

Ruth Nettles

080310

To: johnmac@tampabay.rr.com
Cc: Kimberley Pena; Marguerite McLean
Subject: FW: Florida Industrial Gas Users Prehearing Statement Dkt 080318-GU

FPSC, CLK - CORRESPONDENCE
~~Administrative~~ ~~Parties~~ ~~Consumer~~
DOCUMENT NO. 07349-08
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Mr. McWhirter,

I am in receipt of your cover transmission received today, 2/13/09. Please note there is no attachment to your transmittal, thus, you'll have to resubmit your electronic filing. Thank you for your cooperation.

Please call me if you have any questions.

Ruth Nettles
850-413-6670
Office of Commission Clerk

From: John W. McWhirter [mailto:johnmac@tampabay.rr.com]
Sent: Friday, February 13, 2009 2:21 PM
To: Filings@psc.state.fl.us
Cc: Ansley Watson ; Caroline Klancke; J. R. Kelly ; John W McWhirter ; Kandi Floyd; Patty Christensen, Esq.; Paula K. Brown ; Charles Rehwinkel
Subject: Florida Industrial Gas Users Prehearing Statement Dkt 080318-GU

1. John W. McWhirter, Jr., McWhirter & Davidson, P.A., 400 N. Tampa St. Tampa, FL 33602, jmcwhirter@mac-law.com is the person responsible for this electronic filing;
2. The filing is to be made in Docket 080318-GU In re: Peoples Gas Rate Increase Request
3. The filing is made on behalf of the Florida Industrial Gas Users Group;
4. The total number of pages is 10; and
5. The attached document is The Florida Industrial Gas User Group's Prehearing statement.

John W. McWhirter, Jr.

PO Box 3350

Tampa, FL 33601-3350

813 2240866

813.505.8055 cell

813.221.1854 FAX

The preceding email message may be confidential or protected by the attorney-client privilege. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message. Legal advice contained in the preceding message is solely for the benefit of the McWhirter, Davidson PA client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party

John W. McWhirter, Jr.

PO Box 3350

Tampa, FL 33601-3350

813.505.8055

813.221.1854 FAX

Ann Cole

From: Ann Cole
Sent: Wednesday, November 12, 2008 8:50 AM
To: Caroline Klancke
Cc: Bev DeMello; Katherine Fleming; Cheryl Bulecza-Banks
Subject: RE: Letter to Mr. Barry Eskanos

FPSC, CLK - CORRESPONDENCE
 ___Administrative___ **Parties** ___Consumer___
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Thanks, Caroline. This email and its attachment will be placed in *Docket Correspondence-Parties and Interested Persons*, in Docket No. 080318-EU, today.

-----Original Message-----

From: Caroline Klancke
Sent: Monday, November 10, 2008 4:58 PM
To: Ann Cole
Cc: Bev DeMello; Katherine Fleming; Cheryl Bulecza-Banks
Subject: FW: Letter to Mr. Barry Eskanos

Ann,

Please place the attached letter in the correspondence side of Dkt. No. 080318-EU.

Caroline M. Klancke
 Senior Attorney
 Economic Regulation Section
 Office of the General Counsel
 Florida Public Service Commission
 Phone: (850) 413-6220
 Fax: (850) 413-6221
 cklancke@psc.state.fl.us

-----Original Message-----

From: Ellen Plendl
Sent: Monday, November 10, 2008 3:55 PM
To: Caroline Klancke
Subject: Letter to Mr. Barry Eskanos

See attached resolution letter to Mr. Barry Eskanos for Inquiry 795902G.

11/12/2008

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



DIVISION OF SERVICE, SAFETY &
CONSUMER ASSISTANCE
DANIEL M. HOPPE, DIRECTOR
(850) 413-6480

Public Service Commission

November 10, 2008

Mr. Barry Eskanos
3122 Pine Tree Drive
Miami Beach, FL 33140

RE: PSC Inquiry 795902G

Dear Mr. Eskanos:

This is in response to your inquiry with the Florida Public Service Commission (PSC) regarding Peoples Gas System (Peoples Gas) concerning the interruption of your natural gas service.

Rules 25-7.090 and 25-7.089, Florida Administrative Code (F.A.C.), indicates that a natural gas bill is considered past due if the payment has not been received within twenty days from the date the utility mailed or delivered the bill. If the company does not receive payment by the end of the twentieth day, it has to mail a final notice of at least five working days before it can disconnect the customer's service for nonpayment. Further, the utility will restore service when the reason for interruption has been satisfactorily adjusted or corrected.

