

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for a rate ) DOCKET NO. 940276-GU  
increase by CITY GAS COMPANY OF ) ORDER NO. PSC-94-1456-PCO-GU  
FLORIDA. ) ISSUED: November 29, 1994  
\_\_\_\_\_ )

ORDER REGARDING CITY GAS COMPANY OF FLORIDA'S  
MOTION FOR SUSPENSION OF CASE SCHEDULE AND  
ORE TENUS MOTION FOR LEAVE  
TO FILE SUPPLEMENTAL TESTIMONY

BY THE COMMISSION:

On November 4, 1994, City Gas Company of Florida (City Gas or Company) filed a Motion for Suspension of Case Schedule. At the prehearing conference held on November 9, 1994, the Company withdrew its Motion for Suspension of Case Schedule and in its stead the Company made an ore tenus Motion for Leave to File Supplemental Testimony. As a basis for that motion, the Company asserts that recent decisions and actions by NUI Corporation have impacted its projections for fiscal year 1995, the test year for this rate proceeding. Therefore, City Gas contends that it should be allowed to supplement its original filing so that the case before the Commission is more representative of the Company's financial condition. The supplemental testimony will be limited to documenting the impact of recent decisions by NUI and incorporating certain discrete adjustments to the Company's minimum filing requirements. Staff does not object to the ore tenus motion.

Upon consideration of the arguments of counsel, the Company's ore tenus motion to supplement its original filing is granted. Accordingly, City Gas shall file supplemental testimony on November 16, 1994, and the case shall proceed to hearing on November 29, 1994.

DOCUMENT NUMBER-DATE

11988 NOV 29 3

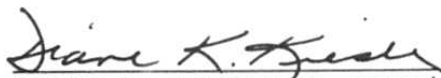
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ORDER NO. PSC-94-1456-PCO-GU  
DOCKET NO. 940276-GU  
PAGE 2

Based on the foregoing,

It is ORDERED that City Gas Company of Florida shall file supplemental testimony, as discussed in the body of this Order, on November 16, 1994.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 29th day of November, 1994.

  
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DIANE K. KIESLING, Commissioner and  
Prehearing Officer

( S E A L )

VDJ

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

ORDER NO. PSC-94-1456-PCO-GU  
DOCKET NO. 940276-GU  
PAGE 3

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.