

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of natural gas
transmission pipeline tariff by Peninsula
Pipeline Company, Inc.

DOCKET NO. 070570-GP
ORDER NO. PSC-07-0910-PCO-GP
ISSUED: November 9, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
MATTHEW M. CARTER II
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

ORDER SUSPENDING TARIFF

BY THE COMMISSION:

On August 27, 2007, Peninsula Pipeline Company, Inc., (Peninsula), a subsidiary of Chesapeake Utilities Corporation, filed a petition for approval of an intrastate gas pipeline tariff. By Order PSC-06-0023-DS-GP,¹ we found that Peninsula, as a corporation with a separate legal identity from its parent corporation, qualified as a natural gas transmission company as defined in Section 368.103(4), Florida Statutes (F.S.). The order further stated that Peninsula will operate as an intrastate pipeline and would be subject to our jurisdiction under Chapter 368, F.S. Under Section 368.05(2), F.S., we have the authority to “perform any and all acts necessary or appropriate to the exercise of the authority granted under the provisions of this law.” Peninsula has requested approval of an initial tariff for intrastate pipeline operations which sets forth the terms and conditions under which it will offer service. We have jurisdiction over this matter pursuant to Chapter 386, Florida Statutes.

There is only one earlier instance of Commission approval of an intrastate pipeline,² and today there are no intrastate pipelines operating in the State. We, therefore, require additional time to ensure that the tariff is reasonable and in compliance with all applicable rules and statutes. The sixty day clock for approval or suspension expires October 27, 2007. We engaged in preliminary discussions with Peninsula when the tariff was initially filed but believe that more investigation is necessary, since this is a new type of utility.

Pursuant to Section 366.06(3), F.S., we may withhold consent to the operation of all or any portion of a new rate schedule, delivering to the utility making the request a reason or

¹ Issued on January 9, 2006, in Docket No. 050584-GP, in Re: Petition for declaratory statement by Peninsula Pipeline Company, Inc. concerning recognition as a natural gas transmission company under Section 368.101, F.S., et seq.

² See Order No. PSC-97-0609-FOF-GP, issued on May 28, 1997, in Docket No. 970361-GP, in Re: Five Flags Pipeline Company – Petition for approval of existing firm and interruptible system transportation rates.

DOCUMENT NUMBER-DATE

10216 NOV-9 5

FPSC-COMMISSION CLERK

written statement of good cause for doing so within 60 days. As such, we find that the tariff shall be suspended to allow our staff sufficient time to review the petition in order to present us an informed recommendation on the tariff proposal. We believe that this reason is good cause consistent with the requirements of Section 366.06(3), Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Peninsula Pipeline Company, Inc.'s petition for approval of an intrastate gas pipeline tariff is hereby suspended. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission this 9th day of November, 2007.



ANN COLE
Commission Clerk

(S E A L)

KEF

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.

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 Office of Commission Clerk, 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.