

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: PETITION OF PEOPLES GAS SYSTEM,)	DOCKET NO. 890877-GU
INC. FOR RESOLUTION OF TERRITORIAL)	
DISPUTE WITH PLANT CITY NATURAL GAS)	
COMPANY REGARDING PROPOSED PROVISION OF)	
NATURAL GAS SERVICE TO MPI, INC.)	
)	
In re: PETITION OF PEOPLES GAS SYSTEM,)	DOCKET NO. 891189-GU
INC., PLANT CITY NATURAL GAS COMPANY AND)	
CENTRAL FLORIDA GAS COMPANY FOR APPROVAL)	
OF TERRITORIAL AGREEMENT)	ORDER NO. 22175
)	ISSUED: 11-14-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

NOTICE OF PROPOSED AGENCY ACTION

ORDER DISMISSING PEOPLES GAS PETITION FOR
 RESOLUTION OF TERRITORIAL DISPUTE AND APPROVING THE
 JOINT PETITION FOR APPROVAL OF TERRITORIAL AGREEMENT

BY THE COMMISSION:

Notice is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

On July 11, 1989, Peoples Gas System, Inc. (PG), petitioned the Commission for resolution in its favor of a territorial dispute with Plant City Natural Gas Company (PCNG). (Docket No. 890877-GU) The dispute involved the proposed provision of natural gas service to MPI, Inc., a customer located in the Lakeland Regional Industrial Park, who had, prior to the dispute, requested service from PCNG. As a result, PCNG successfully sought a temporary injunction in

DOCUMENT NUMBER-DATE

11102 NOV 14 1989

FPSC-RECORDS/REPORTING

ORDER NO. 22175
DOCKETS NOS. 890877-GU, 891189-GU
PAGE 2

circuit court to stop any construction of gas mains north of U.S. Highway 92 along County Line Road toward or upon the Lakeland Regional Industrial Park. (Polk County Circuit Court Case No. GC-G-89-2029)

On October 6, 1989, before the time elapsed for the parties to respond to Staff's First Set of Interrogatories, PG, PCNG, and Central Florida Gas Company filed a Joint Petition for Approval of Territorial Agreement. (Docket No. 891189-GU) The petition requests both the dismissal of PG's territorial dispute and approval of the parties' territorial agreement pursuant to Section 366.04(3), Florida Statute.

Appendix A of the Agreement, a map outlining the stipulated service areas, indicates that PCNG will serve MPI. The text of the agreement indicates that the Agreement will not result in the transfer of any existing customers and neither increase the cost of service to existing ratepayers nor decrease the reliability of service to existing and future ratepayers of PG, PCNG, and Central Florida. The Agreement expressly assuages anticompetitive concerns by providing continuing Commission jurisdiction relating to temporary service (Section 2.5) and modifications of the Agreement (Section 2.4).

After review of the foregoing we find it in the public's interest that the Petition of Peoples Gas System, Inc. for Resolution of a Territorial Dispute in Docket No. 890877-GU be dismissed and that the Joint Petition of Peoples Gas System, Inc., Plant City Natural Gas Company, and Central Florida Gas Company for Approval of Territorial Agreement in Docket No. 891189-GU be approved. It is therefore,

ORDERED that the Petition of Peoples Gas System, Inc. for Resolution of a Territorial Dispute in Docket No. 890877-GU be dismissed. It is further

ORDERED that the Joint Petition of Peoples Gas System, Inc., Plant City Natural Gas Company, and Central Florida Gas Company for Approval of Territorial Agreement in Docket No. 891189-GU be approved.

ORDER NO. 22175
DOCKETS NOS. 890877-GU, 891189-GU
PAGE 3

By ORDER of the Florida Public Service Commission,
this 14th day of NOVEMBER, 1989.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

BAB

By Kay Flynn
Chief, Bureau of Records

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on December 5, 1989.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

ORDER NO. 22175
DOCKETS NOS. 890877-GU, 891189-GU
PAGE 4

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.