



MESSER CAPARELLO & SELF, P.A.

Attorneys At Law

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June 4, 2009

VIA ELECTRONIC MAIL

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 080642-GU

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Public Utilities Company is an electronic version of Florida Public Utilities Company's Response to Staff Information Request in the above referenced docket.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Norman H. Horton, Jr.'

Norman H. Horton, Jr.

NHH:amb

Enclosure

cc: Mr. Marc Schneidermann
Parties of Record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Public Utilities)
Company to resolve a territorial) Docket No. 080642-GU
dispute with Peoples Gas System) Filed: June 4, 2009
_____)

**FLORIDA PUBLIC UTILITIES COMPANY’S RESPONSE TO
STAFF INFORMATION REQUEST**

COMES NOW, Florida Public Utilities Company (“FPUC”) by its undersigned herewith submits its response to the Staff request for information:

1. The capability of each utility to provide natural gas service within the disputed area with its exiting facilities and gas supply contracts and the extent to which additional facilities are needed.

FPUC initiated this proceeding when Peoples began construction of a line which is entering the service area of FPUC. FPUC currently provides service to customers West of the Florida Turnpike and Peoples does not. Both serve customers in areas East of the Turnpike between the St. Lucie Canal and the Turnpike. The only utility with existing facilities West of the Turnpike is FPUC. FPUC has provided both a written description of the area in dispute and a map, as well as a lengthy description of the development of the dispute. Unlike other disputes between utilities where both are vying to serve a specific business or development, this dispute exists because of the actions of Peoples to extend lines into the service area of FPUC without any identified customers but for purposes of future expansion. FPUC has the capability to expand its service and it would be inappropriate to allow Peoples to extend its lines now for the purpose of future service in FPUC’s territory. For either utility to expand, additional facilities would be needed but FPUC would be able to expand from a presently installed system and it has the capability to do so.

2. The nature of the disputed area and the type of utilities seeking to serve it and degree of urbanization of the area and its proximity to other urban areas, and the present and reasonably foreseeable future requirements of the area for other utility services.


The area at issue is not heavily developed but there is potential for expansion. At present FPUC provides service to customers in Indiantown pursuant to an agreement with Indiantown Gas and to less than a dozen customers in an area known as Canopy Creek. The Company previously filed a copy of the agreement with the developer of Canopy Creek to provide gas service to the area. FPUC also has an agreement to provide service to a business near the Canopy Creek area and that has also been filed. Peoples has no customer in the area west of the Turnpike nor do they have any contracts for service.

3. The cost of each utility to provide natural gas service to the disputed area presently and in the future; per the subparagraphs of the rule.

FPUC is unable to provide a specific cost although there would be costs associated with conversion and expansion. The inability to identify specific costs is created by the manner in which Peoples has begun construction of the line into the service area; without knowing what area within FPUC's service area they are seeking to serve there are not costs that can be calculated.

Respectfully submitted this 4th day of June, 2009.

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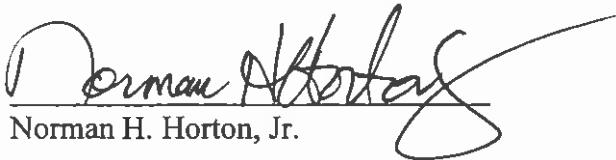
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Electronic Mail (*) and/or U.S. Mail this 4th day of June, 2009.

Keino Young, Esq.*
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Norman H. Horton, Jr.