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November 18, 2016

Ms. Callotta Stauffer, Director
Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 160175-GU

Dear Ms. Stauffer:

On November 17, 2016, Florida Crystals filed in this docket “Florida Crystals Corporation’s Comments Concerning Florida City Gas’s Response to Notice of Apparent Violation.” Florida City Gas (“FCG”) strongly objects to the “Comments” as they are incorrect and self-serving and they should not be given any consideration.

The primary substantive problem with the 84-pages of “Comments” is that they misinterpret or misstate what happened and why. For example, Florida Crystals was wrong when it asserted that AGL was unaware of the gas transportation agreement (“GTA”), when the truth is that AGL management did not know that it was never filed and there was no reason to look behind what was said in the 2003 rate case. Similarly, the press release on the GTA does not change the fact that the rates were not developed or reviewed by the relevant regulatory and accounting personnel.

As the Commission Staff explained on November 15, 2016, at a public meeting attended by FCG as well as by Florida Crystals counsel and a corporative representative, the Notice of Apparent Violation (“Notice”) does not represent any official action by the Commission. Any violation of the Commission’s rules by a regulated utility is a matter between the PSC and the utility under the PSC’s exclusive jurisdiction subject to the issuance of an appropriate order. There is no procedural mechanism for an entity that is not the utility and has not been granted intervenor party status to offer its self-serving interpretation of what happened which is also used as another opportunity to restate its previously filed arguments. Since there is no reply rebuttal process, FCG respectfully requests that these incorrect and inappropriate “Comments” not be considered by the Commission.

FCG looks forward to the opportunity to addressing all of the issues associated with this docket, especially the real issue which is how on a going forward basis the GTA does not meet FCG’s cost to serve.

Sincerely,

/s/ Floyd R. Self

Floyd R. Self, B.C.S.
Florida City Gas Counsel

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by E-Mail on this 18th day of November, 2016, to the following:

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