

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of FORT PIERCE ) DOCKET NO. 931023-GU  
UTILITIES AUTHORITY to resolve a ) ORDER NO. PSC-94-1336-FOF-GU  
territorial dispute with CITY ) ISSUED: October 31, 1994  
GAS COMPANY OF FLORIDA. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK  
JOE GARCIA  
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION

ORDER GRANTING JOINT PETITION FOR 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 a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On October 21, 1993, Fort Pierce Utilities Authority (FPUA) filed its petition to resolve a territorial dispute with City Gas Company of Florida (City Gas). The parties went into an extended period of negotiation with approval of this Commission; at the same time, the matter was set for final hearing on December 2, 1994. On September 8, 1994, FPUA and City Gas filed a joint motion for approval of a territorial agreement and dismissal of the territorial dispute. By Order No. PSC-94-1124-PCO-GU, issued September 13, 1994, all dates in Order No. PSC-94-0876-PCO-GU governing the formal hearing were suspended.

The purpose of this Agreement is to delineate and separate the parties' respective service areas in St. Lucie County. The parties submitted maps and additional exhibits that detail the proposed territorial boundary and a list of customers and associated service facilities to be transferred from FPUA to City Gas. The parties assert that the territorial agreement will not cause a decrease in the reliability of natural gas service to the existing or future ratepayers of City Gas or FPUA.

DOCUMENT NUMBER-DATE

11039 OCT 31 1994

FPSC-RECORDS/REPORTING

FPUA has agreed to transfer nine existing customers presently being served by FPUA, which are located in the proposed territorial area of City Gas. In accordance with Commission rule, all affected customers have been notified by letter of the pending transfer, and of any differences in rates between City Gas and FPUA. No customer responses were filed. In order to facilitate the transfer of these customers from FPUA to City Gas, FPUA agrees to transfer to City Gas all of its gas mains and related equipment, subject to the provisions of the agreement.

At the time of transfer of the customers and associated service facilities, pursuant to Section 2.4(a) of the Agreement, City Gas shall pay FPUA \$115,000 in cash. In addition, City Gas will also pay FPUA \$34,799.94 at the time of the facility transfer as compensation for the loss of revenues from such customers.

With the transfer, FPUA will make, execute and deliver to City Gas a conveyance, deed or other instrument of transfer as is appropriate in order to convey all rights, title and interest of FPUA in any facilities, rights-of-way, easements, road permits, or other rights necessary to serve the transferred customers.

The territorial agreement provides that it shall become effective on the date of expiration of the appeal period following issuance of the Commission Order approving the Agreement and shall remain in effect for a period of 15 years from that date. The Agreement shall automatically be extended for a period of 15 years unless either Party gives written notice of intent to terminate at least one year prior to the date of termination.

We agree that the territorial agreement as filed with this Commission and described above furthers the Commission's policy of avoiding unnecessary and uneconomic duplication of facilities and is in the public interest.

Based on the foregoing, it is

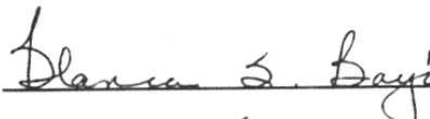
ORDERED by the Florida Public Service Commission that the territorial agreement, as described herein, entered into by Fort Pierce Utilities Authority and City Gas Company of Florida is hereby approved. It is further

ORDERED that this Agreement shall become effective on the date of expiration of the appeal period following issuance of this Order. It is further

ORDER NO. PSC-94-1336-FOF-GU  
DOCKET NO. 931023-GU  
PAGE 3

ORDERED that this Order shall become final and this docket shall be closed unless an appropriate petition for formal proceedings is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

By ORDER of the Florida Public Service Commission, this 31st day of October, 1994.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on November 21, 1994.

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.

ORDER NO. PSC-94-1336-FOF-GU  
DOCKET NO. 931023-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 substantially 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 wastewater 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.