

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

March 13, 2012

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.

Issue 1: Should the Commission approve the joint petition to accept Settlement between FCG and MDWASD, and associated new 2011 Natural Gas Transportation Service Agreement (TSA), new Load Enhancement Service (LES) Rate Schedule, and amendment to Competitive Rate Adjustment (CRA) Rider "C"?

Primary Recommendation: No. Primary Staff recommends that the Commission deny the Settlement because (1) 2011 TSA rates for 2012 and 2013 are insufficient to cover the cost of service to MDWASD; (2) the 2012-2013 proposed TSA rates to MDWASD can be expected to result in unacceptable cross-subsidies of MDWASD by FCG's general body of ratepayers; and (3) FCG's January 17, 2012, CRA filing would result in additional cross-subsidies since it is based on understated 2009 through 2011 costs of service for MDWASD's Alexander Orr plant. Staff further recommends that the Commission encourage the Parties to continue their negotiations so that they might propose for the Commission's approval a cost-based resolution to this matter at the earliest possible time rather than proceed to a potentially lengthy and costly evidentiary hearing.

MOOT

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in the majority column.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
01449 MAR 13 2012
FPSC-COMMISSION CLERK

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Alternative Recommendation: Yes. Consistent with its longstanding policy supporting negotiated settlement of disputes, the Commission should approve the Settlement between FCG and MDWASD. The Settlement resolves complex, highly controversial, and expensive litigation, avoids further controversy, litigation, and expense, provides certainty going forward, and is in the public interest overall. Furthermore, the 2011 TSA expires in December 2013 and the impact on the general body of ratepayers is minimal.

APPROVED

Issue 2: Should this docket be closed?

Recommendation: If the Commission accepts Primary Staff recommendation in Issue 1, the docket should remain open to proceed to hearing on the proposed contract. If the Commission accepts Alternative Staff recommendation, the docket may be closed.

NO VOTE