

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of FORT PIERCE) DOCKET NO. 931023-GU
UTILITIES AUTHORITY to resolve a) ORDER NO. PSC-94-1124-PCO-GU
territorial dispute with CITY) ISSUED: September 13, 1994
GAS COMPANY OF FLORIDA.)
_____)

ORDER GRANTING FORT PIERCE UTILITIES AUTHORITY'S
MOTION TO SUSPEND

On October 21, 1993, Fort Pierce Utilities Authority (FPUA) filed a petition to resolve a territorial dispute against City Gas Company of Florida (City Gas). By Order No. PSC-94-0876-PCO-GU, issued July 19, 1994, the prehearing officer established procedural dates to govern the formal hearing set to resolve this territorial dispute. Pursuant to that order, the petitioner was required to file direct testimony on September 2, 1994. On September 2, 1994, FPUA filed a Motion to Suspend Petitioner's Direct Testimony. In its motion, FPUA alleges that the Fort Pierce Utilities Authority Board had approved a territorial agreement between City Gas and the FPUA on September 1, 1994, and that City Gas was expected to execute the contract by September 2, 1994. Further, FPUA maintains that the parties anticipate filing a joint motion for approval of that agreement during the week of September 5, 1994. Petitioner further argues that the filing of the joint motion would obviate the need for a hearing in this territorial dispute, as well as the need for filing petitioner's direct testimony. City Gas does not object to the granting of this motion.

On September 8, 1994, the parties filed their joint motion for approval of territorial agreement and dismissal of territorial dispute. Until the Commission takes action on that joint motion, it is appropriate that the prehearing schedule be suspended. Therefore, all dates in Order No. PSC-94-0876-PCO-GU shall be suspended pending the Commission's determination of the appropriateness of the territorial agreement.

In consideration of the foregoing, it is

ORDERED that Fort Pierce Utilities Authority's Motion to Suspend the date for filing Petitioner's direct testimony is granted. It is further

ORDERED that all dates in Order No. PSC-94-0876-PCO-GU governing the formal hearing shall be suspended until further notice.

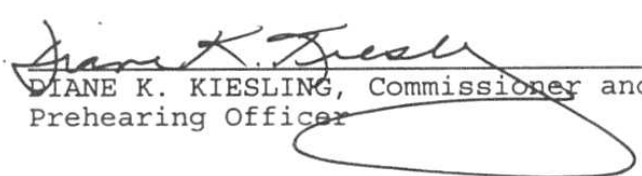
DOCUMENT NUMBER-DATE

09438 SEP 13 1994

FPSC-RECORDS/REPORTING

ORDER NO. PSC-94-1124-PCO-GU
DOCKET NO. 931023-GU
PAGE 2

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 13th day of September, 1994.


DIANE K. KIESLING, Commissioner and
Prehearing Officer

(S E A L)

SLE

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.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.