We have learned from Peoples Gas that on August 4, 2008, Peoples Gas sent you a final notice requesting a \$134.46 payment by August 11, 2008, to avoid a service interruption. The company has no record of returned mail on your account in the past 12 months. On August 25, 2008, Peoples Gas interrupted your natural gas service for nonpayment of \$134.46. On August 26, 2008, the company received your payment. The same day, a company technician made a premise visit and restored your natural gas service, including both ranges. Later the same day, Peoples Gas received your report of a gas odor inside your residence. A technician was dispatched to your premise and determined there was a small trace of gas. The technician found the pilot light out on one of your two ranges and relit the pilot. The technician conducted a second test and found a zero reading, which indicated no further trace of natural gas.

You also expressed a concern that Peoples Gas had not contacted you as a result of receiving our inquiry. On October 23, 2008, Peoples Gas sent you a letter in response to the

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

An Affirmative Action / Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

Mr. Barry Eskanos
Page 2
November 10, 2008

inquiry we filed. I have enclosed a copy of the October 23, 2008, letter and the company's September 26, 2008 and November 7, 2008, reports for your reference.

You also requested compensation for damages experienced by you and your son. Please be advised that although the PSC has regulatory authority over the rates and services pursuant to Chapter 366, Florida Statutes, the PSC does not have the legal authority to award relief in the form of monetary damages. In dismissing a complaint for lack of subject matter jurisdiction by Order No. PSC-99-1054-FOF-EI, issued May 24, 1999, in Docket No 981923-EI, the PSC noted that it may not award monetary damages in resolving utility related disputes. In so doing, the PSC cited to Southern Bell Tel. Co. v. Mobile America Corp., Inc., 291 So.2d 199, 202 (Fla. 1974), in which the Florida Supreme Court decreed that "[n]owhere in Ch. 364 is the PSC granted authority to enter an award of money damages (if indicated) for past failures to provide telephone service meeting the statutory standards; this is a judicial function within the jurisdiction of the circuit court pursuant to Art. V, §5(b), Fla. Const." Similarly, Chapter 366, Florida Statutes, does not grant the PSC the authority to enter an award of money damages for past failures to provide natural gas service meeting the statutory standards. I have enclosed copies of the orders cited herein for your reference.

Finally, you expressed a concern about the petition filed by Peoples Gas for a rate increase. We appreciate your comments regarding the petition and will add your correspondence to Docket No. 080318-GU.

If you have any questions or concerns please call Ellen Plendl by November 27, 2008; otherwise, we will consider the matter resolved. You may reach Ellen Plendl at 1-800-342-3552 or by fax at 1-800-511-0809.

Sincerely,



Randy Roland
Regulatory Program Administrator
Division of Service, Safety &
Consumer Assistance

RR:mep

Enclosures

C: Peoples Gas System

Dorothy Menasco

From: Filings@psc.state.fl.us
Sent: Monday, October 13, 2008 1:06 PM
To: 'aw@macfar.com'
Cc: Ruth Nettles; Kimberley Pena; Caroline Klancke; Katherine Fleming
Subject: FW: Docket No. 080318-GU
Attachments: 080318 - PGS Response to Staff 2nd PODs (32-37).pdf

FPSC, CLK - CORRESPONDENCE
Administrative **Parties** **Consumer**
DOCUMENT NO. 07349-08
DISTRIBUTION: _____

Ms. Watson:

We are in receipt of your attached response to staff's 2nd request for PODs. Please be advised that discovery should not be filed with the Office of the Commission Clerk. It should be sent directly to the PSC attorney. We require only a certificate of service or a notice of service for the docket file.

Your filing will need to be revised and resubmitted to be eligible for electronic filing.

For further information on what documents are eligible for e-filing, please see e-filing requirements on the PSC website:

<http://www.floridapsc.com/dockets/e-filings/>

Please call our office if you have any questions.

Dorothy Menasco
FPSC
Office of Commission Clerk
850-413-6770

From: Ansley Watson, JR. [mailto:AW@macfar.com]
Sent: Monday, October 13, 2008 11:07 AM
To: Filings@psc.state.fl.us
Cc: Kandi Floyd; burgess.steve@leg.state.fl.us; jmcwhirter@mac-law.com; Caroline Klancke; Katherine Fleming; Binswanger, Lewis M.; AFollmer@usg.com
Subject: Docket No. 080318-GU

- a. Ansley Watson, Jr.
 Macfarlane Ferguson & McMullen
 P. O. Box 1531
 Tampa, Florida 33601
 Phone: (813) 273-4321
 Fax: (813) 273-4396
 E-mail: aw@macfar.com
- b. Docket No. 080318-GU – Petition for rate increase by Peoples Gas System
- c. Peoples Gas System
- d. Total of 4 pages

10/13/2008

e. The attached document is Peoples' Response to Staff's Second Request for Production of Documents (Nos. 32-37).

