Association (FICA) were untimely filed. It does appear that FICA's comments were not received by the Commission until December 1st, even though they were deposited with Federal Express on November 27th for delivery to the Commission on November 30th. (A copy of the Federal Express "air bill" is enclosed for verification.) Federal Express could not explain its failure to timely deliver the comments.

Mr. McGee does not allege that any harm or disadvantage has accrued against his client due to the comments being filed one day late, and his assertion that FICA's comments are not entitled to consideration is based simply on a strict adherence to procedures - procedures with which FICA attempted in good faith to comply. FICA's comments raise substantive issues which should be considered by the Commission. Moreover, should the Commission choose not to consider FICA's comments at this time, FICA will nevertheless have an opportunity to request a hearing and raise the same issues presented in our comments at a later date. Accordingly, rather than ignore the existence of comments which may be useful to the Commission at this time, FICA respectfully requests that the Commission waive or extend the filing deadline by one day to accommodate FICA's good faith attempt to timely file its comments or to otherwise consider the comments timely filed.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG 1
- LEG 1
- LIN _____
- OPC _____
- RCM _____
- SEC 1

RAZ/sn
Enclosures

Sincerely,

Richard A. Zambo
Richard A. Zambo

cc: James A. McGee, Esquire w/enc.
Bob Elias, Esquire w/enc.

DOCUMENT NUMBER-DATE

14173 DEC 17 98

FPSC RECORDS/REPORTING

FedEx. USA Airbill

FedEx Tracking Number

802839624412

Form 10 No. 0200

SOR 11 Sender's Copy

1 From (please print and press hard)
Date 11/29/98 Sender's FedEx Account Number 1056-6796-5

Sender's Name Richard A. Zambo Phone (561) 220-9163

Company RICHARD A ZAMBO PA

Address 598 SW HIDDEN RIVER AVE

City PALM CITY State FL ZIP 34990

2 Your Internal Billing Reference Information (Optional) (First 24 characters will appear on invoice)

3 To (please print and press hard)
Recipient's Name Ms. Blanca S. Bayo, Director Phone (850) 413-6770

Company FL Public Service Commission Div of Records & Report

Address 2540 Shumard Oak Boulevard

City Tallahassee State FL ZIP 32399

For HOLD at FedEx Location check here
 Hold Weekday Hold Saturday (also available at all locations)
For Saturday Delivery check here
 Saturday Delivery (not available in all locations)

Service Conditions, Restricted Values, and Limit of Liability - By using this Airbill, you agree to the service conditions in our current Service Guide or U.S. Government Service Guide. Both are available on request. SEE BACK OF SENDER'S COPY OF THIS AIRBILL FOR INFORMATION AND ADDITIONAL TERMS. We will not be responsible for any claim in excess of \$100 per package whether the result of loss, damage, or delay, non-delivery, misdelivery, or misrouting, unless you declare a higher value, pay an additional charge, and document your actual loss in a Shipment Receipt. Your right to recover from us for any loss includes original value of the package, loss of sales, interest, profit, attorney's fees, costs, and other forms of damage, whether direct, incidental, consequential, or special, and is limited to the greater of \$100 or the declared value but cannot exceed actual documented loss. The maximum declared value for any FedEx Letter and FedEx Pak is \$500. Federal Express may, under your request, and with extra limitations, refund all transportation charges paid. See the FedEx Service Guide for further details.

4 Express Package Service Packages under 100 lbs.
 FedEx Priority Overnight (Next business morning)
 FedEx Standard Overnight (Next business afternoon)
 FedEx First Overnight (Earliest next business morning delivery to select locations) (Higher rates apply)
 FedEx 2Day (Second business day)
 FedEx Express Saver (Third business day)
FedEx Letter Rate not available. Minimum charge (see pound rate)

5 Express Freight Service Packages over 100 lbs.
 FedEx Overnight Freight (Next business day)
 FedEx 2Day Freight (Second business day)
 FedEx Express Saver Freight (Third business day)
Call for delivery schedule. See back for detailed descriptions of freight services.

6 Packaging FedEx Letter FedEx Pak FedEx Box FedEx Tube Other Pkg
(Minimum value for FedEx Letter and Pak is \$50)

7 Special Handling
Does this shipment contain dangerous goods? No Yes (This box must be checked)
 Dry Ice (Dry Ice, U.S. 180) CA Cargo Aircraft Only
*Dangerous Goods cannot be shipped via FedEx Home Delivery

8 Payment
Bill To Sender (Invoice up to \$5000) Recipient Third Party Credit Card Cash/Check
*Enter FedEx account no. or Credit Card no. below

FedEx Account No. _____
Credit Card No. _____
Total Packages _____ Total Weight _____ Total Declared Value \$ _____ Total Charges \$ _____

9 Release Signature Sign to authorize delivery without obtaining signature.
Your signature authorizes Federal Express to deliver this shipment without obtaining a signature and agrees to indemnify and hold harmless Federal Express from any resulting claims.

288

Questions?
Call 1-800-Go-FedEx (800)463-3339

The World On Time.

003925603 0

MCS 1007
Rev. 05/97
©1998 FedEx
PRINTED IN U.S.A.