

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Minimum Filing Requirement Report)	DOCKET NO. 900421-GU
of Miller Gas Company in compliance with)	ORDER NO. 24057
Chapter 366.06(3), Florida Statutes)	ISSUED: 2-4-91
)	

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTIONOrder Accepting Minimum Filing Requirements Report

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. 23188, issued on July 16, 1990, the Commission ordered Miller Gas Company to file its Modified Minimum Filing Requirements Report ("Modified MFR") in compliance with Section 366.06(3) (a), Florida Statutes, on or before March 30, 1991. Alternatively, the utility was authorized to substitute historic base year Minimum Filing Requirements ("MFRs") filed in a complete rate review proceeding, if the complete MFRs were filed by December 31, 1990.

On November 8, 1990, Chairman Wilson approved a test year for Miller Gas Company to use in filing a complete rate review proceeding. On December 3, 1990, the utility requested an extension of time until February 28, 1991 in which to file its complete rate case MFRs, but committed to file historic base year MFRs (Schedules B, C and D) by December 31, 1990. On December 20, 1990, Miller requested that its historic base year MFR Schedules B, C and D be accepted for the purpose of satisfying the Modified MFR filing requirement in this docket. Those schedules were received December 27, 1990.

We find that the schedules provided by Miller Gas Company provide data of a type and format comparable to the Modified MFRs and in somewhat greater detail. Therefore, the Commission has

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sufficient data to analyze the utility's earnings during the test period, even if the utility should decide to withdraw its petition for a rate increase. We will therefore accept the filing of historic base year MFR schedules in Docket 900900-GU in lieu of the required Modified MFRs in this docket.

It is therefore

ORDERED by the Florida Public Service Commission that Miller Gas Company is relieved of the responsibility of filing a Modified Minimum Filing Requirements Report as ordered in Order No. 23188.

ORDERED that this docket be closed if no petition for formal proceeding is timely filed herein.

By ORDER of the Florida Public Service Commission, this 4th day of FEBRUARY, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

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by: Kay Flynn
Chief, Bureau of Records

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-

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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 February 25, 1991.

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.

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.