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10 FEB 19 AM 7:11

February 17, 2010

Ms. Ann Cole
Commission Clerk
Office of the Commission Clerk
Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED FPSC
10 FEB 19 AM 10:53
COMMISSION
CLERK

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 Ms. Cole:

Enclosed please find an original and 5 copies of the corrected second page to
Attachment 1 of Miami-Dade Water and Sewer Department's Responses to PSC Staff
Data Request No. 1. Please substitute the attached corrected page.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Henry N. Gillman (SED)

Henry N. Gillman
Assistant County Attorney

COM _____
APA _____
ECR _____
GCL 2 _____
RAD _____
SSC _____
ADM _____
OPC _____
CLK _____

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

May 29, 2008 – Joanne Abrams, AGL corporate counsel, requested copy of 2008 Agreement

May 30, 2008 – Copy of 2008 Agreement sent to Ms. Abrams

June 25-26, 2008 – Emails between corporate counsel and outside counsel regarding “special agreements”

June 26, 2008 – Langer advised MDWASD that FCG’s Atlanta office has accepted the terms of the Agreement, including rates, but wants Agreement approved by PSC

July 21, 2008 - Agreement with FCG revisions is sent to MDWASD (draft requires PSC approval within 120 days)

July 31, 2008 - Abrams provides additional marked changes to Agreement and “strongly encourages the parties to resolve and execute the extension amendment since parties are operating under an expired contract”

August 4, 2008 - August 21, 2008 – communication between Abrams and Sarah Davis, Assistant County Attorney, regarding contract language through which Abrams and other FCG personnel represent that PSC approval is required under the Tariff

August 28, 2008 - Agreement executed by parties including Hank Linginfelter, President, Pivotal Utility Holdings, Inc. and duly authorized to execute the Agreement

October 7, 2008 – Agreement ratified by Miami-Dade Board of County Commissioners

November 13, 2008 – FCG’s Petition for Approval of Agreement filed with PSC (several months after contract was executed and digging well into the 180 days allocated for PSC approval)

December 2008 - February 2009 – Communications between FCG and PSC

February 17, 2009 – PSC withdrew Petition (96 days after Petition was submitted to PSC)

February 25, 2009 – PSC closed docket

Between ~~November~~ ^{June} 2007 and August 2008, FCG and its parent company, AGL Resources, had ample opportunity to thoroughly review every contract provision. In fact, the contract was reviewed by FCG and AGL executives including corporate counsel and outside counsel. Changes were requested and made to certain provisions of the Agreement but not to the rates. During this time period, no one from FCG or AGL ever informed MDWASD that the rates may be too low or that FCG could not recover its costs to serve Miami-Dade County at the proposed rates.

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