

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Request for extension of time to file fiscal year 2003 certification letter and required schedules by City Gas Company of Florida. | DOCKET NO. 040170-GU
ORDER NO. PSC-04-0332-PCO-GU
ISSUED: March 30, 2004

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

ORDER GRANTING EXTENSION OF TIME TO FILE FISCAL YEAR 2003
CERTIFICATION LETTER

BY THE COMMISSION:

Pursuant to Rule 25-7.135, Florida Administrative Code, each investor-owned natural gas utility is required to file a calendar year annual report with the Commission each year. As part of this requirement, each utility must file a letter or report, signed by an independent certified public accountant, attesting to the conformity of certain specified schedules with the Commission's applicable uniform system of accounts and published accounting releases. If a utility's actual fiscal year is other than a calendar year, the utility may file the required schedules and certification letter on a fiscal year basis within 90 days from the close of its fiscal year.

City Gas Company of Florida (City Gas) has a fiscal year ending September 30th. On February 10, 2004, City Gas submitted a request for an extension of time to file its fiscal year 2003 financial information. Due to certain circumstances involving the investigation of a subsidiary of NUI Corporation, City Gas' parent, the auditing and financial reporting process of NUI Corporation's September 30, 2003, fiscal year financial statements have not been completed. As a result, City Gas has been unable to file its fiscal year 2003 certification letter and required schedules within the time period specified by the rule. As stated in its request, the current status of the investigation, and the uncertainty of its completion date, has compelled City Gas to request that it be granted an extension of time until June 30, 2004, to file its fiscal year 2003 certification letter and required schedules.

Rule 25-7.135(1), Florida Administrative Code, states that any request for an extension of time greater than 31 days must be accompanied by a statement of good cause. Based on the circumstances as stated in its request, City Gas has shown good cause, and the request that it be granted an extension until June 30, 2004, to file its fiscal year 2003 certification letter and required schedules is approved.

DOCUMENT CONTROL

04067 MAR 30 2004

FPS:00000000000000000000

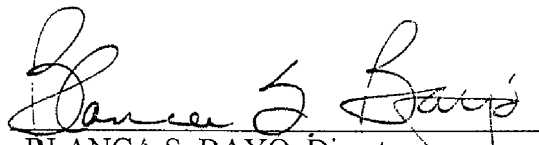
ORDER NO. PSC-04-0332-PCO-GU
DOCKET NO. 040170-GU
PAGE 2

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request of City Gas Company of Florida for an extension of time until June 30, 2004, to file its fiscal year 2003 certification letter and required schedules is approved. It is further

ORDERED that this docket shall remain open until City Gas Company of Florida files its fiscal year certification letter and required schedules. After the required documents have been received, the docket shall be administratively closed.

By ORDER of the Florida Public Service Commission this 30th day of March, 2004.


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

(S E A L)

RRJ

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.

ORDER NO. PSC-04-0332-PCO-GU
DOCKET NO. 040170-GU
PAGE 3

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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 or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, 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.