

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF STATUS CONFERENCE

TO

FLORIDA CITY GAS
AGL RESOURCES, INC.
MIAMI-DADE WATER AND SEWER DEPARTMENT
MIAMI-DADE COUNTY

AND

ALL OTHER INTERESTED PERSONS

DOCKET NO. 090539-GU – IN RE: PETITION FOR APPROVAL OF SPECIAL GAS TRANSPORTATION SERVICE AGREEMENT WITH FLORIDA CITY GAS BY MIAMI-DADE COUNTY THROUGH MIAMI-DADE WATER AND SEWER DEPARTMENT.

ISSUED: December 1, 2010

NOTICE IS HEREBY GIVEN that a status conference will be held before Commissioner Nathan A. Skop, as Prehearing Officer, in the above-referenced matter, at the following time and place:

Wednesday, December 8, 2010, at 9:30 a.m.
Betty Easley Conference Center, Room 148
4075 Esplanade Way
Tallahassee, Florida

PURPOSE

The purpose of this status conference is to discuss the disputed issues in this docket and to consider any other matters that may aid in the efficient disposition of this case. Attached to this Notice as Appendix A is the tentative list of issues which have been identified in this proceeding and agreed to by all parties. Attached as Appendix B is the list of disputed issues that will be addressed at the status conference. Parties should be prepared to discuss why their proposed issues should be included.

EMERGENCY CANCELLATION OF HEARING

If settlement of the case or a named storm or other disaster requires cancellation of the hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the hearing will also be provided on the Commission's website

DOCUMENT NUMBER-DATE
09675 DEC-10
FPSC-COMMISSION CLERK

NOTICE OF STATUS CONFERENCE
DOCKET NO. 090539-GU
PAGE 2

(<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at 850-413-6199.

JURISDICTION

This Commission is vested with jurisdiction over the subject matter of this proceeding by Sections 366.04, 366.05, and 366.06, Florida Statutes.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Office of Commission Clerk at (850) 413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

By DIRECTION of the Florida Public Service Commission this 1st day of December, 2010.



ANN COLE
Commission Clerk

(SEAL)

ARW

Appendix A
Agreed Issues

1. What are FCG's incremental costs to serve MDWASD's gas transportation requirements for the Alexander Orr, Hialeah-Preston, and South Dade Wastewater Treatment plants, respectively?
2. Does the contract rate in the 2008 Agreement cover FCG's incremental cost to serve MDWASD?
3. Does MDWASD have a viable by-pass option?
4. What, if any, FCG tariff schedule applies to the 2008 Agreement for gas transportation services to MDWASD?
5. Should the 2008 Agreement between MDWASD and FCG be approved as a special contract?
6. In the absence of a special agreement, what existing FCG tariff schedule applies to the natural gas transportation service provided to MDWASD?
7. Based on the Commission's decisions in this case, what monies, if any, are due MSWASD and/or FCG?

Appendix B
Disputed Issues

Issues proposed by MDWASD:

8. Whether Miami-Dade County is a municipality for purposes of Rule 25-9.034, F.A.C.?
9. Whether the FCG/MDWASD gas transportation agreement is exempt from Commission jurisdiction?
10. Whether FCG should be equitably estopped from asserting that the FCG/ MDWASD gas transportation agreement is not exempt from Commission jurisdiction?
11. What terms and conditions are required to be included in a special contract with FCG for gas transportation services?
12. What are the standards for approving a special contract for gas transportation?
13. How should “incremental costs” be defined for purposes of this proceeding?
14. What costs should be considered in FCG’s “incremental costs”?
15. What was the original cost and installation date for the FCG pipe that transports gas to MDWASD plants?
16. Who paid for the FCG pipe and is the pipe, or any portion of the pipe that serves MDWASD, contributed property?
17. Whether FCG employees have provided any maintenance or other services regarding the FCG pipes serving MDWASD?
18. Whether the FCG pipe serving MDWASD is fully depreciated?
19. Whether FCG should have performed an incremental cost of service study prior to entering into a special contract for gas transportation services?
20. To the extent the rate agreed to in the 2008 Agreement does not cover the costs FCG incurs to serve MDWASD, what is the lowest rate that will cover such costs?

21. Whether a competitive rate adjustment is or should be available to FCG relating to the 2008 Agreement?
22. Whether FCG should have unilaterally stopped billing the Competitive Rate Adjustment (CRA) to its customers?
23. Whether FCG entered into any below-tariff special contracts following approval by the Commission?
24. Whether FCG has improperly billed the CRA to MDWASD?
25. Whether the tariff rate that FCG unilaterally imposed on MDWASD is unjust, unreasonable, excessive, or unjustly discriminatory?
26. Whether the GS-1250K rate schedule is a proper or reasonable classification for MDWASD?
27. Whether FCG's increase of MDWASD's rates by 670% is reasonable?
28. Whether FCG's breach of its obligations to act in good faith can be excused by the Commission?
29. What is AGL Resources' financial interests in this matter?
30. Whether FCG shareholders should be required to absorb a deficiency, if any, between FCG revenue under the 2008 Agreement and FCG's incremental cost to serve MDWASD?
31. Whether FCG would over-earn if the Commission allowed FCG to charge MDWASD rates 670% higher than the rates FCG agreed to charge MDWASD in the 2008 Agreement?
32. Whether FCG made misrepresentations to Commission staff regarding its cost of serving MDWASD?
33. Whether FCG made misrepresentations to Commission staff regarding MDWASD's cost of bypassing FCG's system?
34. Whether FCG should benefit from its misrepresentations and other actions with regard to the 2008 Agreement?
35. Whether FCG and AGL Resources' treatment of MDWASD should be condoned by the Commission?

Issue proposed by FCG:

36. If the 2008 Agreement is approved, should FCG be allowed to recover the difference between the contract rate and the otherwise applicable tariff rates through the Competitive Rate Adjustment (CRA) factor for the period August 1, 2009, forward? How should any such recovery occur?