

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation into the) DOCKET NO. 931098-GU
appropriate equity return for) ORDER NO. PSC-93-1820-FOF-GU
CITY GAS COMPANY OF FLORIDA.) ISSUED: December 22, 1993
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER REDUCING AUTHORIZED RETURN ON EQUITY FOR
CITY GAS COMPANY OF FLORIDA, INC.

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

On October 22, 1993, Commission Staff (staff) contacted the Florida investor-owned natural gas distribution companies to see if the companies would agree to authorized returns on equity (ROEs) more reflective of current market conditions.

Since the time that order was issued, the cost of capital has declined significantly. We note that the bellwether 30 year treasury bond rate has declined from 7.54% in October 1992 to 5.93% in October 1993. Projections for the next two years indicate 30 year treasury bond rates will continue to be at approximately that level. Moody's Bond Survey indicates that there has also been a decline in utility bond interest rates. Further, as of October 1993, staff's internal models indicated the range of cost of equity for gas companies has dropped 115 to 180 basis points.

At the December 7, 1993 Agenda Conference, the Commission voted to hold a hearing addressing City Gas Company of Florida's return on equity in late March. On December 15, 1993, City filed a proposal to reduce its authorized ROE to 11.0% with a range of 10% to 12% for all regulatory purposes. City's offer is consistent

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with the Commission's recent decisions setting the ROEs of South Florida Natural Gas, Chesapeake Utilities Corporation, St. Joe Natural Gas, Sebring Gas System, and West Florida Natural Gas Company at 11.0%.

We find that the proposal should be accepted. We believe that 11.00% is more in line with the current cost of equity for gas companies than City's current authorized ROE. By accepting this proposal, the Commission will avoid a hearing on this issue and the attendant rate case expense.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that City Gas Company of Florida, Inc.'s authorized return on equity shall be reduced to 11.00% plus or minus 100 basis points for all regulatory purposes beginning January 1, 1994. It is further

ORDERED that if there is no protest to this proposed agency action within the time frame set forth below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 22nd day of December, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RVE

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 25-22.029(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 January 12, 1994.

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 wastewater 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.