

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Minimum filing requirement)	DOCKET NO. 890921-GU
report of City Gas Company of Florida)	ORDER NO. 23191
in compliance with 366.06(3), F.S.)	ISSUED: 7-16-90
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER

NOTICE OF PROPOSED AGENCY ACTION

ORDER GRANTING MOTION FOR LEAVE TO SUBMIT
 HISTORICAL MINIMUM FILING REQUIREMENTS IN
 LIEU OF MODIFIED MINIMUM FILING REQUIREMENTS

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

In Order No. 21852, dated September 11, 1989, this Commission ordered City Gas Company of Florida (City Gas) to file Modified Minimum Filing Requirements report (Modified MFRs) in compliance with Section 366.06(3), Florida Statutes, on or before March 30, 1990. We further held that City Gas could only be relieved of the filing requirement if it filed the minimum filing requirements (MFRs) necessary to initiate a rate increase or rate decrease before March 30, 1990.

On September 22, 1989, City Gas requested approval of a test year for a rate increase proceeding. We approved a projected test year ending September 30, 1991 but City Gas was unable to file the complete MFRs until April 26, 1990. If the MFRs had been filed before March 30, 1990, City Gas clearly

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would have been relieved of the obligation to file the Modified MFRs under Order No. 21852.

On March 30, 1990, prior to filing complete rate case MFRs, City Gas filed historic base year MFRs for the period ended September 30, 1989 and moved for leave to submit such MFRs in lieu of the previously ordered Modified MFRs. Order No. 21852 required that the utility's Modified MFRs cover the period ended December 31, 1989. City Gas argues that the data from the historic base year provides essentially the same information as that required in Order No. 21852. We agree. Therefore, even though complete rate case MFRs were not filed by March 30, 1990, we find that City Gas provided the relevant portion of the rate case MFR data needed for a sound analysis of the utility's earnings, and did so within the March 30, 1990 deadline.

In order to avoid a duplication of analysis, this docket should be closed because that City Gas filed its complete rate case MFRs in Docket 891175-GU on April 26, 1990.

In consideration of the above, it is

ORDERED by the Florida Public Service Commission that the motion for leave to submit historical MFRs in lieu of modified MFRs filed by City Gas Company of Florida is hereby granted. It is further

ORDERED that Docket No. 890921-GU be closed if this order is not timely protested.

By ORDER of the Florida Public Service Commission,
this 16th day of July, 1990.


STEVE TRIBBLE, Director
Division of Records and Reporting

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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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on August 6, 1990.

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, and as reflected in a subsequent order.

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 adversely 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 sewer 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.