

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for waiver of rule requirements that capital recovery study be submitted on or before 4/30/96, and for delayed filing, by Sebring Gas System, Inc.) DOCKET NO. 960595-GU
) ORDER NO. PSC-96-0815-FOF-GU
) ISSUED: June 24, 1996
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The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING RULE WAIVER

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 a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

CASE BACKGROUND

We established Sebring Gas System, Inc.'s (Sebring or the Company) initial depreciation rates in Docket No. 910873-GU, with an effective date of January 1, 1992. Rule 25-7.045, Florida Administrative Code, requires gas companies to file a comprehensive depreciation study at least once every five years from the submission date of the previous study unless otherwise authorized by this Commission. In accordance with this Rule, Sebring's next depreciation study was due on or before April 30, 1996. On May 8, 1996, the Company filed a request for a waiver of the Rule and a two-month extension of the filing date. Sebring requested additional time to file its study in order to allow the Company to coordinate the completion of the report with its outside C.P.A. firm.

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Sebring's C.P.A. firm is under time constraints due to a heavy tax season. Our granting of the waiver and an extension will allow Sebring and the firm additional time to determine the optimal depreciation rates for Sebring. We, therefore, grant Sebring's request for a waiver of Rule 25-7.045, Florida Administrative Code. The Company shall submit its study no later than June 30, 1996.

Based on the foregoing, it is

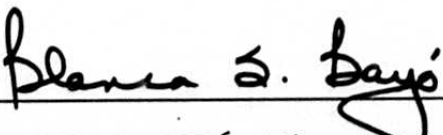
ORDERED by the Florida Public Service Commission that Sebring Gas System, Inc.'s request for a waiver from the requirement of Rule 25-7.045, Florida Administrative Code, is granted. It is further

ORDERED that Sebring Gas System, Inc., shall file its depreciation study on or before June 30, 1996. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 24th day of June, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 15, 1996.

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 substantially 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.