Ansley Watson, Jr.
Macfarlane Ferguson & McMullen
P. O. Box 1531
Tampa, Florida 33601
Phone: (813) 273-4321
Fax: (813) 273-4396
E-mail: aw@macfar.com

Shannon Kee

080318

From: Sharon Fox [Sharon.Fox@ci.tampa.fl.us]
Sent: Monday, September 08, 2008 10:37 AM
To: Records Clerk
Cc: Territo, Salvatore
Subject: Interested Party Registration

FPSC, CLR - CORRESPONDENCE		
<input type="checkbox"/> Administrator	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO.		07349-08
DISPOSITION:		

Please add the **City of Tampa** to the interested party listings for:

Docket No. 080317-EI - Tampa Electric Company's Petition to the Florida Public Service Commission to increase base rates; and

Docket No. 080318-GU - Petition for rate increase by Peoples Gas System

Please address all correspondence regarding these two rate cases to:

City of Tampa
Salvatore Territo, Chief Assistant City Attorney
315 East Kennedy Blvd, 040C5
Tampa, FL 33602
813-274-8996
salvatore.territo@tampagov.net

Dme
9/8/08
R.V.N.

Should you need additional information, please contact me at the address below.
Thank you.
sf

Sharon R. Fox
Revenue & Finance
City of Tampa
306 E. Jackson, 8N
Tampa, FL 33602
(813) 274-8558
(813) 274-8127 fax

Dorothy Menasco

080318-GU

From: KIRBY.KIMBERLY [KIRBY.KIMBERLY@leg.state.fl.us]
Sent: Thursday, August 14, 2008 4:36 PM
To: Filings@psc.state.fl.us
Subject: RE: E-Filing (Docket No. 080318-GU)

PARTIES

Thank you.

Kimberly

From: Filings@psc.state.fl.us [mailto:Filings@PSC.STATE.FL.US]
Sent: Thursday, August 14, 2008 4:32 PM
To: KIRBY.KIMBERLY; Filings@psc.state.fl.us
Cc: Katherine Fleming; Jennifer Brubaker; Caroline Klancke; Kimberley Pena; Ruth Nettles
Subject: RE: E-Filing (Docket No. 080318-GU)

Ms. Kirby,

We are in receipt of your request for PODs to PGS indicated below. Please be advised that discovery should not be filed with the Division of the Commission Clerk. It should be sent directly to the PSC attorney. We require only a certificate of service or a notice of service for the docket file.

Your filing will need to be revised and resubmitted to be eligible for electronic filing.

For further information on what documents are eligible for e-filing, please see e-filing requirements on the PSC website:

<http://www.floridapsc.com/dockets/e-filings/>

Please call our office if you have any questions.

Dorothy Menasco
 FPSC
 Office of Commission Clerk
 850-413-6770

From: KIRBY.KIMBERLY [mailto:KIRBY.KIMBERLY@leg.state.fl.us]
Sent: Thursday, August 14, 2008 4:04 PM
To: Filings@psc.state.fl.us
Cc: Regdept@tecoenergy.com; Katherine Fleming; aw@macfar.com; Jennifer Brubaker; Caroline Klancke; BURGESS.STEVE
Subject: E-Filing (Docket No. 080318-GU)

Electronic Filing

a. Person responsible for this electronic filing:

Stephen C. Burgess, Associate Public Counsel
 Office of Public Counsel
 c/o The Florida Legislature

8/14/2008

DOCUMENT NUMBER-DATE

07349 AUG 15 8

FPSC-COMMISSION CLERK

111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
(850) 488-9330
burgess.steve@leg.state.fl.us

b. Docket No. 080318-GU

In re: Petition for rate increase by Peoples Gas System.

c. Document being filed on behalf of the Office of Public Counsel.

d. There are a total of 20 pages.

e. The document attached for electronic filing is **Citizens' First Request for Production of Documents to Peoples Gas System (Nos. 1-55)**.

Thank you for your attention and cooperation to this request.

Kimberly D. Kirby
Assistant to Stephen C. Burgess, Associate Public Counsel
Office of Public Counsel
Telephone: (850) 488-9330
Fax: (850) 488-4491

8/14/2008