

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition of Florida Public Utilities Company to resolve territorial dispute with Peoples Gas System. | DOCKET NO. 040278-GU  
ORDER NO. PSC-05-0161-FOF-GU  
ISSUED: February 9, 2005

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
LISA POLAK EDGAR

ORDER CLOSING DOCKET

BY THE COMMISSION:

This proceeding was initiated on March 30, 2004, by the filing of a petition by Florida Public Utilities Company (FPUC) requesting that the Commission resolve a territorial dispute with Peoples Gas System (Peoples). The matter had been scheduled for an administrative hearing; however, pursuant to Order No. PSC-05-0019-PCO-GU, issued January 5, 2005, the hearing was cancelled. As stated in Order No. PSC-05-0019-PCO-GU, Peoples indicated that it no longer disputes the right of FPUC to extend its facilities into the disputed area for the purpose of providing natural gas service. As a result, Peoples does not intend to file testimony and exhibits disputing the right of FPUC to provide gas service to the disputed area or to further participate as a party to this proceeding. Accordingly, in Order No. PSC-05-0019-PCO-GU, both FPUC and Peoples were relieved from the procedural deadlines and requirements previously established for this proceeding. In addition, the hearing was cancelled because there was no longer a need for this matter to proceed to hearing since Peoples does not dispute FPUC's right to serve the disputed area and will no longer participate as a party to this proceeding. We have jurisdiction to address this matter pursuant to Section 366.04, Florida Statutes.

Because Peoples no longer disputes FPUC's right to serve the disputed area and will no longer participate as a party to this proceeding, there is no longer a territorial dispute to be adjudicated by us. Accordingly, we need not take any further action on FPUC's petition; however, because FPUC's petition was not withdrawn, we must act to close this docket. Therefore, this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that this docket shall be closed.

DOCUMENT NUMBER-DATE

01439 FEB-9 8

FPSC-COMMISSION CLERK

By ORDER of the Florida Public Service Commission this 9th day of February, 2005.

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

By: Marcia Sharma  
Marcia Sharma, Assistant Director  
Division of the Commission Clerk  
and Administrative Services

( S E A L )

AEV

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.