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**ORIGINAL
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January 24, 1990

Mr. Steve Tribble
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32301

RE: Docket No. 900004-EU

Dear Mr. Tribble:

Enclosed please find the original and fifteen (15) copies of Florida Power & Light Company's Motion For Leave To File Response Out Of Time in the above referenced docket.

Respectfully submitted,



Matthew M. Childs, P.A.

- ACK
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG** MMC/eg
- LEG w/m cc: All Parties of Record
- LIN 6
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: 1989 Hearings on Load)
Forecasts, Generation Expansion)
Plans and Cogeneration Prices)
for Peninsular Florida)

DOCKET NO. 900004-EU
FILED: JANUARY 24, 1990

MOTION FOR LEAVE TO FILE RESPONSE OUT OF TIME

Florida Power & Light Company, ("FPL") hereby files this its Motion For Leave to file a response to the Motion by the Florida Industrial Cogeneration Association ("FICA") of Order No. 22341. In support thereof FPL states:

1. Although this Motion request leave to file a Response "out of time", in fact, pursuant to the Commission's Rules of Practice and Procedure the response being filed is not "out of time".

2. The Commission issued its Order No. 22341 on December 26, 1989. On January 10, 1990, FICA filed its Motion for Reconsideration of that Order together with a Request for Oral Argument. The Certificate of Service for the Motion for Reconsideration and the Request for Oral Argument reflect that service was attempted to be made on FPL by mailing a copy thereof to 310 West College Avenue, Tallahassee, Florida 32301. In fact, this address is no longer the address for the attorneys for Florida Power & Light Company. Counsel for FICA had been previously informed of the change of address and the change of

address as required by the Commission's rules had been reflected in the Clerks office.

3. In view of the fact that the Motion for Rehearing and the request for Oral Argument were inadvertently mailed to the wrong address, FPL submits that service and proof thereof as called for by Rule 25-22.028(3)(a) and Rule 25-22.005(7) have not been complied with.

4. FPL has attempted as expeditiously as possible to respond to the FICA Motion for Reconsideration as permitted by Commission Rule 25-22.060.

WHEREFORE, Florida Power & Light Company respectfully request leave of the Commission to file its response and request for Oral Argument "out of time".

Respectfully submitted,

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Attorneys for Florida Power
& Light Company

By:



Matthew M. Childs, P. A.

CERTIFICATE OF SERVICE
DOCKET NO. 900004-EU

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Motion For Leave To File Response Out Of Time has been furnished to the following individuals by Hand Delivery or U. S. Mail on this 24th day of January, 1990.

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