

Diamond Williams

090539-GU

From: Paxton, Lucinda (CAO) [LPAXT01@miamidade.gov]
Sent: Monday, June 21, 2010 12:07 PM
To: Filings@psc.state.fl.us
Cc: Anna Williams; Martha Brown; mwilliam@aglresources.com; fself@lawfla.com; Spierce@aglresources.com; Gillman, Henry (CAO); Renfrow, John (WASD); Ruiz, Joseph A. (WASD)
Subject: FW: Attached Image
Attachments: PSC-MDC'S LIST OF ISSUES_001.pdf

For filing.

Cindy Paxton on behalf of Henry Gillman

Miami-Dade County Attorney's Office
Legal Assistant to Henry N. Gillman and
Sarah E. Davis
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, FL 33128
305-375-4319
305-375-5611 (Fax)

From: Scan (CAO)
Sent: Monday, June 21, 2010 12:00 PM
To: Paxton, Lucinda (CAO)
Subject: Attached Image

6/21/2010

DOCUMENT NUMBER DATE
05146 JUN 21 2
FPSC-COMMISSION CLERK

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition of Miami-Dade County through
Miami-Dade Water and Sewer Department
for Approval of Special Gas Transportation
Service Agreement with Florida City Gas

Docket No. 090539-GU

Miami-Dade County's Preliminary List of Issues

1. Whether Miami-Dade County ("Miami-Dade") is a municipality for purposes of Rule 25-9.034, Florida Administrative Code?
2. Whether the FCG/Miami-Dade gas transportation agreement is exempt from Commission jurisdiction?
3. Whether any existing FCG tariff schedule applies to the FCG/Miami-Dade gas transportation agreement?
4. Whether the tariff rate that FCG is attempting to impose on Miami-Dade is reasonable?
5. Whether FCG's increase of the County's rates by 670% is reasonable?
6. Whether FCG should be equitably estopped from asserting that the FCG/Miami-Dade gas transportation agreement is not exempt from Commission jurisdiction?
7. Whether FCG's breach of its obligation to act in good faith can be excused by the Commission?

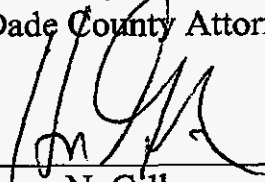
8. How should "incremental cost" be defined for purposes of this proceeding?
9. What costs should be considered in FCG's "incremental cost"?
10. What was the original cost and installation date and who paid for FCG pipe serving Miami-Dade?
11. Whether FCG employees have provided any maintenance or other services regarding the FCG pipes serving Miami-Dade?
12. Whether FCG pipe serving Miami-Dade is fully depreciated?
13. Whether FCG shareholders should be required to absorb a deficiency, if any, between FCG revenue under the 2008 Agreement and FCG's incremental cost to serve Miami-Dade?
14. Whether FCG would over-earn if the Commission allowed FCG to charge Miami-Dade rates 670% higher than the rates FCG agreed to charge Miami-Dade in the 2008 Agreement?
15. Whether the pipe, or any portion thereof, serving Miami-Dade was contributed property?

Miami-Dade reserves the right to enlarge, reduce, edit or otherwise amend this preliminary list of issues.

Respectfully submitted,

R. A. CUEVAS, JR.
Miami-Dade County Attorney

By:


Henry N. Gillman
Assistant County Attorney
Florida Bar No. 793647
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, FL 33128
Telephone: 305-375-5151
Fax: 305-375-5611
Email: hgill@miamidadegov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
was delivered by email and U.S. Mail this 20th day of June, 2010 to:

Anna Williams, Esq.
Martha Brown, Esq.
Office of General Counsel
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
Anwillia@PSC.State.FL.US
MBrown@PSC.State.FL.US
(Florida Public Service Commission)


Mr. Melvin Williams
933 East 25th Street
Hialeah, FL 33013
Mwilliam@agresources.com
(Florida FCG)

Floyd R. Self, Esq.
Messer, Caparello & Self, P.A.

2618 Centennial Place
Tallahassee, FL 32308
Fself@lawfla.com
(Florida FCG)

Shannon O. Pierce, Esq.
Ten Peachtree Place, 15th floor
Atlanta, GA 30309
Spierce@aglresources.com
(AGL Resources, Inc.)

By:



Henry N. Gillman
Assistant County Attorney