

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-05-0019-PCO-GU
ISSUED: January 5, 2005

ORDER GRANTING RELIEF FROM PROCEDURAL DEADLINES AND REQUIREMENTS AND CANCELLING HEARING

This proceeding was initiated 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). Pursuant to Order No. PSC-04-0716-PCO-GU (Order Establishing Procedure), issued July 21, 2004, this matter was set for hearing on March 16-17, 2005. Order No. PSC-04-0716-PCO-GU and Order No. 04-1170-PCO-GU, issued November 24, 2004, set out the requirements and procedural deadlines applicable to this hearing.

On December 3, 2004, Peoples filed a Motion to be Relieved from Requirements Established by Order Establishing Procedure. On the same day, FPUC filed a Request for Relief from Procedural Deadlines. No response was filed to either motion. In its Motion, Peoples states that it does not dispute the right of FPUC to extend its facilities into the disputed area described in FPUC's petition for the purpose of providing natural gas service within the disputed area. As a result, Peoples states that it does not intend to file testimony and exhibits disputing the aforementioned right of FPUC, or to further participate as a party to this proceeding. Therefore, Peoples requests that it be relieved from compliance with the procedural and other requirements established by Order No. 04-0716-PCO-GU. In its motion, FPUC requests, in light of Peoples' motion, that it also be relieved from the obligation of complying with the procedural deadlines set forth in Order Nos. PSC-04-0716-PCO-GU and PSC-04-1170-PCO-GU.

Having reviewed the motions and considered the arguments, I find that both Peoples' Motion to be Relieved from Requirements Established by Order Establishing Procedure and FPUC's Request for Relief from Procedural Deadlines shall be granted. Accordingly, Peoples and FPUC are hereby relieved from the procedural deadlines and requirements set out in Order Nos. PSC-04-0716-PCO-GU and PSC-04-1170-PCO-GU. In addition, since Peoples does not dispute FPUC's right to serve the disputed area and will no longer participate as a party to this proceeding, there is no longer a need to have this matter proceed to hearing. As a result, the prehearing conference scheduled for February 28, 2005, and the hearing scheduled for March 16-17, 2005, are hereby cancelled.

Based on the foregoing, it is,

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that Peoples Gas System's Motion to be Relieved from Requirements Established by Order Establishing Procedure is hereby granted. It is further

DOCUMENT NUMBER-DATE

00128 JAN-5 05

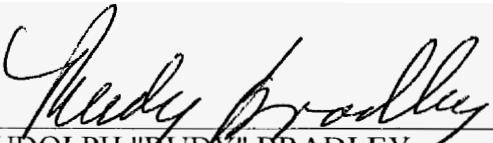
FPSC-COMMISSION CLERK

ORDERED that Florida Public Utilities Company's Request for Relief from Procedural Deadlines is hereby granted. It is further

ORDERED that Peoples Gas System and Florida Public Utilities Company are hereby relieved from the procedural deadlines and requirements set out in Order Nos. PSC-04-0716-PCO-GU and PSC-04-1170-PCO-GU. It is further

ORDERED that the prehearing conference scheduled for February 28, 2005, and the hearing scheduled for March 16-17, 2005, are hereby cancelled.

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this 5th day of January, 2005



RUDOLPH "RUDY" BRADLEY
Commissioner and Prehearing Officer

(SEAL)

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.

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,

ORDER NO. PSC-05-0019-PCO-GU

DOCKET NO. 040278-GU

PAGE 3

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.