



# Public Service Commission

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## -M-E-M-O-R-A-N-D-U-M-

COMMISSION  
CLERK

**DATE:** March 4, 2004

**TO:** Director, Division of the Commission Clerk & Administrative Services (Bayó)

**FROM:** Division of Economic Regulation (Slemkewicz) JS  
Office of the General Counsel (Fieger) *naif*

*JOS 1/9/04*

*(m)*

**RE:** Docket No. 040170-GU – Request for Extension of Time to File Fiscal Year 2003 Certification Letter and Required Schedules by City Gas Company of Florida

**AGENDA:** 03/16/04 – Regular Agenda – Interested Persons May Participate

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\ECR\WP\040170.RCM.DOC  
Attachment not available

### Discussion of Issues

**Issue 1:** Should City Gas Company of Florida's request for an extension of time until June 30, 2004, to file its fiscal year 2003 certification letter and required schedules be approved?

**Recommendation:** Yes. City Gas Company of Florida's request for an extension of time until June 30, 2004, to file its fiscal year 2003 certification letter and required schedules should be approved. (Slemkewicz)

**Staff Analysis:** Per 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 30<sup>th</sup>. On February 10, 2004, City Gas submitted a request for an extension of time to file its fiscal year

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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 (Attachment), 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, staff believes that City Gas has shown good cause, and recommends that City Gas be granted an extension until June 30, 2004, to file its fiscal year 2003 certification letter and required schedules. It should be noted that City Gas has indicated that it intends to file its calendar year 2003 Annual Report by the normal filing deadline of April 30, 2004.

**Issue 2** Should this docket be closed?

**Recommendation:** No. This docket should remain open until such time that City Gas actually files its fiscal year 2003 certification letter and required schedules. Staff should be authorized to administratively close this docket upon receipt of the required documents. (Slemkewicz, Jaeger)

**Staff Analysis:** This docket should remain open until City Gas files its fiscal year certification letter and required schedules. After the required documents have been received, staff should be authorized to administratively close this docket.



NUI Corporation (NYSE: NUI)

February 10, 2004

Mr. Tim Devlin  
Director of Economic Regulation  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

04 FEB 19 PM 11:40  
ECONOMIC REGULATION

**Re: NUI - City Gas Company of Florida  
Request for Extension of Time to File Annual Report (Fiscal 2003)**

Dear Mr. Devlin:

Due to the ongoing investigation by the Audit Committee of NUI Corporation (the "Company") of certain transactions at NUI Energy Brokers, the Company's wholesale energy trading subsidiary, the Company is not able to complete its financial reporting process and its audited financial statements for inclusion in its Annual Report on Form 10-K for the fiscal year ended September 30, 2003 within the prescribed time period. The Company is working diligently to complete its financial reporting process and will file its fiscal 2003 Form 10-K as soon as practicable after completion of the investigation by the Audit Committee.

As a result of the delay in filing the 10-K, NUI - City Gas Company of Florida (City Gas) will be unable to file its Annual Report for the 2003 fiscal year with the Florida Public Service Commission within the time period prescribed by section (3) of Rule 25-7.135 Annual Reports. Based on the current status of the investigation, the completion of which is subject to uncertainties and possible delays, City Gas hereby requests, pursuant to section (1) of Rule 25-7.135, an extension of time, through June 30, 2004, to file its 2003 Annual Report.

Sincerely,

Gloria L. Lopez  
Director of Regulatory and Business Affairs

**NUI Companies and Affiliates:**  
City Gas Company of Florida  
Elizabethtown Gas  
Elkton Gas  
North Carolina Gas

NUI Capital Corp.  
NUI Energy  
NUI Energy Brokers  
NUI Energy Solutions  
NUI Environmental Group

TIC Enterprises, LLC  
Utility Business Services  
Valley Cities Gas  
Waverly Gas