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S. CURTIS KISER
GENERAL COUNSEL
(850) 413-6199

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Public Service Commission

January 25, 2010

Shannon O. Pierce, Esq.
Senior Regulatory Counsel
AGL Resources, Inc.
Ten Peachtree Place
Atlanta, GA 30309

STAFF DATA REQUEST NO. 1

Re: Docket No. 090539-GU - Petition for approval of Special Gas Transportation Service agreement with Florida City Gas by Miami-Dade County through Miami-Dade Water and Sewer Department.

Dear Mrs. Pierce:

By this letter, the Commission staff requests that Florida City Gas (FCG) provide responses to the following data requests.

1. Was FCG's 1998 contract with Miami-Dade Water and Sewer Department (MDWASD) approved by the Commission? If yes, please provide the Docket number and any orders issued by the Commission.
2. What is the total dollar amount collected from FCG's general body of ratepayers through the Competitive Rate Adjustment mechanism (CRA) during the term (and any extensions) of that contract?
3. What analysis did FCG perform to ensure that the contract entered into in 2008 was cost effective to its general body of ratepayers?
4. What is FCG's incremental cost to serve MDWASD as a transportation customer?
5. What percent of FCG's system sales does MDWASD represent?
6. What is the annual impact to FCG's general body of ratepayers if MDWASD is lost as a retail customer?
7. Please provide a discussion of how FCG's general body of ratepayers benefits from having MDWASD as a customer.

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8. What is the total annual cost impact to FCG's ratepayers to serve MDWASD under the proposed special contract, assuming recovery of the discount through the CRA mechanism is approved?
9. Is FCG currently billing MDWASD under an existing tariff rate? If yes, under which tariff rate schedule does MDWASD take service? If no, how is MDWASD currently being billed for its service?
10. Has MDWASD informed FCG of any viable bypass options available to it? If yes, please provide any cost support and quotes from any such viable bypass option provided by MDWASD to FCG.
11. If the contract is not approved, what other options is FCG willing to offer to retain MDWASD as a customer?

For the following question nos. 12-17, "1998 Agreement" refers to Exhibit A to MDWASD's Petition, "2008 Amendment" refers to Exhibit D to MDWASD's Petition, and "2008 Agreement" refers to Exhibit C to MDWASD's Petition.

12. Please explain why the Commission has authority to approve the 2008 Agreement, given the provisions included in Paragraph 1 of the 2008 Amendment and Article I, Paragraph 1 of the 2008 Agreement.
13. Given specific provisions in the 2008 Agreement requiring Commission approval, please explain whether FCG believes Commission approval would not be required even if Rule 25-9.034(1), Florida Administrative Code (F.A.C.), were interpreted to exempt the 2008 Agreement from the requirement that special agreements be approved by the Commission.
14. Please explain whether FCG's approved tariff rates applicable to MDWASD's class of service should apply to MDWASD pursuant to Section 366.06, Florida Statutes (F.S.), in the absence of an effective agreement between MDWASD and FCG.
15. Please explain whether FCG believes that its June 22, 2009 letter (Exhibit J to MDWASD's Petition) giving MDWASD 30 days' notice effectively terminated the 2008 Amendment.
16. If FCG's answer to Number 15 is affirmative, please identify and explain what rates FCG believes it should have charged MDWASD given that the 2008 Amendment had been terminated and no new agreement (2008 Agreement) had become effective?
17. When did FCG inform MDWASD that FCG filed a Petition for Approval of the 2008 Agreement with the Commission on November 13, 2008 in Docket No. 080672-GU?

Please file the original and five copies of the requested information by February 8, 2010, with Ms. Ann Cole, Commission Clerk, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850. Please also provide a copy of the information to MDWASD. Feel free to call me at (850) 413-6076 if you have any questions.

Shannon O. Pierce, Esq.
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Sincerely,

A handwritten signature in black ink, appearing to read 'Anna Williams', with a stylized flourish at the end.

Anna Williams
Attorney

ARW:sh

cc: Office of Commission Clerk (Docket No. 090539-GU)
Office of the General Counsel (Williams, Brown)
Division of Economic Regulation (Kummer, Draper, Roberts, Thompson)
Henry N. Gillman, Esq.
Matthew Feil
Elizabeth Wade
Melvin Williams