

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for authority  
to issue and sell securities  
pursuant to Section 366.04, F.S.  
and Chapter 25-8, F.A.C., by  
Florida Public Utilities  
Company.

DOCKET NO. 011398-GU  
ORDER NO. PSC-01-2496-FOF-GU  
ISSUED: December 21, 2001

The following Commissioners participated in the disposition of  
this matter:

E. LEON JACOBS, JR., Chairman  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI

ORDER GRANTING FLORIDA PUBLIC UTILITIES COMPANY AUTHORITY TO  
ISSUE AND SELL SECURITIES DURING CALENDAR YEAR 2002

BY THE COMMISSION:

Pursuant to Chapter 25-8, Florida Administrative Code, and  
Section 366.04, Florida Statutes, Florida Public Utilities Company  
(FPUC) seeks permission to issue, sell and/or exchange any  
combination of the long-term debt, short-term notes and equity  
securities described below and/or to assume liabilities or  
obligations as guarantor, endorser or surety in an aggregate amount  
not to exceed \$75 million during calendar year 2002.

The long-term debt securities may include first mortgage  
bonds, private activity bonds, medium-term notes, debentures  
convertible or exchangeable debentures, notes, convertible or  
exchangeable notes, or other straight debt or hybrid debt  
securities, secured and unsecured, with maturities ranging from one  
to one hundred years.

FPUC seeks authority to issue up to \$50,000,000 of short-term

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REGISTRAR'S CLERK

notes to give FPUC financial flexibility with respect to future permanent financing. At June 30, 2001, the short-term notes interest rate was 4.46%. The equity securities would be common stock issued at Fair Market Value less any issuance costs.

It appears that FPUC has complied with the requirements of Section 366.04, Florida Statutes and Chapter 25-8, Florida Administrative Code, in applying for the authority to issue and sell securities. Therefore, FPUC's application is hereby granted.

Our approval of the proposed issuance and/or sale of securities by FPUC does not indicate specific approval of any rates, terms, or conditions associated with the issuance. Such matters are properly reserved for review by the Commission within the context of a rate proceeding. Our approval of the issuance of securities constitutes approval only as to the legality of the issue. In approving the subject financing, we retain the right to disallow any of the costs incurred for ratemaking purposes.

For monitoring purposes, this docket shall remain open to allow the Company to file, and the Commission to review, its Consummation Report, at which time it shall be closed administratively.

Based upon the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that Florida Public Utilities Company's Application for Authority to Issue and Sell Securities During Calendar Year 2002, pursuant to Section 366.04, Florida Statutes and Chapter 25-8, Florida Administrative Code, is granted. It is further

ORDERED that Florida Public Utilities Company is authorized to issue, sell and/or exchange any combination of the long-term debt, short-term notes and equity securities described above and/or to assume liabilities or obligations as guarantor, endorser or surety in an aggregate amount not to exceed \$75 million during calendar year 2002. The maximum principal amount of long-term debt securities issued will not total more than \$75 million. The

ORDER NO. PSC-01-2496-FOF-GU  
DOCKET NO. 011398-GU  
PAGE 3

maximum principal amount of short-term debt, at any one time, will not total more than \$50 million. It is further

ORDERED that Florida Public Utilities Company shall file a consummation report in accordance with Rule 25-8.009, Florida Administrative Code, within 90 days after the end of any fiscal year in which it issues securities. It is further

ORDERED that this docket shall remain open to monitor the issuance and/or sale of securities until the company submits and we have reviewed the Consummation Report, at which time it shall be closed administratively.

By ORDER of the Florida Public Service Commission this 21st day of December, 2001.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( S E A L )

LHD

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services 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 after the issuance 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.