

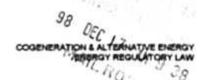
RICHARD A. ZAMBO. P.A.

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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 ettempted 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

EAG

AFA .

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RAZ/sn

Enclosures

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

Sincerely,

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